



## **FINDING OF NO SIGNIFICANT IMPACT**

### **Langley Fork Park and Langley Oaks Park Land Exchange Environmental Assessment**

George Washington Memorial Parkway, Virginia

## **INTRODUCTION**

The National Park Service (NPS), specifically the George Washington Memorial Parkway, with the Fairfax County Park Authority (FCPA), prepared an environmental assessment (EA) to evaluate the exchange of Langley Fork Park, currently owned by the United States government and administered by the NPS, and Langley Oaks Park, currently owned and administered by FCPA. This EA also examines impacts related to the subsequent development of Langley Fork Park by FCPA.

The purpose of the action is an exchange of land between NPS and FCPA to facilitate site improvement and expansion of the current recreational facilities at Langley Fork Park. NPS permits FCPA to manage and maintain the park's facilities, and FCPA maintains and schedules the use of the athletic facilities at the park. The demand for athletic fields in this portion of Fairfax County exceeds the capacity of area facilities, creating a demand for expanded programming. Current facilities, constructed in 1986, are degrading and need to be updated. The exchange is needed because NPS no longer wishes to administer athletic fields through permits since it is not consistent with the purpose or significance of the George Washington Memorial Parkway, and this park has become a valuable recreational resource to the local community. This exchange would remove the George Washington Memorial Parkway from administering athletic fields at Langley Fork Park and allow FCPA to make improvements that would help meet public need for athletic fields.

Consistent with its policy to maintain such parks as open space, FCP has no plans to develop Langley Oaks Park. Subsequent to the exchange, NPS would manage Langley Oaks Park in a natural and undeveloped condition, thereby enhancing protection of the Potomac Gorge watershed and site resources, with no initial plans for change or development.

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), the regulations of the Council on Environmental Quality for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508), and NPS Director's Order #12, *Conservation Planning, Environmental Impact Analysis, and Decision-making* and the accompanying NPS *NEPA Handbook*. Compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and with Section 7 of the Endangered Species Act was conducted separately but concurrently with the NEPA process. The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference.

## **SELECTED ALTERNATIVE**

Based on the analysis presented in the EA, the NPS selected Alternative 4: Land Exchange with Mid-Level Development at Langley Fork Park by FCPA. Pages 18–19 of the EA contain a detailed description of the selected alternative.

The selected alternative will enable the NPS and FCPA to exchange the approximately 52-acre parcel known as Langley Fork Park, which is part of the George Washington Memorial Parkway, with the FCPA-owned Langley Oaks Park, an undeveloped parcel of approximately 102 acres, in return. The terms of the exchange will be finalized after completion of the real property appraisal process. The appraisal process determines the fair market value for both properties in order to establish a comparison of their values. A preliminary appraisal was performed in 2013, and a reappraisal will be performed prior to the exchange to account for market changes, modifications to the estates to be exchanged, and revisions in legal descriptions and acreages resulting from boundary surveys completed in 2016. The law under which NPS would accomplish the exchange, 54 USC [United States Code] 102901(b), requires that the lands or interests in land to be exchanged by the parties must be of approximately equal value. By agreement of the parties, values will be equalized by one of the following methods: by subtracting land from the parcels proposed for exchange; by an equalization payment from one party to the other; or, if the value of the land or interests in land conveyed by the FCPA to the United States is greater than the value of the land or interests in land conveyed by the United States to the FCPA, by the FCPA donating the difference in values to the United States.

The future development of Langley Fork Park will be subject to the FCPA master planning process, and the configuration will be consistent with the outcome of that process. Under the selected alternative, FCPA will more fully develop the recreational footprint at Langley Fork Park than currently exists, but with a smaller area of disturbance than under Alternative 3. The disturbed and developed area will increase by approximately 2.5 acres, totaling 17.0 acres within the limits of disturbance. Of the 2.5 acres of land cleared for development, approximately 0.6 acre of land will be replanted, resulting in a net tree loss of up to 1.9 acres. Possible improvements under the selected alternative for Langley Fork Park include an expansion in the number of athletic fields to serve a variety of sports, increased signage and trail infrastructure, improvement of certain athletic fields with synthetic turf, improvement of fields outside of the Fairfax County Langley Fork Historic Overlay District with lighting, a pavilion, and expanded and reconfigured parking with a turnaround for emergency vehicles. Impervious surfaces will increase by approximately 0.3 acre to accommodate additional parking areas<sup>1</sup>. Synthetic turf will not be used to improve the existing athletic fields in the northern and western portions of the site due to the presence of archeological resources.

The selected alternative includes a minimum 250-foot wide forested buffer that would be retained along the northern property boundary of Langley Fork Park with Claude Moore Colonial Farm and any new facilities or athletic fields at Langley Fork Park. The 250-foot forested buffer excludes the existing northwest athletic field. NPS will place restrictive covenants or other deed restrictions that would prevent the removal of forest stands, a contributing element to the George Washington Memorial Parkway Historic District, outside of the development area for the selected alternative at Langley Fork Park. NPS will also place restrictive covenants or other deed restrictions to protect areas with significant and potentially significant archeological resources to prevent future impacts once Langley Fork Park leaves federal ownership. The details of the restrictions will be determined through consultation with the

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<sup>1</sup> Fairfax County has adopted a Stormwater Management Ordinance, effective July 1, 2014, in response to state regulations requiring localities to manage permitting and inspections under the Virginia Stormwater Management Program. Promulgated by this ordinance, for the purposes of permitting, synthetic turf is categorized as impervious surface. When evaluating impacts for this environmental assessment, all athletic fields were analyzed as pervious surfaces, which comports with the state and local stormwater ordinances effective during the preparation of this environmental assessment, which began in 2010. Should construction at Langley Fork Park commence by June 30, 2019, for the purposes of obtaining a stormwater permit, the estimated acreage of impervious surfaces as described in this environmental assessment would be upheld, as the project would be grandfathered into the previous stormwater standard, in accordance with Fairfax County Code §124-1-12. Should construction commence after June 30, 2019, the permitting process under the Virginia Stormwater Management Program would consider synthetic turf fields as impervious surfaces, resulting in impervious surface calculations that would vary from what is presented in this environmental assessment.

Virginia State Historic Preservation Office (SHPO) as part of Section 106 consultation, prior to the signing of a decision document for this EA.

#### **RATIONALE FOR DECISION**

The NPS selected Alternative 4, Land Exchange with Mid-Level Development at Langley Fork Park by FCPA, because it best balances the ability of FCPA and NPS to achieve the project's purpose and need with the preservation of archeological sites and elements contributing to the George Washington Memorial Parkway Historic District at Langley Fork Park.

The FCPA ownership of Langley Fork Park will allow FCPA to facilitate site improvement and expand the current recreational facilities to help meet the local need for athletic fields and to improve the management of the athletic fields at Langley Fork Park more generally. The construction of new athletic fields in the southern portion of the park, trail enhancements, a pavilion, and expanded parking will enhance visitor experience through improved, increased, and diversified recreation opportunities, and improved circulation, accessibility, and functionality throughout the park.

The exchange of park properties between NPS and FCPA will enable NPS to manage Langley Oaks Park in its natural condition and to enhance protection of this park as open space, consistent with the mission of NPS and the George Washington Memorial Parkway. The addition of Langley Oaks Park to the George Washington Memorial Parkway will be significant in its contributions to the increased protection of wildlife and wildlife habitat, soils, and vegetation within the Potomac Gorge.

