



FINDING OF NO SIGNIFICANT IMPACT

Upper Beach Drive Management Plan/Environmental Assessment Rock Creek Park Washington, DC

The National Park Service (NPS) prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts associated with its development of the Upper Beach Drive Management Plan (Plan) for Rock Creek Park (the park). This Plan examines the management of the northern portion of Beach Drive and several adjacent roadways to improve recreational opportunities and minimize impacts on the natural, archeological, and historic resources of the Rock Creek Valley and areas of northwestern Washington, DC. (All streets referenced in this document are in northwest Washington, DC, unless specified). The Plan also amends the 2007 Rock Creek Park and the Rock Creek and Potomac Parkway Final General Management Plan.

The purpose of the Plan was to develop a comprehensive management approach for upper Beach Drive and adjacent roadways that improves recreational opportunities, addresses needs of motorized and nonmotorized users, and minimizes resource impacts. This Plan was needed to evaluate possible long-term changes in the use of upper Beach Drive and adjacent roadways and to determine if park management strategies need to change as a result.

The EA was prepared in accordance with the National Environmental Policy Act (NEPA) (42 United States Code (USC) § 4332) and the Council on Environmental Quality implementing regulations effective September 14, 2020 (40 Code of Federal Regulations (CFR) §§ 1500-1508); US Department of the Interior NEPA regulations (43 CFR Part 46); NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-Making; and the NPS NEPA Handbook. The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file.

PUBLIC AND AGENCY INVOLVEMENT

Public Scoping - As part of the NEPA process and to comply with the requirements of Section 106 of the National Historic Preservation Act, the NPS involved the public in project scoping by holding a 45-day public comment period from July 8, 2021, to August 21, 2021. A virtual public meeting was also held on July 18, 2021, using the Microsoft Teams platform. The scoping meeting period was announced by sending a news release and eblasts to agencies, stakeholders, and other potentially interested parties. The presentation used during the virtual public meeting, a recording of the meeting, and a link to the District Department of Transportation (DDOT) June 2022 Upper Beach Drive Management Plan – Traffic Study, which revised the October 2021 Traffic Study used in the Plan remain available at the NPS Planning, Environment and Public Comment (PEPC) project webpage <https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>.

EA Public Review - The EA was made available for public review and comment from July 11, 2022, to August 11, 2022, at the NPS PEPC project webpage <https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>. A virtual public meeting was held on July 18, 2022, to describe the existing conditions in Rock Creek Park; review issues and impact topics analyzed and dismissed in the Plan; present alternatives for the management of upper Beach Drive, including the preferred alternative; review the impacts of the alternatives; and invite the public's comments on the Plan. The public meeting was held from 6:30 p.m. to 8:00 p.m. via the Microsoft Teams platform. A video recording of this meeting is available at this site, <https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>. The EA public review period was

announced on the NPS PEPC webpage and by news release. A total of 3,694 pieces of correspondence were received from the EA public review period, with most of those comments advocating for the full closure of Beach Drive. Responses to substantive public comments are provided in Attachment B. The Public Comment Analysis Report is available at <https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>.

National Historic Preservation Act, Section 106 Consultation – Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800) “Protection of Historic Properties,” NPS initiated consultation with the District of Columbia Historic Preservation Office (DC SHPO) and the Maryland Historical Trust (MHT) in a letter dated June 14, 2021. The letter briefly described the project and invited comments. On June 21, 2021, the DC SHPO provided preliminary comments and the MHT replied on July 12, 2021.

The NPS submitted an Assessment of Effect to the DC SHPO and MHT dated July 18, 2022, that assessed whether the proposed undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it 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. Based on the Assessment of Effects, it was determined that the proposed undertaking will have no adverse effect on historic properties and no effect on archaeological resources. The MHT and DC SHPO concurred with the NPS’s determination in responses dated August 17, 2022, and August 18, 2022, respectively. Following the NPS decision to select alternative 2 for implementation, the NPS submitted a revised Assessment of Effect to the DC SHPO and MHT dated September 25, 2022, that determined that Selected Alternative for implementation will have no adverse effect on historic properties and no effect on archaeological resources. The MHT and DC SHPO concurred with the NPS’s determination in responses dated September 25, 2022, and October 18, 2022, respectively. Copies of the MHT and DC SHPO responses are also provided in Attachment C.

Tribal Consultation – Tribal consultation initiation letters were sent to the Delaware Nation, the Delaware Tribe of Indians, the Pamunkey Indian Tribe, the Eastern Shawnee of Oklahoma, and the Catawba Indian Nation on June 14, 2021. A response was received from the Catawba Indian Nation on July 27, 2021, that stated that the Tribe had no comments but asked to be consulted in the event of inadvertent discovery of remains or sites of potential cultural significance. Responses have not been received from the Delaware Nation, the Delaware Tribe of Indians, the Eastern Shawnee of Oklahoma, or the Pamunkey Indian Tribe. The NPS sent each of the Indian Tribes the revised Assessment of Effect dated September 25, 2022, that determined that Selected Alternative for implementation will have no adverse effect on historic properties and no effect on archaeological resources. Copies of letters are provided in Attachment C.

Endangered Species Act, Section 7 Consultation – In accordance with Section 7 of the Endangered Species Act, on April 15, 2022, the NPS consulted with the US Fish and Wildlife Service (USFWS) to determine the potential for federally listed protected species to be present in the park. This consultation showed the potential for the federally threatened northern long-eared bat (*Myotis septentrionalis*) and federally endangered Hay’s Spring amphipod (*Stygobromus hayi*) and Indiana bat (*Myotis sodalis*) to be present in the park. However, the NPS determined that implementation of the Plan may affect but is not likely to adversely affect the two bats and the Hay’s Spring amphipod. On May 3, 2022, the USFWS concurred with the NPS determination if the conservation measures were implemented. A revised determination of effect was sent to USFWS on October 4, 2022, that determined that Selected Alternative for implementation may affect but is not likely to adversely affect the two bats and the Hay’s Spring amphipod. Based on the change in the preferred alternative, the Park sent a letter, October 12, 2020, to the USFWS to reinstate the Section 7 process. On October 24, 2022, the Park met with the USFWS to discuss the changes in Plan. During that meeting, the USFWS verbally concurred with the NPS determination that if the conservation measures were implemented, the proposed new action may affect but is not likely to adversely affect the two bats and the Hay’s Spring amphipod. Formal concurrence was received on October 28, 2022. Copies of letters are provided in Attachment C.

ALTERNATIVES CONSIDERED AND SELECTED

The EA analyzed three alternatives: Alternative 1: No-Action Alternative Pre-COVID-19 Pandemic Management; Alternative 2: Full-Time Closure for Recreation; and Alternative 3: Seasonal Closure for Recreation (the Preferred Alternative). A detailed description of the alternatives can be found on pages 11 through 14 of the EA. Based on the analysis presented in the EA, extensive public input, and NPS internal deliberation and analysis, the NPS selected Alternative 2: Full-Time Closure for Recreation for implementation instead of the preferred alternative identified in the EA, Alternative 3: Seasonal Closure for Recreation.

