



Rock Creek Park  
Washington, D.C.

**TRANSFER OF JURISDICTION OF NATIONAL PARK SERVICE PROPERTY TO THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO COMPLY WITH THE FORT  
LINCOLN URBAN RENEWAL PLAN (URP)**

***Finding of No Significant Impact***

July 2013

The National Park Service (NPS) in cooperation with the District of Columbia (District) and the Department of Housing and Urban Development (HUD) proposes transferring jurisdiction and ownership of approximately 0.91 acre of NPS land, currently managed by the District, to HUD to facilitate residential development within the Fort Lincoln New Town (FLNT) community in accordance with the Fort Lincoln Urban Renewal Plan (URP). Currently, this 0.91-acre parcel is owned by the federal government through the NPS while the District maintains jurisdiction. In order for development to occur, both ownership and jurisdiction of this land parcel must be united and the land transferred to HUD. HUD will then package the parcel transferred from NPS with approximately 1.6 acres of abutting federally owned (through HUD) urban renewal land, and transfer the combined parcel to a private developer, via the District, in accordance with the 1994 Land Disposition Agreement (LDA) that governs the Fort Lincoln Urban Renewal Area. The developer plans to construct approximately 50 stacked townhomes with open space and sufficient onsite parking spaces that would facilitate the District's proposal to develop residential areas within FLNT. The NPS parcel is bounded by Bladensburg Road to the northwest, Eastern Avenue to the northeast, and Fort Lincoln Drive NE to the southeast. This site is managed as part of the Rock Creek Park administrative unit of NPS.

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

**SELECTED ALTERNATIVE**

The NPS identified alternative 2 as the preferred alternative in the EA and has selected it for implementation. Under this alternative, the D.C. Deputy Mayor for Planning and Economic Development (DMPED) will transfer jurisdiction of the 0.91-acre parcel back to NPS, which would unite jurisdiction and ownership. NPS will transfer jurisdiction and ownership of the NPS parcel to HUD. HUD would then convey the NPS parcel and its abutting Urban Renewal land to the District. Subsequently, the District would convey the land to Fort Lincoln Eastern Avenue, LLC, in accordance with the LDA that governs Fort Lincoln New Town. After this final conveyance, the land parcel would no longer be part of the Rock Creek Park and would no longer be managed by NPS.

The developer, Fort Lincoln Eastern Avenue, LLC., would build up to 50 stacked townhomes to be sold and 109 onsite parking spaces, including garage spaces, driveway spaces, and visitor spaces. The townhomes would connect to existing utilities. In addition, a portion of land adjacent to the NPS parcel proposed for transfer would remain under NPS ownership and the District's jurisdiction. This land will be maintained by the District as open space and would not be developed.

The District proposed developing on this NPS parcel of land because of its location in relationship to HUD's Urban Renewal land within the Fort Lincoln Urban Renewal Area. The proposed 50 stacked

townhomes would help satisfy the Urban Renewal Plan's objective of constructing approximately 3,000 dwelling units with a wide variety of housing types. The proposed land transfer also helps address the growing need for high-quality housing within FLNT.

### **OTHER ALTERNATIVES CONSIDERED**

The EA prepared for this transfer proposal also analyzed the no action alternative (alternative 1). Under the no action alternative, the ownership of the 0.91-acre parcel would remain with NPS, and the jurisdiction and maintenance of this parcel would remain under the control of the District. There would be no construction of the proposed housing units. The agency decision is to accept or reject the development by the developer as proposed. Consequently, the EA did not evaluate alternative housing types or locations.

### **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The NPS is required to identify the environmentally preferable alternative in its NEPA documents for public review and comment. The NPS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM 4.10) and the Council on Environmental Quality's (CEQ) *NEPA's Forty Most Asked Questions*, defines the environmentally preferable alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (Section 101(b) (516 DM 4.10). In their *Forty Most Asked Questions*, CEQ further clarifies the identification of the environmentally preferable alternative, stating "Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a).

After completing the environmental analysis, the NPS identified alternative 1, the no action alternative, as the environmentally preferred alternative because it best meets the definition established by the CEQ as defined above. Alternative 1 would not cause any environmental impacts. Constructing approximately 50 stacked townhomes would impact approximately 2.5 acres, and it would affect soils, vegetation, and wildlife in the Project Area. Constructing the 50 townhomes, however, would provide the community with some workforce affordable housing and help the District comply with the FLNT URP, which would not occur under alternative 1.

