## 4.1 Socio-Economic Resources Impacts

## 4.1.1 Land Use Impacts

### Alternative A: New Jersey Avenue Site

Selection of the New Jersey Avenue site would allow for the eventual establishment of the Ukrainian Genocide Memorial on this site and transform the triangular parcel into a landscaped commemorative space. Creating a point of interest for visitors on the site would improve the open space and encourage visitors to admire the Memorial while offering them a place of contemplation. Selection of the site for the future placement of the proposed Memorial would result in a slight positive impact on the site.

Locating the proposed Memorial along New Jersey Avenue away from the Monumental Core would help to strengthen and complement the cultural character of the surrounding area. A new commemorative memorial land use would be consistent with similar uses, including the Victims of Communism Memorial located one block north of the New Jersey Avenue Site at the intersection of Massachusetts Avenue NW, New Jersey Avenue NW, and G Street NW. The addition of a new memorial to the area would also help to diversify the land uses and complement the character and presence of other cultural facilities in the area such as the US Post Office Museum.



Figure 4-1: New Jersey Avenue Site Study Area Land Uses

#### Alternative B: Massachusetts Avenue Site

Selection of the Massachusetts Avenue Site would allow for the eventual establishment of the Ukrainian Genocide Memorial on this site and transform the underutilized triangular parcel into a landscaped commemorative space. The site is currently an undeveloped, open grassy parcel available for passive recreation. Creating a point of interest for visitors on the site would improve the open space, which is currently lacking any defining characteristics. The addition of commemorative elements would improve the space and encourage visitors to admire the Memorial while offering them a place of contemplation. Selection of the site for the future placement of the proposed Memorial would result in a positive impact on the site.

Locating the proposed Memorial away from the Monumental Core would strengthen the cultural character of the area surrounding the Massachusetts Avenue Site. A new commemorative use would be consistent with the existing cultural features in the area, including the Victims of Communism Memorial located just one block northwest along Massachusetts Avenue. The addition of a new memorial to the area would also help to diversify the land uses and complement the character and presence of other cultural facilities such as the US Post Office Museum. Additionally, the proposed Memorial, with its international subject, would strengthen the already established international character of Massachusetts Avenue.

Development of the proposed Memorial on this site would also be consistent with the planned NoMA redevelopment initiative that would effectively transform the land uses of over 358 acres and 50 city blocks in the area surrounding Union Station. The NoMa Vision Plan and Development Strategy aims to transform the historically underdeveloped area into a major, vibrant, mixed-use community that will act to reconnect surrounding neighborhoods and be home to over 20 million square feet of new development. Development of the proposed Memorial at this site would be consistent with the current plans for redevelopment. Selection of this site for improvement as the Memorial site would provide a positive impact on the site and general area.



Figure 4-2: Massachusetts Avenue Site Study Area Land Uses

Under the No Action Alternative, a site for the placement of the Ukrainian Genocide Memorial would not be selected at this time. The positive impact expected from designating a site for the Memorial would not occur at this time and the National Committee would need to continue its search for an appropriate Memorial site.

## **4.1.2** Planning Controls and Policies Impacts

## Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

### Commemorative Zone Policy

Selection of either alternative site for the proposed Memorial would be in compliance with the Commemorative Works Act of 1986, which established standards for locating works of commemorative value in the Monumental Core. Both sites are located within Area II as defined by the Act, where works of "lasting significance can be placed."

#### Memorials and Museums Master Plan

Selection of either alternative site for placement of the proposed Memorial would generally be consistent with NCPC's *Memorials and Museums Master Plan*. While these sites are not specifically identified by site number in the Plan, the characteristics of the sites are consistent with the purpose and intent of the Plan.

## Comprehensive Plan for the National Capital

Selection of either the New Jersey Avenue Site or Massachusetts Avenue Site for establishment of the proposed Memorial would be consistent with the Federal Elements of the Comprehensive Plan. Specifically:

- Selection of either site for the proposed Memorial would enhance an existing urban open space, as identified in the Parks and Open Space Element, by creating an identifiable commemorative feature.
- Locating the Memorial on either alternative site would enhance the general views along
  adjacent vistas and prominent locations by creating a special feature along either the New
  Jersey or Massachusetts Avenue corridor, meeting the goals of the Preservation and
  Historic Features Element.
- The proposed Memorial would meet the goals of the Visitors Element by providing visitors to the District of Columbia with a new cultural attraction within walking distance of a Metrorail station and in proximity to a popular Tourmobile stop.