Under the Selected Alternative (alternative 2) the upper portion of Beach Drive and associated roadways will be closed to motor vehicle use and open for nonmotorized recreational use 7 days a week, 365 days a year. Affected areas will include Bingham Drive (0.43 miles), Sherrill Drive (0.34 miles), and Beach Drive (4.28 miles) in three sections: from Broad Branch Road to Joyce Road, from Picnic Area 10 to Wise Road, and from West Beach Drive to the Maryland boundary. Between Joyce Road and Picnic Areas 6-10, Beach Drive will remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive will remain open to vehicles.

Implementation of the Selected Alternative will also amend the 2007 Rock Creek Park and the Rock Creek and Potomac Parkway Final General Management Plan, which maintained motorized through traffic on Beach Drive, Bingham Drive and Sherrill Drive on weekdays, and continues the weekend and federal holiday recreation road closures. Weekday motorized vehicle travel throughout the park was accommodated.

RATIONALE FOR DECISION

The NPS selected the Full-time Closure for Recreation alternative (alternative 2) for implementation because it will result in mitigable environmental impacts and meets the project purpose and need while fulfilling the NPS statutory mission and responsibilities, considering economic, environmental, technical, and other factors.

As stated above, the NPS has decided not to select the EA's preferred alternative (alternative 3 – seasonal closure) as the selected alternative for implementation. This decision prioritizes park access within the closed area for recreational use including walkers, runners, cyclists, and passive recreational users such as wildlife observers and those seeking respite in natural areas. In April 2020, at the beginning of the COVID-19 pandemic, the NPS closed Beach Drive to provide sufficient room for park visitors to undertake essential recreation while maintaining a six-foot distance from each other. At that time, it was NPS's intention to re-open the road to motor vehicles at the end of the pandemic and return to pre-pandemic operations. But as the deadline to re-open the road approached, it was observed by the NPS and echoed by thousands, during both the public scoping period for the plan and during the EA's public comment period, that the mental and physical health as well as recreational and personal benefits provided for by the closure go far beyond the initial rationale of social distancing. This closed section of road has also become an important amenity for park visitors and local community members and a safer commuter route for cyclists. The NPS's decision to select the full-time closure for implementation rather than the seasonal closure is based on how recreation has flourished, and on the enormous mental and physical health benefits to those who have used the upper portion of Beach Drive for recreation since its initial closure in April 2020.

The full-time closure to motor vehicles would eliminate through traffic within the upper portion of Beach Drive year-round (except between Wise Road and West Beach Drive). While the full-time closure for recreation could delay motorists and increase travel times to key park sites or through the park, including during peak weekday travel times, these impacts would not be substantial, based on traffic analysis performed with DDOT. Traffic delays and impacts would be minor and largely could be mitigated via timing of traffic lights, new signals and stop signs, and traffic-calming measures. The number of motor vehicles that were originally to be affected by this closure was 5,500 to 8,500 motorists daily (Upper Beach Drive Management Plan - Traffic Study October 2021). The updated traffic study indicates that

with the District Department of Transportation's implementation of the 16th Street Bus Lane Project, the Georgia Avenue Bus Lane Project, and the elimination of reversible lane traffic on Connecticut Avenue, traffic on the upper portion of Beach Drive (if fully open) would increase by 30 percent to approximately 7,400 to 12,000 vehicles per weekday by 2045. The selected alternative would decrease traffic impacts within the park that are otherwise predicted to result from the implementation of these DDOT projects, whereas under the preferred alternative from the EA, the park would have experienced this 30 percent increase in traffic and its attendant impacts on recreational use and park resources.

The selected alternative would create safer conditions for all park visitors year-round by reducing conflicts between motor vehicles, bicyclists, and pedestrians, and providing routes for cyclists, largely free of motor vehicles (except between Joyce Road and Picnic Grove 10, and between Wise Road and West Beach Drive), between the north end of the Rock Creek Park Multi-Use Trail and the Maryland state line. The selected alternative would also provide nonmotorized access for persons with disabilities to areas of the park that lack separated pathways and accessible trails.

It should be noted that the NPS also observed that during the full-time closure, there has been an increase in impacts to wildlife caused by the creation of new unofficial or "social" trails in the area, which has created some management and operational issues for park staff and law enforcement. The NPS believes that these impacts can be mitigated after the Plan is formally implemented. The mitigation measures listed below will help to mitigate the effects from social trails on rare, threatened, and endangered species as well as the wildlife and wildlife habitat.

The selected alternative meets the mission of the NPS as established by the Organic Act (54 USC 100101 *et seq.*), and the purpose of Rock Creek Park as stated in the enabling legislation (26 Stat 492), which provides that Rock Creek Park is "*perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States.*" It also best meets the protective prescriptions for Rock Creek Park, also called for in the 1890 Rock Creek Park bill, which states that the regulations governing operation of the park will "*...provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible.*"

ALTERNATIVES DISMISSED FROM FURTHER CONSIDERATION

The National Park Service considered multiple alternatives for the management of upper Beach Drive that were ultimately dismissed from further consideration. Alternative management approaches studied included different configurations and timings of road closures during weekdays. Examples of different roadway closure configurations that were considered but dismissed include:

- Valley closure (Broad Branch Road to Joyce Road)
- Middle closure (Joyce Road to Wise Road) to include Sherrill Drive and Bingham Drive
- Upper closure (West Beach Drive to Maryland Boundary)
- Ross Drive, from Joyce Road to Ridge Road
- A combination of these options

The NPS dismissed these roadway closure configurations because they will be difficult to communicate and distinguish from weekend/holiday closures. These closures will not provide safe, continuous, and largely nonmotorized access between Broad Branch Road and the Maryland boundary. Therefore, they have the potential to introduce more nonmotorized users on roadways without safe accommodation for these users. Examples of timing closures that were considered but dismissed include:

- Time of day (post- and pre-rush hour; during non-peak times)
- Additional day of week (Mondays and Fridays) closures

The National Park Service dismissed these configurations because they will present considerable operational and communication challenges for park and United States Park Police staff. While the NPS routinely closed Beach Drive on weekends and holidays, regularly changing the operations of a roadway on weekdays with significant peak traffic volumes will not be feasible and could create safety issues. The

different roadway configuration and timing closures considered will also preclude safety countermeasures such as eliminating automobile turn movements onto Beach Drive.

MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse impacts to affected resources, whether under the jurisdiction of the NPS or as a result of a NPS decision. To help ensure the protection of cultural and natural resources and the quality of the visitor experience, the NPS will implement mitigation measures to avoid and/or minimize impacts. Mitigation measures of the selected alternative are provided below. These mitigation measures will allow the NPS to meet its conservation mandates as required by the NPS Organic Act (54 USC 100101 *et seq.*) and minimize impacts to the park visitors.

These mitigation measures will minimize traffic impacts, resource impacts, and enhance visitor experience.

Visitor Use and Experience

- Plan and implement scenic driving days to allow motorized vehicles to traverse the extent of the park to allow visitors who prefer to enjoy the park by motorized vehicle the ability to do so.

