



Benjamin Banneker  
National Mall and Memorial Parks  
Washington, DC

## FINDING OF NO SIGNIFICANT IMPACT

### Benjamin Banneker Park Connection

### 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 Hoffman-Madison Waterfront, is proposing to construct a temporary connection at Benjamin Banneker Park (Banneker Park). This project is considered temporary because anticipated redevelopment along Tenth Street, SW, as envisioned in the SW Ecodistrict Plan, may necessitate a permanent connection at this location in the future. Also, Banneker Park is listed as a “prime” site in the Memorials and Museums Master Plan (NCPC 2011) and could therefore be the site for a future museum or commemorative work. The connection includes a stairway and Architectural Barriers Act Accessibility Standard (ABAAS)-compliant ramp to provide universal accessibility between the National Mall, Tenth Street, SW, and Maine Avenue, SW, along the southwest waterfront in Washington, DC, as identified in the SW Ecodistrict Plan and the National Mall Plan.

Banneker Park is administered by National Mall and Memorial Parks and is located in southwest Washington, DC. The park is bound by Maine Avenue, SW, to the south, the Southwest Freeway (I-395) to the north and west, and Ninth Street, SW, to the east. Banneker Park comprises the southern terminus of Tenth Street, SW, approximately one-half mile south of the National Mall. The overlook at Banneker Park includes an approximately 200-foot wide elliptical plaza. The rest of Banneker Park is comprised of vehicle and pedestrian circulation features, and grass fields that slope steeply down to Maine Avenue, SW. Roadways and sidewalks within the limits of Banneker Park are owned by the District and maintained by the District Department of Transportation (DDOT). All remaining facilities including the overlook and lawn are property of the NPS.

The purpose of the proposed action is to provide a safe, functional, and aesthetically pleasing temporary connection to improve connectivity and access between Tenth Street, SW, and the southwest waterfront. This project is needed because currently there is limited pedestrian and bicycle access between the waterfront, Tenth Street, SW (also known as the L’Enfant Promenade), the National Mall, and surrounding areas.

The NPS completed an Environmental Assessment (EA) for the proposed connection at Banneker Park in March 2016. The EA was developed in accordance with the National Environmental Policy Act of 1969 (NEPA); regulations of the Council on Environmental Quality (40 CFR 1500-1508); NPS Director’s Order #12: *Conservation Planning, Environmental Impact Analysis, and Decision-Making*; the NPS NEPA Handbook (NPS 2015); and NCPC’s Environmental and Historic Preservation Policies and Procedures (NCPC 2004).

### SELECTED ALTERNATIVE

The NPS alternative selected for implementation is Alternative B (the NPS and NCPC preferred alternative) described on pages 12 to 16 of the EA. Under the selected alternative, a temporary stairway will be constructed on the west side of Banneker Park. The stairway will begin at a proposed transition area where the path to the Case Memorial Bridge pedestrian/bicycle ramp connects to the west side of the overlook. The transition area will be an approximate width of 16 feet, and the existing opening in the

retaining wall will be widened from approximately 8 feet to between 16 and 20 feet. The stairway will continue down the western hillslope of the park and will terminate along Maine Avenue, SW, at the Maine Avenue, SW, intersection near the Fish Market. The stairway will be constructed of concrete and will be a minimum 15 feet wide. A bike trough will be incorporated into the stairway design to make access easier for bicyclists who prefer to walk their bikes up or down the stairs. In addition, a curb/bicycle ramp will be installed along the existing sidewalk at the opening in the overlook retaining wall to provide enhanced bicycle accessibility between the Case Memorial Bridge pedestrian/bicycle ramp, Ninth Street, SW, and Tenth Street, SW.

ABAAS-compliant paths will be constructed on the east side of the park to provide access for pedestrians, including persons with disabilities, and also for bicyclists, to the Maine Avenue, SW, intersection near the Fish Market, as well as the Maine Avenue and Ninth Street, SW, intersection. New sidewalks and pedestrian crosswalks, including curb ramps and striping, will be installed to provide access to the ABAAS-compliant paths at the Tenth Street, SW, intersection with Ninth Street, SW, where one path will continue down the eastern hillslope, terminating at the Maine Avenue and Ninth Street, SW, intersection. The second path will continue down the hillslope in a western direction, terminating along Maine Avenue, SW, at the intersection near the Fish Market. A new pedestrian crosswalk with curb ramps and striping will be constructed across the Tenth Street, SW, vehicle access ramp from Ninth Street, SW.

