



## FINDING OF NO SIGNIFICANT IMPACT

### Franklin Park Vision and Transformation Plan

#### National Mall and Memorial Parks

National Mall and Memorial Parks, an administrative unit of the National Park Service (NPS), in cooperation with the National Capital Planning Commission (NCPC) and in collaboration with the District of Columbia (the District) and the Downtown DC Business Improvement District (Downtown DC BID) proposes to revitalize and transform Franklin Park. Franklin Park is located in downtown Washington, D.C. and occupies an entire city block of approximately 5 acres in a mixed use residential and commercial neighborhood. The project area is bordered by K Street NW on the north, 13th Street NW on the east, I Street NW on the south, and 14th Street NW on the west.

Franklin Park is administered by the National Mall and Memorial Parks and features a central fountain plaza and a historically significant statue commemorating Commodore John Barry. Trees line the park on all sides and are spaced throughout the park. The park's circulation system is defined by elliptical pathways that are symmetrical on an east-west axis with open turf areas between the pathways. The project area is situated in a residential and business district three blocks northeast of the White House and serves as an area for respite for local office workers, commuters, and residents.

The purpose of the proposed action is to revitalize Franklin Park in a manner that respects and enhances the historic and urban qualities of the park while transforming it into an active, flexible, and sustainable park that is connected to its community. Many of the park's features are in disrepair and essential services, such as adequate seating and programming, are lacking. In addition, opportunities exist to create a better connection between the historic context of the park and its current urban setting. The project is needed to address these deficiencies and revitalize the park so that it attracts and better serves all visitors.

The NPS completed an environmental assessment (EA) for the revitalization and transformation of Franklin Park in December 2014. The EA was done in accordance with National Environmental Policy Act (NEPA) and implementing regulations, Title 40 Code of Federal Regulations (CFR) 1500–1508; NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision Making* and Handbook; and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as Amended, and its implementing regulations, 36 CFR 800.

#### SELECTED ALTERNATIVE

The NPS alternative selected for implementation is Alternative 3, The Edge (the NPS preferred alternative), described starting on page 2-9 of the EA. The Selected Alternative will rehabilitate and enhance the park while retaining much of the historic spatial symmetry. The six components of the Selected Alternative, described below, include revisions to the center plaza, upgrading the center plaza fountain, revisions to the hardscaping, the addition of a café and other basic amenities, the addition of a play area, and adjustments to the tree canopy.

**Center Plaza:** The ring of tree plantings on the central plaza will be removed and the dimensions of the plaza will be reduced from 175 to 160 feet from east to west and from 120 to 108 feet from north to south. Flagstones, removed due to the reduction in size will be reused to pave over the space previously occupied by the curvilinear planting beds. The NPS will add a ring of trees and planting beds to the outer edge of the center plaza to recreate the feeling of intimacy that the curvilinear planting areas and trees created. In addition, seasonal plantings will be added to the outer perimeter of the central plaza and seating options would be added to the inner edge of the central plaza.

### **Center Water Feature:**

The central fountain will be redesigned retaining its 1936 designed shape of the existing fountain. The redesign of the center fountain, including lighting, new jets and other features, will reflect the general character of the existing historic fountain; maintain the fountain as a central park feature; and reuse and incorporate the existing historic coping into the redesign of the fountain when possible. The coping of the redesigned fountain could be raised to provide additional seating. Design elements such as an outside ring of jets that could spout water into the central fountain will provide an interactive element to pedestrians on the plaza and when the jets are turned off, will provide an event space.

**Hardscape:** The Selected Alternative will add a rectangular, up to 40-foot-wide pedestrian mall along the southern edge of the site. Planters, separated by access points, will border the south side of the pedestrian mall and a new curvilinear walk will be constructed north of the mall, providing pedestrian access to the center plaza. Seasonal plantings will be added around all edges of the park. The fabric of the remaining internal pathways in the park will be rehabilitated, and the turf damaged by the existing social trails will be restored. The total soft surface will be 113,000 square feet and the total hardscape will be approximately 93,000 square feet.

**Café & Basic Amenities:** A café of up to 2,200-square-feet will be added to the southern edge of the park, positioned just off center on this north to south central axis, closer to the west side. The café will have food service as well as basic amenities such as maintenance space, an information booth, and restrooms. The design of the café will be contemporary, but will reflect the size and scale of the early twentieth-century lodge previously located in the park. A green living roof may be incorporated and the structure will use stone, wood, and glass as primary materials.

**Children's Garden:** A children's garden, up to 12,000 square feet, will be added to the northern portion of the east ellipse lawn, requiring slight regrading of the lawn panel. A fence that will replicate the design of the historic cast-iron fencing located adjacent to the Commodore John Barry statue plaza to the extent possible, will enclose the garden from the rest of the park. The garden design will incorporate the theme of the Potomac Watershed and be naturalistic in concept, design, materials, and palette. Unobtrusive fencing will be integrated where needed.

**Tree Canopy:** Revisioning of the park, as detailed in the Selected Alternative, requires removing 27 trees, including seven historic trees planted prior to 1936. There are an additional 17 trees that are unhealthy and recommended for removal. Forty-three young trees will be replanted resulting in an approximate tree canopy cover of 63 percent of the total park area. Because the canopy density is a contributing feature to Franklin Park, the NPS will develop and implement a tree planting plan that includes procedures for the removal of trees in poor health, supports the growth of trees in fair health, and plans for the addition of new trees with the purpose of maintaining a healthy canopy. Healthy trees that are not in the center plaza will be retained.

### **OTHER ALTERNATIVES CONSIDERED**

In addition to the NPS Selected Alternative described above, the EA analyzed Alternative 1- The No Action Alternative and Alternative 2, The Center.

#### **Alternative 1: No Action Alternative**

The No Action Alternative represents a continuation of the existing conditions, operations, maintenance, programming, and visitor use of the Franklin Park area. Social trails and the degraded bituminous pathways would remain and not would be replaced or repaired. The total amount of soft surface in the park would remain at 145,000 square feet. The total amount of hardscape in the park would remain at 73,000 square feet. The current deteriorated fountain, associated plumbing system, compromised filtration system, and deteriorated stone "skirt" of the existing fountain would remain with extensive deficiencies. Ongoing maintenance of Franklin Park would continue. The existing tree profile would continue to be maintained, including historic, old, and poor condition trees. The tree canopy cover would remain at 74 percent of the total project area. The No Action Alternative was not selected because it did not meet the purpose and need for the project.

## **Alternative 2: The Center**

Alternative 2, The Center, proposes to rehabilitate and enhance the park while retaining much of its existing historic spatial symmetry and context. This alternative provides options for either no addition of a café building (Option A) or the construction and placement of a café building and associated amenities (Option B).. Alternative 2, The Center was not selected because it would not provide the same level of visitor services and operational efficiency as the Selected Alternative. Specifically, Alternative 2 does not provide hardscaping for events and park programming and does not adjust the pathways to more closely align with the direct diagonal social trails.

## **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The NPS is required to identify the environmentally preferable alternative in its NEPA documents for public review and comment. The NPS, in accordance with the Department of the Interior's NEPA Regulations (43 CFR Part 46) and the Council on Environmental Quality's (CEQ's) Forty Questions, defines the environmentally preferable alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (section 101[b]) (516 DM 4.10). CEQ's Forty Questions (42 CFR Part 46.30) (Q6a) further clarify the identification of the environmentally preferable alternative 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."

After completing the environmental analysis, the NPS identified Alternative 2, the Center as the environmentally preferable alternative because it has the least impact on historic, cultural, and natural resources. Alternative 2 also has the least impact to soils of the action alternatives because there would be no changes to the landscape beyond the addition of the small, paved area on the east side and the impacts from the smaller, 9,000-square-foot play area. In addition, both Alternative 2 options would remove the least amount of trees and avoid removing the tree ring on the central plaza, which is a contributing historic feature. Finally, this alternative would restore the historic central fountain retaining the original shape.