Rare, Threatened, and Endangered Species

- Implement USFWS Final Recovery Plan, see <https://www.fws.gov/species/hays-spring-amphipod-stygobromus-hayi>.
- Identify and prioritize informal trails by degree of potential harm to Hay's Spring amphipod to help the park implement management actions to conserve and protect the habitat and species.
- In the areas around the springs, monitor vegetation and soils for recreational impacts.
- Close and remove social trails in all recharge areas and areas surrounding the springs.
- Increase patrols and visible law enforcement presence, park rangers, and park volunteers to reinforce messaging to protect resources in areas of sensitive habitat.
- Provide/install better information and signage about the location of formal park trails.
- Install and maintain boot brushes for removing invasive plant seeds at strategic locations near official trailheads.
- Increase messaging and signage to visitors that dogs must remain on leash in the park and enforce ticketing and fines for people with dogs that are off leash.
- Engage the public via a visitor use management plan that develops measures to address unofficial social trails and other visitor use issues in a comprehensive manner.
- Periodically monitor and remap social trails.
- Continue to implement the white-tailed deer management plan to increase tree and vegetation seedling regeneration and numbers to restore the forest and protect Hay's Spring amphipod.

Social Trails

- Engage social scientists to identify methods to balance visitor impacts and enjoyment and develop a visitor use management plan that will encourage access, improve visitor experience, and protect resources.
- Develop a strategy and associated signage to educate and reduce the creation of social trails and educate the public on the effects of social trails.
- Work with the Rock Creek Conservancy to prioritize forest blocks for restoration and planting.

- Work with the Rock Creek Conservancy to procure trailhead and junction signs that would orient visitors, help them stay on trails, and provide education about park regulations.
- Work with the Rock Creek Conservancy to develop strategies to address the closure of social trails and the rehabilitation of the forest.
- Implement a media campaign to heighten the awareness of social trails and their impacts on the forest and wildlife.

Transportation operations and safety

Mitigation measures to reduce delays during peak period travel, improve safety, and discourage speeding in residential neighborhoods would require coordination and commitment from the District Department of Transportation, and be contingent on available funding and neighborhood coordination. Such mitigations could include:

- Installing new and adjusted traffic signals, safety improvements, and traffic calming inside and outside Rock Creek Park, to include signaling the intersection of 16th Street and Blagden Avenue.
- Modify signal timings on 16th Street at Missouri Avenue/Military Road ramp intersections
- Provide left turn phasing for Military Road westbound to Glover Road southbound (only AM peak period).
- Modify signal offsets at 16th Street at Missouri Avenue/Military Road ramp intersections
- Provide a three-way stop at Beach Drive and Blagden Avenue as short-term solution and possibly signalize as operations warrant.
- Re-sign and re-mark the intersections of Beach Drive/Broad Branch Road, Beach Drive/Wise Road, and Beach Drive/West Beach Drive.
- Implement traffic calming on Chestnut Street.
- Implement a new system to ease the operation of Beach Drive closure gates for easy access of emergency vehicles.

Accessibility

- To assist with access, the park would develop electronic and printed materials that inform the public about closures, how the closures impact access to park areas, and alternatives for access to various park areas to allow users to make decisions about activities and access.

The NPS will monitor implementation of the Selected Alternative. The selection of this alternative does not prevent the superintendent from altering the management of upper Beach Drive in the future, should there be indications that resource conditions are degrading, and/or there are unanticipated impacts to threatened and endangered species from the on-going full-time recreational access into the project area despite the implementation of these mitigations.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT IMPACT

As documented in the EA, the selected alternative has the potential for adverse and beneficial impacts on visitor use and experience (see EA pages 16-19), Transportation Operations and Safety (see EA pages 19-21), Historic Districts (see EA pages 21-22), Cultural Landscapes (see EA page 23), and Wildlife and Wildlife Habitat (see EA pages 24-28). The NPS has determined that the selected alternative can be implemented without significant adverse effects, as defined in 40 CFR 1508.27.

Visitor Use and Experience. The selected alternative will increase recreational opportunities within the Park and the overall Washington, D.C., regional area. Nonmotorized users will have increased access in the upper portion of Beach Drive. Recreational opportunities will be formally extended to 7 days a week, 365 days a year instead of weekends and holidays. The closure of the road creates a more protected space

for recreational users with different speeds or abilities largely separate from motorized traffic and will likely result in more bicycle use of the roadway. The continued closure of Sherrill Drive and Bingham Drive provides a new opportunity for nonmotorized visitors to access the Park.

Traffic noise will be eliminated along the upper portion of Beach Drive, except for that from cross-park traffic using Wise Road, West Beach Drive connection, and Joyce Road/picnic area 10 to access picnic areas. Natural sounds and the sounds of people recreating will be dominant in many areas. Persons with physical disabilities will experience increased access for recreational use by driving to parking lots at picnic areas 6-10 to access the portions of upper Beach Drive to the north that are closed to motorized vehicles. While access will increase, some persons with physical disabilities who rely on motor vehicles for access will be unable to reach certain areas of the park that are closed. To assist with access, the park will develop electronic and printed materials that inform the public about closures.

By largely eliminating cars and other motorized vehicles in the upper portions of Beach Drive and adjacent roadways, the number and severity of collisions between automobiles and pedestrians, runners, and cyclists in the park along this section will be reduced. Motorized vehicle access to other portions of the park outside the closed section will still be available to all visitors. While motorized access for pleasure driving along the upper portion of Beach Drive will be eliminated, access for pleasure driving will remain along other Park roads such as Ross Drive.

Transportation Operations and Safety. The selected alternative would continue to impact weekday traffic patterns. The closure of upper Beach Drive will shift the upper Beach Drive traffic to adjacent roads. Since upper Beach Drive is a north-south road, it is projected that most of the shifted traffic will use 16th Street to Blagden Road/Colorado Avenue on the east side of upper Beach Drive and either Oregon Avenue/Glover Road/Grant Road or Utah Avenue/27th Street to Broad Branch Road on the west side of upper Beach Drive. Other roadways that will experience increases in volumes include Military Road, Connecticut Avenue, Maryland 186, and several lower volume roadways. There will be some volume decreases on roadways that tie into upper Beach Drive such as West Beach Drive. In the state of Maryland, there are projected increases on MD 410, MD 186 (Brookville Road), and various local streets that tie into Beach Drive NW. (Upper Beach Drive Management Plan – Traffic Study October 2021)

Just prior to release of the EA, the DDOT released a new traffic study that incorporated four major projects (three DDOT projects and one potential NPS project) that were not included in the October 2021 study. (Upper Beach Drive Management Plan – Traffic Study June 2022). The one NPS project listed, eliminating the reversible lanes on Rock Creek and Rock Creek Potomac Parkway, is a project currently being studied by the NPS for implementation and not relevant to the closure of upper Beach Drive. The three DDOT projects included 16th Street Bus Lane Project, Georgia Avenue Bus Lane Project, and the elimination of reversible lane traffic on Connecticut Avenue. The results of the June 2022 study regarding traffic impacts on adjacent roadways from the closure of upper Beach Drive were the same as in the October 2021 study. The October 2021 study supported a seasonal closure of upper Beach Drive stating that a seasonal closure would minimize traffic impacts, because between Memorial Day to Labor Day there is normally a 10 percent reduction in traffic volumes on upper Beach Drive. The study highlighted that with the implementation of the three DDOT projects, traffic on upper Beach Drive would increase by an average of 30 percent if open to traffic, increasing traffic volumes on upper Beach Drive from 5,500-8,500 vehicles per weekday (2019) to approximately 7,400-12,000 vehicles per weekday (2045). Therefore, by implementing the selected alternative, there will be a decrease in traffic impacts within the park. Implementation of the mitigations will minimize delays, improve safety, and discourage speeding in residential neighborhoods. (See mitigation measures above.)