#### District of Columbia Pedestrian Master Plan

Selection of the New Jersey Avenue Site or the Massachusetts Avenue Site for the establishment of the proposed Memorial would be consistent with the goals and vision of the District's *Pedestrian Master Plan*. The Plan presents a framework for future actions aimed at addressing pedestrian needs throughout the city, and improving the overall "walkability" of the District. The net result of a more pedestrian-friendly city will be an increase in the amount of foot traffic, especially along significant arterials such as New Jersey Avenue and Massachusetts Avenue. The addition of a memorial on either of the potential sites, along with the broad recommendations of the Pedestrian Master Plan, will act to further enhance the pedestrian experience for visitors, DC residents, travelers to and from Union Station, and the many office and government workers who populate the general area.

In terms of cumulative impacts, pedestrian circulation and safety would be improved with the opening of F Street NW, further supporting the goals of the Pedestrian Master Plan and resulting in positive cumulative impacts.

#### **4.1.3** Visitation Impacts

## Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

Selection of either potential site for the establishment of the Ukrainian Genocide Memorial would be unlikely to add significantly to visitation levels in Washington, DC. As a result of the sites' locations along prominent axes and in proximity to the US Capitol Building, the Memorial would likely draw visitors from other tourist venues to the site, including from the Monumental Core. Visitation at the both the New Jersey Avenue site and the Massachusetts Avenue site would likely increase substantially following completion of the reopening of F Street NW and the NoMA redevelopment projects.

In addition to the dedication of the Memorial and anniversary celebrations, it is anticipated that the proposed Memorial would be the site of special events or demonstrations, which would be permitted and coordinated by NPS. It is expected that there would be a moderate increase in visitors to the area during these periods. As a distinct destination and novel attraction near the National Mall, the Memorial would most likely experience greater than average visitation in the first few years before becoming stabilized at a more typical visitation level. This has been the general experience with other new memorials in Washington, DC.

Overall, the establishment of the proposed Memorial at either site would enhance the visitor experience to the area and contribute to other nearby tourist attractions. Overall, positive impacts to the visitor experience would result.

#### No Action Alternative

Under the No Action Alternative, a site for the placement of the Ukrainian Genocide Memorial would not be selected at this time. The sites' potential as an area of interest to visitors would not be realized at this time.

## **4.1.4** Community Facilities and Services Impacts

#### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

There would be no impacts to recreational or educational resources as a result of the selection of either of the alternative sites. The selection of either of the alternative sites would result in positive impacts to cultural facilities in the vicinity of the two sites, as it would provide another cultural venue in the area. It is not anticipated that public restrooms would be included as part of the proposed Memorial. Thus, a slight impact on nearby community facilities may result from increased visitation to the area.

In terms of cumulative impacts, establishment of the proposed Memorial in conjunction with an increase in population of the area resulting from redevelopment of the area to the west (the 395 Air Rights development) and to the north (NoMA redevelopment) would increase the need for community facilities and services, resulting in minor adverse impacts.

Under the No Action Alternative, existing conditions would not be modified. Therefore, there would be no increased demand and no impact on existing community facilities and services.

## 4.1.5 Public Safety Impacts

## Alternative A: New Jersey Avenue Site

The long-term operation of a Memorial at the New Jersey Avenue Site could result in a slight increase in demand for safety services by increasing the number of people accessing the area. Because this area already experiences high levels of visitation, it is anticipated that the existing level of police patrol, fire protection, and emergency medical service provided would be sufficient to handle the potential increase in demand. Should an increase in services be needed, it would be coordinated between the US Park Police and District Police.

## Alternative B: Massachusetts Avenue Site

The long-term operation of the Memorial at the Massachusetts Avenue Site could result in a slight increase in demand for safety services by increasing the number of people in an area that currently receives few or no visitors. This could potentially increase the need for police patrol, fire protection, and emergency medical services provided by the US Park Police. Any increase in services needed would be coordinated between the US Park Police and District Police.

#### No Action Alternative

Under the No Action Alternative, there would be no increase in demand for public safety services.