The No Action Alternative would impact cultural landscapes/historic districts and structures because of the aesthetically deficient and failing historic central plaza fountain would remain. In addition, the No Action Alternative would not restore the turf areas that have been impacted by social trails.

## **MITIGATION MEASURES OF THE ACTION ALTERNATIVE**

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the following protective measures will be implemented as part of the Selected Alternative. The NPS will conduct an appropriate level of monitoring throughout the construction period to help ensure that protective measures are properly implemented and achieve their intended results. Mitigation measures identified to date are presented below.

### **GENERAL CONSIDERATIONS**

- Construction fencing will be installed to clearly delineate the project disturbance limits prior to the onset of construction activities by the contractor.
- All protection measures will be clearly stated in the construction action plan, and workers will be instructed to avoid conducting activities beyond the construction zone, as defined by road or construction zone fencing. Construction staging areas will utilize existing paved areas, to the extent feasible.
- All construction equipment used throughout construction activities will be maintained in a clean and well-functioning state to avoid or minimize contamination from automotive fluids and to ensure that noise controls are properly functioning. All equipment will be checked daily.

- Prior to the onset of construction activities, a hazardous spill plan will be submitted to NPS for review and approval, identifying those actions that will be taken in case of a spill to minimize adverse impacts. This plan will also incorporate preventive measures, including the siting of construction staging areas and refueling facilities, storage and handling of hazardous materials, and notification procedures in the event of a spill. A spill kit will be available, and workers trained in its application will be available onsite in the event of a spill.

#### SOILS

- Best management practices for erosion and sediment control will be employed during and after construction, including stabilization and re-vegetation after construction is completed. Best management practices will include:
  - During construction, exposed soils will be covered with plastic sheeting, jute matting, erosion netting, straw, or other suitable cover material to prevent soil erosion and movement during rain or wind events.
  - Erosion containment controls, such as silt fencing and sediment traps (e.g., hay bales), will be used to contain sediment onsite.
  - Replacement soil, which will be brought in from elsewhere, will not come from pristine sites and will be salvaged from non-contaminated sites, in accordance with NPS policy.

#### VEGETATION

- The NPS will protect the root zones of mature trees within the construction zone by placing fencing around the perimeter of the trees to prevent heavy equipment from compacting the roots or causing damage to the bark.

#### WATER RESOURCES

- To mitigate against short-term adverse effects during construction, sediment and erosion control measures, as referred to above under soils, will be implemented to prevent sediment runoff into nearby storm sewers.
- The selected alternative will be in compliance with spell out (EISA) 438 and all local regulations for stormwater. Specific best management practices will vary based on the overall change in impervious surface and will be completed during the design phase. Long-term stormwater management measures include permeable pavement, bioretention, infiltration, stormwater harvesting and storage, disconnection of impervious surfaces, and tree planting.

#### VISITOR USE AND EXPERIENCE

- Public information will be made available on the park website and on signs in the park to inform visitors of temporary closures within the project area.
- Interpretation and education information will be added onsite to notify visitors of the project, its effects on natural and cultural resources, and the NPS's tenets of sustainability.
- Construction will be phased to allow the park to remain partially open during construction.

#### CULTURAL RESOURCES

- Throughout the design process, the NPS will continue to consult with cooperating agencies and consulting parties to ensure adverse effects on cultural resources are avoided, minimized, and mitigated to the maximum extent possible. A Memorandum of Agreement (MoA) has been completed with the DC SHPO for the Selected Alternative. Additional mitigation measures are identified in the MoA (see attached).
- Impacts to the cultural landscape will be minimized by following *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and *Guidelines for the Treatment of Cultural Landscapes*, which will inform decisions to minimize the impacts to cultural landscapes and

ensure that the operation and construction of a café facility is conducted in a manner consistent with these standards.

- If archeological resources are discovered 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 can be developed. Consultation with the NPS, and/or the NPS regional archeologist and the DC SHPO will be coordinated to ensure that the protection of resources is addressed. In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 will be followed.

#### TRAFFIC AND TRANSPORTATION

- There will be no road closures during peak hours.
- As part of the construction permitting process, the contractor will submit traffic control plans to the NPS for review and approval prior to the implementation of any changes. The traffic control plans will include measures, such as detour signs, to safely divert traffic during temporary off-peak closures.
- During construction, trucks will deliver materials and remove debris during off-peak hours. The timing will be coordinated with the park to reduce impacts on traffic and transportation in the project area.

#### PUBLIC SAFETY AND ACCESSIBILITY

- Construction workers and employees will follow an approved health and safety plan that incorporates all applicable regulations.
- Barriers and signs will be used around construction sites to divert the public from potentially dangerous situations.
- Announcements will be made on the park website and in the media to alert the public to the construction schedule and locations.

#### 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 3, 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 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 Environmental Impact Statement (EIS):*** Soils, vegetation, visitor use and experience, cultural resources, public safety and accessibility, and park management and operations will experience both beneficial and adverse impacts as a result of implementing the Selected Alternative. However, no significant impacts were identified that will require analysis in an EIS. Anticipated impacts that will occur to the affected resources are summarized below:

**Soils:** The Selected Alternative will have a range of impacts on soil resources. All elements require construction and excavation of soil and will have short-term negligible adverse impacts. The implementation of this alternative would discourage the need for the social paths, resulting in a long-term beneficial impact on soils. The construction and operation of the café building, hardscape areas, utility trenching, and plantings will eliminate soil productivity in the footprint of the sites, resulting in long-term minor adverse impacts. The establishment of a children's garden could lead to an increase in foot traffic at the site, potentially resulting in long-term minor adverse impacts from use.

**Vegetation:** The implementation of the Selected Alternative will result in the loss of turf and the overall loss of one tree from the tree community. However, there will be a loss of canopy cover of 11%. Although mature trees will be removed, the Selected Alternative will involve planting of new trees for mitigation, which will improve the health of the overall tree community. Seasonal plantings will be added to the center plaza and park perimeter as well as planters to the southern edge of the pedestrian mall. Therefore, impacts to vegetation will be short-term and long-term minor adverse.

**Visitor Use and Experience:** Under the Selected Alternative, there will be short-term minor adverse impacts to visitor use and experience during construction. In the long-term, impacts to visitor use and experience at the park will be beneficial due to the addition of seasonal plantings, a children's garden and café as well as the rehabilitation of the central fountain and hardscaping throughout the park.

**Cultural Resources:** Implementation of the Selected Alternative will result in long-term moderate adverse impacts. The removal of the ring of trees around the central plaza will alter the design of the central plaza and result in the loss of seven pre-1936 trees. However, these impacts will be mitigated because the overall shape of the plaza would remain and a ring of trees and planting beds will be added to the outer edge of the center plaza to recreate the feeling of intimacy that the curvilinear planting areas and trees created. The removal and redesign of the central water feature will diminish the integrity of the fountain and overall integrity of the cultural landscape. The redesigned fountain including new lighting, new jets and other features, will reflect the general character and retain the shape of the existing historic fountain; will maintain the fountain as a central park feature; and will reuse and incorporate the existing historic coping into the redesign of the fountain. The addition of a pedestrian mall and revised pathways will alter the symmetrical spatial organization of the park and result in the loss of sections of the existing circulation system. Alterations to the circulation system will also change views from the southern edge of the park. These revisions and additions to the circulation system will result in the alteration of several character-defining features of the cultural landscape and diminish the overall integrity of the cultural landscape. Impacts may be mitigated through the installation of a historical timeline within the pavement area of the pedestrian mall that reflects the history of the site as well as installation of interpretive waysides. The addition of a café and children's garden will introduce a new, non-historic structure to the park in a location that historically did not have a park structure and will diminish the eastern ellipse lawn. Overall the Selected Alternative will result in long-term moderate adverse impacts to historic districts and structures/cultural landscapes. The integrity of several landscape features will be diminished, and the overall integrity of the Franklin Park cultural landscape will be reduced. These impacts will be mitigated through the implementation of a MoA in consultation with the Section 106 consulting parties (see Appendix B).