Historic Districts and Cultural Landscapes. The selected alternative's impacts on both the historic district and the cultural landscapes will be minimal because of small-scale changes such as the addition of new signage, gate, and roadway markings—all of which will be designed to be reversible and compatible with the historic district and cultural landscape. No changes will occur to the roadways' design, location, setting, association, workmanship, materials, or feeling. Likewise, no changes will occur to the natural or scenic resources of the park.

Wildlife and Wildlife Habitat. The selected alternative will reduce animal strikes, especially those species that are active during the day, on the section of upper Beach Drive closed to motorized vehicles. The reduction of vehicle noise will improve the ability of birds to communicate. Aquatic systems will benefit from reduced amounts of vehicle-related pollutants such as motor oils as well as from the reduced use of snow and ice treatment chemicals. However, since closing the road in April 2020, the Park has seen an increase in social trails, unleashed dogs and the use of habitat material to create recreational “lean-to” structures and shelters, and illegal parking in the area. This has led to adverse impacts to forest health and habitat for wildlife and sensitive species. Permanently closing the road could see this trend continue, however, through the use of mitigations to help control unauthorized access to the forest interior, wildlife habitat within the park will continue to exist in a condition similar to its current state.


CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA. Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Recommended:

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|  JULIA WASHBURN Date: 2022.10.31 13:16:24 -04'00' | Digitally signed by JULIA WASHBURN Date: 2022.10.31 13:16:24 -04'00' |
| _____ Julia Washburn Superintendent Rock Creek Park National Capital Region | _____ Date |

Approved:

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|  KIMBERLY HALL Date: 2022.11.01 09:58:35 -04'00' | Digitally signed by KIMBERLY HALL Date: 2022.11.01 09:58:35 -04'00' |
| _____ Kym A. Hall Regional Director National Capital Region | _____ Date |

Attachments:

- Appendix A: Non-impairment documentation
- Appendix B: Concern Statements and Responses
- Appendix C: Section 106 coordination letters
- Appendix D: Section 7 coordination letters

APPENDIX A: NON-IMPAIRMENT DETERMINATION

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 USC 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (54 USC 100101).

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

This determination on impairment has been prepared for the selected alternative described in this Finding of No Significant Impact. An impairment determination is made for the resource topic of historic districts and cultural landscapes and wildlife and wildlife habitat. These resources are considered fundamental to Rock Creek Park. An impairment determination is not made for visitor use and experience and transportation because impairment findings relate back to park resources and values, and 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. This determination on impairment has been prepared for Alternative 2: Full-Time Closure for Recreation described in Chapter 2 of the Upper Beach Drive Management Plan EA.

HISTORIC DISTRICTS AND CULTURAL LANDSCAPES

Fundamentally, there will be no physical change to Upper Beach Drive other than the potential to add some new signage or replacing gates. This portion of road has been closed since April 2020 with no new impacts to the historic district or cultural landscape. Implementing the selected alternative will not diminish the overall integrity of the resources and values and will not diminish the opportunities to enjoy those resources or values. Implementation of the selected alternative will not result in an impairment to these resources.

WILDLIFE AND WILDLIFE HABITAT

Closure of Beach Drive will reduce the number of animal strikes, especially those species that are active during the day. The reduction of vehicle noise will improve the ability of birds to communicate. Aquatic systems will benefit from reduced amounts of vehicle-related pollutants such as motor oils as well as from the reduced use of snow and ice treatment chemicals. The road being closed since April 2020 has led to an increase in unofficial social trails in the area, which has led to impacts to forest health and wildlife habitat. Permanently closing the road could see this trend continue, however, through the use of mitigations to help control unauthorized access to the forest interior, wildlife habitat within the park will continue to exist in a condition similar to its current state. The NPS will make every effort to ensure that current and future generations of visitors will have similar opportunities to experience these habitats and the species that use them. It should be noted that the selection of this alternative does not prevent the superintendent from altering the management of upper Beach Drive in the future if there are indications that resource conditions are degrading, and/or there are unanticipated impacts to threatened and endangered species from the on-going full-time recreational access into the project area despite the implementation of these mitigations. Therefore, implementation of the selected action will not result in impairment to these resources.

CONCLUSION

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

APPENDIX B: CONCERN STATEMENTS AND RESPONSES

This report groups substantive comments into concern statements and provides NPS’s responses. Substantive comments are those that: question, with reasonable basis, the accuracy of the information in the NEPA document; question, with reasonable basis, the adequacy of the environmental analysis; present reasonable alternatives other than those presented in the NEPA document; or cause changes or revisions in the proposal. Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive.

SUGGESTIONS FOR A NEW ALTERNATIVE

| Concern Statement | Response |
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| Continue the Beach Drive closure to motor vehicles or temporarily reopen Beach Drive to motor vehicles to study visitor usage, post-pandemic traffic patterns, and noise impacts before making a permanent decision. | The NPS has selected Alternative 2: Full-Time Closure of Beach Drive for implementation. |
| Open Beach Drive and all roads in Rock Creek Park to motor vehicles year-round with no closures. Close all roads in Rock Creek Park to motor vehicles. | These approaches would not meet the purpose of the Upper Beach Drive Management Plan as stated on page 3 of the Plan/EA. Year-round opening would not “improve recreational opportunities, address needs of motorized and nonmotorized users, and minimize resource impacts.” Additionally, these approaches would not meet the goals of the 2007 General Management Plan (GMP) in that they would not “assert control over nonrecreational use of park roads to improve the safety and quality of the experience for visitors participating in nonmotorized recreation” or “preserve traditional visitor experiences and activities” (e.g., scenic driving) (page 73). |
| Change the seasonal closure of Beach Drive to motor vehicles by: <ul style="list-style-type: none"> • Extending the closure to the spring and fall • Extending the closure to between Daylight Saving Time • Delaying the closure until schools are out in the summer • Modifying the summer closure to July and August only • Not closing Beach Drive to motor vehicles during the full month of August • Adjusting the closure to include wildlife migration periods | The NPS considered different seasonal closures for the management of Upper Beach Drive during the development of the Plan. These approaches were ultimately dismissed due to their implementation operational challenges. These approaches were not described in the Plan/EA’s “Alternatives Dismissed from Further Consideration” section but will be included as an errata in the Plan/EA’s Finding of No Significant Impact (FONSI) document. |

| Concern Statement | Response |
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| <p>Change the timing closure of Beach Drive to motor vehicles by:</p> <ul style="list-style-type: none">• Extending the weekend closure to Thursday-Monday• Opening Beach Drive to motor vehicles one or two days per week• Opening Beach Drive to motor vehicles during morning and evening rush hours• Opening Beach Drive to motor vehicles only at night• Opening Beach Drive to motor vehicles in the evening hours on the weekends | <p>These sorts of alternatives were considered but dismissed. Please see pp. 14-15 of the Plan/EA.</p> |