## 4.2 Cultural Resource Effects

#### 4.2.1 Historic Resources Effects

The National Historic Preservation Act of 1966 (NHPA), as amended, establishes standards for evaluating potential effects on historic resources. The NHPA defines "effect" as an "alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register" (36 CFR 800.16) and requires that the lead agency, in consultation with the SHPO, determine whether the effect is adverse. According to the NHPA, an "adverse effect" occurs "when an undertaking may alter, directly or indirectly, any of the characteristics of the historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" (36 CFR 800.5).

Section 101(b)(4) of NEPA requires federal agencies to coordinate and plan proposed actions to, among other goals, "preserve important historic, cultural, and natural aspects of our national heritage." The White House Council on Environmental Quality (CEQ) regulations implementing NEPA also require an evaluation of effects on historic resources as part of an Environmental Assessment (EA) or Environmental Impact Statement (EIS). In accordance with the Advisory Council on Historic Preservation (ACHP) regulations implementing Section 106 of the NHPA, effects on cultural resources are identified and evaluated by (1) determining the area of potential effects, (2) identifying cultural resources present in the area of potential effects that are either listed in, or eligible to be listed in, the National Register of Historic Places, (3) applying the criteria of adverse effect to affected resources, and (4) considering ways to avoid, minimize, or mitigate adverse effects.

Potential effects to historic resources include direct and indirect effects. The alteration, physical displacement, or demolition of a resource is a direct adverse effect; changes in the use, operation, or character of a resource can be either direct or indirect effects; and changes to the visual context are considered indirect effects. 'Impacts', as used under NEPA, and 'effects', as used under NHPA, are synonymous.

#### Alternative A: New Jersey Avenue Site

Selection of the New Jersey Avenue Site for establishment of the proposed Memorial would be consistent with the principals of the L'Enfant and McMillan Plans. In addition, it is expected that the Memorial would be located near the center of the landscaped parcel and thus would not adversely affect views along New Jersey Avenue. It also would not adversely affect views looking east along F Street NW toward Union Station. Overall, selection of the New Jersey Avenue Site for the establishment of the proposed Memorial on the New Jersey Avenue Site would have positive effects on historic resources due to its consistency with the L'Enfant and McMillan Plans.

Overall, cumulative positive effects on historic resources would result from the reopening of F Street, a contributing element of the L'Enfant Plan.

## Mitigation

• The final Memorial design will be subject to a thorough review by the appropriate public agencies prior to construction.

### Alternative B: Massachusetts Avenue Site

Selection of the Massachusetts Avenue Site for the proposed Memorial would be consistent with the principals of the L'Enfant and McMillan Plans. In addition, it is expected that the Memorial would be located near the center of the landscaped parcel and thus would not adversely affect views along Massachusetts Avenue. Overall, selection of the Massachusetts Avenue Site for the establishment of the proposed Memorial would have positive effects on historic resources due to its consistency with the L'Enfant and McMillan Plans.

#### Mitigation

• The final Memorial design will be subject to a thorough review by public agencies prior to construction.

## No Action Alternative

Under the No Action Alternative, neither the New Jersey Avenue Site nor the Massachusetts Avenue Site would be selected or approved for the establishment of the proposed Ukrainian Genocide Memorial. Thus, the positive benefits that would result from the establishing the proposed Memorial on a L'Enfant Reservation would not occur.

#### **4.2.2** Visual Impacts

The visual impact assessment for the proposed Ukrainian Genocide Memorial addresses potential changes to views and vistas that can be attributed to the proposed action. Impacts to views and vistas are determined based on an analysis of the existing quality of the view, the sensitivity of the view (such as important views from historic and cultural sites) and the anticipated relationship of the proposed design elements to the existing visual environment.

Visual impacts in the analysis presented below are described in the following categories:

- **No visual impact** The proposed Memorial would not result in any visual changes.
- **Minor visual impact** The proposed Memorial would be visible, but would not interfere with views and would not change the character of the existing views.
- **Moderate visual impact** The proposed Memorial would be visible and would interfere with existing views, but would not change the character of the existing views.
- Major visual impact The proposed Memorial would be visible as a contrasting or dominant element that interferes with views and substantially changes the character of the existing views.
- **Positive visual impact** The proposed Memorial would improve a view or the visual appearance of an area.