**Public Safety and Accessibility:** The Selected Alternative will result in short-term minor adverse impacts during construction and long-term beneficial impacts on safety and accessibility at Franklin Park due to improved perceptions of safety and visibility with new lighting and improved access to the central plaza.

**Park Management and Operations:** Implementation of the Selected Alternative will result in short-term negligible adverse impacts on park operations and management as a result of construction activities. However, there will be long-term beneficial impacts on park operations and management due to the improvements made to the fountain and reduced requirements for turf and tree maintenance. The increase in amenities and their associated staffing and maintenance needs will result in long-term negligible to minor adverse impacts to park management and operations. However, if an agreement with the park partners is reached, then there will be long-term beneficial impacts to park management and operations.

**Degree of effect on human health or safety:** The Selected Alternative will not adversely affect human health and safety. During construction of the Selected Alternative, visitors will not be permitted in active construction areas. Fencing, signage, and other means to inform the public will be installed at appropriate locations indicating the temporary closure of areas undergoing repair and improvement. The proposed revitalization efforts will not occur in areas of contaminated soils and will not be expected to mobilize any contaminants into the environment. As a result, no short-term effects are anticipated. Over the long term, restored walkways, widened sidewalks, and improved access to the central plaza will result in

improved accessibility. Increased lighting and a reduction in the tree canopy will result in improved visibility and long-term beneficial impacts. All of the revitalization efforts under the Selected Alternative will result in beneficial impacts to human health and safety.

***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, wetlands, wild and scenic rivers, ecologically critical areas, or park lands other than the NPS property located within the project area exist and therefore will not be subject to effects resulting from implementation of the Selected Alternative.

Franklin Park originated in 1791, occupying an entire city block in downtown Washington, D.C., and is considered as a contributing feature to the “L’Enfant Plan of the City of Washington.” The land was set aside by Congress in 1832 to protect the fresh spring or springs on the site that were used to supply water to the White House, several blocks to the southwest, and other federal buildings. The park went through several redevelopments in 1868-1872, 1936, and in the mid-1970s. The Park’s period of significance extends from 1867 to 1936. This period includes at least two distinct design phases, a Victorian Park and the sparser, cleaner design of 1936. Elements of the Victorian design were retained and influenced the 1936 work. After consultation with the various design review agencies in the nation’s capital, a Public Works Administration (PWA) grant of \$75,000 was issued to Franklin Park for tree and shrub replacement, soil improvement, grading, construction of a new circulation system, installation of a flagstone court around the fountain, and drainage improvements. The improvements, constructed in 1936, established a radically altered *parti*. A new limestone coped fountain, 1,750 square feet in plan with two fountain heads each shooting six jets of water 8 feet high replaced the earlier fountain.

In 2005, the NPS completed a Cultural Landscape Inventory (CLI) for Franklin Park and then updated it in 2011. The CLI, in the National Register Information section, recognizes the previous documentation work accomplished in the 1997 NRHP nomination of the L’Enfant Plan. The CLI notes that Franklin Park is listed as a contributing feature to the ‘L’Enfant Plan of the City of Washington’ National Register nomination. The CLI also evaluates Franklin Park as retaining medium integrity for its individual period of significance (1867–1936) according to five of the seven aspects of integrity used by the National Register: location, design, setting, materials and workmanship.

Franklin Park is not within a historic district, but two historic structures lie adjacent to the project area: (1) Franklin School, an 1869 building by Adolph Cluss listed on the National Register of Historic Places (NRHP) and a National Historic Landmark (NHL) and (2) the relocated Moorish revival façade of the Almas Temple, a DC Landmark but presumably ineligible for the NRHP (due to its relocation).

Long-term moderate adverse impacts to cultural resources, including historic districts/structures and cultural landscapes, will result from the implementation of the Selected Alternative as the integrity of several key landscape features will be diminished, and the overall integrity of the Franklin Park cultural landscape will be lessened. Adverse impacts will result from the revisions to the central plaza, redesigned central fountain, and removal of historic pre-1936 trees and planting beds. The reconfigured circulation system, added pedestrian mall, and new café structure and children’s garden will alter the cultural landscape and result in long-term adverse impacts to cultural resource. Impacts will be mitigated through the implementation of a MoA in consultation with the Section 106 consulting parties (Appendix B).

***Degree to which effects on the quality of the human environment are likely to be highly controversial:*** No highly controversial effects in terms of scientific uncertainties as a result of the Selected Alternative were identified during the preparation of the 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 were identified during either preparation of the EA or during the public comment 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 neither



establishes an NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:*** Implementation of the Selected Alternative will have no significant cumulative impacts. As described in the EA, past, present, and future actions and projects within the project area that could affect soils, vegetation, visitor use and experience, cultural resources, public safety and accessibility, and park management and operations include:

- Marriot Marquis
- City Center DC
- Franklin School
- Move DC
- Union Station to Georgetown Street Car
- North-South Corridor Street Car

Cumulative impacts conclusions were determined for the following resources:

**Soils:** Past, present, and reasonably foreseeable actions will not have any impact on soils at Franklin Park or in the near vicinity; therefore, there will be no cumulative effects under the Selected Alternative.

**Vegetation:** Past, present, and reasonably foreseeable actions will not have any effect on vegetation at Franklin Park or in the near vicinity; therefore, there will be no cumulative effects under the Selected Alternative.

**Visitor Use and Experience:** Past, present, and future activities in the project area that could affect visitor use and experience include new construction and development and new transportation corridors throughout the city.

The construction of the Marriot Marquis will benefit the park by providing nearby lodging and enabling users to have improved access to and from the park. City Center DC is another ongoing development project in proximity to the park that will provide visitor use opportunities. Additionally, the Franklin School improvement project seeks to renovate and restore the historic school located on the northeast corner of Franklin Park. The Marriot Marquis, City Center DC, and the Franklin School will enhance the visitor use and experience of Franklin Park by providing more visitor use opportunities in the project area. Several transportation projects underway to enhance public transportation, including a Union Station to Georgetown Streetcar along K Street NW, a North-South Streetcar Corridor along 14<sup>th</sup> Street NW, and Move DC will have a long-term beneficial impact to visitor use and experience because they will provide improved access to the park. However, there will be short-term minor adverse impacts to visitor use and experience during the construction. The impacts of these actions, in combination with the long-term beneficial impacts from the Selected Alternative, will result in long-term overall beneficial cumulative impacts on visitor use and experience.

**Cultural Resources:** The only future project that could impact cultural resources is the project to improve the Franklin School. The project would restore the school's exterior and interior features. As the only historic building on the east side of Franklin Park and one of few in the immediate vicinity, the restoration of the exterior of the school would have long-term beneficial impacts on Franklin Park. The restoration of the building strengthens the integrity of the park through aspects of association, feeling, and setting. Reasonably foreseeable projects on or around Franklin Park will provide long-term and beneficial impacts to historic districts and structures/cultural landscapes. The cumulative impact of these projects, when combined with the long-term moderate impact of the Selected Alternative, will be moderate long-term and adverse.