The proposed ABAAS-compliant paths will have a 2 percent maximum cross slope and 5 percent maximum longitudinal slope. The paths will include evenly spaced landings, so as not to require handrails. The paths will be a minimum width of 10 feet, and will be constructed using a light-colored asphalt material consistent with NPS standards. Along Maine Avenue, SW, the existing sidewalk, within the project's scope, will be widened from its existing 6-foot total width to a varying width of 12 to 20 feet in order to provide adequate pedestrian circulation, and accommodate landscaping, street furniture, lights, and signage. The widened sidewalk will accommodate an ABAAS-compliant pedestrian through zone, sufficient transition area where the stairway, paths, and sidewalk connect, and additional space that will be allocated to light posts and street trees. To accommodate these features, a concrete retaining wall will be constructed along the southern hillslope of Banneker Park. The retaining wall will replace a portion of the existing riprap embankment and vegetation, and will range from 42 inches high to 10 feet at the highest point. The retaining wall will be designed in coordination with the DC State Historic Preservation Office (SHPO) to be complimentary in form but distinct from the original Kiley design of Banneker Park.

Proposed improvements or modifications within the park to the overlook, retaining walls, and vegetated hillslopes will be conducted within NPS property under the Selected Alternative. Improvements or modifications to sidewalks and pedestrian crosswalks along Tenth Street and Maine Avenue, SW, will occur within DDOT rights-of-way. Though not part of this project, DDOT plans to explore opportunities to enhance accessibility and safety for pedestrians and bicyclists on Tenth Street, SW, and around the traffic circle at Banneker Park, by incorporating a bicycle lane on the existing roadway, and/or by widening the existing sidewalk around the south and west sides of the traffic circle from 6 feet to as much as 10 feet.

Landscaping will also be included in the design of the project that may include reintroducing a limited section of the original grid pattern of trees originally intended by Kiley in the design of the park and installing street trees within the sidewalk area along Maine Avenue, SW. The NPS will select plant material, such as redbud (*Cercis canadensis*), to be sympathetic to Kiley's design of Banneker Park and that are hardier than the dogwoods that were originally planted at the site. The landscape plan will also include the removal of an approximately 40-foot section of Japanese yew at the Maine Avenue and Ninth Street, SW, intersection to accommodate the new ABAAS-compliant path. New, smaller Japanese yew will be planted along the edge of the south exit road from Tenth Street, SW, to Ninth Street, SW. The new Japanese yew will be maintained as a low hedge of 2 to 3 feet maximum height, and will serve to encourage the use of the formal pathways within the park, as well as to define the edge of the landscape improvements.

Additionally, lighting features that meet current national electric codes, or other NPS preferred lighting standards, will be installed along the new stairway and paths. Wayfinding signage will be installed at the site to direct pedestrians and bicyclists on Maine Avenue, SW to Tenth Street, SW, the National Mall, and East Potomac Park via the Case Memorial Bridge. Wayfinding signage will also be provided to direct pedestrians and bicyclists from the National Mall and Tenth Street, SW, to East Potomac Park, the waterfront, and the Anacostia Riverwalk Trail.

The proposed project will add approximately 12,750 square feet of impervious surface to the park under the Selected Alternative. The NPS will implement stormwater management into the design of the connection, as required by the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control and the stormwater requirements for federal projects that are outlined in Section 438 of the 2007 Energy Independence and Security Act. The NPS is proposing the use of bioretention, including rain gardens and bioswales for stormwater management, which will be coordinated with the District Department of Energy and Environment (DOEE), to ensure that this technique is appropriate for collecting and treating stormwater at the site. In addition, the NPS will consider strategies and partnerships for long-term maintenance of stormwater retention facilities.

### **OTHER ALTERNATIVES CONSIDERED**

In addition to the NPS Selected Alternative described above, the EA analyzed Alternative A: No-Action, and Alternative C, which proposed the construction of both the stairway and ABAAS-compliant pathway on the east side of the overlook. The no-action alternative is summarized below and detailed on page 11 of the EA. Alternative C is also summarized below and detailed on pages 17 to 21 of the EA. Other alternatives were considered but dismissed from detailed analysis. These alternatives and the reasons for their dismissal are described on pages 22 to 24 of the EA.

