



FINDING OF NO SIGNIFICANT IMPACT

The John F. Kennedy Center for the Performing Arts Expansion Project

National Mall and Memorial Parks

The John F. Kennedy Center for the Performing Arts (Kennedy Center) proposes to expand the existing Edward Durell Stone building to provide approximately 60,000 square feet of additional space for classrooms, rehearsal rooms, event spaces, and offices. The project falls adjacent to the Rock Creek and Potomac Parkway (RCPP), which is under the jurisdiction of the National Mall and Memorial Parks (NAMA), a unit of the National Park System administered by the National Park Service (NPS). The Kennedy Center and DC Water are requesting special use permits (SUP) for construction access from the RCPP from NAMA. NAMA's issuance of these SUPs is the federal action addressed in this finding of no significant impact (FONSI).

The purpose of the proposed project is to expand the Kennedy Center's existing facilities by adding additional classrooms, rehearsal rooms, event spaces, and offices adjacent to the Kennedy Center. The project is needed because the Kennedy Center currently has no dedicated classrooms, a limited number of rehearsal rooms, and no dedicated event space.

The Kennedy Center, NPS, and NCPC prepared an Environmental Assessment (EA) specifically for the John F. Kennedy Center Expansion Project in accordance with the Council on Environmental Quality's Regulations for Implementing NEPA (40 CFR Parts 1500-1508); Department of the Interior implementing regulations (43 CFR Part 46); NCPC's implementing regulations (69 FR 41299); the National Capital Planning Act (40 USC 8722 (b)(1), (d)); NPS Director's Order 12 (DO-12): Conservation Planning, Environmental Impacts Analysis and Decision-Making; and 54 USC 306108, commonly known as Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and its implementing regulations, 36 CFR 800.

The EA was released for a 30-day public review in October 2014. The EA originally identified Alternative C: Two Land-Based Pavilions & a River Pavilion with River Access Option 2: Pedestrian Bridge Crossing Over RCPP as its preferred alternative. After the public review period and based on comments generated from the public and concerns brought up from several District agencies, it was decided that the proposed river pavilion and pedestrian bridge were not appropriate at this time and would not move forward. The Kennedy Center then decided move ahead with Alternative B (three land based pavilions) for implementation. Alternative B occurs entirely on property owned by the Kennedy Center. The only federal undertaking by the NPS will be the issuance of a SUP by NAMA for construction access from the RCPP. No previous FONSI was ever completed for this project.

In September 2015, in anticipation of the construction of pavilions for the Kennedy Center project, DC Water requested a SUP from the NPS to allow, for up to three years, shared construction access from RCPP with the Kennedy Center, in order to construct the diversion facilities for combined sewer overflow (CSO) Outfall 021. This proposed work is part of the larger DC Clean Rivers Project and the Combined Sewer System Long Term Control Plan (LTCP). Its purpose is to control CSOs into the District's waterways and to bring them into compliance with the water quality standards in the District. The project will improve water quality and reduce trash in the District's receiving waterbodies, by reducing untreated discharge of sewage from the combined sewer system. It is required by a 2005 Consent Decree entered into by DC Water, the District of Columbia, the U.S. Department of Justice, and the U.S. Environmental Protection Agency. DC Water, with NPS as co-lead agency, is currently preparing an Environmental Impact Statement for construction of the Potomac Tunnel and its associated infrastructure, much of which

directly impacts NPS-administered properties. The Consent Decree requires that the Potomac River CSO controls be placed into service by 2030.

While DC Water's current proposal is part of that larger NEPA planning process, the NPS issuance of SUPs for construction access would not affect the possible range of reasonable alternatives in that broader EIS process, nor would it affect the final decision made as part of that process. DC Water infrastructure already exists on-site, and this is the only location where the diversion facilities for CSO 021 can be located. The Clean Rivers Project must comply with the 2005 Consent Decree, and the CSO 021 diversion facilities are a necessary structural aspect for all the options for achieving that compliance.

NPS is issuing a decision on DC Water's proposal as part of the Kennedy Center project EA process, because the construction activities in that proposal will occur in the same location and will generally have impacts already analyzed in the EA. Constructing the CSO 021 diversion at this time, and as part of the Kennedy Center expansion project, will greatly reduce overall disturbance to the Kennedy Center Expansion Project facilities, as well as the challenges associated with construction adjacent to these facilities during the future construction of the Potomac River Tunnel project. An errata document is attached documenting this new addition to the proposal (see Attachment 2).

SELECTED ALTERNATIVE

Under Alternative B, the Kennedy Center will be expanded to the south with the construction of three land-based pavilions, entirely on land administered by the Kennedy Center. Pavilions 1 and 2 will be connected below grade and will be the site for rehearsal spaces, offices, classrooms, lecture halls, and multipurpose space. Pavilion 1 will have a footprint of 3,300 square feet and Pavilion 2 will have a footprint of approximately 6,200 square feet. Both pavilions will extend approximately 31 feet above grade. This alternative will require a third pavilion, with a footprint of approximately 6,500 square feet, to also be built on the south side of the Kennedy Center. This third pavilion will provide an enclosed interactive learning space to function as an engaging environment where the public, especially young people, can explore and directly participate in the performing arts. This pavilion will be approximately 15 feet above grade.