**Public Safety and Accessibility:** All actions proposed within the vicinity of Franklin Park, such as the Marriot Marquis, City Center DC, Franklin School, MoveDC, K Street Corridor Streetcar, and North-South Corridor Streetcar projects will improve facilities surrounding the site. Crime around Franklin Park could have an impact on property values of the surrounding developments and, therefore, these projects



will have a vested interest in improving the sense of safety in the park. These neighborhood developments will have a long-term beneficial impact on safety and accessibility. These long-term beneficial and minor adverse impacts, when combined with the short-term minor adverse and long-term beneficial impacts resulting from the Selected Alternative, will result in overall short-term minor adverse and long-term beneficial cumulative impacts to public safety and accessibility.

**Park Management and Operations:** Past, present, and reasonably foreseeable projects will result in an increase in residents and visitors to the area and could result in increased visitation at Franklin Park. The potential increase in visitors to the park will increase maintenance requirements such as trash pickup and turf restoration due to increased foot traffic, will result in long-term negligible adverse impacts to park management and operations. These long-term negligible adverse impacts, when combined with the short-term negligible adverse and long-term negligible to minor adverse and beneficial impacts resulting from Selected Alternative, will result in overall long-term minor adverse cumulative impacts to park management and operations.

***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:*** District and federal agencies were consulted during the NEPA process to identify issues and/or concerns related to natural and cultural resources at Franklin Park. All consultations with the SHPO, as mandated by Section 106 of the NHPA, occurred in conjunction with the development of the EA. The existing historic districts and structures/ cultural landscapes will be impacted by the Selected Alternative.

The Selected Alternative will result in long-term moderate adverse impacts to historic districts and structure/cultural landscapes. The removal of the planting beds and pre-1936 historic trees from the central plaza and the removal and redesign of the central water feature will result in the redesign of the centerpiece of the 1936 landscape of Franklin Park. The reconfigured pathways and addition of the pedestrian mall will alter the symmetry and several character defining features of the cultural landscape and diminish the overall integrity of the cultural landscape. The addition of a café will add a non-historic structure to the cultural landscape. The construction of the children's garden will require regrading of the eastern ellipse and diminish the lawn panel, an important part of the parks vegetation and spatial organization. The integrity of several landscape features will be diminished resulting in the overall integrity of the Franklin Park cultural landscape being reduced resulting in the equivalent of adverse effect under Section 106. Impacts will be mitigated through the development of a MoA in consultation with the Section 106 consulting parties (Appendix B).

The NPS began consultation with the District of Columbia State Historic Preservation Officer (DC SHPO), Advisory Council on Historic Preservation (ACHP), Commission of Fine Arts (CFA), and National Capital Planning Commission (NCPC) on September 6, 2013. In addition, a number of agencies, organizations, stakeholders, including members of the public, were invited to participate as consulting parties throughout the Section 106 process. The first Section 106 meeting was held on September 9, 2013, and included the CFA, NCPC, and DC SHPO. The second consulting party meeting was held on February 26, 2014, and included the DC SHPO, Downtown DC BID, NPS, NCPC, and Slater Associates. As part of the on-going consultation, the NPS and the partners presented alternative concepts to the CFA, the NCPC, and the DC SHPO on June 25, 2014, at the CFA. Additionally, NPS and partners provided an informational presentation to NCPC on September 4, 2014. The CFA approved the revised alternative.

A third consulting parties meeting was held on January 7, 2015 to discuss the mitigation measures and the draft MoA. A fourth consulting parties meeting was held on March 24, 2015 to discuss the revised MoA and mitigation measures. The MoA was finalized on June 3, 2015 with signatures from NCPC Executive Director, DC SHPO, Historic Preservation Officer and NAMA Acting Superintendent (see attached copy of signed MoA).

***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, on September 6, 2013 the Park requested from the United States Fish and Wildlife Service (USFWS) an updated list of rare, threatened,

and endangered species known to be present in the project area. By letter dated November 12, 2013, the USFWS responded that other than transient species, no proposed or federally listed species are known to exist in the project area.

The northern long-eared bat (*Myotis septentrionalis*) is one of the species of bats most impacted by the disease white-nose syndrome. On May 4, 2015, the northern long-eared bat received protection as a threatened species under the Endangered Species Act due to declines caused by white-nose syndrome, as well as the continued spread of the disease. Planning for this project began well in advance of the northern long-eared bat's current listing (see paragraph above). Due to the urban setting of Franklin Park, the likelihood of this project adversely impacting the northern long-eared bat is small. However, as a result of this new listing, prior to the implementation of the selected alternative and during design review, NPS will initiate consultation under Section 7 of the Endangered Species Act with U.S. Fish and Wildlife Service to determine the best course of action to avoid affecting this species. Should mitigation measures be determined through consultation that fall outside the framework of this FONSI, additional NEPA compliance may be required.

***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.

## **PUBLIC INVOLVEMENT**

The NPS conducted a public meeting to solicit input and comment from members of the public. The meeting was held on November 7, 2013, at the Four Points Sheraton in Washington, D.C., from 6 p.m. to 8 p.m. A second public meeting was held on February 19, 2014, at the Hilton Garden Inn, Washington, D.C., from 6 pm to 8 pm to provide information to the public about the design alternatives and gather public input regarding the alternatives. At the public meeting and during the 30-day public scoping period, NPS received fifty-six comments from the public via the PEPC website and NPS distributed comment form regarding the proposed action.

The EA was made available for public review and comment on December 2, 2015 through January 9, 2015. The EA was placed on the NPS' PEPC website. During the public comment period, twenty five correspondences were received.

Several commenters suggested new alternative elements including the addition of playing field space, free Wi-Fi internet access, and dedicated space for dogs. Other commenters either expressed support or opposition to Alternative 2 – the Center and the Selected Alternative. Commenters also expressed support and/or opposition to specific alternative elements. Commenters highlighted the higher number of trees removed under the Selected Alternative. One commenter suggested that when designing the café NPS should incorporate the use of energy efficient pumps, lightings, and green roofs. Several commenters expressed support and enthusiasm for the creation of a play area while one commenter questioned the need for a play area. The comments received did not change the outcome of the Selected Alternative.

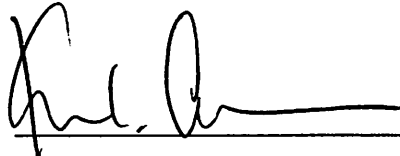
A complete summary of these comments is included in Appendix C.

## CONCLUSION

The NPS has Selected Alternative 3 for implementation. In light of the impacts described in the EA and with guidance from NPS *Management Policies 2006*, natural and cultural resources information, professional judgment, and considering agency and public comments, the impacts that will result from the Selected Alternative will not impair any park resources and values (see attached Non-Impairment Determination). The Selected Alternative will not have a significant effect on the human environment. Adverse environmental impacts that could occur to park natural and cultural resources are short-term negligible to moderate in intensity. Long-term impacts will be negligible to moderate adverse and beneficial. 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 protection law.

Based on the foregoing, an EIS is not required for this action and will not be prepared. This is a finding of no significant impact.

Recommended:



Karen L. Cucurullo  
Acting Superintendent  
National Mall and Memorial Parks

6/16/2015

Date

Approved:



Robert A. Vogel  
Regional Director  
National Capital Region

6/22/15

Date

## **APPENDIX A – NON – IMPAIRMENT DETERMINATION**

## NON – IMPAIRMENT DETERMINATION

The determination on impairment has been prepared for the Selected Alternative. An impairment determination is made for all resource impact topics analyzed for the Selected Alternative Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS National Environmental Policy Act (NEPA) Process (October 31, 2011), a non-impairment determination for the Selected Alternative is included here as an appendix to the Finding of No Significant Impact.