### **MITIGATION MEASURES**

The NPS and the District both place a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. After the land transfer, the property would no longer be owned by the NPS and would be the responsibility of the District. Consequently, the District's environmental standards would apply. The District will ensure the following protective measures will be implemented as part of the selected action alternative. The District 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 and Water Resources**

- An erosion and sediment control plan, to be implemented during construction, will be developed and approved by the District (VIKA, 2009), pursuant to District Law 2-23 and the District's Soil Erosion and Sediment Control Program (District of Columbia, 1988). The erosion and sediment control plan will outline Best Management Practices (BMPs) to be implemented during construction. It will also look to reduce erosion of exposed soils, which will slow the rate that water leaves the site, and will capture eroded soils and concentrated nutrients before entering the downstream water flow. Post-construction, stormwater will be directed to stormwater utilities via drop-inlets and other stormwater conveyance structures.
- During construction, BMPs will be developed to protect against potential groundwater contamination. These BMPs will include the implementation of proper onsite refueling techniques, the proper storing and handling of hazardous materials, and developing notification and containment procedures in the event of a spill. These BMPs will also provide protection to the overall quality of surface waters and will help ensure that any spills that may occur are contained and cleaned up prior to entering any ground or surface waters through either overland flows or

stormwater conveyance systems. Any groundwater or surface water entering construction trenches will be pumped out of the trench and containerized. The contained trench water will be hauled, treated, and disposed in conformance with NPDES permits issued through the District.

- In accordance with the Stormwater Guide Handbook and 21 D.C. Municipal District Regulations, stormwater discharge generated on a newly developed site must be equal or below pre-development peak discharge. Prior to construction, a stormwater management plan would be developed for the construction and operation of the townhomes. This plan would address the increase in impervious surfaces and subsequent increases in overland runoff by incorporating stormwater control designs into the project to manage the rate at which runoff leaves the Project Area.

#### **Cultural Resources**

- Mitigation to historical structures includes maintaining a portion of the Project Area closest to Bladensburg Road under NPS ownership and the District's jurisdiction. This would maintain a visual connection between the green space on the parcel being transferred and the NPS-owned land on the west side of Bladensburg Road. In addition, the developer would provide signage in this area highlighting several aspects of local historical importance, including the War of 1812 Battle of Bladensburg, the Civil War Fort Lincoln, the postbellum National Training School for Boys, and the evolution of 1960s–1970s FLNT.
- If during construction archeological resources were inadvertently discovered, all work in the immediate vicinity of the discovery would be halted until the resources could be evaluated and an appropriate mitigation strategy developed, if necessary. This strategy would be developed in consultation with the D.C. Historic Preservation Office (SHPO), following the procedures for post-review discoveries found in the Advisory Council on Historic Preservation's Protection of Historic Properties (36 CFR 800.13). In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, work would be halted immediately and consultation would be initiated with NPS and the D.C. Historic Preservation Office. In addition, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 would be followed.

#### **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 for a transfer of 0.91 acres of NPS land to the District for housing development purposes can be implemented with no significant adverse effects. As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

*Impacts that may be both beneficial and adverse and which on balance may be beneficial, but that may still have significant adverse impacts, which require analysis in an Environmental Impact Statement (EIS):* No significant impacts were identified that will require analysis in an Environmental Impact Statement. Below is a summary of impacts.

*Soils:* Under the selected alternative, shallow soils will be removed and replaced with fill suitable for slab on-grade construction. Soils will be exposed, creating an increased potential for soil erosion. Adverse impacts from soil erosion will be short-term and minor due to the size of the Project Area and the implementation of a sediment control plan during construction. Also, impervious surfaces within the study area will increase, minimizing natural soil erosion. Under the selected alternative, impacts to soils will result in long-term adverse minor impacts.

*Transportation:* Under the selected alternative, car traffic is anticipated to increase by an estimated total of 29 a.m. peak hour trips and 33 p.m. peak hour trips. This estimated small increase in traffic will be spread throughout the surrounding roads resulting in minor adverse effects on normal traffic flow, road repairs, existing roadways, and facilities serving the area. It is also anticipated that 10 percent of trips created by this alternative will be via public transportation, adding three morning peak hour trips and four afternoon peak hour trips to local public transportation services. Due to the number of bus stops and routes, which serve the area, changes to public transportation, will be small and will not limit user access. Under the selected alternative, impacts to transportation will be long-term and minor.



**Land Use:** Under the selected alternative, land use will change from parks and open space to medium-density residential. Additionally, this alternative will have a permanent change in land use that is small and visible. While this alternative may conflict with the National Park Service's 2004 *Fort Circle Parks Management Plan*, an area of NPS land will remain as an open space adjacent to the proposed 50 stacked townhomes. Also, under the selected alternative, a portion of the Project Area will remain as green space and interpretive signage will be installed by the developer, connecting this area to other areas identified in the 2004 *Fort Circle Parks Management Plan*. Therefore, this project will not be in conflict with surrounding land uses. Under the selected alternative, adverse impacts to land use will be long-term and minor.

**Cultural Resources – Historic Structures and Cultural Landscapes:** Transferring the land parcel out of federal ownership will have a long-term minor adverse impact on historical properties within the Area of Potential Effect, and the proposed project will constitute a no adverse effect under Section 106 of the National Historic Preservation Act. Concurrence to this determination of *No Adverse Effect* was provided in a letter from the District of Columbia State Historic Preservation Officer (DC HPO) dated May 10, 2013.

**Socioeconomics:** The construction of approximately 50 stacked townhomes will represent an increase in employment and money spent in the community, though the suppliers of materials and labor will likely be able to accommodate the project's demand without major expansions or hiring given the project size. Further, the workers will likely live in the area or commute to work for such a short duration project. Therefore, while the proposed action's construction will have beneficial socioeconomic impacts, these impacts will not likely be felt throughout the community or the region at large. In addition, the townhomes will only represent a three percent increase in housing units. While the projected increase in residents will likely have some beneficial impacts from an increase in maintenance services and supplies purchased within the community, the economic benefits of the new residents will likely be spread throughout the region rather than focused within the immediate area. Any strain on community services from an increase in population would be offset by an increase in tax revenue.