The selected alternative will provide a new landscape design for the entire south end of the site and will include plantings that will enhance the appearance of the plaza. This will involve removing a section of the concrete perimeter wall to incorporate the area into a designed landscape, including new reflecting pools. The selected alternative will require removing a small section (approximately 2 feet square) of the existing Edward Durell Stone designed building to provide an opening for a projector in the south façade. This window opening will allow for simulcasts of live performances to be displayed on the façade of Pavilion 2. Alternative B will also include the addition of a 10-foot high canopy walkway between the Edward Durell Stone Building and the proposed pavilions at the south end of the West Terrace to provide access into the pavilions.

A new vehicular entrance to the Kennedy Center on the south end of the site will be constructed. Vehicles will still be able to access the parking garage directly from RCPP on the western side of the site. Buses and shuttles will also be able to access the site from this entrance. Parking for buses and shuttles will be provided in a new parking area in an underground facility located directly under Pavilion 3. All construction activities will take place on Kennedy Center property.

DC Water

One of the CSOs to be controlled by the Potomac River Tunnel is CSO 021, which overflows to the Potomac River just north of the Roosevelt Bridge (I-66). The existing diversion structure for CSO 021 is located in the existing Kennedy Center's south parking lot. The Kennedy Center's Expansion Project will be constructed immediately adjacent to the existing regulator and above the existing outfall pipe. The upstream sewers are located underneath existing buildings, which limits the locations where it is feasible to construct the facilities that will divert the CSO 021 flow to the tunnel system. Therefore, DC Water plans to construct the CSO 021 Diversion Facilities as part of the Kennedy Center expansion. Construction of these facilities will occur completely within the footprint of the Kennedy Center project.

Constructing the CSO 021 diversion as part of this project will greatly reduce disturbance to the Kennedy Center facilities, as well as the challenges associated with construction adjacent to these facilities during the future construction of the Potomac River Tunnel project.

Construction Access

Because trucks and other heavy vehicles are generally not permitted on the RCPP, both the Kennedy Center and DC Water will require a SUP for shared ingress and egress from the RCPP. The construction staging area for both projects will be located on the grounds of the Kennedy Center. A temporary shared stabilized construction entrance will provide vehicular access to this staging area from the RCPP. Excavation and transport of materials for construction will result in increased truck traffic at the site. The construction entrance will be located on the east side of the RCPP north of the Roosevelt Bridge. The entrance will be operated for approximately 3 years, until the completion of the project in 2018, however during that time it will not be in continuous use.

DC Water will work with the Kennedy Center to stagger their truck trips for construction so that there will be no more than 35-40 truck trips per day. A maintenance of traffic (MOT) plan will be developed to determine the egress and ingress into the Kennedy Center and will be implemented in coordination with NPS and DDOT to ensure safe and continued flow of traffic during partial lane closures. This plan will include directional signage to inform travelers on the RCPP and the Rock Creek Paved Recreation Trail of all construction zones, and associated speed limits and lane closures, on the RCPP or other roadways.

OTHER ALTERNATIVES CONSIDERED

In addition to the NPS selected alternative described above, the EA analyzed the No Action Alternative and one additional action alternative – Alternative C: Two Land-Based Pavilions & a River Pavilion with River Access.

Alternative A: No Action - The No Action Alternative represents a continuation of the existing conditions, operations and maintenance of the Kennedy Center, the RCPP, and the Rock Creek Paved Recreation Trail. The Kennedy Center would not be expanded to the south. Multifunctional rooms, such as the Atrium and Foyers, the Millennium Stage, conference rooms, hallways, and rehearsal rooms would continue to serve as event space, classrooms, exhibition space, as well as circulation and storage areas. This alternative was not selected because it does not meet the project's purpose and need to provide additional classrooms, rehearsal rooms, event spaces, and offices and to provide a multi-modal direct link from the Kennedy Center to the east or southeastward to the Rock Creek Paved Recreation Trail, NAMA, and the Potomac River.

Alternative C: Two Land-Based Pavilions & a River Pavilion with River Access - Under this alternative, the expansion would include the construction of two land-based pavilions connected below grade that would be the site for rehearsal spaces, offices, classrooms, lecture halls, and multipurpose space; and a river pavilion.

Land-Based Pavilions - Under the this alternative, Pavilion 1 would have a footprint of 3,300 square feet and Pavilion 2 would have a footprint of approximately 6,200 square feet. Both pavilions would extend approximately 31 feet above grade. A new landscape design of the entire south end of the site would be created and would include plantings that would enhance the appearance of the plaza. This would involve removing a section of the concrete perimeter wall to incorporate the area into a designed landscape, including new reflecting pools. This alternative would require removing a small section (approximately 2 square feet) of the existing Edward Durell Stone designed building to provide an opening for a projector in the south façade. This window opening would allow for simulcasts of live performances to be displayed on the façade of Pavilion 2. This alternative would also include the addition of a 10-foot high canopy walkway between the Edward Durell Stone building and the proposed pavilions at the south end of the West Terrace to gain entry into the pavilions.

This alternative would include a new vehicular entrance to the Kennedy Center on the south end of the site. Vehicles would continue to access the parking garage directly from RCPP on the western side of the

site. Buses and shuttles would also be able to access the site from this entrance. Parking for buses and shuttles would be provided in a new parking area in an underground facility.