## Alternative A: New Jersey Avenue Site

The existing open space is a small landscaped park located at the intersection of a major avenue, New Jersey Avenue, and two L'Enfant grid streets, F and 1<sup>st</sup> Streets, NW. Development of a cultural element on the New Jersey Avenue Site would enhance the visual quality of the parcel, providing a focal point within the park. The location of the Memorial along New Jersey Avenue could provide a visual and symbolic connection between the Memorial statue or sculpture and the US Capitol grounds to the southeast.

The Memorial would be designed such that existing views along New Jersey Avenue, and F and 1<sup>st</sup> Streets, NW would not be interrupted by the Memorial elements. In addition, it is anticipated that the green edges of the parcel would remain as components of these visual corridors. Overall, visual impacts resulting from the establishment of the Memorial on the New Jersey Avenue Site would be positive.

Additionally, positive cumulative impacts would occur as a result of the opening of the F Street view corridor as part of the 395 Air Rights site redevelopment.

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Figure 4-3: Prominent Views from New Jersey Avenue Site

#### Alternative B: Massachusetts Avenue Site

The existing open space is a flat underutilized grassy area, located at the intersection of Massachusetts Avenue, and North Capitol and F Streets, NW. Development of the proposed Memorial on the Massachusetts Avenue Site would improve the visual quality of the parcel, providing a focal point within the park. In addition, the location of the Memorial on Massachusetts Avenue Site could provide a visual and symbolic connection between the Memorial statue or sculpture and the US Capitol Grounds to the south.

The Memorial would be designed such that existing views along Massachusetts Avenue, and North Capitol and F Streets, NW would not be interrupted by the Memorial elements. In addition, it is anticipated that the green edges of the parcel would remain as components of these visual corridors and would be enhanced through landscape elements, such as a small paved plaza on the site. Overall, visual impacts resulting from the location of the Memorial on the Massachusetts Site would be positive.

Additionally, positive cumulative impacts would occur as a result of the opening of the F Street view corridor as part of the 395 Air Rights site redevelopment.

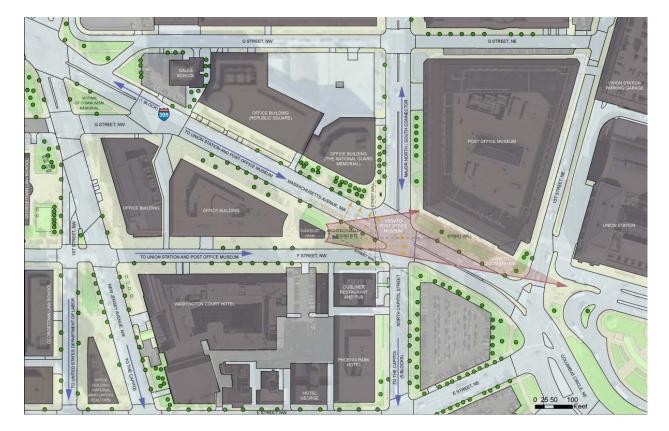


Figure 4-4: Prominent Views from Massachusetts Avenue Site

Under the No Action Alternative, neither the New Jersey Avenue Site nor the Massachusetts Avenue Site would be selected or approved for the establishment of the proposed Ukrainian Genocide Memorial. Thus, the positive benefits that would result from the visual improvement of the parcels would not occur.

# 4.3 Natural Resources Impacts

## **4.3.1** Geophysical Resources Impacts

#### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

Due to both sites' existing flat and level condition, construction of the Memorial would not require modification to the slope or contour. While it is not expected that the establishment of a Memorial on either site would require significant cut and fill of the landscape, surface soils may be reworked and recompacted underneath potential structures, paving, and fill associated with the Memorial. The construction phase could contribute to erosion through the run off of soils as they are reworked and recompacted. However, through the utilization of best management practices during construction, erosion and resulting runoff would be minimized.

#### No Action Alternative

Under the No Action Alternative, alterations to the alternative sites would not occur at this time, thus there would be no impacts to geophysical resources.

## **4.3.2** Vegetation and Land Cover Impacts

#### Alternative A: New Jersey Avenue Site

Current vegetation on the New Jersey Avenue Site consists of small low-lying shrubs, manicured grasses, flowers, and soils that would be disturbed during construction of the proposed Memorial. It is expected that the one existing mature oak tree located towards the rear and center of the site would be undisturbed by placement of the Memorial. Additionally, existing street trees surrounding the site would not be removed. Disturbance of soils, flowers, grasses, and low-lying shrubs on the site would result in a minor impact on vegetation and land cover.