The proposed housing development includes workforce affordable housing as determined by the Inclusionary Zoning Regulations. Therefore, the economic composition of the community will not be expected to change substantially. As described in the EA, the expected residents of the additional 50 stacked townhomes will represent less than a one percent increase in average household income. Therefore, the proposed action will not be expected to substantially change the economic composition of the area. The proposed development will have long-term beneficial impacts on the economic composition of the area.

**Degree of effect on public health or safety:** The transfers should not result in any noticeable changes in public health or safety following regulations regarding worker safety during construction and maintenance.

**Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas:** No prime farmlands, wild or scenic rivers, ecologically critical areas, wetlands or floodplains occur within or adjacent to the Project Area and none will be impacted by the actions associated with the proposed actions.

In accordance with Section 106 of the NHPA, it was determined that implementation of the selected alternative will have *no adverse effect* on historic structures and districts. The D.C. State Historic Preservation Office concurred with this determination in a letter dated March 10, 2013 (see attached).

The construction of approximately 50 stacked townhomes on a portion of the project area will alter the property's integrity of setting and feeling, but the viewshed of this area has already been diminished through decades of development. Late-twentieth century residential properties with similar scale and massing are located south of the development lot, and additional multifamily dwelling units have been built across the Fort Lincoln New Town area. Though the construction of approximately 50 stacked townhomes will alter the property's integrity of setting and feeling, it is not expected that the undertaking will diminish the characteristics that render Fort Circle Park System eligible for the National Register of

Historic Places (NRHP). The property was acquired with the intention of creating a scenic drive that evolved into a hiker-biker trail concept. This location near the Anacostia River was to be the northeastern most "stop" along the trail. To minimize any adverse effects to cultural resources, a portion of the Project Area closest to Bladensburg Road will remain as green space under NPS ownership and the District's jurisdiction. This will maintain a visual connection between the green space on this lot and the NPS-owned land on the west side of Bladensburg Road. In addition, interpretive signage will be erected in this area highlighting several aspects of local historical importance, including the War of 1812 Battle of Bladensburg, the Civil War Fort Lincoln, the postbellum National Training School for Boys, and the evolution of 1960s-1970s FLNT. There are also the Boundary Stones of Washington, D.C. near the project area. The D.C. State Historic Preservation Office concurred with *no adverse effect* determination on historic properties from the proposed project on May 10, 2013.

***Degree to which effects on the quality of the human environment are likely to be highly controversial:***

No highly controversial effects in terms of scientific uncertainties because of this land transfer were identified during the preparation of the EA or the public comment period. Ultimately, the use of the Project Area will be similar to nearby residential uses.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:*** No highly uncertain, unique, or unknown risks were identified during either preparation of the EA or the public comment period.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:*** The selected alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:*** Implementing the selected alternative will have no significant cumulative impacts. The EA addressed cumulative impacts for each of the resources affected by the preferred alternative: soils, transportation, land use, cultural resources -- historic structures and cultural landscapes, and socioeconomics.

***Soils:*** Cumulative impacts from the past, present, or future construction of retail centers or dwelling units within or near the study area will contribute to the short-term increase of soil erosion from construction sites and topographical changes from project grading operations. These increases will be short-term and moderate and will be minimized by the proper preparation, implementation, and adherence to project specific erosion and sediment control plans. These impacts, in combination with the long-term minor impacts caused by the proposed action and from project grading will result in both long-term and short-term moderate adverse cumulative impacts to soil.

***Transportation:*** Cumulatively, the selected alternative will contribute to long-term moderate adverse impacts to transportation. The past, present, or future construction of retail centers or dwelling units within or near the study area will increase traffic immediately surrounding the townhomes. Additionally, these projects will increase the number of people using public transportation, causing public transportation users to choose other sources of transportation. Though the increase in traffic will be obvious and change traffic flow, the need for major road repairs or expansions of existing roadways or facilities is not expected.

***Land use:*** The past, present, or future construction of retail centers or dwelling units within or near the study area will cause a permanent, small, and visible change to land use within the Fort Lincoln neighborhood, though land use changes are not expected to conflict with surrounding land uses. These impacts, in combination with the long-term minor impacts caused by the proposed action would result in long-term minor adverse cumulative impacts.

***Cultural Resource - Historic Structures and Cultural Landscapes:*** Past construction of retail, centers or dwelling units have compromised the viewshed integrity of the cultural resources found within the Area of Potential Effect (APE). Little green space can be found along the corridor in general, with the exception of the NPS-owned land, and the integrity of setting, feeling, and association has been

diminished through decades of development. Present and future construction projects within the APE could diminish the viewshed further, but they will not diminish the characteristics that render these sites eligible for listing in the NRHP. The portion of the Project Area closest to Bladensburg Road will remain under NPS ownership and the District's jurisdiction. This land will remain as open space, maintaining a visual connection between the green space on this lot and the NPS-owned land. Cumulative impacts under the selected alternative will be long-term and minor. Future projects would have to comply with the NHPA, and consultation will take place with the SHPO.