#### **ALTERNATIVES CONSIDERED**

The EA provides an overview of the proposed project and analyzes four alternatives and their impacts on the environment: Alternative 1, No Action (page 11 of the EA); Alternative 2, Land Exchange with Minimal Development at Langley Fork Park by FCPA (page 13 of the EA); Alternative 3, Land Exchange with More Extensive Development at Langley Fork Park by FCPA (page 16 of the EA); and Alternative 4, Land Exchange with Mid-Level Development at Langley Fork Park by FCPA (page 18 of the EA).

#### **MITIGATION MEASURES**

The selected alternative incorporates the mitigation measures listed in "Appendix A: Mitigation Measures" in this FONSI.

#### **FINDING OF NO SIGNIFICANT IMPACT**

As documented in the EA, the selected alternative has the potential for adverse impacts on soils, vegetation, wildlife and wildlife habitat, historic structures and districts, archeological resources, visitor use and experience, neighboring properties, and traffic and transportation; however, NPS has determined that the selected alternative can be implemented without significant adverse effects, as defined in 40 CFR 1508.27.

Under the selected alternative, construction activities, clearing of up to 2.5 acres, of which 0.6 acre will be replanted, and an increase of up to approximately 0.2 acre in impervious surface for new facilities at Langley Fork Park will have adverse impacts to soils and sediment. FCPA will comply with all applicable Virginia soil and erosion criteria, techniques, policies, and best management practices during construction to avoid and minimize potential impacts. Areas of exposed or compacted soil will be reseeded to restore soil functions and prevent long-term erosion.

The selected alternative will have adverse impacts to vegetation through land clearing, new development including the addition of synthetic turf, and modification of facilities at Langley Fork Park.

Approximately 2.5 acres of land will be cleared for development. Approximately 0.6 acre will be reforested within Langley Fork Park with native tree species. The remaining 1.9 acres will be replanted elsewhere within the Fairfax County portion of the George Washington Memorial Parkway as mitigation for impacts to the George Washington Memorial Parkway Historic District, of which the tree canopy is a contributing resource. Impervious surfaces will increase by approximately 0.2 acre to accommodate additional parking areas. Clearing and removal of vegetation will extend only as far as necessary to accommodate construction. Following construction, disturbed areas adjacent to new development will be seeded with a native seed mix for stabilization, and additional native trees and shrubs may be planted. Impacts will not be significant because of the localized nature of impacts, the relatively small-scale nature of additional disturbance, and planned mitigation measures.

The selected alternative will adversely impact wildlife and wildlife habitat at Langley Fork Park temporarily during construction, and permanently through land clearing, new development including the addition of synthetic turf, and facility modification. At Langley Fork Park, the selected alternative will result in 2.5 acres of additional land disturbance, the majority of which is Successional Tuliptree Forest, which serves as potential wildlife habitat. There will be permanent clearing in the areas around and adjacent to existing playing fields, in areas that are already fragmented and have relatively poor habitat quality. FCPA will replant 0.6 acre of trees within Langley Fork Park, resulting in a net loss tree loss of 1.9 acres. There could be some potential impacts to wildlife resulting from the increase of noise and light pollution from the use of newly constructed recreation facilities. Additionally, there is extensive habitat available to wildlife in adjacent forest for species avoiding increased light and noise. Lastly, trees will be replanted as mitigation for impacts to the George Washington Memorial Parkway Historic District, of which the tree canopy is a contributing resource, as described in the previous paragraph.

The selected alternative will adversely impact historic districts. The installation of field lighting adjacent to the Langley Fork Historic District, in areas of the park outside of the Langley Fork Historic Overlay District, will result in a minimal level of visual intrusion to the district. Additionally, the selected alternative will slightly alter the setting of Georgetown Pike through a new trail connection in the southwest corner of the park. The proposed development under the selected alternative will occur a sufficient distance from both the Langley Fork Historic District and Georgetown Pike that there will not be significant impacts on these resources. Furthermore, the historic character of the Georgetown Pike will not be altered substantially from present conditions.

The selected alternative will have an adverse impact on historic properties as a result of the transfer of a portion of the George Washington Memorial Parkway Historic District out of federal ownership, with planned development that includes the loss of a portion of the woodlands at Langley Fork Park that contribute to the George Washington Memorial Parkway Historic District. Avoidance, minimization, and mitigation measures developed through consultation in compliance with Section 106 of the National Historic Preservation Act, as detailed in "Appendix A: Mitigation Measures" in this FONSI, will help avoid and minimize impacts to these resources. Deed restrictions for Langley Fork Park will protect forested land outside the development area from future removal, including a minimum 250-foot wide forested buffer along the northern boundary of the park. Adverse impacts will be mitigated by one or more of the following measures: historical interpretation within Langley Fork Park and/or the development of web-based resources; tree replacement plantings; historical and archeological research pertinent to Langley Fork Park, Langley Oaks Park, and/or the George Washington Memorial Parkway; and other similar strategies.

The selected alternative will not impact archeological resources. Deed restrictions, included as part of the transfer of Langley Fork Park out of federal ownership, will provide protection for all archeological resources at Langley Fork Park.



The selected alternative will adversely impact visitor use at Langley Fork Park. Access restrictions and the closure of portions of the park will occur during construction. Impacts will not be significant because access restrictions and closures will be temporary, and scheduling construction activities outside of peak visitor use periods will reduce potential impacts.

The selected alternative will adversely impact neighboring properties. During construction, there will be increased traffic, noise, equipment emissions, and fugitive dust. These impacts will be largely avoided and minimized by implementing construction best practices and limiting construction activities to daytime hours, when many nearby residents would not be home. Over the long term, new lighting additions and increased traffic and noise will result in adverse impacts to neighboring properties at Langley Fork Park. Impacts to neighboring properties from construction will not be significant because they will be temporary, and construction will occur during the day. Adverse impacts to neighboring properties from new light sources will not be significant because additional lighting will be concentrated on the eastern side of the park, adjacent to non-residential, federal properties. Additionally, park lighting will be turned off no later than 11:00 p.m. nightly, limiting the hours during which increased lighting levels could impact neighboring properties. Noise impacts to neighboring properties will not be significant because increased noise levels will only be detectable to properties directly adjacent to the park, and because any increase in ambient noise levels will not occur during the overnight hours. Lastly, increases in traffic will not greatly impact neighboring properties because increased traffic levels will only be perceptible during certain times of day and will be minor compared to overall traffic volumes.

The selected alternative will result in adverse impacts to traffic and transportation in the vicinity of Langley Fork Park due to increased trips generated from increased visitor use, including the addition of up to 57 new parking spaces. Increased delays during peak evening traffic hours will be most noticeable on approaching and departing eastbound trips. Specific transportation infrastructure improvements will be developed and implemented after the master plan for the park is approved.