The prohibition against impairment originates in the NPS Organic Act, which directs that the NPS shall:

*“...promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”*

According to NPS *Management Policies 2006*, an action constitutes an impairment when its impact “...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” (sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (sec. 1.4.5). National Park System units vary based on their enabling legislation, natural and cultural resources present, and mission. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit. Franklin Park originated in 1791, occupying an entire city block in downtown Washington, D.C., and is considered as a contributing feature to the “L’Enfant Plan of the City of Washington.” The 1791 L’Enfant Plan did not single out the square now occupied by Franklin Park for any special use, however, and it was not among the fifteen squares Pierre Charles L’Enfant set aside for development by each of the states, nor was it located at a significant intersection within the street grid. It appears on the plan, and on early city plans produced over the next three decades, as merely a typical city square, numbered 249 (Reps 1991:37). The land was then set aside by Congress in 1832 to protect the fresh spring or springs on the site that were used to supply water to the White House, several blocks to the southwest, and other federal buildings. Franklin Park currently features a central plaza, historic fountain, and a historically significant statue commemorating Commodore John Barry.

An impairment determination is not made for visitor use and experience, public safety and accessibility, and park management and operations because impairment findings relate back to Park resources and values, and 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 the implementation of the Selected Alternative will not constitute an impairment to the resources or values of Franklin Park. This conclusion is based on consideration of the thorough analysis of the environmental impacts described in the EA, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies 2006*. 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.

**Soils:** The selected alternative will not result in impairment to soils. The significance of Franklin Park is related to the historical significance of the L’Enfant Plan, which did not specify a designated use or purpose. Under current conditions, intensive visitor use has resulted in erosion and soil compaction in

addition to social trails throughout the site. The Selected Alternative will discourage the need for social trails. And while construction of certain elements of the Selected Alternative, including a play area, tot lot, and café will lower soil productivity, the overall character of the site will remain in line with the original intent of the L'Enfant Plan.

BMPs employed throughout the construction period will help minimize or avoid localized adverse impacts to soils. Following construction, disturbed soils will be replaced, to the extent feasible, and revegetated to avoid compaction and erosion. Because the selected alternative will not inhibit the park's ability to provide a natural context in an urban environment, but instead help promote it, including a permanent reduction of soil compaction and erosion along unsanctioned social trails, the selected alternative will not result in impairment.

**Vegetation:** Vegetation is defined as one of the significant characteristics of the cultural landscape of Franklin Park. Open lawns surrounded by groves and lines of trees on the perimeter are noted in the original design and remain today. Under the Selected Alternative, 11% of the tree canopy will be removed; however the Selected Alternative will include planting new trees. The overall scheme of the trees and planting will not largely vary from the original design and will remain a significant contributing feature. Therefore, the impacts of the Selected Alternative will not constitute impairment to vegetation

**Cultural Resources:** There will be no impairment to the park's cultural resources, including cultural landscapes and historic structures and district. While originally included in the L'Enfant Plan, Franklin Park was not one of the 15 public squares intended for development. While the Selected Alternative will alter some character defining features associated with Franklin Park, including the removal and redesign of the central water fountain and some tree removal, the overall shape of the plaza will remain. The redesigned fountain will also retain the overall shape and form of the historic fountain, reducing the impact to the overall integrity of the cultural landscape. The historic district and structures surrounding Franklin Park would not be impacted or impaired.

While the Selected Alternative would diminish the integrity of the cultural landscape, a MoA will mitigate these impacts and the overall project is designed to improve access to the park and cultural resources, in accordance with the overall intent of the L'Enfant Plan. Operation of the selected alternative does not constitute impairment of the cultural landscape and historic districts and structures.

## **APPENDIX B – Memorandum of Agreement**



**MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE FRANKLIN PARK VISION AND TRANSFORMATION PLAN PROJECT,  
WASHINGTON, D.C.**

This Memorandum of Agreement ("MOA") is made as of this 3<sup>rd</sup> day of June 2015, by and among the National Park Service ("NPS"), the National Capital Planning Commission ("NCPC"), and The District of Columbia State Historic Preservation Officer ("DC SHPO") (all referred to collectively herein as the "Signatories"), pursuant to Section 106 and 110 of the National Historic Preservation Act ("NHPA"), 54 U.S.C. § 306108, and its implementing regulations at 36 CFR Part 800 regarding the Franklin Park Vision and Transformation Plan ("Undertaking"); and

**WHEREAS**, Franklin Park ("Park") is owned by the United States government, is under the administrative jurisdiction of the NPS and occupies an entire city block of approximately 5 acres in downtown Washington, D.C. The Park is bordered by K Street NW on the north, 13th Street NW on the east, I Street NW on the south, and 14th Street NW to the west. The Park features a central fountain plaza and a historically significant statue commemorating Commodore John Barry. Trees surround the Park on all sides and are spaced throughout the Park. The Park is a contributing feature of the L'Enfant Plan of the City of Washington, a listed National Register of Historic Places (NRHP) property; and

**WHEREAS**, the Franklin Park Cultural Landscape, which includes landscape features, vegetation, circulation paths, a fountain, and small-scale features such as park benches and lamp posts, was determined eligible for the National Register of Historic Places (NRHP) through the 2005 Cultural Landscape Inventory prepared by NPS (and revised in 2011) (Exhibit 1), with concurrence from the DC SHPO on September 9, 2005, and;

**WHEREAS**, the features of Franklin Park are currently deteriorated and essential services such as adequate seating and programming are lacking; and

**WHEREAS**, opportunities exist to better connect Franklin Park to both its historic and current urban context; and

**WHEREAS**, the NPS recognizes that the Undertaking is needed to address these deficiencies and revitalize the park so that it attracts and serves all visitors; and

**WHEREAS**, the NPS, in collaboration with the District of Columbia Office of Planning, the Department of Parks and Recreation, and the Downtown DC Business Improvement District (DowntownDC BID), proposes to carry out the Franklin Park Vision and Transformation Plan (Exhibit 2); and

**WHEREAS**, the purpose of the Undertaking is to revitalize Franklin Park in a manner that respects and enhances the historic and urban qualities of the park while transforming it into an active, flexible, and sustainable park that is connected to its community; and

**WHEREAS**, the Undertaking includes the removal of approximately 37% of the existing tree canopy, the redesign of the central fountain and the central plaza, the construction of a pedestrian mall and café structure on the southern edge of the park, widening of pathways and the addition of a children's garden on the east lawn of the park; and

**WHEREAS**, the NPS, pursuant to (36 CFR Part 800), issued letters dated September 6, 2013, initiating consultation with the DC SHPO and inviting the Advisory Council on Historic Preservation (ACHP) to participate in the consultation; and

**WHEREAS**, the NPS, in consultation with DC SHPO and the consulting parties, defined an Area of Potential Effects (APE) for the Undertaking (Exhibit 3) that extends a half block around the perimeter of Franklin Park and encompasses one (1) individually listed NRHP historic property and one (1) National Historic Landmark (NHL)/listed NRHP historic property; and

**WHEREAS**, the NPS has consulted with other consulting parties (Exhibit 4); and

**WHEREAS**, the NPS has provided opportunities for review and comment on the Undertaking, as its planning and design proceeded, at public meetings, consulting parties meetings, and technical advisory meetings held in 2013, 2014 and 2015; and

**WHEREAS**, in December 2014 the NPS released the Franklin Park Vision and Transformation Environmental Assessment (EA) for a 38 day public comment period pursuant to the National Environmental Policy Act (NEPA). The EA analyzed a range of alternatives for the Undertaking and identified the Edge as the NPS preferred alternative. The design of the Edge alternative has evolved since release of the EA and the most recent drawings and plans are attached to this MOA (Exhibit 7); and

**WHEREAS**, the NPS completed a geoarcheological investigation of Franklin Park in March 2014 which determined that the Undertaking would not have any foreseeable effects on archeological resources (Exhibit 5); and