**Socioeconomics:** The past, present, and future construction of retail centers and dwelling units within or near the Project Area will affect the Fort Lincoln neighborhood. Planned development will create beneficial long-term cumulative impacts as the housing units will increase by approximately 60 percent and provide the possibility of additional jobs for local residents and goods and services bought throughout the community. This development, in combination with past construction and construction proposed under the selected alternative, will have short-term beneficial and long-term beneficial impacts on socioeconomics.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:*** As described in the EA, Fort Lincoln, one of several Civil War-era forts built around Washington, was constructed by 1861 and served to protect the Baltimore Turnpike, the B&O Railroad, and many auxiliary roads that lead into Washington from Confederate attack. Located on a knoll about 1,000 feet (304.8 meters) to the southeast of the Project Area, the fort complex included Barney's Battery, several exterior earthworks, and Fort Lincoln itself. The fort operated until war's end. There have been several attempts over the decades to protect and build a scenic drive connecting the system of forts, but lack of funding and development pressure have prevented the projects. In 1968, the NPS released the *Fort Circle Parks Master Plan* that focused on tying the forts together through a contiguous bikeway and foot trail. Again, due to funding constraints, only three miles of the hiker-biker trail was constructed. Current plans based on the *2004 Fort Circle Parks Final Management Plan* have continued the proposal for a hiker-biker trail to be established along the entire 23 miles (37 kilometers) of the ring encircling the District. The Fort Circle Park System/Civil War Fort was listed on the NRHP in 1977-1978 and determinations on contributing elements were clarified through additional research in 1998. A 2004 update to the *Fort Circle Park System/Civil War Fort Master Plan* re-emphasized that Fort Drive is a contributing element to this eligible district. NPS is currently expanding the NRHP nomination for this resource to expand on the significance of the Fort Drive planning effort.

The literature review of the Project Area revealed no eligible archaeological sites and two previously recorded, eligible architectural properties within the APE. Reservation 520 is part of the Fort Circle Park System that is in the APE. One of Fort Circle Park System's Reservation 520's parcels of land that is in the APE includes the parcel for transfer along Bladensburg Road and a second piece of property located across Bladensburg Road. The Federal government acquired these parcels to be a "Connecting Corridor Zone." A previous archaeological investigation of Fort Lincoln and the surrounding area found that nearly the entire fort area was destroyed during the construction of the late-1860s National Training School for Boys, located on the same parcel. In addition, there are modern homes, recent commercial buildings, and vegetation between the boundary stones of Washington, D.C. and the proposed project. Consequently, on May 10, 2013, the SHPO concurred with a determination of *no adverse effect* (see attached).

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:*** As described in the EA, because of the urban nature of the site and the fact that the proposed activities will be located entirely within previously disturbed or maintained landscapes, no impacts to any state- or federally-listed species are expected from this land transfer. On August 29, 2012, NPS accessed the U.S. Fish and Wildlife Service's Information, Planning, and Conservation System (IPaC). The IPaC website confirmed that no federally proposed or listed threatened or endangered species are known to exist in the Project Area. Thus, no listed species or critical habitat will be affected.



***Whether the action threatens a violation of federal, state, or local environmental protection law:*** The selected alternative violates no federal, state, or local environmental protection laws. The land transfer and subsequent housing development on the site will be consistent with all laws, regulations, and requirements.

## **PUBLIC INVOLVEMENT**

On October 10, 2012, the NPS and FLNT Corporation held a public scoping meeting to initiate public involvement and solicit community feedback on the proposed action to transfer the NPS property to HUD. The meeting was held from 7 p.m. to 9 p.m. at Mount Horeb Baptist Church, 2914 Bladensburg Road NE, Washington, DC 20018. This location was chosen based on its proximity to the Project Area and availability. Approximately 14 people attended.

The NPS and FLNT Corporation sent out 13 scoping letters to interested parties. A letter was also sent to the Advisory Neighborhood Commissioner (ANC) on September 30, 2012 for distribution via email to residents of the Fort Lincoln neighborhood. The Ward 5 Council member's office informed residents of the scoping meeting via email. In addition, notification of the meeting was posted at New Canaan Baptist Church, Unity Church, and Second New St. Paul Baptist Church. The public scoping was also announced on the NPS's Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/ROCR>). No comments were received over PEPC.

The public scoping meeting provided numerous methods by which the public could comment on the proposed action. At the meeting, NPS and FLNT Corporation engaged in open dialog with the public. Written comment forms were provided to be completed and returned at the meeting. If the attendee chose not to complete the form at the meeting, a return address was provided on the sheet to mail back to NPS at a later date. Two comment form drop-off locations were provided for local residents at Fort Lincoln Realty and the Wesley House Apartments, both within the Fort Lincoln neighborhood. Attendees were also provided with contact information to send comments on the project through NPS's PEPC website, to a designated representative via email, or by phone. The public scoping comment period began on September 30, 2012 with the email notification of the public scoping meeting and concluded on December 3, 2012.