In summary, the selected action will not have a significant effect on the natural or human environment. There will be no significant impacts on public health, public safety, special-status species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

## CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Recommended:



Blanca Alvarez Stransky  
Acting Superintendent  
George Washington Memorial Parkway  
National Capital Region

11/13/18

Date

Approved:



Lisa A. Mendelson-Ielmini  
Acting Regional Director  
National Capital Region

11/14/2018

Date

## **LIST OF APPENDICES**

Appendix A: Mitigation Measures

Appendix B: Non-impairment Determination

Appendix C: Response to Public Comment

Appendix D: Errata

Appendix E: Memorandum of Agreement

## **APPENDIX A: MITIGATION MEASURES**

The National Park Service (NPS) places a 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. NPS 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.

### **SOILS**

Best management practices in accordance with the Virginia Erosion and Sediment Control Regulations, such as silt fencing and sediment traps, will be used to prevent and control soil erosion and sedimentation during construction of the proposed enhancements. Soils disturbed within the proposed construction areas, but outside of athletic fields that would use synthetic turf, will be actively reseeded to stabilize the soil, repair compaction, or improve soil productivity.

### **VEGETATION**

To mitigate tree clearing impacts from the selected alternative, FCPA will adhere to the county's development guidelines, which will require FCPA to retain 30% of the 10-year tree canopy and the county will extend the limits of clearing and grading only as far as necessary to accommodate construction. In addition to the 0.6 acre replanted within Langley Fork Park as part of the selected alternative, 1.9 acres will be replanted within the Fairfax County portion of the George Washington Memorial Parkway as mitigation for impacts to the George Washington Memorial Parkway Historic District, of which the tree canopy is a contributing resource.

### **WILDLIFE AND WILDLIFE HABITAT**

FCPA will accomplish all necessary and required consultation with the US Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries, and will adhere to any restrictions these agencies require to protect wildlife within Langley Fork Park. Clearing will be conducted outside the breeding season for migratory birds, generally April through August, to the extent practicable. Pre-construction surveys will be conducted for migratory bird nests. No vegetation clearing will be conducted in identified nesting areas until the young have fledged or bats have returned to their hibernacula.

### **CULTURAL RESOURCES, INCLUDING HISTORIC STRUCTURES AND DISTRICTS, AND ARCHAEOLOGICAL RESOURCES**

Impacts to cultural resources can arise from the transfer of land out of federal ownership itself, and from the future development of recreational facilities at Langley Fork Park. FCPA and NPS are consulting with the Virginia SHPO to develop avoidance, minimization, and mitigation measures for the project. All parties are in agreement that the land exchange will include deed restrictions that include limits of disturbance at Langley Fork Park. These restrictions will protect archeological resources and forest stands. FCPA has agreed to mitigate this loss of forest, which constitutes an adverse impact on the George Washington Memorial Parkway Historic District, by planting new trees on NPS lands within the George Washington Memorial Parkway in Fairfax County. Details on the deed restrictions and tree planting are provided in "Appendix E: Memorandum of Agreement" in this FONSI. In addition, the agreement will include requirements to maintain the northwestern athletic field in its current state as a natural turf athletic field, thereby avoiding impacts to Site 44FX3643. A memorandum of agreement for the project will include measures for site protection during construction to protect sites from temporary impacts such as staging, storage, and utility test-pit excavation.

Langley Fork Park will remain within the George Washington Memorial Parkway Historic District; as such FCPA will adhere to Fairfax County's cultural resource guidelines and the requirements of the National Historic Preservation Act. In addition, FCPA will adhere to restrictions in Fairfax County's Langley Fork Historic Overlay District, which protects the adjacent Langley Fork Historic District.

### **VISITOR USE AND EXPERIENCE**

During the construction period, FCPA will implement mitigation measures to ensure the enjoyment and safety of visitors. These measures include the following:

- Conduct all construction activities during daylight hours to avoid light and noise impacts to park neighbors.
- Avoid construction during peak visitor use periods (i.e., weekends and holidays).
- Close the park or portions of the park during construction.
- Place construction fencing at the intersections of construction areas and anywhere else visible to visitors to discourage entry into a construction site.
- Coordinate construction activities to ensure the safety of park visitors, workers, and park personnel.

### **TRAFFIC AND TRANSPORTATION**

FCPA will work with the Virginia Department of Transportation and the Fairfax County Department of Transportation to identify and implement formal mitigation measures and infrastructure improvements, as may be required, to mitigate the potential for increased impacts from delays and increased congestion to the transportation network



## **APPENDIX B: NON-IMPAIRMENT DETERMINATION**

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the US Department of the Interior and NPS to manage units “to conserve the scenery and the natural and historic objects and wild life 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” (54 United States Code [USC] 100101). 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” (54 USC 100101).

*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.

NPS has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (*NPS Management Policies 2006*, Section 1.4.3). However, NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (Section 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” (Section 1.4.5). To determine impairment, 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” (Section 1.4.5).

### **SOILS**

The selected alternative will not impair soil within the George Washington Memorial Parkway because it will limit impacts on soils at Langley Fork Park by defining limits of disturbance. Soils at Langley Oaks Park will not be disturbed.

### **VEGETATION**

Vegetation is a defining resource in the Potomac Gorge. Part of the significance of the George Washington Memorial Parkway is to protect the landscape and natural shorelines of the Potomac Gorge, one of the most biologically diverse natural areas in the national park system.

The selected alternative will not impair vegetation at Langley Fork Park or Langley Oaks Park. After the exchange, Langley Oaks Park will be part of the George Washington Memorial Parkway, where vegetation will remain preserved and protected under federal ownership, consistent with the purpose and significance of the park. Because there will be no disruption to vegetation at Langley Oaks Park, no impairment to vegetation will occur.

The area of impacts to vegetation under the selected alternative is small relative to the overall size of the both Langley Fork Park and the larger George Washington Memorial Parkway. Because impacts will be localized, and because of the relatively small addition of approximately 0.3 acre of impervious surface to the existing footprint of the park, and due to the size of the George Washington Memorial Parkway, no impairment to vegetation will occur.

## **WILDLIFE AND WILDLIFE HABITAT**

The selected alternative will not impair wildlife at Langley Fork Park or Langley Oaks Park. After the exchange, Langley Oaks Park will be part of the George Washington Memorial Parkway, where wildlife and wildlife habitat will remain preserved and protected under federal ownership, consistent with the purpose and significance of the park. There will be no disruption to wildlife, wildlife habitat, or vegetation at Langley Oaks Park, and these resources may be improved in the long term, with potential beneficial impacts on migratory birds; therefore, no impairment will occur.

At Langley Fork Park, the selected alternative will result in a loss of 2.59 acres of additional land disturbance, the majority of which is Successional Tuliptree Forest, a potential wildlife habitat, from the construction and modification of facilities. Compliance with the county's development guidelines will extend the limits of clearing and grading only as far as necessary to accommodate construction. FCPA will consult with USFWS prior to the start of construction, during which it is anticipated that most species will avoid the park. Best management practices will be employed, including conducting modification activities outside of active nesting, roosting, and breeding seasons. Due to the relatively poor quality of existing habitat, impacts from clearing to wildlife and wildlife habitat are anticipated to be limited. However, all disturbed areas will be reseeded, as possible, with a native seed mix for stabilization with the potential for additional native trees and shrubs to be planted, to allow for potential habitat recovery in the long term. Impacts from increased noise and light pollution from the use of newly constructed facilities may occur, but these impacts are anticipated to be minor. Because impacts will result in largely temporary disturbances of habitat during construction, which will be avoided and minimized by best practices such as seasonal work restrictions, the selected alternative will not result in impairment in either Langley Fork Park, or the George Washington Memorial Parkway.