River-Based Pavilion - This alternative includes a third pavilion that would be located on a floating pier, approximately 6,500 square feet in size, on the Potomac River. This pavilion would consist of an approximate 3,900 gross square-foot two-story structure. The first floor would provide interactive learning space which would function as an engaging environment where the public, especially young people, can explore and directly participate in the performing arts. The second floor would consist of a café. The floating pier would also include approximately 1,100 square-feet of open outdoor space.

For the management of the riverfront areas, jurisdiction and further maintenance responsibilities of the river pavilion would be transferred from the NPS to the Kennedy Center (pursuant 40 USC § 8124). The river pavilion would have similar operating hours as those of the Kennedy Center (10 a.m. to midnight) and would be open to the public. In the event of extreme inclement weather, Kennedy Center staff would close the river pavilion or the river pavilion would have curtailed hours, particularly during the winter months. The Kennedy Center would outline specific operation procedures for the river pavilion within an Operations and Maintenance Plan. Under this alternative, the majority of construction activities and the location of permanent structures would be within the 32-foot clear space between the RCPP and the Rock Creek Paved Recreation Trail. No landing or bulkhead to accommodate water taxi access to the site would be constructed.

River Access Option 1: At-Grade Street Crossing – This alternative would provide visitors access the river pavilion by an at-grade crossing of the RCPP from the Kennedy Center to the Rock Creek Paved Recreation Trail. Access to the river pavilion would be provided by a pedestrian connection from the Rock Creek Paved Recreation Trail to the lower level of the river pavilion.

River Access Option 2 – Pedestrian Bridge Crossing over RCPP - Access to the river pavilion would be by a single pedestrian bridge crossing over RCPP that would connect the south terrace expansion on land to the river pavilion. The steel framed pedestrian bridge would be approximately 140-feet long and 9-feet wide. The bridge would be built to support small, light-duty vehicles (up to about 4,000 pounds) which would be used to carry tools, equipment, trash, catering supplies, and other maintenance materials from the Kennedy Center to the river pavilion. Additional access to the river pavilion by pedestrians would be provided by a pedestrian connection from the Rock Creek Paved Recreation Trail to the lower level of the river pavilion. This connection would be approximately 120-feet long.

Alternative C was not selected due to public and agency concerns regarding the size and scope of the river pavilion and its impacts associated with navigation, flooding issues, collection of river debris, and aesthetics.

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 policies contained in the Departmental Manual (516 DM 4.10) and the Council on Environmental Quality's (CEQ) NEPA's Forty Most Asked 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). In its Forty Most Asked Questions, CEQ further clarifies the identification of the environmentally preferable alternative, stating "Ordinarily, this means 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).

Based on the analysis of environmental consequences of each alternative, the No Action Alternative was identified as the environmentally preferable alternative. The No Action Alternative was chosen because it causes the least damage/change to the physical environment and best protects an important cultural resource of national importance. Alternatives B and C have an adverse effect on the Kennedy Center and RCPP, which is not the case under the No Action Alternative.

MITIGATION MEASURES

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, the Kennedy Center, and DC Water will implement an appropriate level of monitoring throughout the construction process to help ensure that protective measures are being properly implemented and are achieving their intended results.

WATER QUALITY

Erosion and sediment controls will be employed as needed and as required by DC regulations during construction to reduce soil erosion. To limit the movement of sediments during construction, in-stream erosion control BMPs such as turbidity curtains will be utilized in the waterway.

CULTURAL RESOURCES

The NPS, NCPC, the Kennedy Center, and the DC Historic Preservation Officer (SHPO) have signed an Amendment to the Memorandum of Agreement (MOA) in June of 2015 (originally signed in January of 2015) that ensures adverse effects to cultural resources are avoided, minimized, and mitigated to the maximum extent possible. To mitigate the adverse effect to the Kennedy Center wall, the Kennedy Center will retain the section of the existing marble curtain wall that will be removed as part of the project. Without a river pavilion, there were no long-term adverse effects to cultural resources associated with the RCPP. The SUP will provide specific instructions on how the RCPP shall be restored to its original condition.

VISITOR USE AND EXPERIENCE

Visitors to the Kennedy Center and RCPP, will be notified in advance of construction activities and truck traffic. Potential notifications will include signage, postings to websites and social media webpages, and email blasts to interested parties identified during the planning process. In addition, construction activities will be coordinated with the Kennedy Center in a manner that will minimize disruptions during planned events. A MOT plan will be implemented to minimize impacts on RCPP motorists.

TRAFFIC AND TRANSPORTATION

In order to mitigate impacts to traffic and transportation during construction, a MOT plan will be implemented to ensure a safe and continued flow of traffic during partial lane closures. This plan will include directional signage to inform travelers on the RCPP of all construction zones, associated speed limits, lane closures, and trail detours. Additionally, a public notice of the construction schedule will be provided to local media outlets. Whenever possible, construction vehicles will travel through the site to a staging area located on the south end of the Kennedy Center.

The condition of the RCPP will be assessed along the proposed haul routes prior to construction traffic to gather a baseline condition of the roadbed for comparison to the post-construction traffic condition. All damage to the roadway caused by construction traffic will be fixed by the permittee.