The public review for the EA on this land transfer started on May 30, 2013. Its availability was announced via e-mail to those who were on the original public scoping mailing list, other Rock Creek Park mailing lists, and to those that were added after the public scoping meeting. Its availability was also announced via regular mail to 11 interested parties. NPS mailed 18 copies of the EA to interested parties and federal entities. The EA was also placed on the PEPC. The comment period on this EA ended on Friday, June 28, 2013.

During the 30-day public comment period, the NPS received four correspondences. Three of the correspondences wanted to see the parcel remain under NPS ownership and one correspondence included a request to assist with the interpretive signage. Those comments that required responses are summarized and attached with the NPS' responses. No changes to the selected alternative or the impact analysis were made because of public comment.

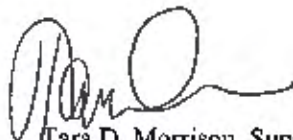
## CONCLUSION

The NPS has selected alternative 2 for implementation to occur following National Capital Planning Commission's review and recommendation of the transfer. The impacts that will result from the selected alternative will not impair any park resource or values necessary to the NPS or to fulfill specific purposes identified in the *2004 Fort Circle Parks Management Plan*. Selection of this alternative hereby amends the *2004 Fort Circle Parks Management Plan*, effective with the date of the transfer, to reflect that the management of it is transferred from the NPS to the HUD and is no longer a part of the land managed by Rock Creek Park.

The selected alternative does not constitute an action that normally requires preparation of an EIS. The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible to moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the NRHP, or other unique characteristics of the region. Transfers like this are not unusual, and 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.

The selected alternative does not constitute a major federal action that significantly affects the quality of the human environment. Based on the foregoing, an EIS is not required for this action and thus will not be prepared. This is a finding of no significant impact.

Recommended:



Tara D. Morrison, Superintendent  
Rock Creek Park

7/26/13

Date

Approved:



Stephen Whitesell, Regional Director  
National Capital Region

8.2.13

Date



## **Attachment A – Non-Impairment of Determination for the Selected Action**

Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS NEPA Process (NPS 2011), a non-impairment determination for the selected alternative is included here as an attachment to the Finding of No Significant Impact.

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

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

According to *NPS Management Policies 2006*, an action constitutes an impairment when its impact “would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (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).

National park system units vary based on their enabling legislation, natural and cultural resources present, and park missions. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit.

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

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

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the selected alternative will not constitute an impairment to the park’s resources or values. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, agency comments received, and the professional judgment of the decision-makers in accordance with the *NPS Management Policies, 2006* (August 2006).

Implementation of the selected alternative will not result in impairment of Rock Creek Park administrative unit resources or values whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park; or (3) identified as a goal in the park’s general management plan or other relevant NPS planning documents as being significant. An impairment determination is not made for visitor use and experience or park management and operations because impairment findings relate back to park resources and values. These impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

As stated in the 2004 Fort Circle Park Management Plan, the purposes of the Fort Circle Parks are as follows:

- To preserve and interpret historical resources related to the Civil War defenses of Washington.

- To conserve this linkage of urban green spaces that contribute to the character and scenic values of the nation's capital.
- To provide recreational opportunities compatible with historic and natural resource values.

The proposed transfer removes less than 0.2 percent of the total acreage of the land administered by Fort Circle Parks in an area that is already developed. Due to the small scale, and the fact that the parcel has been under the jurisdiction of the District since 1994, and managed as such, the transfer of this .91-acre parcel will not affect the specific purposes of the Fort Circle Parks as identified in the 2004 Fort Circle Park Management Plan. In addition, while the Project Area will no longer be a part of the land administered by Rock Creek Park, the cultural mitigation will reduce the impacts from transferring the previously developed lands out of Federal ownership. The EA analysis did not identify any major adverse impacts that will likely result from implementation of the selected alternative. All adverse impacts identified were negligible to moderate in intensity. Therefore, implementation of the selected alternative will not result in impairment of any park resource or value. Rationale for this non-impairment determination is provided below.

*Soils:* The preferred alternative will result in up to a 0.91 acre of soil being removed from land administered by Rock Creek Park, but this alternative will not result in impairment of soils due to the small volume being removed in a previously disturbed area. An erosion and sediment control plan, to be implemented during construction, will be developed and approved by the District (VIKA, 2009), pursuant to the District's Soil Erosion and Sediment Control Program (District of Columbia, 1988). The erosion and sediment control plan will outline Best Management Practices (BMPs) to be implemented during construction. It will also look to reduce erosion of exposed soils, which will slow the rate that water leaves the site, and will capture eroded soils and concentrated nutrients before entering the downstream water flow. While there will be adverse impacts to soils, these impacts are minor and will not affect the overall natural integrity of the park or inhibit people's opportunity to enjoy the park.