**No-Action Alternative** - Under the no-action alternative, some minor modifications to pedestrian and bicycle facilities at the Maine Avenue and Ninth Street, SW, intersection would be conducted as part of roadway improvements associated with the Wharf development. Also, minimal improvements, such as installing curb ramps at existing pedestrian crosswalks would be considered to improve bicycle accessibility, but no other improvements would be completed. The no-action alternative was not selected as it does not meet the purpose and need of the project.

**Alternative C** - Under Alternative C, a temporary stairway would be constructed on the east side of Banneker Park. In addition, an ABAAS-compliant path would be constructed adjacent to the stairway. Banneker Park is redundant, is not a sensitive design solution, and would likely result in an adverse effects determination under Section 106 of the NHPA.

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

To prevent and minimize potential adverse impacts to natural and cultural resources and the quality of the visitor experience, the NPS will implement mitigation measures as part of the Selected Alternative. Resource specific mitigation measures are listed in the following table. This table provides a framework for mitigation measures that will be included in the contractor's specifications; future mitigation measures could be added to this list at the discretion of the NPS. The NPS will conduct an appropriate level of monitoring throughout the construction period to help ensure that mitigation measures are properly implemented and achieve their intended results.

Mitigation Measures of the Selected Alternative	
Impact Topic	Mitigation Measures
<b>Historic Structures and Districts, including Cultural Landscapes</b>	<ul style="list-style-type: none"> <li>• The NPS will conduct ongoing consultation with the DC SHPO to ensure that designs, construction materials, landscaping, etc. are compatible, to the extent possible, with the original Dan Kiley design of Banneker Park.</li> <li>• The design will include reintroducing a limited section of the grid pattern of trees originally intended by Kiley in the design of the park.</li> <li>• The NPS will select plant material to be sympathetic to Kiley’s design.</li> <li>• Turf grass will be reestablished in disturbed areas following construction to minimize the potential for erosion of the lawn and hillslopes.</li> <li>• New Japanese yew bushes will be planted along the edge of the south exit road from Tenth Street, SW, to Ninth Street, SW, to define the edge of the landscape improvements, control pedestrian traffic, and to replace the Japanese yew that will be removed to accommodate the end of the ABAAS-compliant pathway at the Maine Avenue and Ninth Street, SW, intersection.</li> </ul>
<b>Water Quality</b>	<ul style="list-style-type: none"> <li>• During construction, stormwater BMPs, such as the installation of silt fence and stabilized construction entrances, will be implemented to reduce the potential for sediment to be transported off the site and into receiving waterbodies.</li> <li>• Bioretention, including rain gardens or bioswales, will be incorporated into the design of the connection to collect and treat stormwater onsite with the goal of 100 percent retention. If this is determined not feasible, stormwater management will be designed to control 1.2 inch rain events, or the maximum amount of retention that is practicable at the site.</li> <li>• Following construction, turf grass will be reestablished in disturbed areas to prevent erosion. The social trail on the western hillslope of Banneker Park will be replaced with a stairway under the Selected Alternative, which will reduce the potential for erosion of the currently exposed soils.</li> </ul>
<b>Visitor Use and Experience</b>	<ul style="list-style-type: none"> <li>• Park visitors and neighbors will be notified in advance of any construction activities that will result in temporary road closures or parking restrictions.</li> <li>• Construction will be performed Monday through Friday, and/or during other off-peak visitor use periods, if possible, to lessen the impact on park visitors.</li> <li>• The temporary connection will incorporate sympathetic design elements, including landscaping, that will be complimentary with the intent of Dan Kiley’s original design, and will be constructed within a planned view corridor to provide scenic views of the Washington Channel and East Potomac Park.</li> <li>• Wayfinding signage, per NPS sign standards, will be installed to provide clear direction to the National Mall, the waterfront along Maine Avenue, SW, or Tenth Street, SW, and East Potomac Park, and by directing pedestrians and bicyclists to the Anacostia Riverwalk Trail.</li> </ul>

## 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 B, 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):*

As described in the EA, both beneficial and/or adverse impacts to park resources will occur as a result of implementing the NPS Selected Alternative; however, no significant impacts were identified that would require analysis in an EIS. Impacts of the NPS Selected Alternative on historic structures and districts, including cultural landscapes; water quality; and visitor use and experience were identified and are described in detail in the *Affected Environment and Environmental Consequences* chapter of the EA. Anticipated impacts that will occur to the affected resources are summarized below:

**Historic Structures and District, including Cultural Landscapes** - Implementation of the Selected Alternative will result in impacts from adding new elements into the landscape and modifying the original Dan Kiley design of Banneker Park. Alterations to contributing features of Banneker Park include widening the opening in the outer retaining wall of the central plaza, removal of Japanese yew shrubs, and the replacement of a portion of the existing riprap embankment with a new retaining wall. The NPS determined that the Selected Alternative will not result in significant adverse impacts to Banneker Park or any other historic property in the vicinity. Furthermore, a no adverse effects determination was made under Section 106 of the National Historic Preservation Act (NHPA) because the project will not diminish the integrity of character-defining features or the overall integrity of historic resources. In an April 21, 2016 letter, the SHPO concurred with the NPS' determination of no adverse effects, conditional to continued consultation, including providing the DC SHPO with opportunities to review and comment on detailed project plans, landscape plans, materials selection, lighting, and other aspects of the project (letter included as **Attachment B**).

**Water Quality** - Under the Selected Alternative, beneficial impacts to water quality are anticipated from the implementation of bioretention into the design of the proposed connection to collect and treat runoff prior to entering receiving waterbodies. No temporary impacts to water quality are anticipated during construction due to the implementation of stormwater best management practices (BMPs), such as silt fence and stabilized construction entrances.

**Floodplains** - Under the Selected Alternative, construction of the proposed connection will result in temporary disturbances within the 100-year and 500-year regulatory floodplain of the Potomac River. The proposed connection will also result in an increase in impervious surface area within the 500-year regulatory floodplain. However, due to the small scale of the proposed improvements, and the minimal disturbances within the floodplain that will be required, adverse impacts to the floodplain's ability to store, convey, or infiltrate floodwaters will be minimal.

**Visitor Use and Experience** - The implementation of the Selected Alternative will result in temporary adverse impacts to park visitors during construction; however, these impacts will not be significant. Beneficial impacts are anticipated following construction from improved accessibility for pedestrians and bicyclists between the National Mall, Tenth Street, SW, and the southwest waterfront, including the future Wharf Development and the Fish Market.

**The degree to which public health and safety are affected:** The Selected Alternative will not adversely affect human health and safety. During construction of the temporary connection, active construction and vehicle and equipment staging areas will be off limits to park visitors. Pedestrians and bicyclists will be required to follow detours around construction. Additionally, the pathways will be designed to be 10 feet in width in order to safely accommodate shared use by pedestrians and bicyclists, should reduce the

potential for user conflicts. In addition, sight lines will be maintained along the pathways as an added safety measure.

***Unique characteristics of the area such as proximity to historic or cultural resources, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas:*** No wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas are located within the project area and therefore will not be affected by the implementation of the Selected Alternative.

Banneker Park is under the jurisdiction of National Mall and Memorial Parks (NAMA), an administrative unit of the NPS. In 2013, the NPS executed a Cultural Landscapes Inventory (CLI) on the park, which found Banneker Park to be eligible for listing in the National Register of Historic Places (NRHP), as an integral component to the larger L'Enfant Promenade/Banneker Park Overlook composition, having national significance for Criterion A and C with a period of significance of 1967 to 1969. Under Criterion A, the property was determined nationally significant within the historic theme of Community Planning and Development related to the urban renewal of Southwest DC, which became a model for urban revitalization for cities across the United States. Under Criterion C, the property was determined locally significant within the historic theme of Landscape Architecture as it retains an important design by Dan Kiley, a recognized master of modernist landscape design. Elements of the park identified as contributing include the walls, topography, fountain, paths, benches, lighting, trash receptacles, London planetrees, Japanese yews, and the remaining dogwoods. The viewsheds from the central plaza, looking up Tenth Street, SW, and southwest, south, and southeast towards the Washington Channel and Potomac River were also identified as contributing elements. The CLI was approved by the DC SHPO in 2014.

