

***National Capital Parks-East  
Transfer Portion of Fort Dupont Park to DC for Recreational  
Development  
Transfer of Jurisdiction of Certain National Park Service Properties to the  
District of Columbia Government (National Capital Parks-East: Fort  
Dupont Park)  
Concern Response Report***

***Report Date: 11/24/2008***

***AL4000 - Alternatives: New Alternatives Or Elements***

***Concern ID:*** 18985

***CONCERN STATEMENT:*** NPS should evaluate the two proposed recreational uses of Fort Dupont Park independently as two separate potential uses, with separate evaluations. This should be done because the reasonable alternatives for the construction of the baseball academy may differ from the reasonable alternatives for expanding the ice skating rink.

***Response:*** The purpose of the EA was to evaluate whether NPS should transfer jurisdiction of this property to the District to use for recreational purposes, and not what that recreation should be. The alternatives therefore pertain to whether or not the transfer should occur.

***AL5000 - Lack of Reasonable Alternatives Presented***

***Concern ID:*** 19067

***CONCERN STATEMENT:*** The EA is Inadequate Because It Fails to Consider Several Reasonable Alternatives to the Proposed Action. NPS should have considered at least some of the alternatives mentioned on page 16-17 of the Scoping Comments because these alternatives would ensure that environmental damage is mitigated or eliminated and would further NPS's announced project purpose and need of improving and expanding recreational facilities within Fort Dupont Park. Moreover, these alternatives would allow NPS to improve and expand recreational facilities while remaining true to NPS's congressional mandate to protect national parkland.

***Response:*** The purpose of the EA was to evaluate whether NPS should transfer jurisdiction of this property to the District to use for recreational purposes, and not what that recreation should be. The alternatives therefore pertain to whether or not the transfer should occur. The range was reasonable, in addition to an action and a no action alternative: to transfer or not to transfer, it contained three alternatives which were dismissed due to impacts on the Park's Natural Zone or because they were not responsive to the District's requirements which prompted consideration of this proposal to transfer.

***TN100 - THREATS - Threats to natural resources***

***Concern ID:*** 18976

***CONCERN  
STATEMENT:***

To avoid compromising the health of the stream and forest ecosystem, any new buildings, playing fields and parking lots should be designed to ensure that there is no net increase in runoff from the site.

" There has already been a significant investment in bioretention areas to reduce runoff near the ice rink. Any additional development should incorporate similar practices along with rain gardens, permeable pavers, and green roofs.

" Plant additional native trees, over and above any required to be planted because of trees removed, in bioretention areas and throughout the site to reduce runoff, provide shade, screening and aesthetic benefits.

***Response:***

Comment noted. After the parcel is jurisdictionally transferred to the District, it is the District responsibility to develop mitigations that would minimize impacts to the area's natural resources.

In addition, as stated in the EA, "In accordance with the District of Columbia's Stormwater Management Guidebook (2001) and 21 D.C. Municipal Regulations (DCMR), Chapter 5 (Sections 526-535: The District of Columbia-Storm Water Management 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 operation of the proposed new facilities. 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 leave the site.

***TR1000 - Transportation Impacts from the proposed action***

***Concern ID:*** 19063

***CONCERN  
STATEMENT:***

The EA also fails to sufficiently analyze the impact of traffic and transportation during the construction phase of the project because it unrealistically provides that construction will only occur during the daylight hours that are not during school or peak traffic hours. EA at 17. This statement is unrealistic because construction crews will not have enough time to work on the project if they can only work during daylight hours that are not during either school or peak traffic hours. Under this scenario, construction crews would be limited to working for four or five hours per day on weekdays. The limited time allowed for construction during the week suggests that construction crews may need to work on weekends-an additional impact not considered in the EA, but far more intrusive on the neighborhood because more people are at home trying to relax on the weekend.

As stated in the EA, based on the limited number of trips construction vehicles would be making on this road, and mitigations measures taken, impacts from construction would be of short duration and not greater than minor.

Although the regularly permitted hours for construction in the District are between 7am and 7pm Monday through Saturday, the District may limit the hours for construction to minimize or avoid impacts to adjacent schools or neighborhoods.

### ***MT1000 - Proposed Mitigations***

**Concern ID:** 18971

**CONCERN STATEMENT:** [If development is to occur]...Maintain a minimum 50 foot buffer of undisturbed land between the forest edge, any natural areas, and the limits of disturbance.