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 C Option 2 (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 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): Water quality, visitor use and experience, human health and safety will experience both beneficial and adverse impacts as a result of implementing the selected alternative. Floodplains, rare, threatened, and endangered species, cultural resources, operations and management, and traffic and transportation will experience some adverse impacts as a result of implementation of the selected alternative. However, no significant impacts were identified that will require analysis in an EIS. Providing DC Water a SUP for construction access will not add any new impacts, since the daily truck usage analyzed in the EA will not change. DC Water will coordinate with the Kennedy Center to stagger truck

traffic. The duration of use, however, will be increased to up to three years. There will not be continuous use of the access point throughout this increased duration; use will be staggered and used as needed. Impacts that will occur to the affected resources are summarized as follows:

Water Quality: The use of sediment and erosion controls during construction will be provided in accordance with DC regulatory requirements. Issuance of a SUP to DC Water will increase the duration of these requirements. Long-term benefits to water quality will occur from the implementation of stormwater practices, such as green roofs, which will reduce the amount of stormwater runoff by capturing and filtering stormwater.-

Floodplains: Issuance of a SUP by NPS for construction access to the Kennedy Center and DC Water may result in some non-measurable adverse impacts to floodplains due to ground disturbance and vegetation removal during construction. While there is some ornamental vegetation within the area, when compared to a more natural floodplain system, there are no ecological functions or values associated with this urban site. Construction would not have a measurable effect on the frequency, elevation, intensity or duration of floods. The addition of structures will result in very little change to the ability of the floodplain to convey floodwaters, and will not contribute to flooding.

Rare, Threatened, and Endangered Species: There would be no impacts to the Atlantic and shortnosed sturgeons due to the fact that mitigations will be used to protect water quality and because there would be no actions that directly affect the river or habitats suitable for these species.

Cultural Resources: The implementation of the Selected Alternative by the Kennedy Center will result in long-term moderate adverse impacts to cultural resources within the area of potential effect, but will have no permanent impacts on the those cultural resources associated with the RCPP. Issuance of a SUP by NAMA for temporary construction access will have negligible to minor visual adverse impacts to RCPP, however, once construction is complete, the area will be restored to its original condition. Providing a SUP to DC Water will increase the duration of this impact to up to three years, however there will be no additional impacts.

Visitor Use and Experience: Impacts to visitor use and experience consist of short-term minor adverse impacts due to construction and increased truck traffic. Long-term beneficial impacts will occur because the expansion will provide new opportunities for free events to the public, new classrooms and rehearsal spaces and a designed landscape that will enhance visitor experience. Providing a SUP to DC Water will increase the duration of this impact to up to three years but cause no additional impacts.

Human Health and Safety: Impacts to human health and safety consist of short-term minor adverse impacts associated with contaminated soil removal during construction of the land-based pavilions. The soils will be handled in accordance with an approved site health and safety plan. Issuance of a SUP to both Kennedy Center and DC Water will not add any additional risks associated with this soil removal.

Operations and Management: Proposed actions under the selected alternative will result in short-term negligible adverse impacts associated with issuance of the SUP and combined coordination with the Kennedy Center and DC Water during construction of the new facilities

Traffic and Transportation: The issuance of a SUP for construction access will result in a short-term minor to moderate adverse impacts to traffic and transportation along RCPP because of construction-related delays to build the expansion and improve DC Water infrastructure.

Degree of effect on human health or safety: The selected alternative will not adversely affect public health or safety. Short-term adverse impacts to public safety could result from construction activities, but these impacts will be minimized by contractors following approved site health and safety plans. Site workers will adhere to a site health and safety plan that describes potential hazards on the sites and the controls and practices selected to minimize hazards. The removal of previously identified contaminated soils during construction of the land-based pavilions will be excavated and trucked to a permitted hazardous-waste disposal facility. Removal of the soils will involve temporary covering to prevent soil runoff. Because the soils will be exposed for a relatively short amount of time, and will be unlikely to come in contact with any humans, the soils represent a limited risk to human health and safety. In

consideration of proposed site safety measures, construction of the land based pavilions will result in short-term minor adverse impacts during construction. NAMA's issuance of a SUP to both Kennedy Center and DC Water will not add any additional risks associated with this soil removal.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas: No prime farmlands, wild and scenic rivers, ecologically critical areas, sites sacred to American Indians, wetlands, or other significant ethnographic resources occur within or adjacent to the project area, and none will be affected by the actions associated with this alternative as a result.

Historic or Cultural Resources: There will be no permanent impacts to historic or cultural resources associated with the RCPP from implementation of the selected alternative. Five cultural landscapes, five historic buildings and structures, one historic site, and five historic districts are within the official APE, all of which are enumerated in Chapter Three of the EA. The selected alternative will result in long-term moderate adverse impacts to cultural resources within the APE. There will, however, be no impacts on historic resources associated with the RCPP. NPS issuance of a SUP for construction access to the Kennedy Center and DC Water for work being conducted on non-NPS administered properties will have short-term visual impacts that may temporarily impact some of the numerous cultural resources that are located within the project area. However, once completed, the temporary access from the RCPP will be restored to its original condition, resulting in no impacts to historic or cultural resources. NPS and NCPC have coordinated the findings of the EA with the DC SHPO in accordance with Section 106 of the NHPA through the preparation of an Assessment of Effects report. A MOA detailing the necessary mitigation and minimization measures has been completed and signed by the NPS, NCPC, the DC SHPO and the Kennedy Center in January of 2015. This MOA was then amended in June of 2015 to account for the change in the Selected Alternative from Alternative C, which included the river pavilion and pedestrian bridge, to Alternative B, which just included the three pavilions located on Kennedy Center property. As detailed in the amended June 2015 MOA, the adverse effect created by the implementation of the Selected Alternative will be to the removal of a small section of the curtain wall for a projector window and visual effects on the panoramic views from the south and west terraces of the Kennedy Center. To mitigate the adverse effect, the Kennedy Center will retain the section of the existing marble curtain wall that will be removed as part of the project.