| Concern Statement | Response |
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| <p>Close other roads to motor vehicles, including other sections of Beach Drive, Beach Drive near the National Zoo, all of Beach Drive north of Military Road, Rock Creek and Potomac Parkway, Ross Drive, and/or Ridge Road.</p> <p>Close Ross Drive to motor vehicles when Beach Drive is open to motor vehicle. Open Ross Drive to motor vehicles when Beach Drive is closed to motor vehicles.</p> | <p>These sorts of alternatives were considered but dismissed. Please see pp. 14-15 of the Plan/EA.</p> |
| <p>Close Sherrill Drive to motor vehicles.</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Sherrill Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |
| <p>Open Sherrill Drive to motor vehicles.</p> <p>Open Bingham Drive to motor vehicles.</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Sherrill Drive and Bingham Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |
| <p>Reduce or eliminate motor vehicle traffic on Beach Drive by:</p> <ul style="list-style-type: none"> • Prohibiting through traffic • Allowing high occupancy vehicles only • Allowing electric vehicles only • Allowing emergency vehicles only • Closing Beach Drive to motor vehicles during rush hour • Adding pedicabs | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA. Access for emergency vehicles would be retained, but “would be restricted by the need to open gates and proceed safely to the emergency site on roadways shared by pedestrians</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Developing electric shuttles for access • Providing electric vehicle tours to accommodate scenic drives • Opening Beach Drive to scenic driving on specific days • Restricting access to motor vehicles with disability plates/placards • Accommodating bus service only, including by adding a dedicated bus lane • Adding bike lanes • Reserving half the road for nonmotorized users • Implementing traffic calming measures • Charging an entry fee to the park | <p>and recreational users” as stated on page 7 of the Plan/EA.</p> <p>Only permitting certain type of motor vehicle traffic or only permitting motor vehicle traffic during specific times would present considerable operational and communication challenges for park staff and create safety issues by mixing motor vehicles and nonmotorized users.</p> <p>The selection of Alternative 2: Full-Time Closure for Recreation for implementation does not preclude the NPS from considering other recommendations related to nonmotorized use (e.g., adding pedicabs, or bike lanes) in the future, but these other suggestions are outside the scope of this plan.</p> |
| <p>Implement reversible lanes along Beach Drive for rush hour traffic.</p> | <p>This is outside the scope of this plan.</p> |
| <p>Install removable or automated bollards to allow for emergency vehicle access when Beach Drive is closed to motor vehicles.</p> | <p>The NPS will consider whether such measures are needed after this plan is implemented.</p> |
| <p>Establish a multi-use trail parallel to Beach Drive.</p> <p>Establish more formal trails.</p> | <p>The establishment of new trails is beyond the scope of this plan. The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which does not preclude the NPS from establishing new trails in the future. The NPS has determined that a new trail along Beach Drive, between Broad Branch and Joyce Roads, and between Bingham Drive and the Maryland boundary, would have significant resource impacts. However, the park has developed a preliminary project to rehabilitate the existing multi-use trail north of Military Road, which runs parallel to Beach Drive between Military Road/Joyce Road and Bingham Drive. In addition, there are numerous existing official trails that parallel Beach Drive in the project area, including the Blackhorse Trail and the Valley Trail.</p> |
| <p>Add trash cans along Beach Drive.</p> | <p>Outside the scope of this plan.</p> |

ACCESSIBILITY

| Concern Statement | Response |
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| Opening Beach Drive to motor vehicles is in violation of federal law under the Americans with Disabilities Act because it will limit access for visitors with mobility impairments. | While NPS does not believe that past management violated the law, NPS agrees that the selected alternative generally improves access for these visitors. |
| Access to Beach Drive/Rock Creek Park for visitors with mobility impairments is best accomplished through opening Beach Drive to motor vehicles. | The impacts on access and recreational opportunities for persons with physical disabilities are described in the “Visitor Use and Experience” section on pages 16-19 of the Plan/EA. The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA. Under Alternative 2, motorized vehicle access would be available to key parking areas and park destinations, and other portions of the park outside the closed sections as described on pages 18-19 of the Plan/EA. To assist with access, the park would develop electronic and printed materials that inform the public about alternatives for access to various park areas. |
| Access to Beach Drive/Rock Creek Park for visitors with mobility impairments or strollers is best accomplished through closing Beach Drive to motor vehicles and meets Section 504 of the Rehabilitation Act of 1973, the legal requirement to maximize access to National parks for disabled individuals. | The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA. The impacts on access and recreational opportunities for persons with physical disabilities are described in the “Visitor Use and Experience” section on pages 16-19 of the Plan/EA. |
| Provide access/amenities for visitors with mobility impairments by only opening Beach Drive to motor vehicles with disability plates/placards or by providing handicap parking. | Access to sections of roadways closed to motor vehicles was not considered solely for motor vehicles with disability plates/placards. Such access would raise safety issues, as it would mix motor vehicles and nonmotorized users where it is not normally done (such as between Joyce Road and Picnic Grove 10). |
| The EA does not analyze the impacts on senior citizens. | The “Visitor Use and Experience” section on pages 16-19 of the Plan/EA evaluates impacts on visitor use, which includes visitors of all abilities. |

VISITOR USE OR EXPERIENCE

| Concern Statement | Response |
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| <p>Visitors use Beach Drive closed to motor vehicles to:</p> <ul style="list-style-type: none"> • Walk, run, bike, and pursue other recreational uses safely and peacefully • Learn how to ride a bicycle • Use electric bikes and scooters • Walk their dog • Connect with nature and view wildlife • Educate children about the natural environment, wildlife, etc. • Gather and socialize while social distancing • Recreate safely when trails are inaccessible • Commute efficiently and safely by foot, bicycle, or alternate forms of sustainable transportation • Bike to school • Train for elite athletic competitions | <p>The impact analysis on “Visitor Use and Experience” is described in the EA on pages 16-21 of the Plan/EA.</p> |
| <p>Visitors use Beach Drive open to motor vehicles to:</p> <ul style="list-style-type: none"> • Commute efficiently via motor vehicle • Enjoy nature and appreciate Rock Creek Park via motor vehicle during recreational driving, commuting, or while performing essential trips • Commute by foot or bicycle • Walk, run, bike, or pursue other recreational uses | <p>The impact analysis on “Visitor Use and Experience” is described in the EA on pages 16-21 of the Plan/EA.</p> |
| <p>Visitors use Beach Drive:</p> <ul style="list-style-type: none"> • For recreational use in the spring, fall, and winter in addition to the summer • For essential travel year-round • On weekdays and weekends • In mornings, afternoons, and evenings | <p>The impact analysis on “Visitor Use and Experience” is described in the EA on pages 16-21 of the Plan/EA.</p> |
| <p>Provide nonmotorized user counts for throughout the year, including for unofficial or social trails.</p> | <p>Study of these issues is ongoing, but available information was sufficient for the analysis in the EA and this FONSI.</p> |
| <p>Provide data on which unofficial or social trails existed prior to the closure of Beach Drive to motor vehicles.</p> | <p>Unofficial social trails that existed prior to the closure of Beach Drive to motor vehicles are described in the “Wildlife and Wildlife Habitat” section on page 25 of the Plan/EA, which states “Prior to the pandemic Beach Drive closure, park staff documented 20 miles of official trails and 21.5 miles of unofficial social trails in the upper portion of Beach Drive.”</p> |