*Land use:* The preferred alternative will change the current land use from parks and open space to medium-density residential, but this alternative will not result in impairment to the park's specific purpose and values due to the small volume of land being altered. The proposed transfer removes less than 0.1 percent of the total acreage of land administered by Rock Creek Park in an area that has been previously disturbed and is surrounded by development. While the construction of 50 stacked town homes may conflict with the National Park Service's 2004 Fort Circle Parks Management Plan, an area of NPS land will remain as an open space adjacent to the proposed 50 stacked townhomes. Also, under the proposed project, a portion of the Project Area will remain as greenspace and interpretive signage would be installed, connecting this area to other areas identified in the 2004 Fort Circle Parks Management Plan. While there will be adverse impacts to soils, these impacts are minor and will not affect the overall purpose and integrity of the park or inhibit people's opportunity to enjoy the park.

*Cultural Resources - Historic Structures and Cultural Landscapes:* The preferred alternative will require work to be completed within a cultural landscape and this project will modify the greenway connecting the Civil War resources encircling the city. The land parcel for transfer is part of the Fort Circle Park System and was included within the Fort Circle Parks Master Plan, crafted by the NPS and finalized in 1974 (NPS, 1974). The Fort Circle Park System was listed in the NRHP in 1977-1978 under the multiple property listing "Fort Circle Park System/Civil War Fort Sites," and determinations on contributing elements were clarified through additional research in 1998. U.S. Reservation 520 includes several parcels of land that are considered part of the Fort Circle Park System, but within the Project Area and surrounding area, Reservation 520 includes the land parcel for transfer along Bladensburg Road and a second piece of property located across Bladensburg Road. Both were acquired by the Federal government with the intention to create a roadway connecting the Civil War resources encircling the city. The 2004 *Fort Circle Parks Final Management Plan* identifies this reservation as a "Connecting Corridor Zone" to allow pedestrian access to the war-related elements while also providing green space for interpretive signage.

As described in the EA, the viewshed of this area has already been diminished through decades of development. Late-twentieth century residential properties with similar scale and massing are located south of the development lot, and additional multifamily dwelling units have been built across the Fort Lincoln New Town Area. In addition, the portion of the Project Area closest to Bladensburg Road would remain under NPS ownership and the District's jurisdiction. This land would remain as open space, which would maintain a visual connection between the green space on this lot and the NPS-owned land. This open space would also serve as a "Connecting Corridor Zone" for the Fort Circle Park System. Interpretative signage would also be erected in this area highlighting several aspects of local historical importance, including the War of 1812 Battle of Bladensburg, the Civil War Fort Lincoln, the postbellum National Training School for Boys, and the evolution of 1960s–1970s FLNT. While there will be adverse impacts to cultural resources, these impacts are minor and will not affect the overall cultural integrity of the Fort Circle Park System.



### **Attachment B – Public Comments and NPS Responses**

NEPA and NPS policy require NPS to respond to all substantive written and oral comments raised by the public or by agencies as part of finalizing the EIS, and to make every reasonable attempt to consider the issues or alternatives raised.

Substantive comments are defined as those that do one or more of the following:

- (a) Question, with reasonable basis, the accuracy of information in the EIS;
- (b) Question, with reasonable basis, the adequacy of environmental analysis;
- (c) Present reasonable alternatives other than those presented in the EIS; and/or
- (d) Cause changes or revisions in the proposal.

In other words, they raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive.

Nonsubstantive comments include those that simply state a position in favor of or against the proposed alternative, merely agree or disagree with National Park Service policy, or otherwise express an unsupported personal preference or opinion. Below is a summary of the comments and NPS responses received for the Transfer of Jurisdiction of National Park Service Property to the Department of Housing and Urban Development to Comply with the Fort Lincoln Urban Renewal Plan EA.

<b>Comment #</b>	<b>Name / Organization</b>	<b>Address</b>	<b>Comment</b>	<b>NPS Response</b>
1	Elizabeth Hoyt	Takoma Park, MD 20912	Transferring a portion of Fort Lincoln to developers is a terrible idea. First of all, it is more important to retain little public lands that exist.	Nonsubstantive
2	Elizabeth Hoyt	Takoma Park, MD 20912	I do not believe that the developer will make something that benefits the neighborhood more than the land as -is as part of Rock Creek Forest.	Nonsubstantive
3	Elizabeth Hoyt	Takoma Park, MD 20912	This is obviously bad for the environment as it will create more runoff and less green space to help absorb some of our CO2 emissions.	Water quality impacts from runoff were analyzed in the EA. Prior to construction, a stormwater management plan will be developed. This plan will address the increase in impervious surfaces and subsequent increase in overland runoff by incorporating stormwater control designs into the project to manage the rate at which runoff leaves the Project Area. A portion of the Project Area