### Mitigation

- The design and construction of the proposed Memorial will include efforts to retain as much current vegetation as is possible to minimize disturbance.
- Existing vegetation on the site would be protected through appropriate coverings and buffers during the construction phase.

#### Alternative B: Massachusetts Avenue Site

Current vegetation on the Massachusetts Avenue Site consists of grasses and soils that would be disturbed during construction of the proposed Memorial. The existing vegetation is not ecologically significant and existing DC street trees surrounding the site would not be removed for the purpose of constructing the Memorial. While the establishment of the proposed Memorial would not require significant cut and fill of the landscape on site, surface soils may be reworked and recompacted underneath structures, paving, and fill. Overall, under Alternative B, impacts to vegetation and land cover are not anticipated.

Under the No Action Alternative, alterations to the potential sites would not occur at this time, thus impacts to vegetation and land cover would not result.

## 4.3.3 Wildlife Impacts

## Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

The limited wildlife currently visiting the potential sites would be displaced during the construction phases. However, none of the urban wildlife observed within the study area is listed as being endangered, threatened, or sensitive and should be able to adapt quickly and easily to habitats surrounding the site. Overall, negligible short-term impacts would result during the construction phase and no long term impacts would result once the Memorial is established.

## No Action Alternative

Under the No Action Alternative, wildlife observed within the study area and throughout the District would remain in their current state and impacts to wildlife would not result.

## 4.4 Transportation Resources Impacts

## 4.4.1 Roadways and Traffic Impacts

#### Alternative A: New Jersey Avenue Site

The movement of construction materials, equipment, and workers to the New Jersey Avenue Site would likely constrict roadways in the immediate area, on F Street and 1<sup>st</sup> Street NW in particular, thereby reducing roadway capacity and creating minor traffic delays on roadways within the study. However, if construction of the proposed Memorial should be completed prior to the reopening of F Street NW, west of 1<sup>st</sup> Street NW, then traffic impacts would be negligible as less through traffic would be passing by the site. Traffic heading southbound on 1<sup>st</sup> Street NW would be diverted to other roadway lanes or other roadways. Traffic heading southeast on New Jersey Avenue would likely experience some delays while passing the site. This would result in moderate, short-term increases in traffic congestion and delays on nearby roadway segments during peak traffic periods.

Although the design for the Memorial has not yet been determined, it is not expected that alterations to the existing roadways would occur as part of the proposed Memorial. Although there would be a direct increase in visitation and associated traffic volumes in proximity to the site, most visitors would not be attending the Memorial during peak hours. The Memorial would not likely add substantially to the long-term visitation and traffic to the area because most visitors will already be attending other local memorials and museums. As a result of the anticipated small scale of the proposed Memorial and its proximity to other memorials and museums, as well the availability of public transit options, the potential for impacts to roadways and traffic is minimal.

## Alternative B: Massachusetts Avenue Site

Under Alternative B, the movement of construction materials, equipment, and workers to the site would likely constrict roadways in the immediate area, on F Street NW, and eastbound on Massachusetts Avenue, thereby reducing roadway capacity and creating minor traffic delays on roadways within the study area. Therefore, traffic would be diverted to other roadway lanes or other roadways to avoid conflicts. This would result in moderate, short-term increases in traffic congestion and delays on nearby roadway segments during peak traffic periods.

Although the design for the Memorial has not yet been determined, it is not expected that alterations to the existing roadways would occur as part of the proposed Memorial. Although there would be a direct increase in visitation and associated traffic volumes in proximity to the site, it is expected that most visitors would not be attending the Memorial during off-peak hours. The presence of the Memorial would not likely add substantially to the long-term visitation and traffic in the area because most visitors would already be attending other local attractions. As a result of the anticipated small scale of the proposed Memorial and its proximity to visitor attractions, as well the availability of public transit options, the potential for impacts to roadways and traffic is minimal.

Under the No Action Alternative, a site for the Ukrainian Genocide Memorial would not be selected at this time and no alterations to roadways or traffic would result.