**WHEREAS**, the NPS, in consultation with DC SHPO, NCPC, and the consulting parties, determined in January 2015, that the Undertaking will have adverse effects upon the Franklin Park Cultural Landscape; and

**WHEREAS**, such adverse effects include, but are not limited to, the removal of components of the historic fabric including alterations to the central fountain and plaza; the widening of existing walks; the introduction of new elements such as a pedestrian mall, café structure, and a children's garden; the removal of seven historic trees; and the possible loss of small-scale features that contribute to the Cultural Landscape; and

**WHEREAS**, the NPS notified the DC SHPO of the determination of adverse effect on January 15, 2015 and the DC SHPO concurred with the determination; and

**WHEREAS**, the NPS notified the ACHP that the Undertaking would have an adverse effect on historic properties in a letter dated January 15, 2015 and the ACHP elected not to participate in the consultation; and

**WHEREAS**, the NPS made significant progress in avoiding and minimizing some adverse effects by means of Section 106 consultation and the NEPA review process. Such measures include retaining the original location of the Commodore Barry Statue, limiting changes to the historic circulation system, retaining the historic symmetry of the park; and retaining the fountain as the Park's focal point; and

**WHEREAS**, the procedures of NCPC require completion of NEPA/NHPA compliance prior to giving its legally mandated final approval to projects within the District of Columbia (National Capital Planning Act of 1952); and

**WHEREAS**, NCPC's approval of the Franklin Park Vision and Transformation Plan is also an undertaking subject to Section 106 of the NHPA and by entering into this MOA, NCPC designates the NPS as lead agency pursuant to 36 CFR 800.2 (a)(2); and

**WHEREAS**, NCPC and CFA are empowered to request design modifications after NHPA and NEPA compliance has been completed; and

**NOW, THEREFORE**, the NPS, DC SHPO, and NCPC agree that the Undertaking will be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

### **STIPULATIONS**

The NPS shall ensure that the following measures are carried out:

#### **I. MITIGATION MEASURES**

##### **1. Cultural Landscape Features**

##### **a. Trees and Vegetation**

- i. **Tree Planting Plan:** Because the canopy density is a contributing feature to Franklin Park, the NPS will develop and implement a tree planting plan that includes procedures for the removal of trees in poor health, supports the health of trees in fair health, and plans for the addition of new trees with the purpose of maintaining a healthy canopy.
- ii. **Removal of the curvilinear planting areas and trees around center plaza:** To mitigate the removal of these features, the NPS will add a ring of trees and planting beds to the outer edge of the center plaza to recreate the feeling of intimacy that the curvilinear planting areas and trees created.
- iii. **Vegetation Design:** The NPS will plant trees, shrubs, and other plantings that acknowledge the general location and species of plantings historically located in the park, as noted in the 1936, 1942, and 1944 planting plans. Favor will be given to the selection of species that reflects and respects the design and horticultural character of these previous planting plans. The design will also take into consideration native species, maintenance, a storm water management strategy, and appropriateness to the micro-clime of their specific location within the park.
- iv. **Historic American Landscape Survey (HALS):** The NPS will complete HALS Standard Format documentation for Franklin Park. The HALS will be carried out before any work is initiated on the park. The site history and measured drawings will be submitted to HALS for accessioning to the Library of Congress.
- v. **Tree Lightning Protection Plan:** The NPS will develop and implement a lightning protection plan for the older trees within Franklin Park.

b. Circulation

- i. Paving: The NPS will reuse existing bluestone paving in the central plaza and supplement the existing paving to include areas where existing elements will be removed. The NPS will replace all non-bluestone paving in the park with an exposed aggregate concrete that has a similar appearance to the existing asphalt paving.
- ii. Curbing: The NPS will replace existing exposed aggregate quarter round curb with smooth quarter round concrete curbing that is consistent with the curbs in other NPS National Mall and Memorial Parks areas.
- iii. Pedestrian Mall: The new pedestrian mall, which will be located along the south side of the park and will provide programmable space, should be designed in a manner sensitive to the historic circulation plan.

c. Small-Scale Features

- i. Fencing: Where new fencing is needed, the NPS will replicate the design of the historic cast-iron fencing that is located adjacent to the Commodore John Barry statue plaza to the extent possible.
- ii. Lighting: The NPS will perform a lighting study to evaluate lighting needs for the park and the NPS will replicate, to the extent possible, the Saratoga style lights that were installed in the 1936 park rehabilitation and will supplement with historically compatible fixtures to provide sufficient lighting.
- iii. Benches: The NPS will rehabilitate and reuse existing historic benches, and design a replacement bench that resembles the historic park bench, but is handicap accessible.
- iv. Squirrel basins: The NPS will evaluate the condition of the basins and will restore and reinstall all of the basins within the park in their existing locations.

d. Center Fountain

- i. The NPS will ensure that the redesign of the center fountain, including lighting, new jets and other features, will reflect the general character and retain the shape of the existing historic fountain; will maintain the fountain as a central park feature; and will reuse and incorporate the existing historic coping into the redesign of the fountain.

e. Commodore John Barry Monument and pedestal

- i. The Commodore John Barry will remain in its existing location and the NPS will preserve the statue according to the *Secretary of Interior's Standards for the Treatment of Historic Properties*.

## 2. Interpretation

- a. The NPS will erect interpretation (wayside exhibits) that include information about the history of the park and/or surrounding area. The waysides will follow the NPS standard design for wayside exhibits.
- b. The NPS may install a historical timeline within the pavement area of the pedestrian mall that reflects the history of the site.

## 3. Café Structure

The park café will be contemporary in design, but reflect the size and scale of the early twentieth-century lodge previously located in the park. The location of the café will respect the symmetry of the park design and will not obstruct important views towards the central fountain. The design of the café will focus the building towards the park while acknowledging I Street and use stone, wood, and glass as the primary materials emphasizing the building's transparency and its subordinate role within the park.

## 4. Children's Garden

The design of the Children's Garden area will incorporate the theme of the Potomac Watershed; be naturalistic in concept, design, materials, and palette; and integrate unobtrusive fencing where needed.

## II. CURRENT PROJECT PLANS

The most recent plans for the Franklin Park Vision and Transformation Plan are attached for reference in Exhibit 7.

## III. DESIGN REVIEW

In order to ensure that the mitigation measures specified in Stipulation I are carried out in accordance with *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the NPS shall provide the DC SHPO with plans, drawings, renderings, narratives, and any other information necessary to fully describe the manner in which each mitigation measure is proposed for implementation at the 30%, 60% and 90% design levels. The DC SHPO shall review each submittal and provide the NPS with comments within thirty (30) days of receipt which the NPS shall incorporate into the designs to the maximum extent possible. The NPS may continue with the designs as proposed if the DC SHPO fails to provide comments within the thirty day comment period.

## IV. REEVALUATION OF FINAL DESIGN

After CFA and NCPC complete their final reviews of the Franklin Park Vision and Transformation Plan Project, the NPS will evaluate the final design approved by CFA and NCPC and make a determination regarding whether any design modifications required by CFA or NCPC may result in any new or intensified adverse effects. The NPS will forward the final designs and its determination to the DC SHPO for a thirty day review. If the NPS and DC SHPO concur that no new or intensified adverse effects result, no further action will be required. If either the NPS or DC SHPO determine that a new or intensified adverse effect will result, the Signatories will consult further to determine

whether an amendment to this MOA will be necessary. Any such amendment will be addressed in accordance with the Administration Stipulation VIII-3, Amendments.

## V. ARCHEOLOGICAL RESOURCES

### 1. Unanticipated Discoveries

The NPS will include the following provisions to this effect in the construction permits for the treatment of unanticipated archeological discoveries, including human remains, during excavation, construction, or other ground-disturbing activity resulting from improvements made to Franklin Park.