Comment #	Name / Organization	Address	Comment	NPS Response
				closest to Bladensburg Road will remain under NPS ownership and the District's jurisdiction. This land will remain as greenspace.
4	Elizabeth Hoyt	Takoma Park, MD 20912	Please don't sell a portion of the park to a developer	Nonsubstantive
5	Aaron Marcavitch - Anacostia Trails Heritage Area Inc.	4310 Gallatin Street; Hyattsville, MD 20781	We would be interested in participating in this development and including new signs related to Fort Lincoln and the War of 1812 periods - as well as the history of the Bladensburg Turnpike. We hope that ATHA Inc. will be passed along to the developer as a potential partner in this process.	Fort Lincoln New Town (FLNT) Corporation is tasked with installing historical signage on the Project Area. FLNT has been informed of your request to be a potential partner in this process.
6	Alliance to Preserve the Civil War Defenses of Washington	1140 Connecticut Ave. NW, Suite 1210; Washington DC 20036	The Alliance opposes the transfer of the parcel owned by the NPS without (a) fair market compensation of the NPS for its property and (b) the restriction of all funds generated by NPS on the transfer to improvements, maintenance, and interpretation of the Civil War Defenses of Washington (CWDW).	This NEPA analysis analyzes the transfer of 0.91 acre of land from one federal agency (NPS) to another (HUD). Any future sale or transfer of this land will be decided by HUD and/or the District without the involvement of NPS.
7	Alliance to Preserve the Civil War Defenses of Washington	1141 Connecticut Ave. NW, Suite 1210; Washington DC 20036	The Alliance assumes that HUD will be compensated for the transfer of ownership of the proposed combined property to the District, as was done with Fort Lincoln Retail, LLC for the "Shops at Dakota Crossing." The Alliance requires assurance that HUD will receive fair market value compensation for the transfer of the combined parcel. The Alliance requires further assurance that the NPS will	This NEPA analysis analyzes the transfer of 0.91 acre of land from one federal agency (NPS) to another (HUD). Any future sale or transfer of this land will be decided by HUD and/or the District without NPS involvement.

Comment #	Name / Organization	Address	Comment	NPS Response
			receive fair market value compensation for its portion of the combined property.	
8	Alliance to Preserve the Civil War Defenses of Washington	1141 Connecticut Ave. NW, Suite 1210; Washington DC 20036	Finally, the Alliance requires that restrictions be imposed on the funds generated from the sale that would restrict their use to the maintenance, preservation, and interpretation of the CWDW from which the property is conveyed. Without these assurances, the Alliance opposes the transfer of the NPS ownership of the approximately 0.91 acre land parcel adjacent to the Urban Renewal land owned by HUD along the District of Columbia-Maryland border.	This NEPA analysis analyzes the transfer of 0.91 acre of land from one federal agency (NPS) to another (HUD). Any future sale or transfer of this land will be decided by HUD and/or the District without NPS involvement.
9	Alliance to Preserve the Civil War Defenses of Washington	1141 Connecticut Ave. NW, Suite 1210; Washington DC 20036	The Alliance was dismayed to first learn of this planned transfer in June of 2013. The documents included in the EA clearly demonstrate that this effort has been well underway since at least 2008. The Alliance was incorporated in 2008 and we have conducted regular meetings with the NPS regarding the CWDW since our inception. Yet we were never notified of these activities until June 2013. Public outreach commenced in October of 2012 and the Alliance was not included in the notice to interested parties when we are clearly an interested party and should have been invited to the public scoping meeting. On a broader concern, we are disappointed that public outreach was begun in late 2012 when this initiative began in 2008 or before.	Scoping is an important part of the NEPA process and is conducted to identify significant environmental issues for analysis. The NEPA process began in 2012. NEPA scoping regulations require solicitation of public input but do not prescribe the exact method of public participation. NPS and FLNT Corporation sent out 13 scoping letters to interested parties. A letter was also sent to the Advisory Neighborhood Commissioner (ANC) on September 30, 2012 for distribution via email to residents of the Fort Lincoln neighborhood. The Ward 5 Council member's office informed residents of the scoping meeting via email. In addition, notification of the meeting was posted at New Canaan Baptist Church, Unity Church, and Second New St.



Comment #	Name / Organization	Address	Comment	NPS Response
				Paul Baptist Church. The public scoping was also announced on the NPS's Planning, Environment, and Public Comment (PEPC) website ( <a href="http://parkplanning.nps.gov/ROCR">http://parkplanning.nps.gov/ROCR</a> ).
10	Alliance to Preserve the Civil War Defenses of Washington	1141 Connecticut Ave. NW, Suite 1210; Washington DC 20036	Finally, it must be mentioned that this, and any, transfer of property from NPS to the District and ultimately to a developer could become a precedent for future transfers of other parts of the CWDW's "Connecting Corridor Zone." The purpose of the corridor, as stated in the 2004 Fort Circle Management Plan, is to allow the ability for a visitor to walk along a well-maintained paved road, sidewalk, or designated trail connecting the circle of historic forts. As noted in the EA, this transfer is potentially in violation of that management plan.	This Environmental Assessment does not set precedence for transfer of lands that are part of the CWDW or other NPS parks. Any future land transfers would be analyzed separately under a separate NEPA process and document.
11	The Committee of 100 on the Federal City	945 G Street, N.W.; Washington, DC 20001	We feel that if NPS is giving up title to the land as well as jurisdiction, it should receive something of equal value in return. The 2004 Management Plan called for a 23-mile hiker-biker trail to link the CWDW around DC. This was amplified in the 2012 CWDW Long-Range Interpretive Plan.	This NEPA analysis analyzes the transfer of 0.91 acre of land from one federal agency (NPS) to another (HUD). Any future sale or transfer of this land will be decided by HUD and/or the District without NPS involvement.