## **HISTORIC STRUCTURES AND DISTRICTS**

Part of the significance of the park is to serve as a landscaped, park-like roadway corridor that protects riverfront lands, and to protect the landscape and natural shorelines of the Potomac Gorge. Implementing the selected alternative is not anticipated to impair resources or values that are essential to the purposes identified in the establishing legislation of the park, key to the natural or cultural integrity of the park, or identified as significant in the park's relevant planning documents.

Langley Fork Park is located within the Fairfax County Langley Fork Historic Overlay District, and George Washington Memorial Parkway Historic District, and is adjacent to the Langley Fork Historic District and Georgetown Pike. The selected alternative will have minor impacts on the Langley Fork Historic Overlay District and the setting of Georgetown Pike, due to new lighting and construction of a trail within the park. However, as described above, none of the impacts will be significant, as lighting will be placed with sufficient distance from historic districts and trail improvements will not substantially alter the character of the Georgetown Pike roadway.

Clearing of forested areas and reconfiguration of the athletic fields and parking at Langley Fork Park will have adverse impacts to George Washington Memorial Parkway Historic District. However, mitigation measures in compliance with Section 106 of the National Historic Preservation Act will be employed and will resolve any short-term or long-term adverse effect. None of the impacts will

alter the eligibility for listing of any of the historic resources in the National Register of Historic Places. Because adverse impacts on historic districts will be limited in nature and the actions taken will provide long-term protection of key resources, the selected alternative will not result in impairment of historic structures and districts in either Langley Fork Park or the George Washington Memorial Parkway.

## **SUMMARY**

NPS has determined that the implementation of the selected alternative (Alternative 4) will not constitute an impairment of the resources or values of the parks. As described above, implementing the selected alternative is not anticipated to impair resources or values that are essential to the purposes identified in the establishing legislation of the park, key to the natural or cultural integrity of the park, or identified as significant in the park's relevant planning documents. This conclusion is based on the consideration of the purpose and significance of the park, a thorough analysis of the environmental impacts described in the EA, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the *NPS Management Policies 2006*).

## APPENDIX C: RESPONSE TO PUBLIC COMMENT

### AL7000 – ISSUES CONSIDERED BUT DISMISSED

**CONCERN STATEMENT:** (Concern ID: 52945) One commenter stated that a federally listed endangered species, the rusty patched bumblebee (*Bombus affinis*), has been documented within 2 miles of the project area. The commenter recommended the implementation of US Fish and Wildlife Service's voluntary measures, including avoiding pesticides and herbicides and planting native flowers to support pollinator habitat. In addition, the commenter noted that the proposed project site is within 2 miles of Pimmit Run, which is designated by the Virginia Department of Game and Inland Fisheries as a "threatened and endangered species water" for the wood turtle (*Glyptemys insculpta*). The commenter recommended coordination with Virginia's regulatory authority for the management and protection of these species.

**Response:** Both the Virginia Department of Game and Inland Fisheries and the United States Fish and Wildlife Service will be invited to provide input and suggestions regarding measures to protect and enhance habitat for the rusty patched bumblebee and the wood turtle at Langley Fork Park. Fairfax County Park Authority will use this information to inform future planning and design at the park.

**Representative Quote:** According to information currently in our files, the Rusty patched bumble bee (*Bombus affinis*, G1/S1/LE/NL) has been historically documented within two miles of the project area. The Rusty patched bumble bee is listed as endangered under the Endangered Species Act by U.S. Fish and Wildlife Service (USFWS) effective March 21, 2017. Since the late 1990s, the Rusty patched bumble bee has declined throughout its historical range including Virginia and is anticipated to be extinct in all ecoregions by 2030. Threats to the Rusty patched bumble bee include disease, pesticides, climate change, habitat loss and small population dynamics. DCR recommends the implementation of the following USFWS voluntary measures for the conservation of the Rusty patched bumble bee: avoid pesticide use, avoid herbicide use, and plant native flowers that bloom throughout the spring and summer to support pollinator habitat.

**Representative Quote:** This project is located within 2 miles of a documented occurrence of a state listed animal and Pimmit Run, which has been designated by the VDGIF as a "Threatened and Endangered Species Water" for the Wood turtle. Therefore, DCR recommends coordination with Virginia's regulatory authority for the management and protection of these species, the VDGIF, to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 - 570).

### CC1000 – CONSULTATION AND COORDINATION: GENERAL COMMENTS

**CONCERN STATEMENT:** (Concern ID: 52946) The Fairfax County Architectural Review Board asked to be a consulting party in the review of the proposal.

**Response:** The Fairfax County Architectural Review Board will be part of the development review process at Langley Fork Park in its capacity to oversee and administer Fairfax County regulations in the Langley Fork Historic Overlay District.

**Representative Quote:** The Fairfax County Architectural Review Board would like to request to be a consulting party in the Review for this proposal.



## **IM1100 – IMPACT TOPIC - VEGETATION**

**CONCERN STATEMENT:** (Concern ID: 52944) One commenter requested that the project team examine ways to limit disturbing existing landscaping along the western and southern boundaries of Langley Fork Park.

**Response:** The existing landscape along the western boundary of Langley Fork Park will not be disturbed, and no vegetation will be removed. Along the southern boundary of Langley Fork Park adjacent to Georgetown Pike, development will conform to Fairfax County’s requirements for transitional screening.

**Representative Quote:** Please examine ways to limit the disturbance of existing landscaping along the western and southern (along Georgetown Pike) boundaries of the Langley Fork Park.

## **IM1500 – IMPACT TOPIC - NEIGHBORING COMMUNITIES**

**CONCERN STATEMENT:** (Concern ID: 52944) One commenter requested information on the impacts of the proposed lighting on the homes across Georgetown Pike.

**Response:** Fairfax County Park Authority will use up-to-date lighting technology with advanced spillover control for new lighting at Langley Fork Park’s athletic fields. In accordance with Fairfax County’s Outdoor Lighting Standards, the Fairfax County Park Authority will submit a Sports Illumination Plan for review and approval prior to implementing any improvements at Langley Fork Park.

**Representative Quote:** Because of the proximity to our Dunaway residents, we want to know about the proposed lighting and how it will not adversely affect the homes across Georgetown Pike.

**CONCERN STATEMENT:** (Concern ID: 52945) One commenter requested information on the potential for noise from athletic night games on the homes across Georgetown Pike. The commenter specifically asked when games would be over in the evening.

**Response:** In accordance with Fairfax County policy, activities will not be scheduled later than 11 p.m. at lighted facilities within Langley Fork Park; unlighted facilities will be closed at dusk.

**Representative Quote:** Since there will undoubtedly be night games, when will the games be over in the evening? Our residents would like to know what the latest time of any game might be. They are concerned with the noise factor going late into the night.

**CONCERN STATEMENT:** (Concern ID: 52945) One commenter requested the team examine ways to visually screen the proposed parking area from Georgetown Pike and the residential dwellings to the west of Langley Fork Park.

**Response:** Existing landscape along the western boundary of Langley Fork Park will not be disturbed, and no vegetation will be removed. Changes along Georgetown Pike will conform with Fairfax County’s requirements for transitional screening. Details on landscape screening at Langley Fork Park will be explored fully with the community through the master planning process.