- a. In the event that a previously unidentified archeological resource is discovered during project activities, the NPS will immediately halt all ground-disturbing activities in the area of the resources and in the surrounding area where further subsurface remains can reasonably be expected to occur.
- b. The NPS will notify the DC SHPO immediately upon discovery of previously unidentified archeological resources. The NPS and the SHPO will visit the site within 48 hours of such notification, inspect the work site, and determine the nature and extent of the affected archeological property and establish a resource area. Construction may then continue in the project area outside the established boundaries of the resource area.
- c. Within three (3) working days of the original notification of discovery, the NPS, in consultation with the SHPO, will determine the National Register eligibility of the resources.
- d. The NPS, in consultation with the DC SHPO, will ensure compliance with 36 CFR §800.13. Work in the resource area shall not proceed until either a) the development and implementation of an appropriate data recovery or other recommended mitigation procedures; or b) the determination is made that the located archeological remains are not eligible for inclusion in the National Register of Historic Places.
- e. If human remains are discovered during construction, NPS shall immediately notify the US Park Police (USPP) and shall ensure that all ground-disturbing activities in the immediate area of the discovery ceases immediately and stays halted in accordance with the protocols established by the USPP and the District of Columbia Metropolitan Police Department. The NPS shall also ensure that the Secretary of Interior's guidelines on human remains are followed. If the remains are assumed to be Native American, the Native American Graves Protection and Repatriation Act of 1990 through the implementing regulations at 43 CFR Part 10 will govern the NPS procedures and outcomes, including consultation with appropriate tribal representatives.

## VI. PROJECT FUNDING

The NPS shall seek funding to ensure that the stipulations of this MOA are carried out. If funding identified for this proposed Undertaking is a result of a partnership between NPS and another entity, this MOA shall be amended to reflect the roles and responsibilities of the financial partner(s) in implementing the terms of the MOA.

## VII. ELECTRONIC COPIES

Within one week of the last signature on this MOA, the NPS shall provide each Signatory with one legible, color, electronic copy of this fully-executed MOA and all of its attachments. If the electronic copy is too large to send by e-mail, the NPS shall provide each signatory with a copy of this MOA on a compact disc.

## VIII. ADMINISTRATION

### 1. Dispute Resolution

Should any signatory or consulting party to this MOA object in writing to the NPS regarding any action carried out in accordance with this MOA, the signatories shall consult to resolve the objection as expeditiously as possible. Should the signatories be unable to resolve the disagreement, the NPS shall forward its proposed resolution of the dispute and any other documentation relevant to the dispute to the ACHP. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will either:

- a. Provide the NPS with recommendations, which the NPS will take into account in reaching a final decision regarding the dispute; or
- b. Notify the NPS that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the NPS in accordance with 36 CFR 800.7(c) (4) with reference to the subject of the dispute. Any ACHP recommendation or comment will be understood to pertain only to the subject of the dispute; NPS's responsibility to carry out all actions under this MOA that are not subjects of the dispute will remain unchanged.

### 2. Duration

This MOA shall be valid for a period of five (5) years from the date of the last signature.

### 3. Amendments

This MOA may be amended when an amendment is agreed to in writing by all signatories. The amendment shall be effective on the date a copy signed by all of the signatories. At any time in the six-month period prior to expiration of the MOA, the signatories may mutually agree to extend the MOA with or without amendments.

### 4. Termination

If any signatory to this MOA determines that the terms of the MOA cannot or are not being carried out, that objecting party shall so notify the other signatories in writing and consult with



them to seek amendment of the MOA. If within fourteen (14) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the Undertaking, the NPS must (a) either execute a new MOA or (b) request, take into account, and respond to the comments of the ACHP per 36 CFR Section 800.7. The NPS will notify the signatories as to the course of action it will pursue.

#### IX. ANTI-DEFICIENCY ACT

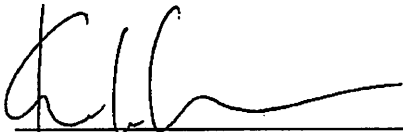
This MOA is subject to applicable laws and regulations. As to the Signatories only, fulfillment of this MOA and all of the provisions herein are subject, pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341 et seq., to the availability of funds. This MOA is not an obligation of funds in advance of an appropriation of such funds, and it does not constitute authority for the expenditure of funds. If a Signatory does not have sufficient funds available to fulfill the Stipulations of this MOA, such Signatory shall so notify the other Signatories and shall take such actions as are necessary to otherwise comply with 36 C.F.R. Part 800. NPS shall make reasonable and good faith efforts to seek funding for implementing this MOA.

#### X. SIGNATURES

Execution and of this MOA and implementation of its terms, evidences that NPS and the Signatories with Section 106 responsibilities have afforded the ACHP an opportunity to comment on the Undertaking and taken into account the effects of the Undertaking on historic properties

[Signatures Follow On Separate Pages]

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE FRANKLIN PARK VISION AND TRANSFORMATION PLAN PROJECT,  
WASHINGTON, D.C.**



Karen L. Cucurullo  
Acting Superintendent  
National Mall and Memorial Parks  
National Park Service

5/21/2015  
Date

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE FRANKLIN PARK VISION AND TRANSFORMATION PLAN PROJECT,  
WASHINGTON, D.C.**



David Maloney  
District of Columbia State Historic Preservation Officer


6/3/2015

Date

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE FRANKLIN PARK VISION AND TRANSFORMATION PLAN PROJECT,  
WASHINGTON, D.C.**



Marcel C. Acosta  
Executive Director  
National Capital Planning Commission



Date

## EXHIBIT LIST

- Exhibit 1      2011 Cultural Landscape Inventory: document available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)
- Exhibit 2      December 2014 Franklin Park Vision and Transformation Environmental Assessment: available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)
- Exhibit 3      Franklin Park Plan APE
- Exhibit 4      List of Consulting Parties
- Exhibit 5      March 2014 Franklin Park Geoarcheological Investigation Report: available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)
- Exhibit 6      April 29, 2015 Ruth Troccoli, Ph.D., City Archaeologist, email concurring with Geoarcheological Investigation Report
- Exhibit 7      Most recent project plans see March 24, 2015 Consulting Parties Meeting Presentation: available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)

Exhibit 1

2011 Franklin Park Cultural Landscape Inventory: document available at  
[www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)