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 through public comment.

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

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Implementation of the selected alternative will have no significant cumulative impacts. As described in the EA, past, present, and future actions and projects within the project area that could affect water quality; floodplains; rare, threatened, & endangered species; cultural resources; visitor use and experience; human health and safety; operations and management; and traffic and transportation include the Monumental Core Framework Plan, Extending the Legacy Plan (1997), the Washington Waterfronts Plan (1999), National Mall Plan, Potomac Hill Master Plan, Martin Luther King Jr. Memorial, National Museum for African American History and Culture (NMAAHC), Vietnam Veterans Memorial Visitor Center, Dwight D. Eisenhower Memorial, Georgetown Waterfront Park Improvements, Potomac Park Levee Project, Arlington Memorial Bridge Repair & Rehabilitation, and the DC Clean Rivers Project Potomac River Tunnel. The cumulative impacts conclusions were reached for the following resources:

Water Quality: The selected alternative will contribute additional beneficial impacts to the overall beneficial cumulative impact to water quality. The selected alternative will add slightly to the short-term adverse cumulative impacts of the NMAAHC and the improvements associated with the National Mall Plan. The selected alternative will not contribute to the short-term cumulative impacts of the Arlington Memorial Bridge Rehabilitation, and the Eisenhower Memorial.

Floodplains: The addition of structures under the selected alternative will result in very little change to the ability of the floodplain to convey floodwaters and will not contribute to flooding. Issuance of a SUP to the Kennedy Center and DC Water will not add to this negligible change. Therefore, the selected alternative will contribute slightly to the adverse cumulative impacts to the floodplain of other past, present, and future projects.

Rare, Threatened & Endangered Species: Since there will be no impacts to rare, threatened, and endangered species, there cannot be any cumulative impacts associated with the selected action.

Cultural Resources: Construction activities during present and future projects including those associated with the National Mall Plan, NMAAHC, Dwight D. Eisenhower Memorial, Potomac Park Levee, Arlington Memorial Bridge Repair and Rehabilitation, Potomac Hill Master Plan and the Vietnam Veterans Memorial Visitor Center, have and would have short-term impacts to the views and vistas of cultural resources. It is anticipated that the Kennedy Center project would be completed prior to construction activities for the Arlington Memorial Bridge Rehabilitation and the Eisenhower Memorial. Therefore, Alternative B would not contribute to the short-term cumulative impacts from these projects. The NMAAHC, and the improvements associated with the National Mall Plan are anticipated to be constructed around the same time as the Kennedy Center project. Construction activities under Alternative B would add slightly to the short-term adverse cumulative impacts to cultural resources. Past and future projects such as the Potomac Hill Master Plan, the Georgetown Waterfront Improvements, and the Extending the Legacy and Washington Waterfronts Plan would have minor to moderate impacts on cultural resources from permanent changes to individual resources as well as permanent changes to views and vistas. Alternative B would contribute moderately to the long-term cumulative impacts to cultural resources. However, since Alternative B and the issuance of a SUP for construction access will have no permanent adverse impacts to those cultural resources associated with the RCPP and other NPS-administered historic properties, there would be no long-term cumulative impacts associated with them.

Visitor Use and Experience: Construction activities from present and future projects including, implementation of the National Mall Plan, NMAAHC, Dwight D. Eisenhower Memorial, Arlington Memorial Bridge Repair and Rehabilitation, and the Vietnam Veterans Memorial Visitor Center, would have short-term impacts to the visitor use and experience. It is anticipated that the Kennedy Center and DC Water's projects will be completed prior to construction activities, the Arlington Memorial Bridge Rehabilitation, and the Eisenhower Memorial. Therefore, Alternative B will not contribute to the short-term cumulative impacts from these projects. The NMAAHC and the improvements associated with the National Mall Plan are anticipated to be constructed around the same time as the Kennedy Center project. Construction activities under Alternative B would add slightly to the short-term adverse cumulative impacts to visitor use and experience.

Human Health and Safety: Present and future projects have had short-term negligible to minor impacts to human health and safety from construction activities and long-term beneficial impacts to human health and safety from improved conditions of resources in the project area. Overall, there will be beneficial long-term cumulative impacts on human health and safety. Issuance of a SUP for temporary construction access will add little to these impacts.

Operations and Management: Present and future projects will result in short-term impacts to operations and management due to changes in operational activities and maintenance of construction zones during construction periods. The improvements associated with the National Mall Plan are anticipated to be constructed around the same time as the Kennedy Center and DC Water's project. Construction activities under the selected alternative will add slightly to the short-term adverse cumulative impacts to operations and management.