| Concern Statement | Response |
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| <p>Provide more evidence of the relationship between the increase in the formation of unofficial or social trails and the closure of Beach Drive to motor vehicles.</p> <p>The EA mistakes correlation for causation regarding the relationship between the increase in the formation of unofficial or social trails and the closure of Beach Drive to motor vehicles. The closure did not induce the formation of more unofficial or social trails. The EA fails to account for the increased need for safe, outdoor space to recreation due to the COVID-19 pandemic and the nationwide trend in increased national park visitation during the pandemic.</p> | <p>Social trails are discussed in the analysis of impacts to wildlife and wildlife habitat, on pages 24-28 of the EA.</p> |
| <p>The NPS failed to capture all of the social trails, including those along Fenwick Branch, Portal Drive, and N Portal Drive.</p> | <p>Figure 4 illustrates the social trails documented as part of the October 2020 social trails study. Additional social trails may have formed between October 2020 and the release of the Plan/EA. The NPS intends to resurvey the park’s unofficial social trails in the late fall of 2022.</p> |
| <p>The EA does not include an adequate analysis of the following for before and after Beach Drive was closed to motor vehicles:</p> <ul style="list-style-type: none"> • Unleashed dogs • Creation of recreational lean-to structures • Off-road illegal parking • Number of visitors at night | <p>These are enforcement issues experienced throughout ROCR. Opening Beach Drive to full time non-motorized vehicle use does increase the opportunities for these to occur within the study area. Mitigations will be implemented to help alleviate some of these issues that could impact sensitive resources in this area.</p> |

IMPACT OF ALTERNATIVE 3: SEASONAL CLOSURE FOR RECREATION (THE NPS PREFERRED ALTERNATIVE IN THE PLAN/EA) ON VISITOR USE OR EXPERIENCE

| Concern Statement | Response |
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| <p>Opening Beach Drive to motor vehicles would/will:</p> <ul style="list-style-type: none"> • Allow recreational scenic driving • Allow, reduce, or eliminate access for visitors with mobility impairments • Reduce or eliminate access for visitors with strollers or intellectual or development disabilities • Alleviate cut-through traffic in residential neighborhoods • Provide a more efficient motor vehicle commute • Not deter use by nonmotorized users • Detract from the visitor experience • Reduce or eliminate recreational, educational, and bike and running training opportunities • Result in motor vehicle crashes and injuries • Reduce the safety of nonmotorized users, including bicycle commuters • Encourage trail use in dangerous winter conditions • Affect the physical and mental health of nonmotorized users • Inhibit visitors' ability to enjoy wildlife • Prevent or discourage nonmotorized users • Prevent or limit nonmotorized user access to trails and destinations in Rock Creek Park • Continue to provide nonmotorized user access in the park because the trails and Beach Drive closed to motor vehicles would be available on the weekdays and weekends, respectively • Decrease visitor use of Rock Creek Park • Change which parts of Rock Creek Park nonmotorized users use • Not change visitor use levels of Rock Creek Park • Increase litter • Increase or not change the creation of unofficial or social trails • Not change the presence of off-leash dogs • Make trails more crowded | <p>The beneficial and adverse impacts on visitor use, transportation operations, and safety are described in the "Visitor Use and Experience" and "Transportation Operations and Safety" sections on pages 16-21 of the Plan/EA.</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Make Rock Creek Park and Beach Drive more crowded on the weekends • Encourage Rock Creek Park to be used as a commuter route for motor vehicle commuters • Encourage people to drive instead of taking public transit, walking, or biking • Cause bicyclists to find alternative routes <p>Closing Beach Drive seasonally to motor vehicles would/will:</p> <ul style="list-style-type: none"> • Reduce or eliminate scenic driving • Allow, reduce, or eliminate access for visitors with mobility impairments • Limit nonmotorized users during the spring and fall • Cause driver and nonmotorized user confusion about when the roadways are open • Cause drivers to find alternative routes | |
| <p>Summer is the hottest and least unpleasant time of the year for nonmotorized users. Nonmotorized users would not feel comfortable or safe using Beach Drive during the summer closure to motor vehicles.</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> <p>Therefore, nonmotorized users would also be able to use it in the spring, fall, and winter.</p> |
| <p>The closure of Beach Drive to motor vehicles has minor adverse impacts on motor vehicle users (e.g., drive times, alternate routes), but many beneficial impacts on nonmotorized users and adjacent neighbors.</p> | <p>The beneficial and adverse impacts on visitor use, transportation operations, and safety are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> |

SAFETY

| Concern Statement | Response |
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| <p>Closing Beach Drive to motor vehicles has (or would):</p> <ul style="list-style-type: none"> • Created a safer and more comfortable environment for pedestrians, bicyclists of all skill levels, visitors with mobility impairments, and other nonmotorized users due to the lack of motor vehicles • Provided a safe option for nonmotorized users that experience verbal harassment elsewhere • Provided a safer option than the trails for solo pedestrians • Provided a safe option for bicyclists because Beach Drive is a well-paved and maintained roadway • Created a safe north-south bicycle route • Reduced the number and severity of collisions between motor vehicles and nonmotorized users • Created safety conflicts between different nonmotorized users on Beach Drive (e.g., the speed of bicycles and rollerbladers makes pedestrians feel unsafe) • Created safety concerns in adjacent residential neighborhoods because of additional motor vehicle traffic • Prevented visitors who feel more comfortable and safe experiencing Rock Creek Park via motor vehicle from enjoying the park • Makes it feels less safe because it is overgrown and fewer people use it | <p>The beneficial and adverse impacts on safety are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA. The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |
| <p>Opening Beach Drive to motor vehicles would:</p> <ul style="list-style-type: none"> • Reduce or eliminate a safe route for pedestrians and bicyclists, including because there are no parallel roads with protected bike lanes or multi-use paths, Beach Drive has numerous blind curves, and Beach Drive is too narrow for motor vehicles to safely pass nonmotorized users • Eliminate a safe route for pedestrians and bicyclists on weekdays | <p>The impacts on safety, and traffic and safety mitigation measures are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA. The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> <p>NPS notes that the approved Preferred Concept C of the District Department of Transportation (DDOT)’s Connecticut Avenue NW Reversible Lane Safety and Operations Study would provide</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Eliminate a safe bicycle route connecting the in-progress Rock Creek multi-use trail rehabilitation project • Make Beach Drive from Wise Road to picnic area 10 (i.e., the section that would remain open to motor vehicles in all alternatives) less safe for nonmotorized users • Reduce the safety of pedestrians at dawn or dusk because they would have to use the trails, which can be dark • Encourage trail use in dangerous winter conditions • Eliminate a safe route for bicyclists during the winter, including because there are few bicycle paths free of motor vehicles and icy conditions during the dark hours • Reduce or eliminate the safety of specific nonmotorized user groups (i.e., children, senior citizens, and visitors with mobility impairments or intellectual or development disabilities) • Increase distractions and reduce safety for recreational drivers and other motor vehicle users • Result in speeding and reckless driving • Result in motor vehicle crashes and injuries • Reduce motor vehicle traffic on other streets during rush hour, which would make those streets safer for nonmotorized users • Endanger pets brought to the park | <p>one-way protected bicycle lanes on the east and west sides of Connecticut Avenue NW and other safety improvements. DDOT will initiate the design of Concept 2 in the fall of 2022. For more information, see https://ddot.dc.gov/page/connecticut-avenue-nw-reversible-lane-safety-and-operations-study.</p> <p>The NPS is also currently considering a plan to install three-way stop signs at the Beach Drive/Blagden Avenue and Beach Drive/Broad Branch Road intersections.</p> |
| <p>More active management of pedestrians traveling against motor vehicle traffic and cyclists traveling with motor vehicle traffic would make Beach Drive safer.</p> | <p>Outside the scope of this plan.</p> |
| <p>The curves in Beach Drive create blind spots for motor vehicles, which causes safety concerns. Alternatively, the curves reduce speeding, which makes Beach Drive safer.</p> | <p>The NPS has selected Alternative 2, Full Time Closure for implementation, which should moot these issues.</p> |
| <p>Provide safety data, including crashes, injuries, and crime, for when Beach Drive has been open vs. closed to motor vehicles.</p> | <p>The impacts on safety, and traffic and safety mitigation measures are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA. More detailed crash information was</p> |