Banneker Park does not lie within a historic district, but there are six listed or eligible resources that are adjacent to or near the park: (1) East and West Potomac Parks Historic District, which is listed in both the NRHP and the DC Inventory with a period of significance that stretches from 1882 to 1916; (2) Department of Housing and Urban Development, designed by Marcel Breuer, which has also been listed in both the NRHP and DC Inventory since 2008 with a period of significance limited to the construction period 1965 to 1968; (3) Lunch Room and Oyster Shucking Shed, which was listed in the DC Inventory in 2015 and was determined eligible for the NRHP the same year, with a period of significance from 1916 to 1918; (4) Washington Marina, constructed as part of the Works Progress Administration, was determined eligible for listing in the NRHP and DC Inventory in 2012; (5) Jefferson Middle School, constructed between 1939 and 1940 by Municipal Architect Nathan C. Wyeth, was determined eligible for listing in the NRHP and DC Inventory in 2012; and (6) L'Enfant Promenade, originally known as the Tenth Street Mall and designed by I.M. Pei and Harry Weese, was determined eligible for listing in the NRHP and DC Inventory in 2013, with a period of significance of 1965 to 1968, through research carried out by the NPS as part of the CLI for Banneker Park. Banneker Park and the L'Enfant Promenade together compose a major element of the southwest urban renewal development.

The addition of new elements, and alterations to contributing features, will result in impacts to Banneker Park; however, impacts will not be significant because new elements will not be incompatible, out of scale, in great contrast, or out of character with the surrounding area and the aesthetics or character of adjacent structures and area. Additionally, alterations will not diminish the integrity of character-defining features or viewsheds, or the overall integrity of Banneker Park, or historic resources in the vicinity. The NPS has made a no adverse effects determination under Section 106 of the NHPA. The SHPO concurred with NPS' determination of no adverse effect in a letter dated April 21, 2016, conditional to continued consultation, including providing the DC SHPO with opportunities to review and comment on detailed project plans, landscape plans, materials selection, lighting, and other aspects of the project (letter included as **Attachment B**).

***The degree to which impacts are likely to be highly controversial:*** No highly controversial impacts were identified during the preparation of the EA, or by the public, agencies, and project stakeholders during the comment period, as a result of the Selected Alternative.

***The degree to which the potential impacts are highly uncertain or involve unique or unknown risks:*** No highly uncertain, unique, or unknown risks were identified during preparation of the EA or during the public review period, as a result of the Selected Alternative.

***Whether 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 that may have 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 in the vicinity of the project area that could affect historic structures and districts, including cultural landscapes); water quality; and visitor use and experience include:

- The Wharf Development
- Tenth Street, SW, Improvements
- Restoration of the Municipal Fish Market Lunch Room / Oyster Shucking Shed

Cumulative impacts conclusions were determined for the following resources:

**Historic Structures and Districts, including Cultural Landscapes** - Past, present, and future actions, including the proposed Tenth Street, SW improvements, and the Wharf development along the southwest waterfront, will result in adverse impacts to historic resources. Improvements along Tenth Street, SW, which has been determined eligible for listing in the National Register, will result in modifications to elements that contribute to the significance of the property. Additionally, many of the buildings proposed for construction as part of the Wharf development will impact viewsheds from Banneker Park to the south and southeast, and are likely to also impact views from other historic properties in the vicinity. Views from the overlook at Banneker Park that will be impacted by the future Wharf development are views that contribute to the historic integrity of the park. Conversely, the restoration of the National Register-eligible Lunch Room and Oyster Shucking Shed at the former Municipal Fish Market will result in beneficial impacts to historic resources. The Selected Alternative will result in impacts associated with the addition of new elements into the landscape and modification of the original Dan Kiley design of Banneker Park. When the impacts of the Selected Alternative are combined with the adverse and beneficial impacts of the other projects, an overall adverse cumulative impact will result; however, impacts will be minor, and continued consultation with the DC SHPO will occur under each of these projects to ensure that impacts to historic resources are minimized to the greatest extent practicable.

**Water Quality** - New buildings, transportation improvements, and other facilities being constructed as part of the Wharf development are expected to increase impervious surfaces and runoff. Site designs include agency-approved stormwater BMPs to minimize impacts to waterbodies, but an adverse impact to water quality is likely to occur. Conversely, the proposed Tenth Street, SW, improvements are likely to result in beneficial impacts to water quality, as plans are being developed to collect and treat stormwater from Tenth Street, SW, before entering receiving waterbodies. Implementation of the Selected Alternative will result in an increase in impervious surface in southwest DC; however, the implementation of bioretention at Banneker Park, where no stormwater management is currently provided, will result in beneficial impacts to water quality. When the beneficial incremental impact of the Selected Alternative is combined with the adverse and beneficial impacts of other projects, and overall beneficial cumulative impact will result.