Past, present, and future projects have impacted and will continue to impact operations and management of park resources because additional maintenance and resources are needed to take care of new facilities and monuments in the project area. The selected alternative will add slightly to these long-term adverse cumulative impacts.

Traffic and Transportation: The issuance of a SUP to both the Kennedy Center and DC Water from NAMA alternative will not contribute to long-term adverse cumulative impacts. The selected alternative will contribute slightly to these short-term adverse cumulative impacts resulting from the NMAAHC, and the improvements associated with the National Mall Plan.

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: Under the assumption that Alternative C, including the river pavilion, was the preferred alternative in the EA, NPS consulted with state and federal agencies through the Section 106 process to mitigate adverse impacts to historic and cultural resources resulting from the implementation of the selected alternative. In coordination with NEPA, the Kennedy Center, NPS, and NCPC conducted consultation under Section 106 of the NHPA, which was initiated with the DC SHPO on July 12, 2013. A joint NEPA/Section 106 scoping meeting was held on July 22, 2013, during which the consulting parties were introduced to the project. The scoping meeting was followed by two additional consulting party meetings on September 17, 2013 and August 14, 2014. On October 28, 2013, the Delaware Nation was invited to participate in the Section 106 consultation for the project. NPS, NCPC, and the Kennedy Center met with the Delaware Nation on November 25, 2013, and submitted to them a Phase I Archeological report on May 7, 2014. The Delaware Nation concluded on October 24, 2014, that the proposed project is not in the “area of interest” for the Delaware Nation. A Memorandum of Agreement (MOA) detailing the necessary mitigation and minimization measures was signed by all parties in January, 2015.

After it was decided that Alternative C was not moving forward, the Kennedy Center had a meeting to go over the MOA with NPS, DC SHPO, and NCPC. It was decided at this that the MOA would be amended to include the land based pavilions only and that the only mitigation that would be required would be saving the piece of the curtain wall of the KC building that will be removed for the video projector. It was amended because the original MOA was already signed by all the parties. The final amended MOA document was signed by NPS, NCPC, DC SHPO, and the Kennedy Center in June 2015.

Because the three land based pavilions will now be located entirely on Kennedy Center Property, and no cultural or historic resources associated with the RCPP will be affected, the amended MOA stated that the NPS does not have a federal undertaking subject to Section 106 of the NHPA at this time. Since the amended MOA considered the project as a whole, the Section 106 process is complete for the needs of Kennedy Center and NCPC. For the purposes of NPS’s federal undertaking of issuing a SUP for construction access, NPS will utilize the streamlined review process described in Stipulation III of the Programmatic Agreement Among the National Park Service (Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: Based on consultation received from the National Marine Fisheries Service (NMFS), two federally listed fish species are known to occur in the Potomac River. Federally endangered Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) (Distinct Population Segment Chesapeake Bay), and the shortnose sturgeon (*Acipenser brevirostrum*) are known to occur in the Potomac River. There would be no impacts to the Atlantic and shortnosed sturgeons due to the fact that mitigations will be used to protect water quality and because there would be no actions that directly affect the river or habitats suitable for these species.

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

A public scoping period was announced by the NPS and NCPC and took place from July 15 through August 30, 2013. Advertisements were placed in *The Washington Post* (July 12, 2013) and *Current* newspapers (July 17, 2013) to announce the project and the public scoping period, as well as invite the public to attend an open house scoping meeting on July 22, 2013. On July 12, 2013, the NPS and NCPC distributed an email announcement and letter regarding the scoping period and meeting to area interested groups and individual parties identified by the project team. The Kennedy Center also issued a press release on its public website. In addition to these notices, NPS posted project information on the NPS Planning, Environment, and Public Comment (PEPC) website. The advertisements, the press release, and PEPC provided a project overview and invited the public to participate in the scoping process. The purpose of this meeting was to solicit public input on the purpose, need and objectives of the project, major issues and potential alternatives.

On July 22, 2013, the advertised public scoping meeting was held at the Kennedy Center's South Millennium Stage. A total of 14 individuals signed in at the public scoping meeting. Five comments were received during the scoping period, all of which were in support of the project moving forward. One commenter expressed the need for noise control during construction activities and that senior citizen access should be included in project design. Also, the commenter requested that the project design not impinge on the views of the District's scenery from nearby apartments. A second comment indicated that the proposed actions should include pedestrian and cycling access improvements to connect the Kennedy Center with other destinations, such as Georgetown. It was also suggested that an advisory committee of citizens be formed to discuss public needs associated with the Kennedy Center area. The third commenter indicated that the Kennedy Center should be developed in a manner consistent with expansion of its surroundings; specifically, development should be coordinated with future reconfiguration of the Roosevelt Bridge. A fourth commenter suggested the use of existing terrace space for the expansion. Another correspondence emphasized the need for a design that matches the existing architectural quality of the Kennedy Center. The final commenter called for an analysis of impacts to parking, transit, and traffic resulting from the expansion project in the EA. Along with the purpose and need for the proposed action, the above considerations and concerns guided the development of alternatives and contributed to the selection of impact topics as identified in the EA.