| Concern Statement | Response |
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| | beyond the scope of the Plan and unnecessary for the EA. |
| <p>The EA does not adequately consider the adverse impacts of motor vehicles on nonmotorized user safety.</p> <p>The EA does not discuss the impacts of Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA) on conflicts between motor vehicles and nonmotorized users.</p> | <p>The impacts on safety are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> <p>For Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA), impacts on conflicts between motor vehicles and nonmotorized users on weekdays from Labor Day weekend through Memorial Day weekend would be the same as those described for Alternative 1: No-Action Alternative Pre-COVID-19 Pandemic Management on pages 17-18 of the Plan/EA.</p> |
| <p>Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA) would grant nonmotorized users access to Beach Drive during the summer, when DC is most likely to experience heat emergencies. As climate change occurs, Rock Creek Park should be reserved for nonmotorized users to safely exercise and recreate because it provides a naturally occurring cooler and shaded environment. Motor vehicle users are largely protected from extreme heat in their vehicles and most likely have access to air conditioning.</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |

MENTAL OR PUBLIC HEALTH

| Concern Statement | Response |
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| <p>Alternative 2: Full-Time Closure for Recreation would allow for a healthier population by promoting walking/cycling and a more engaged/connected community.</p> | <p>Relevant impacts are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> |
| <p>Beach Drive closed to motor vehicles is important because it has:</p> <ul style="list-style-type: none"> • Been a source of and/or improved physical wellness, mental health, and social health • Taught visitors about the physical and mental health benefits of being immersed in nature • Provided a space with less air pollution, which is important for people with respiratory issues (e.g., asthma) that exercise outside • Provided an opportunity to see and hear wildlife in their natural habitat, which has a positive impact on mental health • Improved quality of life • Allowed adolescents to participate in healthy and safe activities and social interactions • Provided a place to reflect and address the stresses of the COVID-19 pandemic • Allowed for social distancing during recreation • Provided a safe outdoor space to recreate and exercise during the COVID-19 pandemic, including when COVID-19 cases spike annually in the winter • Provided access to green space in the winter, which is crucial as seasonal depression increases • Affected the mental health of motorized users who no longer have access | <p>Relevant impacts are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> |
| <p>The opening of Beach Drive to motor vehicles would:</p> <ul style="list-style-type: none"> • Affect the physical and mental health of nonmotorized users • Increase air pollution, which would adversely impact physical and mental health • Improve the mental and physical health of motorized users (e.g., breathing fresh air with vehicle windows down and enjoying scenery) | <p>Relevant impacts are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> |

| Concern Statement | Response |
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| <p>The EA does not adequately analyze the public health impact of closing Beach Drive to motor vehicles on nonmotorized users. Access to green space has numerous benefits for physical and mental health.</p> | <p>Relevant impacts are described in the “Visitor Use and Experience” and “Transportation Operations and Safety” sections on pages 16-21 of the Plan/EA.</p> |
| <p>The rationale for continuing the weekday Beach Drive closure to motor vehicles no longer exists. Beach Drive was closed to motor vehicles on weekdays in April 2020 to “provide sufficient room for park visitors to undertake essential recreation while maintaining a six-foot distance from each other.” The CDC has recently relaxed social distancing guidance.</p> | <p>As discussed in the Rationale for Decision, the NPS has noted that the added mental and physical health benefits of the motor vehicle closure and increased nonmotorized recreation go far beyond the original COVID-19 rationale.</p> |

NATURAL RESOURCES

| Concern Statement | Response |
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| <p>Alternative 2: Full-Time Closure for Recreation is the most aligned with the intent of Rock Creek Park to maintain the natural habitat, to the extent possible.</p> | <p>The NPS has selected Alternative 2, Full Time Closure for implementation.</p> |
| <p>Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA) will allow time for natural resources to replenish during the non-summer months.</p> | <p>The NPS has selected Alternative 2, Full Time Closure for implementation.</p> |
| <p>Opening Beach Drive to motor vehicle use would:</p> <ul style="list-style-type: none"> • Damage the natural ecosystem • Increase air, water, groundwater, soil, and noise pollution • Increase litter from motor vehicles • Mechanically destroy trees and vegetation • Cause erosion • Contribute to climate change from increased carbon emissions and including because the opportunity for safe motor vehicle-free commuting, which is essential to reducing greenhouse gas emissions, would be reduced • Degrade the natural environment due to increased visitor use of unofficial or social trails <p>Closing Beach Drive to motor vehicle use and/or reducing motor vehicle use in Rock Creek Park has (or would):</p> <ul style="list-style-type: none"> • Improved air and water quality • Prevented noise pollution | <p>The impacts on air quality, water resources, wildlife, and wildlife habitat are described in the “Issues and Impact Topics Dismissed from Detailed Analysis” and “Wildlife and Wildlife Habitat” sections on pages 8-9 and pages 24-28, respectively, of the Plan/EA.</p> <p>Additionally, closing Beach Drive to motor vehicles may reduce noise and air pollution in the immediate area, but would cause motor vehicles to seek alternate routes. These alternate routes are all within the Rock Creek watershed and therefore, the use of these alternate routes would ultimately impact Rock Creek and its tributaries. Air quality and climate change would not be impacted by the closure of Beach Drive to motor vehicles because most motor vehicle users would still drive but use alternate routes; air quality is a regional issue; and air quality does not change at the park’s boundaries.</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Helped fight climate change • Decreased litter from motor vehicles • Helped the restoration and perpetuation of flora • Helped meet President Biden administration’s greenhouse gas reduction goals | |
| <p>Closing Beach Drive to motor vehicle use has led (or will lead) to heavier traffic on other streets. Motor vehicles spend longer times idling in heavier traffic, thereby emitting more greenhouse gases and air pollution.</p> | <p>The impacts of motor vehicles on air quality are described in the “Issues and Impact Topics Dismissed from Detailed Analysis” section on page 8 of the Plan/EA.</p> |
| <p>The impacts of motor vehicle use on the environment (e.g., air, water, and noise pollution; tire micro-particles; climate change) is greater than the impacts of the unofficial or social trails on the environment.</p> | <p>The impacts of motor vehicles on air quality, water resources, wildlife, and wildlife habitat are described in the “Issues and Impact Topics Dismissed from Detailed Analysis” and “Wildlife and Wildlife Habitat” sections on pages 8-9 and pages 24-28, respectively, of the Plan/EA. The impacts of social trails on wildlife and wildlife habitat are described in the “Wildlife and Wildlife Habitat” section on pages 24-28 of the Plan/EA. Documented impacts, as described in this section, all have direct and notable impacts on the park environment.</p> |
| <p>The adverse impacts of motor vehicles on natural resources, including their contribution to climate change and if they return to Beach Drive, is not discussed in the EA.</p> | <p>The impacts of motor vehicles on air quality, water resources, wildlife, and wildlife habitat are described in the “Issues and Impact Topics Dismissed from Detailed Analysis” and “Wildlife and Wildlife Habitat” sections on pages 8-9 and pages 24-28, respectively, of the Plan/EA. The closure or opening of Beach Drive to motor vehicles would not decrease nor increase the use of motor vehicles within the DC metropolitan airshed. Therefore, there would be no change in greenhouse gas emissions.</p> |
| <p>The EA’s study area was too rigidly defined and should include additional areas.</p> | <p>The opening or closure of Beach Drive to motor vehicles would not impact air or water quality outside the park. The closure may reduce air pollution in the immediate area but would cause motor vehicles to seek alternate routes. These alternate routes are all within the Rock Creek watershed and therefore, the use of these alternate routes would ultimately impact Rock Creek and its tributaries. Air quality would not be impacted by the closure of Beach Drive to motor vehicles because these motor vehicles would still use alternate routes, air quality is a regional issue, and air quality does not change at the park’s boundaries.</p> |