**Response:** Comment noted. After the parcel is jurisdictionally transferred to the District, it is the District responsibility to develop mitigations that would minimize impacts to the area's natural resources.

**Concern ID:** 18972

**CONCERN STATEMENT:** [If development is to occur]...Use super silt fence exclusively to demarcate the limits of disturbance wherever they lie adjacent to forest and/or natural areas.

**Response:** Comment noted. After the parcel is jurisdictionally transferred to the District, it is the District responsibility to develop mitigations that would minimize impacts to the area's natural resources.

**Concern ID:** 18975

**CONCERN STATEMENT:** We understand that there are approximately nineteen (19) Special Trees as defined by the Urban Forest Preservation Act of 2002, DC ST §§ 8-651.01

□ 8.651.08, also known as the DC Tree Bill, in the recreational portion of the site to be developed and transferred to the District of Columbia.  
" Replace all special trees, regardless of the timing of the land transfer (whether the area to be developed is District or federal land), according to the provisions of the Urban Forest Preservation Act of 2002.

" Ensure that any and all trees planted for replacements or otherwise, are native species so as not to compromise the adjacent forest ecosystem.

**Response:** As stated in the EA, there are a few individual trees that may have to be removed after the transfer of jurisdiction has occurred and during the construction of the District's proposed baseball academy. All trees removed would be replaced with native tree species.

### ***VR1000 - Vegetation And Riparian Areas: Guiding Policies, Regs And Laws***

**Concern ID:** 18974

**CONCERN STATEMENT:** We understand that there are approximately nineteen (19) Special Trees as defined by the Urban Forest Preservation Act of 2002, DC ST §§ 8-651.01

□ 8.651.08, also known as the DC Tree Bill, in the recreational portion of the site to be developed and transferred to the District of Columbia.  
" Replace all special trees, regardless of the timing of the land transfer (whether the area to be developed is District or federal land), according to the provisions of the Urban Forest Preservation Act of 2002.

" Ensure that any and all trees planted for replacements or otherwise, are native species so as not to compromise the adjacent forest ecosystem.

**Response:** As stated in the EA, there are a few individual trees that may have to be removed after the transfer of jurisdiction has occurred and during the construction of the District's proposed baseball academy. All trees removed would be replaced with native tree species.

### ***VR4000 - Vegetation And Riparian Areas: Impact Of Proposal And Alternatives***

**Concern ID:** 18973

**CONCERN STATEMENT:** We understand that there are approximately nineteen (19) Special Trees as defined by the Urban Forest Preservation Act of 2002, DC ST §§ 8-651.01

□ 8.651.08, also known as the DC Tree Bill, in the recreational portion of the site to be developed and transferred to the District of Columbia.  
" Replace all special trees, regardless of the timing of the land transfer (whether the area to be developed is District or federal land), according to

the provisions of the Urban Forest Preservation Act of 2002.

**Response:**

" Ensure that any and all trees planted for replacements or otherwise, are native species so as not to compromise the adjacent forest ecosystem. As stated in the EA, there are a few individual trees that may have to be removed after the transfer of jurisdiction has occurred and during the construction of the District's proposed baseball academy. All trees removed would be replaced with native tree species.

**Concern ID:**

18978

**CONCERN  
STATEMENT:**

Furthermore, grading the project site may result in the death of mature hardwood trees that provide canopy for the native ground vegetation of the forest. This loss of canopy will create a more hospitable environment for invasive plants, which may spread rapidly and destroy native vegetation by "stealing light, water, and nutrients from less-aggressive plants."

**Response:**

Comment noted. The area designated by the NPS as the Natural Zone that lies adjacent to the Project Area would not be encroached upon. After the jurisdictional transfer, any development that may occur on the site would not involve any deep excavation and grading for the ball fields would most likely involve adding materials. While the roots of some trees within the Natural Zone may be harmed, affecting the health of the individual tree, it is not likely that there would be any noticeable loss in forest canopy.

**Concern ID:**

18980

**CONCERN  
STATEMENT:**

The EA also ignores several beautiful stands of large, mature trees that will inevitably be destroyed if the ball fields are constructed. MNPS recently performed a site visit and found that the following trees will be destroyed because they are located in the path of the ball fields or the administrative building: 19 Large Native Shade Trees including, 2 Red Oak Trees, 1 Scarlet Oak Tree, 6 Sweet Gum Trees, 1 Willow Oak Tree, 3 Tulip Trees, 4 Southern Red Oak Trees. At least nine of these are of particular concern because they are likely "Special Trees" pursuant to the Urban Forest Preservation Act since the circumference of their trunks are 55" or more. See D.C. Code Section 8-65 1.02 (200 1). Without considering the extent to which grading and filling the project site will disturb existing root systems and drainage patterns, alter the composition of the soil, and introduce invasive species in the forest system, NPS cannot accurately determine whether the proposed transfer will have a significant impact on the environment.