The EA was made available for public review and comment from October 9, 2014, through November 10, 2014. The EA was also placed on the NPS's PEPC website. A public meeting, advertised in *The Washington Post* (October 9, 2014), was held on October 22, 2014, at the Kennedy Center's South Millennium Stage. The public meeting provided a forum for the project team to display the results of the EA as well as the different project alternatives. A total of 17 individuals signed in at the public meeting. During the public comment period, the NPS, NCPC, and the Kennedy Center received 8 pieces of correspondence from the public, 5 from organizations, and 4 from agencies commenting on the proposed action.

CONCLUSION

The Kennedy Center has selected Alternative B for implementation and will allow DC Water's infrastructure improvement work to proceed concurrently. In order to allow them to carry out this project, NPS will issue a SUP for construction access from the RCPP to both the Kennedy Center and DC Water, which is the Federal action under consideration here.

In light of the impacts described in the EA for the project and with guidance from NPS *Management Policies 2006*, natural and cultural resources information, professional judgment, and after considering agency and public comments, NPS finds that providing a SUP to the Kennedy Center and DC Water will not have a significant effect on the human environment, and that the selected alternative does not constitute an action that normally requires preparation of an EIS. The selected alternative minimally affects NPS-administered property. Based on the foregoing, an EIS is not required for this action and will not be prepared.

Recommended:


Gay Vietzke
Superintendent
National Mall and Memorial Parks

10.28.2015
Date

Approved:


Robert A. Vogel
Regional Director
National Capital Region

10-28-15
Date

ATTACHMENT 1: NON – IMPAIRMENT DETERMINATION

The NPS has determined that implementation of the selected alternative will not result in impairment of park resources and values of the National Mall and Memorial Parks and the Rock Creek and Potomac Parkway and the Rock Creek Paved Recreation Trail. Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS 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 “will harm the integrity of park resources or values, including the opportunities that otherwise will 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 will 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 park missions. 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. The Washington Monument and the National Mall and Memorial Parks include much of the monumental core of Washington, D.C. In 1933-1934, federal parkland in the District of Columbia was consolidated under the management of the NPS. In the years that followed, a number of major memorials were added to the area that will come to be known as the National Mall including the Washington Monument. Today, the Washington Monument, along with the other memorials and areas of the monument core including the National Mall are managed by the NPS.

As stated in the *NPS Management Policies 2006* (sec. 1.4.5), an impact on any park resource or value may constitute an impairment, but an impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

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

The resource impact topics carried forward and analyzed for the NPS selected alternative in the EA, and for which an impairment determination is contained in this appendix, are water quality, floodplains, historic/visual resources, and threatened and endangered species. The following describes each resource or value for which impairment is assessed and the reasons why impairment will not occur.

Water Quality –Because the erosion and sediment controls are expected to effectively limit soil movement and there will be no direct impact to the Potomac River, implementation of the selected alternative will not constitute impairment of water quality in the project area.

Floodplains –Overall, the selected alternative will not measurably affect the ability of the floodplain to convey floodwaters, affect its values and functions, and will not contribute to flooding. Therefore, the selected alternative will not constitute impairment to floodplains.

Historic /Visual Resources – No actions associated with the selected alternative that will have long-term impacts to the following contributing resources to RCPP. There will be no impairment to any historic

structures or districts within the National Mall and Memorial Parks as a result of implementing the selected alternative.

Threatened and Endangered Species – There would be no impacts to the Atlantic and shortnosed sturgeons due to the fact that mitigations will be used to protect water quality and because there would be no actions that directly affect the river or habitats suitable for these species. Therefore, implementation of the selected alternative will not constitute impairment to threatened or endangered species.

SUMMARY

The NPS has determined that the implementation of the NPS selected alternative will not constitute an impairment of the resources or values of the Rock Creek and Potomac Parkway, the Rock Creek Paved Recreation Trail, and the National Mall and Memorial Parks. As described above, adverse impacts resulting of the implementation of the selected alternative are minimal on those resources or values whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant in relevant NPS planning documents, will not constitute impairment. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the NPS *Management Policies 2006*.

Attachment 2: Errata Sheet

This errata sheet documents updates to the text of the Kennedy Center Expansion Project EA as the result of the DC Water Potomac River Tunnel project.

Additions to the text are identified by underlines and deletions are marked by ~~strikeout~~ unless otherwise noted

1. The Project Background section in Chapter 1 was updated to include information regarding the DC Water Potomac River Tunnel project. The text below was added to the end of the Project Background section.

In September 2015, in anticipation of the construction of pavilions for the Kennedy Center project, DC Water requested a SUP from the NPS to allow, for up to three years, shared construction access from RCPP with the Kennedy Center, in order to construct the diversion facilities for combined sewer overflow (CSO) Outfall 021. This proposed work is part of the larger DC Clean Rivers Project and the Combined Sewer System Long Term Control Plan (LTCP). Its purpose is to control CSOs into the District's waterways and to bring them into compliance with the water quality standards in the District. The project will improve water quality and reduce trash in the District's receiving waterbodies, by reducing untreated discharge of sewage from the combined sewer system. It is required by a 2005 Consent Decree entered into by DC Water, the District of Columbia, the U.S. Department of Justice, and the U.S. Environmental Protection Agency. DC Water, with NPS as co-lead agency, is currently preparing an Environmental Impact Statement for construction of the Potomac Tunnel and its associated infrastructure, much of which directly impacts NPS-administered properties. The Consent Decree requires that the Potomac River CSO controls be placed into service by 2030.