**Representative Quote:** Please examine ways to effectively screen the proposed parking area from Georgetown Pike and the residential dwellings to the west.



## **IM1600 – IMPACT TOPIC - TRAFFIC AND TRANSPORTATION**

**CONCERN STATEMENT:** (Concern ID: 52945) One commenter questioned if a traffic study had been completed to show the impact that new park facilities would have on Georgetown Pike.

**Response:** A full assessment of traffic impacts is not possible until a development program is further defined. Fairfax County Park Authority will consult with the Virginia Department of Transportation and the Fairfax County Department of Transportation on appropriate mitigation measures prior to any changes at Langley Fork Park. The Fairfax County Department of Transportation will review the final site plan for the park and provide required mitigation measures. Traffic impacts under the selected alternative would be less intense than those described for alternative 3, for which the potential mitigation measures described in the environmental assessment were developed.

**Representative Quote:** Finally, has there been a traffic study done to show the impact this new park facility will have on Georgetown Pike?

## APPENDIX D: ERRATA

### Langley Fork Park and Langley Oaks Park Land Exchange Environmental Assessment George Washington Memorial Parkway Virginia

The following changes have been made to the Langley Fork Park and Langley Oaks Park Land Exchange Environmental Assessment (April 2018) to correct minor statements of fact and update information. Additions to the text are identified by *red, italicized text* and deletions are marked by strikeout unless otherwise noted. These revisions do not change the outcome of the impact analysis, nor do they affect the final decision documented in the FONSI.

- i While NPS issued a special use permit to FCPA in 1981, the current facilities were not constructed until 1986. Text changed to:  
“Current facilities, constructed in ~~1981~~ *1986*, are degrading...”
- Page 16 Correct the total amount of potential forest clearing under alternative 3 to address an arithmetical error. Text changed to:  
The developed area would increase from the current 14.5 acres to 26.8 acres not all of which is forested. As a result, up to ~~11.9~~ *12.3* acres of forested area could be cleared to make way for development.
- Page 16 Correct the net tree loss under Alternative 3. Text changed to:  
“The net tree loss at Langley Fork Park under Alternative 3 would total ~~5.9~~ *6.3* acres”
- Page 21 Under Mitigations, Park Neighbors and Transportation header changed to be consistent with impact topic description. Text changed to:  
~~**Park Neighbors and Transportation**~~ ***Neighboring Properties***
- Page 21 Under Mitigations, Park Neighbors and Transportation, mitigation description revised to be consistent with the description of impacts on neighboring properties in chapter 4. Text changed to:  
~~At the time of site development, FCPA would coordinate with the Virginia Department of Transportation and the Fairfax County Department of Transportation to identify appropriate transportation improvements to mitigate traffic impacts of the proposed development.~~  
*For mitigations pertaining to neighboring properties, please refer to the mitigations described for cultural resources, visitor use, and traffic and transportation.*

- Page 24                      Correct the acreage of land clearing under alternative 3. Text changed to:  
Alternative 3 would result in indirect impacts on vegetation through potential land clearing (up to ~~11.5~~ *12.3* acres)...”
- Page 54                      Correct the total amount of developed/disturbed area and the acreage impervious surfaces under alternative 2 to be consistent with the description on page 14. Text changed to:  
“Redevelopment and improvements would result in some additional developed area and impervious surface for a total of ~~15.1~~ *15.4* developed acres *and 2.3 acres of impervious surface*, which would increase total development by 1 acre and *increase impervious surfaces by 0.3 acres. 2.0 impervious acres, an increase in 0.1 acres of impervious surface.*”
- Page 55                      Correct the total amount of developed/disturbed area under alternative 3 to be consistent with the description on page 16. Text changed to:  
“Overall, redevelopment and improvements would result in a total of ~~26.1~~ *26.8* developed acres...”
- Page 56                      Correct the total amount of developed/disturbed area and impervious surface under alternative 4 to be consistent with the description on page 18. Text changed to:  
“Overall, redevelopment and improvements would result in a total of ~~15.6~~ *17* developed acres...”
- Page 58                      Correct the total amount of developed/disturbed area and the acreage of additional development under alternative 2 to be consistent with the description on page 14. Text changed to:  
“FCPA would modify recreation facilities in Langley Fork Park within the general footprint of the existing facilities resulting in a slight increase from the current approximately 14.5 acres to ~~15.1~~ *15.5* acres of developed area....The actions proposed under Alternative 2 would result in a net loss of ~~0.65~~ *1* acres of undeveloped land...”
- Page 59                      Correct the total amount of additional land clearing under alternative 3 to be consistent with the description on page 16. Text changed to:  
“Development could include clearing of additional lands, including ~~11.5~~ *12.3* acres of Successional Tuliptree Forest in the northeast corner of the park ... ”
- Page 59                      Correct the total amount of developed/disturbed area, net tree loss, and impervious surfaces under alternative 3 to be consistent with the description on page 16. Text changed to:  
“New development and modification of existing facilities would increase the footprint from the current area of approximately 14.5 acres to approximately ~~26.1~~ *26.8* acres...”



	<p>26.8 acres and expand the parking lot area from 2.0 acres to <del>3.1</del> 3.2 acres. The actions proposed under Alternative 3 would result in a net loss of <del>12.6</del> 6.3 acres of undeveloped land and a 1.1-acre increase in impervious surface.”</p>
Page 59	<p>Clarify the beneficial impacts under alternative 3 resulting from reforestation along the edge of Langley Fork Park. Text changed to:</p> <p>“However, the reforestation <del>to</del> of approximately 2 acres <i>in the northwest corner of the park</i>, adjacent to other forested areas, and <i>the completion of a</i> 250-foot wide forested buffer <i>along the park’s northern and western boundaries</i> would result in some long-term benefits.”</p>
Page 60	<p>Correct the net loss of undeveloped land under alternative 4 to be consistent with the description on page 18. Text changed to:</p> <p><del>“Similar to Alternative 2, t</del>The actions proposed of under Alternative 4 would result in a net loss of <del>0.65</del> 1.9 acres of undeveloped land adjacent to the currently developed area...”</p> <p>“The actions proposed under Alternative 4 would result in a net loss of <del>0.65</del> 1.9 acres of undeveloped land and a 0.3 -acre increase in impervious surface ...”</p>
Page 61	<p>Correct the total development footprint under alternative 2 to be consistent with the description on page 14. Text changed to:</p> <p>FCPA would modify recreation facilities in Langley Fork Park within the general footprint of the existing facilities resulting in a slight increase from the current approximately 14.5 acres to <del>15.4</del> 15.5 acres.</p>
Page 62	<p>Correct the total amount of developed/disturbed area and impervious surfaces under alternative 3 to be consistent with the description on page 16. Text changed to:</p> <p>“New development and modification of existing facilities would increase the footprint from approximately 14.5 acres to <del>26.08</del> 26.8 acres and expand the parking lot area from 1.95 acres to <del>3.08</del> 3.2 acres.”</p>
Page 62	<p>Correct and clarify the loss of undeveloped land under alternative 3 to be consistent with the description on page 16, and to clarify the composition of the affected habitat. Text changed to:</p> <p>“The actions proposed under Alternative 3 would result in a <del>net</del> loss of <i>up to 12.63</i> 12.3 acres of undeveloped land <del>including 11.5 acres consisting primarily</del> of Successional Tuliptree Forest which serve as potential wildlife habitat, resulting in long-term, adverse impacts.”</p>
Page 64	<p>Correct the net acreage loss to vegetation under alternative 4 to be consistent with the description on page 18. This correction also clarifies that rather than a 0.65 acre portion, this vegetation loss is primarily Successional Tuliptree Forest. Text changed to:</p> <p>“New development and modification of existing facilities would increase the footprint from approximately 14.5 acres to <del>15.6</del> 17 acres and expand the parking lot area from 1.95 acres to 2.30 acres. The actions proposed under Alternative 4 would result in a net loss of <del>1.1</del> 1.9 acres of undeveloped land <del>including 0.65 acres</del></p>

*consisting primarily* of Successional Tuliptree Forest which serve as a potential wildlife habitat.”