Comment #	Name / Organization	Address	Comment	NPS Response
12	The Committee of 100 on the Federal City	945 G Street, N.W.; Washington, DC 20001	At a minimum, a suitable portion of the Fort Lincoln land to be transferred should be retained as part of the CWDW hiker/biker trail and/or the DC government or future developer should be required as part of the conditions of the transfer to provide it. A sidewalk, as mentioned in the EA, is not a satisfactory substitute.	In addition to building a sidewalk, a portion of the Project Area closest to Bladensburg Road would remain under NPS ownership and the District's jurisdiction. This would maintain a visual connection between the green space on the parcel being transferred and the NPS-owned land on the west side of Bladensburg Road. This area will also be retained as part of the CWDW hiker/biker trail.
13	The Committee of 100 on the Federal City	945 G Street, N.W.; Washington, DC 20001	We are extremely concerned about the precedence this project may have for transfer of other lands that are part of the CWDW or other NPS parks that we may not know about - where NPS has ownership of land but, through agreements, has given jurisdiction to DC (parts of Forts DuPont and Greble are examples) or other agencies (the Smithsonian, at Fort Ricketts). The CWDW are nationally significant, historically important lands - not just local parks. While we welcome local use of national parks, where appropriate, we also are very concerned that insufficient attention has been given to managing and interpreting the CWDW as part of the history of the nation's capital. We urge NPS to give them a higher priority than has heretofore been the case.	This Environmental Assessment does not set precedence for transfer of lands that are part of the CWDW or other NPS parks. Any future land transfers would be analyzed separately under a separate NEPA and NHPA process and document.

Comment #	Name / Organization	Address	Comment	NPS Response
14	The Committee of 100 on the Federal City	945 G Street, N.W.; Washington, DC 20001	Public involvement in developing and reviewing the EA for this project seems to have been focused solely on the local community in and around Fort Lincoln. City-wide organizations such as the Committee of 100 and others (national and regional) concerned about NPS parks and historic preservation, should be routinely notified if there are any similar projects or use agreements being planned. These lands owned by all of the people of the United States. We should not be the last to hear about what happens to them.	Scoping is an important part of the NEPA process and is conducted to identify significant environmental issues for analysis. NEPA scoping regulations require solicitation of public input but do not prescribe the exact method of public participation. NPS and FLNT Corporation sent out 13 scoping letters to interested parties. A letter was also sent to the Advisory Neighborhood Commissioner (ANC) on September 30, 2012 for distribution via email to residents of the Fort Lincoln neighborhood. The Ward 5 Council member's office informed residents of the scoping meeting via email. In addition, notification of the meeting was posted at New Canaan Baptist Church, Unity Church, and Second New St. Paul Baptist Church. The public scoping was also announced on the NPS's Planning, Environment, and Public Comment (PEPC) website ( <a href="http://parkplanning.nps.gov/R">http://parkplanning.nps.gov/R</a> OCR).



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
STATE HISTORIC PRESERVATION OFFICER



May 10, 2013

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

RE: Proposed Transfer of a Portion of Reservation 520; Section 106 Determination of "No Adverse Effect"

Dear Ms. Morrison:

Thank you for providing the DC State Historic Preservation Office (SHPO) with additional information regarding the above-referenced undertaking. We have reviewed the supplemental documentation and are writing to provide additional comments regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act.

As you will recall, our March 7, 2013 letter cited the change in character that has resulted from the construction of "big box" retail in the general area and the lack of any known archaeological resources on the site as the likely basis for a determination of "no adverse effect." The most recent project information submitted by Dovetail Cultural Resources Group on behalf of the NPS, also found that the proposed transfer would have "no adverse effect" on the historic properties that were identified within the proposed Area of Potential Effect (APE).

On April 8, 2013, we conducted a site visit to Reservation 520. Although we discovered that the recently constructed "big box" retail was further away from the project area than originally expected, we confirmed that some retail development that alters the character does exist within the immediate project area.

In addition, subsequent conversations with NPS staff revealed that a portion of the land originally proposed for transfer will now remain under the jurisdiction of the Government of the District of Columbia and continue to be used as open space (see image below). And as indicated in the recent project information, the remainder of Reservation 520 on the north side of Bladensburg Road will remain undeveloped NPS property.

Given these circumstances, we concur with the NPS determination that the transfer of 0.91 acres of Reservation 520 to HUD, for subsequent transfer out of federal ownership and development will have "no adverse effect" on Fort Circle Drive Park or any of the other historic properties within the APE.

Ms. Tara Morrison  
Proposed Transfer of a Portion of Reservation 520  
May 10, 2013  
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If you should have any questions or comments regarding matters relating to the historic built environment, please contact me at [andrew.lewis@dc.gov](mailto:andrew.lewis@dc.gov) or 202-442-8841. Questions or comments relating to archaeology should be directed to Ruth Troccoli at [ruth.troccoli@dc.gov](mailto:ruth.troccoli@dc.gov) or 202-442-8836. Otherwise, thank you for providing this opportunity to review and comment.

Sincerely,

*Andrew Lewis*  
C. Andrew Lewis

Senior Historic Preservation Specialist  
DC State Historic Preservation Office

13-075