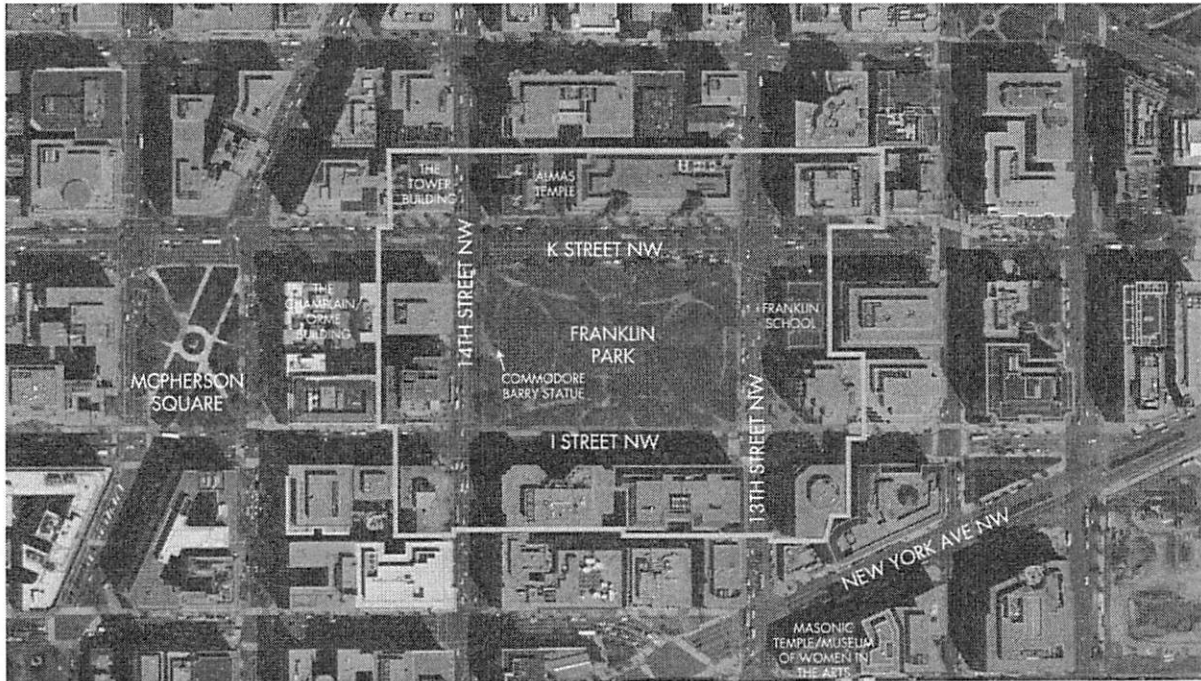
Exhibit 2      December 2014 Franklin Park Vision and Transformation Environmental Assessment:  
available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)



**Exhibit 3      Franklin Park Plan APE (attached)**

Exhibit 3

AREA OF POTENTIAL EFFECT



LEGEND

 Area of Potential Effect (APE)

NORTH



**Exhibit 4 . List of Consulting Parties (attached)**

Exhibit 4 - List of Consulting Parties

Name	Organization	Email Address
Eliza Voigt	National Mall/NPS	eliza_voigt@nps.gov
Catherine Dewey	National Mall/NPS	catherine_dewey@nps.gov
Michael Commisso	National Mall/NPS	michael_commisso@nps.gov
Robin Nixon	National Mall/NPS	robin_nixon@nps.gov
Sean Kennealy	National Mall/NPS	sean_kennealy@nps.gov
Katry Harris	ACHP	kharris@achp.gov
Thomas Luebke	CFA	tluebke@cfa.gov
Kay Fanning	CFA	kfanning@cfa.gov
Sarah Batcheler	CFA	sbatcheler@cfa.gov
Frederick J. Lindstrom	CFA	flindstrom@cfa.gov
Megan Kanagy	Downtown BID	megan@downtowndc.org
Stacie West	DPR	Stacie.West@dc.gov
Thor Nelson	DCOP	thor.nelson@dc.gov
Andrew Lewis	DC SHPO	andrew.lewis@dc.gov
Ellen Jones	Downtown BID	ellen@downtowndc.org
Cy Paumier	Slater Associates	cypaumier@slaterassoc.com
Sarah Moulton	NCPC	sarah@ncpc.gov
Jennifer Hirsch	NCPC	jennifer.hirsch@ncpc.gov
Tammy Stidham	NPS/NCR	tammy_stidham@nps.gov
Janelle Johnson	OLIN	jjohnson@theolinstudio.com
Joy Beasley	NPS/NCR	Joy_beasley@nps.gov
Perry Wheelock	NPS/NCR	perry_wheelock@nps.gov
Maureen Joseph	NPS/NCR	maureen_joseph@nps.gov
Hallie Boyce	OLIN	hboyce@theolinstudio.com
John Tinpe	ANC 2C	2col@anc.dc.org
Martin Austermuhle		martin@wamu.org
Loretta Gaigalas		lorettaigaigalas@yahoo.com
Elizabeth Blakeslee		eblakesleedc@gmail.com
Joan Sullivan		jsul@loc.gov
Kris Ankarlo		kankarlo@wnew.com
Judith Werdel		jawerdel@yahoo.com
Tina Hobson		tinahobson@gmail.com
Karen Ackley		karenackley@gmail.com
Michael Farr		Mike0721DC@comcast.net
Cassandra Hostetler		cassandra.hostetler@brighthorizons.com
Maximillian Tondro		maximilian.tondro@dc.gov
Lynn Mandujano		rlrinchina@yahoo.com
David Sobel		dnsobel@gmail.com
Anise Jenlkson		elisej@hotmail.com
Bill Hillegeist		hiesprit@gmail.com
Robin Tillery		robinTTTT@msn.com
Danielle Pierce		daniellewpierce@gmail.com
Ellen Macdonald		escmacdonald@gmail.com

---

Jesse Howell		<a href="mailto:jhowell487@gmail.com">jhowell487@gmail.com</a>
Peter Kissel		<a href="mailto:peterkissel@kisselaw.com">peterkissel@kisselaw.com</a>

Tom Russo		<a href="mailto:tomrusso@gwu.edu">tomrusso@gwu.edu</a>
M Rivers	Lowe Enterprises	<a href="mailto:MRivers@loweenterprises.com">MRivers@loweenterprises.com</a>
Joe Carrol	Lowe Enterprises	<a href="mailto:jcarrol@loweenterprises.com">jcarrol@loweenterprises.com</a>
		<a href="mailto:axhiku@kilpatricktownsend.com">axhiku@kilpatricktownsend.com</a>
		<a href="mailto:jjaygannon@gmail.com">jjaygannon@gmail.com</a>
Joan Lowy		<a href="mailto:JLowy@ap.org">JLowy@ap.org</a>
Sam Zimbabwe	DDOT	<a href="mailto:sam.zimbabwe@dc.gov">sam.zimbabwe@dc.gov</a>
Greg Billing	WABA	<a href="mailto:greg@waba.org">greg@waba.org</a>
Joe Steinbo	Tour Guide Guild	<a href="mailto:jsteinbo@yahoo.com">jsteinbo@yahoo.com</a>
		<a href="mailto:alabrador@hksinc.com">alabrador@hksinc.com</a>

**Exhibit 5**

**March 2014 Franklin Park Geoarcheological Investigation Report: available at  
[www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)**

**Exhibit 6**

**April 29, 2015 Ruth Troccoli, Ph.D., City Archaeologist, email concurring with  
Geoarcheological Investigation Report (attached)**





Voigt, Eliza &lt;eliza\_voigt@nps.gov&gt;

---

**Fwd: Franklin Park**

1 message

---

**Dewey, Catherine** <catherine\_dewey@nps.gov>  
To: Eliza Voigt <eliza\_voigt@nps.gov>

Mon, May 18, 2015 at 11:22 AM

Catherine Dewey  
National Park Service  
Chief of Resource Management  
National Mall and Memorial Parks  
900 Ohio Drive, SW  
Washington, DC 20024  
202-245-4711 office  
202-510-1117 cell



**Centennial Goal: Connect with and  
create the next generation of park  
visitors, supporters, and advocates.**

On Wed, Apr 29, 2015 at 9:07 PM, Trocolli, Ruth (OP) <Ruth.Trocolli@dc.gov> wrote:

Hi Catherine-

I read the report and concur with the conclusions and recommendations for archaeology.

Cheers-

Ruth

Ruth Trocolli, Ph.D., City Archaeologist

DC Historic Preservation Office

Office of Planning

1100 4th St. SW, Suite E650

Washington, D.C. 20024

202-442-8836

Exhibit 7

Most recent project plans see March 24, 2015 Consulting Parties Meeting Presentation:  
available at [www.parkplanning.nps.gov/FranklinPark](http://www.parkplanning.nps.gov/FranklinPark)

## **APPENDIX C – Environmental Assessment for the Franklin Park Vision and Transformation Plan Public Comment Report**