Page 68

Correct the total amount of potential forest clearing under alternative 3 to address an arithmetical error. Text changed to:

“However, with the loss of ~~11.5~~ 12.3 acres of forested lands at Langley Fork Park (a contributing element to the George Washington Memorial Parkway Historic District), there would be a long-term moderate adverse impact on the historic district.”

Page 83

Correct a type that mistakenly refers to alternative 3 for the analysis of impacts under alternative 4. Text changed to:

“The extent of impacts of ~~alternative 3~~ alternative 4 would be further analyzed after the master plan...”

Page 83

Correct the number of additional parking spaces under alternative 4 to be consistent with the description on page 18. The assessment of transportation impacts is based on the additional vehicular traffic resulting from the addition of athletic fields and other amenities rather than the amount of parking provided at the park; therefore, this correction does not affect the impacts under alternative 4. Text changed to:

“Alternative would add approximately ~~210~~ 57 parking spaces.”



## **APPENDIX E: MEMORANDUM OF AGREEMENT**

**MEMORANDUM OF AGREEMENT**  
**AMONG THE NATIONAL PARK SERVICE,**  
**THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE**  
**AND THE FAIRFAX COUNTY PARK AUTHORITY**  
**REGARDING**  
**THE LANGLEY FORK PARK and LANGLEY OAKS PARK LAND EXCHANGE**

WHEREAS, the George Washington Memorial Parkway was established pursuant to what is known as the Capper-Cramton Act, Public Law 71-284, 46 Stat. 482, (May 29, 1930), and became a unit of the national park system pursuant to Executive Order 6166 of June 10, 1933 (taking effect August 10, 1933), and the George Washington Memorial Parkway (hereinafter GWMP) is administered by the National Park Service (hereinafter NPS); and

WHEREAS, the NPS is charged in its administration of the units of the NPS System to meet the directives of other laws, regulations, and policies including the NPS Organic Act as codified in Title 54 United States Code (USC) 100101(a) to "conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations"; and

WHEREAS, the GWMP is a nationally significant historic property in Virginia, Maryland, and the District of Columbia entered into the National Register of Historic Places (hereinafter "NRHP") on June 2, 1995 as a historic district for its commemorative, design, and scenic qualities, and the 25 mile long parkway segment along the Potomac River west shore and 6.8 mile long segment along the Potomac River east shore and their settings are important landscape features that contribute to the significance of the GWMP; and

WHEREAS, Langley Fork Park (hereinafter "Langley Fork") is an approximately 52 acre NPS property located within the GWMP; and

WHEREAS, Langley Fork is currently operated and maintained for recreational purposes by the Fairfax County Park Authority (hereinafter FCPA) under an NPS Park Special Use Permit; and

WHEREAS, Langley Oaks Park (hereinafter "Langley Oaks") is approximately 102 acres of undeveloped park property that is owned by the FCPA; and

WHEREAS, the NPS and the FCPA propose to exchange the NPS-owned Langley Fork with the FCPA-owned Langley Oaks so that the FCPA can facilitate the improvement of existing and development of new recreational facilities (hereinafter "Recreational Facilities") within Langley Fork; and

WHEREAS, a Preferred Alternative (#4 Mid-level Development) was identified in the Environmental Assessment (hereinafter “EA”) (Attachment A) that was prepared pursuant to the National Environmental Policy Act (hereinafter “NEPA”) as codified as 42 USC 4321, et seq.; and

WHEREAS, the NPS has determined that the proposed transfer of Langley Fork to the FCPA for the implementation of the Preferred Alternative is an undertaking (hereinafter “Preferred Alternative”) subject to Section 106 of the National Historic Preservation Act of 1966, as amended, (codified as 54 USC 300101, et seq.) and its implementing regulations at 36 CFR Part 800, as amended (hereinafter collectively referred to as “Section 106”); and

WHEREAS, the NPS in consultation with the SHPO has established the Area of Potential Effects (hereinafter “APE”), as shown in Attachment B for the Preferred Alternative Undertaking. The direct APE for the Preferred Alternative Undertaking is the 53-acre Langley Fork property and the indirect or visual APE is defined as the viewshed of all proposed visual changes and construction associated with the Preferred Alternative proposed Recreational Facilities; and

WHEREAS, the NPS , in consultation with the SHPO and the FCPA, has conducted efforts to identify historic properties of an archeological nature within the APE, as documented in the report (Katz, G., et al., *Archeological Survey and Evaluation of Langley Fork Park, George Washington Memorial Parkway, Fairfax County, Virginia*. 2015); and

WHEREAS, the NPS in consultation with the SHPO and the FCPA has determined that archeological sites including the Langley Fork Quartz Workshop District (consisting of Sites 44FX3635, 44FX3637, and 44FX3639) are eligible for inclusion in the National Register of Historic Places (hereinafter “NRHP”), and Sites 44FX3636, 44FX3642, 44FX3643 will be treated as historic for the purposes of this Agreement; and

WHEREAS, the NPS, in consultation with the SHPO and the FCPA, have identified other historic properties, including the GWMP Historic District (DHR ID #029-0466), the Langley Fork Historic District (DHR ID #029-0214) and the Georgetown Pike Historic District (DHR ID #029-0466); and

WHEREAS, the NPS, in consultation with the SHPO and FCPA, has determined that the Preferred Alternative Undertaking will have an adverse effect on GWMP from the removal of contributing vegetative features including tree canopy and understory which will physically damage the wooded buffer and will create views not compatible with the original design of GWMP; and

WHEREAS, the NPS, in consultation with the SHPO and FCPA, has determined that construction of Recreational Facilities associated with the Preferred Alternative would have no adverse effect on the Langley Fork Quartz Workshop District (Sites 44FX3635, 44FX3637,

44FX3639). The Preferred Alternative would have no effect on archeological Sites 44FX3636 and 44FX3642, and no adverse effect on Site 44FX3643; and

WHEREAS, in accordance with 36 CFR Part 800.6 (a)(1), the NPS has notified and provided documentation to the Advisory Council on Historic Preservation (hereinafter “ACHP”) regarding its adverse effect determination and intent to develop a Memorandum of Agreement (MOA) with the SHPO and did not anticipate the need for ACHP participation; and the ACHP has elected not to participate via communication with the NPS on September 19, 2018; and

WHEREAS, in accordance with 36 CFR Part 800.6 (2), the NPS has invited the FCPA to participate in consultation and to sign this Agreement as an invited Signatory and the FCPA has elected to sign the Agreement; and

WHEREAS pursuant to 36 CFR Part 800.2 (c) (2) (ii) (C), NPS invited the Catawba Indian Nation, Delaware Nation, and Pamunkey Indian Tribe to participate in government to government consultation and the tribes have not responded; and

WHEREAS, the NPS Staff has solicited and considered the views of the public using its Planning, Environment and Public Comment (hereinafter “PEPC”) apparatus and procedures pursuant to 40 CFR Part 1500.2 (d) and 40 CFR Part 1506.6

Now, THEREFORE, the NPS, the SHPO, and the FCPA agree that the Preferred Alternative shall be implemented in accordance with the following stipulations in order to take into account the effect of the Preferred Alternative Undertaking on historic properties.