**Visitor Use and Experience** - Past, present, and future actions, including the Wharf development, improvements to Tenth Street, SW, and the restoration of the Lunch Room and Oyster Shucking Shed at the former Municipal Fish Market are expected to revitalize the southwest waterfront area of the District.

New attractions and enhanced infrastructure in the area would have considerable benefits to visitors to the National Mall, Tenth Street, SW, and Banneker Park. The Selected Alternative will contribute a beneficial incremental impact to the beneficial impacts of nearby projects, as accessibility between the National Mall, Tenth Street, SW, the southwest waterfront, and surrounding areas will be improved for pedestrians and bicyclists. As a result, there will be an overall beneficial cumulative impact when combined with other nearby projects.

***The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources:***

District and federal agencies were consulted as part of the NEPA and Section 106 processes to identify and mitigate issues and/or concerns related to the proposed connection at Banneker Park. The Selected Alternative will result in noticeable adverse impacts to Banneker Park from adding new elements into the landscape, and modifying original Dan Kiley design elements. Impacts will not be significant, and an April 21, 2016 letter from the DC SHPO concurred with the Park's determination that implementation of the Selected Alternative will have no adverse effect on historic properties, conditional to continued consultation, including providing the DC SHPO with opportunities to review and comment on detailed project plans, landscape plans, materials selection, lighting, and other aspects of the project (letter included as **Attachment B**).

***The degree to which the action may adversely affect an endangered or threatened species or its habitat:***

Potential impacts to both federal- and state-listed rare, threatened, and endangered species were considered during project planning. Based on the US Fish and Wildlife Service's list of federally endangered and candidate species, the only federally listed species that has the potential to occur in the vicinity of the project area is the northern long-eared bat (*Myotis septentrionalis*). The NPS anticipates that no northern long-eared bats will be affected by the implementation of the Selected Alternative because no roost trees or other suitable habitat does not occur in the vicinity of Banneker Park.

***Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment:*** The Selected Alternative violates no federal, state, or local environmental protection laws.

## **PUBLIC INVOLVEMENT**

The NPS and NCPC conducted a 45-day public scoping period from July 20, 2015 through September 2, 2015. The public, agencies, and stakeholders were invited to submit comments on the project during this time period. In addition, a public open house was held on August 11, 2015, at the Wharf offices located at 690 Water Street, SW, that provided citizens with an opportunity to learn about the proposed Banneker Park Connection project; identify any areas of concern regarding the proposed project; provide the opportunity for the public to share their knowledge of important environmental and cultural issues that should be considered during planning; and gain public feedback to help inform the development of project alternatives. A total of 36 individuals signed-in at the public open house. Fifteen (15) public correspondence and two agency correspondence were received during the scoping period.

The EA was made available for public review and comment from March 31, 2016 to May 1, 2016. The EA was uploaded to the NPS' PEPC website. During the public review of the EA, three correspondence were received. One commenter supported the implementation of Alternative B, which is the Selected Alternative. A second commenter suggested native tree species be used in the landscape design. Finally, correspondence received from the National Mall Coalition supported the implementation of Alternative B, and encouraged the NPS and NCPC to consider larger questions of connections between the National Mall, the southwest waterfront, and East Potomac Park in the future, as a permanent connection is planned. Each correspondence is included in **Attachment C**.



## CONCLUSION

The NPS has selected Alternative B (the NPS and NCPC preferred alternative) 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, **Attachment A**). 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 minimal. 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.

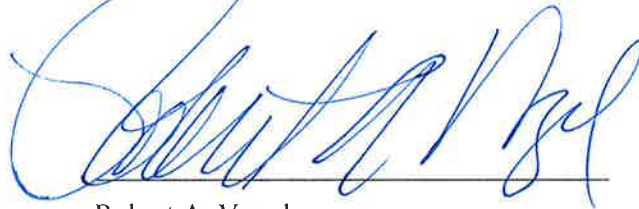
Based on the foregoing, an EIS is not required for this action and will not be prepared. This is a finding of no significant impact.

Recommended:

  
\_\_\_\_\_  
Gay E. Vietzke  
Superintendent  
National Mall and Memorial Parks

6/24/16  
Date

Approved:

  
\_\_\_\_\_  
Robert A. Vogel  
Regional Director  
National Capital Region

7/12/16  
Date

**ATTACHMENT A**  
**NON-IMPAIRMENT DETERMINATION**



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## NON-IMPAIRMENT DETERMINATION

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the US Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1a-1).

NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

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

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006 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” (NPS 2006 sec 1.4.5).

This determination on impairment has been prepared for the Selected Alternative described in this FONSI. An impairment determination is made for all resource impact topics analyzed for the Selected Alternative; however, an impairment determination is not made for visitor use and experience because impairment findings relate back to park resources and values, and this impact area is not generally considered to be a park resource or value according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

### **Historic Structures and Districts, including Cultural Landscapes**

While the Selected Alternative will add new elements to the landscape that would result in impacts to Banneker Park, these new elements will not be incompatible, out of scale, in great contrast, or out of character with the surrounding area and the aesthetics or character of adjacent structures and area. Additionally, alterations to contributing elements will not diminish the integrity of character-defining features or viewsheds, or the overall integrity of Banneker Park, or historic resources in the vicinity.

Furthermore, the new design will bring back portions of Kiley's original tree grid, reestablishing pieces of integrity that have been lost or previously compromised. The sensitive design of the stairway and ABAAS-compliant pathways under the Selected Alternative will enhance the park by improving access between the National Mall and the southwest waterfront, as well as eliminate desire lines through the lawn that have the potential to result in erosion. The NPS has made a no adverse effects determination under Section 106 of the NHPA. The SHPO concurred with NPS' determination of no adverse effect in a letter dated April 21, 2016 (letter included as **Attachment B**). Therefore, the Selected Alternative will not result in impairment to historic resources or cultural landscapes.

### **Water Quality**

The Selected Alternative will not result in impairment to water quality. No temporary impacts to water quality are anticipated if BMPs are implemented and properly maintained during construction. Once construction is complete, turf grass will be reestablished in disturbed areas to prevent erosion. Bioretention, such as rain gardens or bioswales, will be incorporated into the design of the connection to collect and treat stormwater onsite with the goal of 100 percent retention. If this is determined not feasible, stormwater management will be designed to control 1.2 inch rain events or the maximum amount of retention practicable. Since stormwater management is not provided at Banneker Park in its current condition, incorporating bioretention facilities into the design of the proposed connection will result in beneficial impacts to water quality under the Selected Alternative.

**ATTACHMENT B**  
**LETTER FROM DC SHPO DATED APRIL 21, 2016**

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
STATE HISTORIC PRESERVATION OFFICER



April 21, 2016

Mr. Michael Commisso  
Cultural Resources Program Manager  
National Mall and Memorial Parks  
National Park Service  
900 Ohio Drive, SW  
Washington, DC 20024-2000

RE: Assessment of Effects Report for the Banneker Park Pedestrian Access Improvements Project  
(aka Benjamin Banneker Park Connection Project)

Dear Mr. Commisso:

Thank you for providing the DC State Historic Preservation Office (SHPO) with a copy of the Assessment of Effect Report for the above-referenced undertaking. We have reviewed the report and are writing in accordance with Section 106 of the National Historic Preservation and its implementing regulations, 36 CFR Part 800, to provide additional comments regarding effects on historic properties.

We appreciate that the report was very thorough, well-written and accurately reflects our recollections from the discussions held in the numerous agency planning and consulting parties meetings we have participated in over the last year or so. Overall, we agree with the findings outlined in the report and reiterate that even though some historic fabric will be altered and some new elements introduced as a result of the implementation of the preferred Alternative B (right), the proposed changes will not constitute an “adverse effect” on Benjamin Banneker Park or any other historic property within the project’s Area of Potential Effect.



The reasons for this finding is that the proposed alterations to character-defining features of Benjamin Banneker Park will be relatively minor in scale and scope and will not result in a substantial diminishment of the integrity of the historic property. Examples include widening an existing, non-original opening in one of the park’s outer walls; substituting a retaining wall for a portion of the riprap embankment that was originally intended to be screened with vegetation; and the removal/replacement of some Japanese yew.

Mr. Michael Comisso  
Assessment of Effects Report for the Banneker Park Pedestrian Access Improvements/ Benjamin Banneker Park Connection Project  
April 21, 2016  
Page 2

Similarly, the introduction of new elements such as the new stairway and pathways will not diminish the integrity of Benjamin Banneker Park because these new elements have been designed to be compatible with the park and in keeping with the curvilinear nature of Daniel Urban Kiely's original plans.