**Response:**

As stated in the EA, there are a few individual trees that may have to be removed after the transfer of jurisdiction has occurred and during the construction of the District's proposed baseball academy. All trees removed would be replaced with native tree species.

As documented in the EA, the NPS has determined that the selected alternative can be implemented with no significant adverse effects to the natural or human environment, and as a result, an EIS is not required for this action.

**Concern ID:**

18988

**CONCERN  
STATEMENT:**

While the EA provides that maintenance of the athletic fields will likely require the use of fertilizers and pesticides, it does not address their impact on the native vegetation and wildlife of Fort Dupont Park. & EA at 11. Fertilizer drift may change the pH of the unusually acidic soil in the forest, causing changes in the vegetation, as discussed above. Pesticides may affect Fort Dupont wildlife directly by poisoning species that come into direct contact with the pesticides. Cf. PURDUE PESTICIDE PROGRAMS (available at <http://www.btny.purdue.edu/PPP/>). Fort Dupont wildlife is likely to come in direct contact with the pesticides because they may

traverse the site, eat insects that were in contact with those substances, or come in contact with contaminated run-off from the recreational fields. Species may also be indirectly affected because the spraying of pesticides and fertilizers may modify the food supply of the wildlife if insects or other organisms are killed by the substances. See id.

**Response:**

Fertilizers and pesticides, if needed, would be applied according to manufacturer guidelines using proper methods and correct quantities. They would also be applied only when weather conditions are suitable to assure there would be no runoff. As a result, impacts to vegetation and wildlife outside of the footprints of the baseball fields would not be likely. Any fertilizer that may happen to drift into the Natural Zone would not be in sufficient quantities to alter the natural PH of the soils. In addition, proper stormwater management on the site would such that stormwater runoff would be diverted away from the Natural Zone.

**Concern ID:**

**CONCERN  
STATEMENT:**

19059

While the EA evaluates the environmental effects that would occur within the footprint of the finished development, it ignores several predictable consequences of grading and filling the site, such as the destruction of root systems, the alteration of the existing soil's unusually acidic pH level, and the introduction of invasive species.

The proposed ball fields and the ice skating rink will be located right at the edge of the Park's mature old growth forest. A substantial amount of grading and filling will be necessary to construct the ball fields because the terrain of the proposed location has hills with a grade of up to 40% in some areas. EA at 33. Grading and filling the proposed site will have adverse consequences on the woods in ways that the EA did not acknowledge. Grading the proposed site will adversely affect trees located on or adjacent to the project site because the land will be bulldozed, earth will be removed, and retaining walls may even be necessary in order to make the hillside suitable for baseball fields. This disturbance is likely to destroy the root systems of mature hardwood trees and other native vegetation near the proposed site and may eventually kill native vegetation several yards into the adjacent woods.

Introducing fill material will likely alter the unusually acidic soil of the forest because run-off from the project site will carry fill material and other pollutants into the forest. The slope of the site makes run-off inevitable. Of particular concern is potential damage to the terrace gravel ecosystem. This globally rare ecosystem only grows in very acidic soil. Runoff will change the pH level of the existing forest soil, threatening the vitality of the terrace gravel ecosystem. The EA should acknowledge this threat. Grading and filling the site is also likely to introduce invasive plants

Comment noted. The area designated by the NPS as the Natural Zone that lies adjacent to the Project Area would not be encroached upon. After the jurisdictional transfer, any development that may occur on the site would not involve any deep excavation and grading for the ball fields would most likely involve adding materials. While the roots of some trees within the Natural Zone may be harmed, affecting the health of the individual tree, it is not likely that there would be any noticeable loss in forest canopy.

In addition, as stated in the EA, "In accordance with the District of Columbia's Stormwater Management Guidebook (2001) and 21 D.C. Municipal Regulations (DCMR), Chapter 5 (Sections 526-535: The District of Columbia-Storm Water Management 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 operation of the proposed

new facilities. 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 leave the site. Runoff from the Project area into the Natural Zone would not likely increase, and there would not likely be any increase in the Ph of the soil in that forested area.