### **STIPULATIONS**

The NPS, in cooperation with the FCPA, shall ensure that the following measures are carried out.

#### **I. LAND EXCHANGE FOR LANGLEY FORK PARK**

A. The FCPA shall convey the FCPA-owned approximately 102 acre Langley Oaks to the NPS

B. The NPS shall convey the NPS-owned approximately 52 acre Langley Fork to the FCPA

#### **II. TREATMENT OF GWMP HISTORIC DISTRICT**

The natural vegetation within Langley Fork Park corresponds most closely to a Successional Tuliptree Forest (Rich Type) in the northern and eastern portions of the park, and a Successional Mixed Deciduous Forest to the west. For the purpose of minimizing visual effects from the Preferred Alternative on the vegetative buffer which are contributing elements to the GWMP

Historic District (as shown in Attachment A), the NPS shall ensure that the following procedures are implemented by the FCPA:

- A. The FCPA will develop a mitigation plan (hereinafter “Plan”) for the loss of woodlands that includes evaluating all areas of vegetation to be removed from Langley Fork within two (2) years from the execution of this Agreement and prior to the transfer of land. The Plan will evaluate the number, type, size, age, and health of vegetation and include restoration and protection measures to be carried out.
- B. The Plan will be provided to NPS for review and approval, and to the SHPO for review and comment. The NPS and SHPO agree to provide comments within 30 calendar days after the date of receipt (hereinafter “Comment Period”). If no comments are received within the Comment Period, FCPA can assume that the non-responding party has no comments. The FCPA shall ensure that all comments received in writing within the Comment Period will be addressed in the final plan (hereinafter “Final Plan”). The FCPA shall provide the SHPO and the NPS a copy of the Final Plan in an agreed upon format.

The FCPA will implement the vegetative replacement as described in the approved Final Plan.

- C. The aforementioned land protection measures, and any additional measures deemed necessary, for Langley Fork will be written into the deed that transfers the property from NPS to FCPA, and the deed will include the prohibition of any further development or disturbance to the remaining tree canopy following implementation of the approved Final Plan.

The FCPA shall append the Final Plan and Deed Restriction to this Agreement once filed. The FCPA shall provide copies of these documents to the NPS and SHPO.

### **III. TREATMENT OF ARCHAEOLOGICAL RESOURCES**

Archeological resources in Langley Fork include one (1) archeological district determined eligible for listing in the NRHP, the Langley Fork Quartz Workshop District with its three (3) constituent sites (Sites 44FX3635, 44FX3637, and 44FX3639) and three (3) individual archaeological sites (Sites 44FX3636, 44FX3642, and 44FX3643) considered eligible for listing in the NRHP for the purposes of this Agreement.

- A. A deed restriction shall be placed on the six (6) archaeological sites (hereinafter “Restricted Areas”) listed above to protect them in perpetuity from future ground disturbing activities.
- B. The deed restriction for Site 44FX3643 (hereinafter “Restricted Site”) shall include provisions that allow for routine ground maintenance. A large portion of the Restricted Site lies within the western ballfield area as shown on Attachment B. The deed for the Restricted Site shall stipulate the following:



1. The FCPA shall not make any improvements to the Restricted Site within the western ballfield area that would disturb the soil beyond .50 feet in depth.
2. Routine ground maintenance such as aeration, disking, seed drilling, watering, and mowing may take place on what must remain turf fields.
3. Replacement with synthetic turf, improved lighting, and installation of irrigation systems will not be permitted.
4. The FCPA will notify the NPS of any proposed change and may not implement any change without approval from the NPS.

#### **IV. INTERPRETATION**

- A. Within two years of the land transfer, an interpretive wayside will be created by FCPA for review and approval by NPS and review by SHPO describing the land transfer and the general significance of the wooded landscape of the Potomac Gorge as contributing to the GWMP Historic District. It will also provide a description of the reservation of archeological sites related to the Native American prehistory and the agricultural history of the area.
- B. Within two years of the land transfer, a web article to be hosted on the NPS and FCPA web sites will be created by FCPA for review and approval by NPS and comment by the SHPO describing the land transfer and the general significance of the wooded landscape of the Potomac Gorge as contributing to the GWMP Historic District. It will also provide a description of the reservation of archeological sites related to the Native American prehistory and the agricultural history of the area.

#### **V. PROFESSIONAL QUALIFICATIONS**

All cultural resource work performed under the terms of this Agreement shall be carried out by or under the direct supervision of a professional who meets the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44739) in the appropriate discipline.

#### **VI. DISPUTE RESOLUTION**

- A. Should any Party to this Agreement object at any time to any actions proposed, or the manner in which the terms of this Agreement are implemented, the NPS, the SHPO, and the FCPA, shall consult with the objecting Party(s) to resolve the objection. If the NPS determines that such objection(s) cannot be resolved through this consultation, the NPS will:
  1. Forward all documentation relevant to the dispute to the ACHP and the other Parties of the dispute in accordance with 36 CFR Part 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise the GWMP on the resolution of the objection within 30 days from date of receipt (hereinafter "Dispute Period"). Any comment provided by the ACHP, and all comments from the Parties to the

Agreement, will be taken into account by the NPS in reaching a final decision regarding the dispute.

2. If the ACHP does not provide comments within the Dispute Period, the NPS may render a decision regarding the dispute. In reaching its decision, the NPS will take into account all comments regarding the dispute from the Parties to the Agreement.
- B. The NPS's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged. The NPS will notify all Parties of its decision in writing prior to implementation of the portion of the Undertaking that is subject to dispute under this stipulation. The NPS's decision will be final.
- C. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or the effect of the Undertaking on historic properties be raised by a member of the public, the NPS shall notify the other consulting Parties to this agreement and, should the objector so request, with any of the Parties to the Agreement and consult with the objector to resolve the objection.

## **VII. ANTI-DEFICIENCY ACT**

The NPS's obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The NPS shall make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the NPS's ability to implement the stipulations of this Agreement, the NPS shall consult in accordance with the amendment and termination procedures found later in this Agreement.

## **VIII. TERMINATION**

- A. If any Party to this Agreement determines that its terms will not or cannot be carried out, that Party shall immediately consult with the other Parties to attempt to develop an amendment per Stipulation IX. If within 30 calendar days after consultation (or another time period agreed to by all Parties) an amendment cannot be reached, any Party may terminate the Agreement upon written notification to the other Parties
- B. Should the Agreement be terminated, the NPS shall either consult in accordance with 36 CFR Part 800.14(b) to develop a new Agreement or comply with 36 CFR Part 800 for individual undertakings.