For the reasons outlined above and described in more detail in the Assessment of Effect Report, we concur that implementation of the Benjamin Banneker Park Pedestrian Access Improvements / Benjamin Banneker Park Connection Project will have "no adverse effect" on historic properties provided that the NPS will forward more detailed project plans to our office for review when they are developed and will incorporate our comments into those plans to the maximum extent feasible. In particular, we request an opportunity to review more detailed landscape plans which should be based upon, but not necessarily replicate, Kiely's original designs. We also look forward to reviewing and commenting further on materials, lighting, and other aspects of the project.

If you should have any questions or comments regarding this matter, please contact me at [andrew.lewis@dc.gov](mailto:andrew.lewis@dc.gov) or 202-442-8841. Otherwise, thank you for providing an opportunity to review and comment.

Sincerely,



C. Andrew Lewis  
Senior Historic Preservation Specialist  
District of Columbia State Historic Preservation Office

15-0428  
cc: Brett Schrader, Stanlec Consulting Services Inc  
Jennifer Hirsch, NCPC

**ATTACHMENT C**  
**PUBLIC CORRESPONDENCES**

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**PEPC Project ID: 59520, DocumentID: 71912**  
**Correspondence: 1**

**Author Information**

Keep Private: No  
Name: N/A N/A  
Organization:  
Organization Type: 1 - Unaffiliated Individual  
Address: Washington, DC 20024  
USA  
E-mail:

**Correspondence Information**

Status: New Park Correspondence Log:  
Date Sent: 04/01/2016 Date Received: 04/01/2016  
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**Correspondence Text**

The NPS preferred option (B) seems to be the best compromise of addressing all needs in an appropriate way, while improving the look and accessibility of the park connecting Maine Ave and L'Enfant Promenade.  
">

**PEPC Project ID: 59520, DocumentID: 71912**  
**Correspondence: 2**

**Author Information**

Keep Private: No  
Name: Vincent W. Verweij  
Organization:  
Organization Type: I - Unaffiliated Individual  
Address: 138 Thomas St NW  
Washington, DC 20001  
USA  
E-mail: v.w.verweij@gmail.com

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**Correspondence Text**

Because of its proximity to the river, and the opportunity to restore some of the natural habitat of the river, consider revegetation with native species where possible. While restoring the original Dogwood population may fit the cultural need of the site, keep in mind supporting and planting a diversity of coastal plain native plants in the project, where appropriate.

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**Comments on the Banneker Park Connection EA**  
**by the National Mall Coalition**  
**May 3, 2016**

The National Mall Coalition, a DC-based nonprofit organization dedicated to advancing the legacy of the National Mall through thoughtful public policy and innovative ideas, appreciates the opportunity to offer comments on the Environmental Assessment for a temporary connection between the National Mall and the southwest waterfront.

We commend NPS and NCPC for undertaking this much-needed effort to improve the pedestrian and bicycle connection from Banneker Overlook to the SW Waterfront neighborhood area. Of the options, we prefer Option B (NPS and NCPC Preferred Alternative), which will provide the better experience for the visitor while minimizing adverse impacts at the site.

As a temporary solution, the project achieves its intended goals. We hope that as permanent solutions are considered in the future, NPS and NCPC will open the scope of the planning effort to incorporate larger questions of connections between the Mall, the SW Waterfront, and East Potomac Park, including:

- How will pedestrians navigate busy Maine Avenue, or could they avoid Maine Avenue traffic altogether by means of a bridge over Maine Avenue from Banneker Overlook to the waterfront?
- What about the connection from the Mall/Banneker to East Potomac Park, whose hundreds of acres of parkland will be a desirable location for recreation for this growing SW neighborhood? A bridge connection could extend not only across Maine Avenue but also across Washington Channel.
- Another alternative is to take a new look at something along the lines of Chloethiel Woodard Smith's 1966 proposed Ponte Vecchio, a commercial venture to bridge the Washington Channel.

As The Wharf and other SW development moves forward, and the possibilities increase for extending the vitality of the National Mall down lonely 10<sup>th</sup> Street/L'Enfant Promenade to the waterfront, we look forward to participating in further discussions of next steps in making that connection happen permanently and successfully. We have been working on concepts for some years and would be ready to discuss them with NPS and NCPC.

Submitted by:

Judy Scott Feldman, Chair  
National Mall Coalition  
9507 Overlea Drive  
Rockville, MD 20850  
jfeldman@nationalmallcoalition.org