## **4.4.2** Vehicular Parking Impacts

## Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

The construction of a memorial on either site would temporarily constrain and/or close the metered spaces that border the site. In the long-term, the existing on-street parking would not be modified as a result of establishing a memorial on either site. The metered spaces bordering the New Jersey Avenue and the Massachusetts Avenue Sites would remain. Additional parking would not be necessary as it is expected that most visitors would access the site by walking from other nearby attractions or would be coming from local business or residential establishments.

In addition, adequate public transit is available in the immediate vicinity of both sites, including Metrorail and bus options, thus offsetting potential need for vehicular access and parking near the Memorial site.

Construction of a Memorial on either site would temporarily encroach on the roadways adjacent to the sites. This may require short-term use of the existing parking spaces on 1<sup>st</sup> Street NW and F Street NW at the New Jersey Avenue Site and along F Street NW and North Capitol Street NW at the Massachusetts Avenue Site.

Although minor short-term impacts would result during the construction phase, long-term impacts to vehicular parking area not anticipated.

### Mitigation:

 Once the design for the Memorial is selected, the Committee will meet with DDOT to coordinate any potential changes to parking in the area, including the consideration for additional handicapped-accessible spaces.

## No Action Alternative

Under the No Action Alternative, neither site would be secured for establishment of a memorial at this time; therefore, there would be no impact on parking.

## **4.4.3** Public Transportation Impacts

#### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

Establishment of a memorial on either site being considered would result in an increase in visitors to the site; however, the overall level of visitation to the area would not be expected to significantly increase because the Memorial would attract visitors already coming to nearby cultural facilities and the Mall. Therefore, ridership on the DC transit system is not anticipated to

increase due to establishing a memorial on either site and impacts to pubic transit would not occur.

## No Action Alternative

Under the No Action Alternative, neither site would be secured for establishment of the Memorial at this time; therefore, there would be no change in transit activity in the area.

### **4.4.4** Pedestrian and Bicycle Circulation Impacts

#### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

The sidewalks located along the periphery of either potential Memorial sites are used by pedestrians on a daily basis. The construction phase of establishing the Memorial on either site would temporarily disrupt pedestrian flow as well as traffic routes around the sites. However, circulation patterns would be restored, thus potential impacts would be minor. Over the long term, establishment of the Memorial on either site would extend pedestrian routes to the site and result in a slight increase in pedestrian traffic in the immediate area. This increase in activity would also likely improve the visitor experience as a result of adding a new point of interest to the area and improving visitor sense of safety.

#### Mitigation

- During the construction phase, proper signage, detour routes, and way-finding measures should be placed around the site so that pedestrians and traffic can be redirected to alternate routes. Construction barriers, such as fences, can be used to ensure that pedestrians do not enter the site during construction.
- If determined appropriate and necessary, the addition of a crosswalk to the Memorial site would be coordinated with DDOT.

### No Action Alternative

Under the No Action Alternative, neither alternative site would be secured for establishment of a memorial at this time; therefore, there would be no change in pedestrian/bicycle circulation in either area.

## 4.5 Utilities and Infrastructure Impacts

## **4.5.1** Stormwater Management Impacts

#### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

Although the Memorial design has not yet been determined, potential design elements may include paved areas for a plaza or engravings and inscriptions. Thus, it is anticipated that establishment of a memorial on either site would result in a minimal increase in the amount of impervious surface area. This addition of impervious surface area would result in a slight increased potential for impacts related to runoff.

## Mitigation:

• The use of pervious paving materials should be encouraged as part of the design criteria for the Memorial.

## No Action Alternative

There would be no impact on stormwater management systems under the No Action Alternative.

## **4.5.2** Utilities Impacts

### Alternative A: New Jersey Avenue Site and Alternative B: Massachusetts Avenue Site

Although a design for the Memorial has yet to be determined, implementation of design guidelines will ensure that the Memorial would not include indoor areas requiring systems to support climate control. It is not anticipated that the Memorial would require any new electrical connections. Existing lightposts surrounding the sites would provide sufficient light to the Memorial.

There are currently no gas or telecommunications utilities serving either site; however, a need for these utilities is not anticipated as part of the Memorial. Establishment of the Memorial on either site would not require use of any new utilities, thus impacts to utilities would not result.

## No Action Alternative

Under the No Action Alternative, no impacts to utility systems in the area would occur.