## **IX. ANNUAL REPORT**

- A. On or before January 31 of each year following the execution of this Agreement, the NPS shall prepare and provide to all Parties of this Agreement an annual report addressing, at a minimum, the following topics:

1. a general summary of how this Agreement has been accomplished during the preceding year;
  2. the GWMP's NPS's assessment of the effectiveness of this Agreement;
  3. any recommendations the NPS may have for improving the Agreement.
- B. The SHPO shall have the opportunity to review the annual report within thirty (30) calendar days of its receipt and to provide comments to the NPS. Any objections to the handling of specific details of the Preferred Alternative Undertaking or the way the Agreement is implemented may be assessed using the process outlined in Stipulation VIII. The NPS shall make the annual report available to the public on its Planning, Environment and Public Comment website.

## **X. AMENDMENTS**

This Agreement may be amended when such an amendment is agreed to in writing by all Parties. The amendment will be effective on the day the copy is signed by all the Parties and is filed with the ACHP.

## **XI. DURATION**

This Agreement will terminate ten (10) years from the date of its execution. Twelve (12) months prior to such time, the NPS may consult with the other Parties to reconsider the terms of the Agreement and amend the Agreement.

EXECUTION of this Agreement by the NPS, FCPA, and SHPO, and implementation of its terms, is evidence that the NPS has taken into account the effects of the Preferred Alternative Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MEMORANDUM OF AGREEMENT**  
**AMONG THE NATIONAL PARK SERVICE,**  
**THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE**  
**AND THE FAIRFAX COUNTY PARK AUTHORITY**  
**REGARDING**  
**THE LANGLEY FORK PARK and LANGLEY OAKS PARK LAND EXCHANGE**

**SIGNATORY**

National Park Service

 \_\_\_\_\_ Date: 9/28/18

Alexcy Romero, Superintendent

George Washington Memorial Parkway

**MEMORANDUM OF AGREEMENT**  
**AMONG THE NATIONAL PARK SERVICE,**  
**THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE**  
**AND THE FAIRFAX COUNTY PARK AUTHORITY**  
**REGARDING**  
**THE LANGLEY FORK PARK and LANGLEY OAKS PARK LAND EXCHANGE**

**SIGNATORY**

Virginia Department of Historic Resources

 Date: 11-1-18

Julie V. Langan, Director  
Virginia State Historic Preservation Officer

**MEMORANDUM OF AGREEMENT**  
**AMONG THE NATIONAL PARK SERVICE,**  
**THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE**  
**AND THE FAIRFAX COUNTY PARK AUTHORITY**  
**REGARDING**  
**THE LANGLEY FORK PARK and LANGLEY OAKS PARK LAND EXCHANGE**

**SIGNATORY**

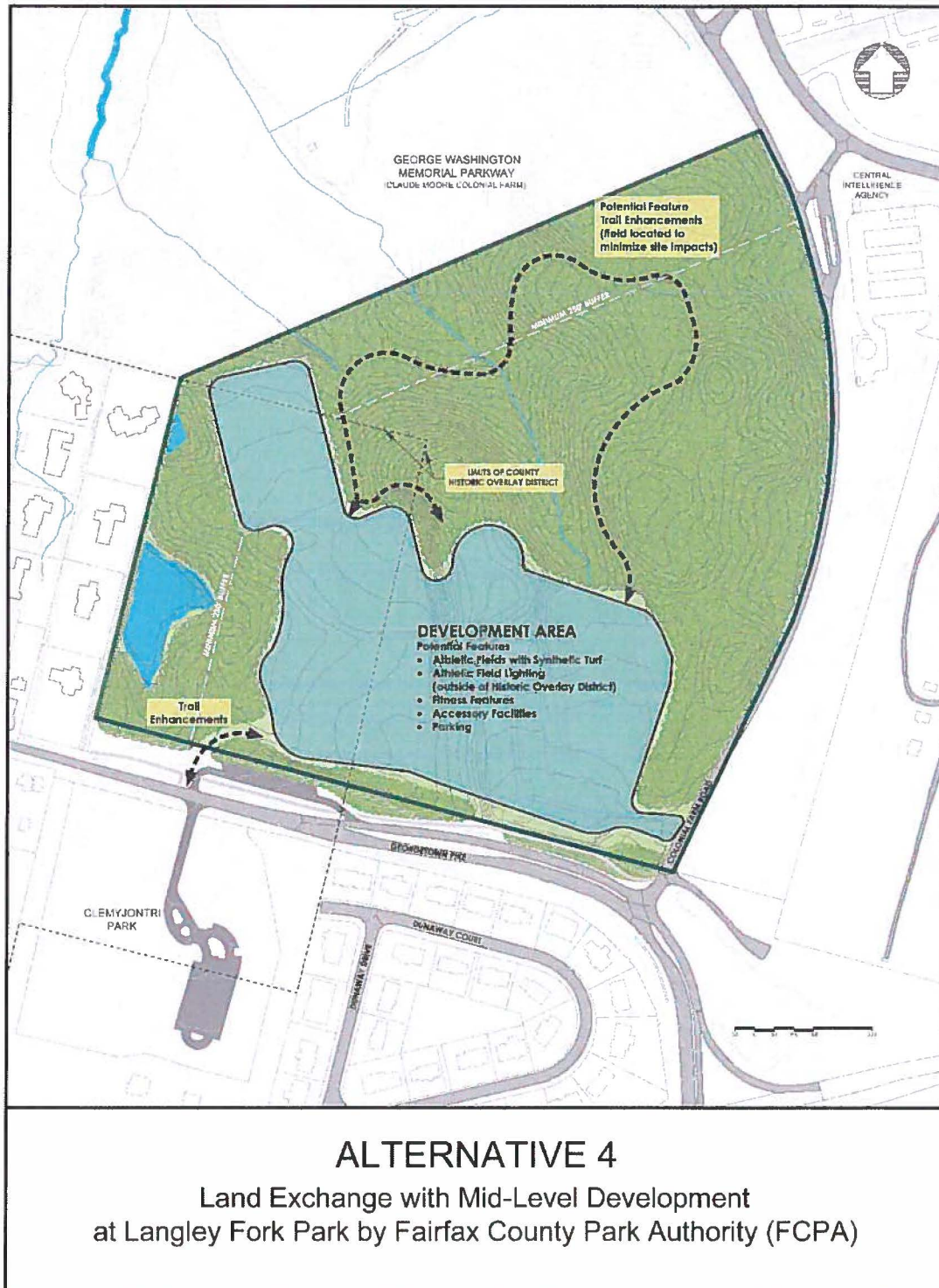
Fairfax County Park Authority



Date: 10-17-18

Kirk W. Kincannon, Executive Director

## Attachment A: Preferred Alternative (#4 Mid-Level Development)



**ALTERNATIVE 4: LAND EXCHANGE WITH MID-LEVEL DEVELOPMENT BY FCPA (PREFERRED)**



## Attachment B: Area of Potential Effect (APE)



PROJECT AREA, LANGLEY FORK PARK AND LANGLEY OAKS PARK