While DC Water's current proposal is part of that larger NEPA planning process, the NPS issuance of SUPs for construction access would not affect the possible range of reasonable alternatives in that broader EIS process, nor would it affect the final decision made as part of that process. DC Water infrastructure already exists on-site, and this is the only location where the diversion facilities for CSO 021 can be located. The Clean Rivers Project must comply with the 2005 Consent Decree, and the CSO 021 diversion facilities are a necessary structural aspect for all the options for achieving that compliance.

NPS is issuing a decision on DC Water's proposal as part of this EA process, because the construction activities in that proposal will occur in the same location and will generally have impacts already being analyzed in this EA. Constructing the CSO 021 diversion at this time, and as part of the Kennedy Center expansion project, will greatly reduce overall disturbance to the Kennedy Center Expansion Project facilities, as well as the challenges associated with construction adjacent to these facilities during the future construction of the Potomac River Tunnel project.

2. Additional text was added to the description of Alternative B – Three Land-based Pavilions that includes additional information on DC Water's portion of the project. Text in **bold** is the additional text. The impacts to Traffic and Transportation, Visitor Use and Experience have already been assessed in Chapter 4 of the EA; therefore, no additional changes are needed to the EA.

Under Alternative B, the Kennedy Center will be expanded to the south with the construction of three land-based pavilions, entirely on land administered by the Kennedy Center. Pavilions 1 and 2 will be connected below grade and will be the site for rehearsal spaces, offices, classrooms, lecture halls, and multipurpose space. Pavilion 1 will have a footprint of 3,300 square feet and Pavilion 2 will have a footprint of approximately 6,200 square feet. Both pavilions will extend approximately 31 feet above grade. This alternative will require a third pavilion, with a footprint of approximately 6,500 square feet, to also be built on the south side of the Kennedy Center. This third pavilion will provide an enclosed interactive learning space to function as an engaging environment where the public, especially young

people, can explore and directly participate in the performing arts. This pavilion will be approximately 15 feet above grade.

The selected alternative will provide a new landscape design for the entire south end of the site and will include plantings that will enhance the appearance of the plaza. This will involve removing a section of the concrete perimeter wall to incorporate the area into a designed landscape, including new reflecting pools. The selected alternative will require removing a small section (approximately 2 feet square) of the existing Edward Durell Stone designed building to provide an opening for a projector in the south façade. This window opening will allow for simulcasts of live performances to be displayed on the façade of Pavilion 2. Alternative B will also include the addition of a 10-foot high canopy walkway between the Edward Durell Stone Building and the proposed pavilions at the south end of the West Terrace to provide access into the pavilions.

A new vehicular entrance to the Kennedy Center on the south end of the site will be constructed. Vehicles will still be able to access the parking garage directly from RCPP on the western side of the site. Buses and shuttles will also be able to access the site from this entrance. Parking for buses and shuttles will be provided in a new parking area in an underground facility located directly under Pavilion 3. All construction activities will take place on Kennedy Center property.

DC Water

One of the CSOs to be controlled by the Potomac River Tunnel is CSO 021, which overflows to the Potomac River just north of the Roosevelt Bridge (I-66). The existing diversion structure for CSO 021, which limits releases of CSO to the Potomac River only to those necessary to prevent flooding and upstream damage, is located in the existing Kennedy Center's south parking lot. The Kennedy Center's Expansion Project will be constructed immediately adjacent to the existing regulator and above the existing outfall pipe. In addition, existing buildings are constructed on top of the upstream sewers and this limits the locations where it is feasible to construct the facilities that will divert the CSO 021 flow to the tunnel system. Therefore, DC Water will construct the CSO 021 Diversion Facilities as part of the Kennedy Center expansion. Construction of these facilities will occur completely within the footprint of the Expansion Project. Constructing the CSO 021 diversion as part of the expansion project will greatly reduce disturbance to the KCPA Expansion Project facilities and the challenges associated with construction adjacent to these facilities during the future construction of the Potomac River Tunnel project.

Because trucks and other heavy vehicles are generally not permitted on the RCPP, both the Kennedy Center and DC Water will require a SUP for shared ingress and egress access from the RCPP. The construction staging area for both projects will be located on the grounds of the Kennedy Center. A shared stabilized construction entrance would provide vehicular access to this staging area from the RCPP. Excavation and transport of materials for construction will result in increased truck traffic at the site. The construction entrance would be located on the east side of the RCPP north of the Roosevelt Bridge. The entrance would be operated for approximately three years, until the completion of the project in 2018, however, during that time it will not be in continuous use.

DC Water will work with the Kennedy Center to stagger their truck trips for construction so that there would be no more than 35-40 truck trips per day. A maintenance of traffic (MOT) plan will be developed to determine the egress and ingress into the Kennedy Center and would be implemented in coordination with NPS and DDOT to ensure safe and continued flow of traffic during partial lane closures. This plan will include directional signage to inform travelers on the RCPP and the Rock Creek Paved Recreation Trail of all construction zones, and associated speed limits and lane closures, on the RCPP or other roadways.