| Concern Statement | Response |
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| <p>Provide more evidence of how the closure of Beach Drive to motor vehicle use has increased the creation of unofficial or social trails and their impacts on damage natural resources.</p> | <p>Pages 24-26 of the Plan/EA describe the park staff’s October 2020 social trails study and documented impacts on wildlife and wildlife habitat from increased use by nonmotorized users when Beach Drive was closed to motor vehicle use. The NPS intends to resurvey the park’s unofficial or social trails in the late summer/fall of 2022.</p> |
| <p>Provide monthly vegetation density/coverage data to support the rationale for the summer closure of Beach Drive to motor vehicles.</p> | <p>The Park maintains vegetative monitoring plots to observe overall trends in forest health. Direct impacts that social trail, and other off trail activities cause to the forest interior are evident.</p> |
| <p>Provide more information related to stormwater management at the site.</p> | <p>Stormwater management is beyond the scope of this project.</p> |
| <p>Use of official and unofficial trails can cause erosion.</p> | <p>The relationship between unofficial or social trails and erosion is described in the “Wildlife and Wildlife Habitat” section on page 25 of the Plan/EA. Potential conservation measures the NPS has committed to and may implement to reduce visitor impacts from disturbance, social trails, and erosion are described in the “Issues and Impact Topics Dismissed from Detail Analysis” on page 9 of the Plan/EA.</p> |
| <p>Mitigate the adverse impacts from increased visitation of nonmotorized users by periodically closing trails/areas/parking areas for restoration, monitoring soils and vegetation for recreational impacts, providing additional pedestrian access points, or creating a landscape-scale forest restoration plan.</p> | <p>As stated on page 27 of the Plan/EA, “To mitigate impacts from social trails, the National Park Service would need to conduct a visitor use management plan and develop methods and measures to address visitor behaviors related to development of social trails. The National Park Service would also need to develop a strategy to address the closure of social trails and the rehabilitation of the areas to allow the habitat to recover.” The NPS has and continues to close unofficial or social trails throughout the park, in cooperation with volunteer and partner organizations, as resources and priorities allow. These closures are often not respected by the public, some of whom remove closure materials from the trail, and vandalize and destroy closure signage.</p> <p>The development of a landscape-scale forest restoration plan is beyond the scope of this project. The selection of Alternative 2: Full-Time Closure for Recreation for implementation does not preclude the NPS from developing such a plan in the future.</p> |
| <p>Control invasive plants, such as porcelain berry, including through measures such as installing boot brushes for removing invasive plant seeds at</p> | <p>Rock Creek Park controls non-native invasive plant species in accordance with the 2015 National Capital Region Invasive Plant</p> |

| Concern Statement | Response |
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| strategic locations near official trailheads and starting a public education campaign to discourage the use of invasive plants in landscaping. | Management Plan. Additionally, as described on page 9 of the Plan/EA, conservation measures that the NPS has committed to implementing to reduce visitor impacts from disturbance, social trails, and erosion may include the installation of boot brushes, signage, and public engagement. |
| Add additional tree canopy where needed. | .Outside the scope of this plan. |

WILDLIFE AND WILDLIFE HABITAT

| Concern Statement | Response |
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| Wildlife has thrived with Beach Drive closed to motor vehicles, with an obvious presence of more animals. Keeping Beach Drive closed to motor vehicles has had (or would) have beneficial impacts on wildlife. | The impacts of motor vehicles on wildlife and wildlife habitat are described in the “Wildlife and Wildlife Habitat” section on pages 27-28 of the Plan/EA. |
| <p>Opening Beach Drive to motor vehicles would/will:</p> <ul style="list-style-type: none"> • Adversely impact wildlife and wildlife habitat, including striking and/or scaring wildlife, interrupting wildlife’s natural rhythms and circadian cycles, and contaminating water • Adversely impact wildlife and wildlife habitat by introducing visitors, who would otherwise use the paved Beach Drive, to access areas not on designated trails • Inhibit visitors’, including young visitors, ability to enjoy viewing and learning about wildlife • Not impact wildlife | The impacts of motor vehicles on wildlife and wildlife habitat are described in the “Wildlife and Wildlife Habitat” section on pages 27-28 of the Plan/EA. |
| Provide data on motor vehicle wildlife strikes. | Reference to wildlife strikes in the EA were based on general observation that has occurred on that stretch of road in the past and the assumption that if you removed cars from that section of road the number of wildlife strikes would decrease almost to zero. NPS does not otherwise maintain separate data on wildlife strikes. |
| Provide evidence of the unofficial or social trails and their impacts on wildlife habitat. | Pages 24-26 of the Plan/EA describe the park staff’s October 2020 social trails study and documented impacts on wildlife and wildlife habitat from increased use by nonmotorized users when Beach Drive was closed to motor vehicle use. |
| There are other solutions to preserve wildlife and wildlife habitat than opening Rock Creek Park to | Please refer to the mitigations listed in the FONSI. |

| Concern Statement | Response |
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| motor vehicle use (e.g., closing threatened sections of Rock Creek Park). | |
| There are many effective ways to protect the endangered Hay’s Spring amphipod while allowing full-time closure for recreation, some of which are listed in the NPS consultation letter to U.S. Fish and Wildlife Service (USFWS). As USFWS stated in their consultation letter, the mitigation measures to protect the endangered amphipod will be necessary regardless of whichever alternative is selected. | NPS is working with USFWS on a recovery plan for the Hay’s Spring amphipod. |

PARK MANAGEMENT

| Concern Statement | Response |
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| Keeping Beach Drive closed to motor vehicles would be: <ul style="list-style-type: none"> • More consistent with Rock Creek Park’s enabling legislation, specifically maintaining “in their natural condition, as nearly as possible,” including because no additional multi-use trails would need to be constructed • The best way to fulfill the NPS mission of conserving natural resources | The NPS has selected Alternative 2, Full Time Closure for implementation. |
| Opening Beach Drive to motor vehicles does not meet a key objective of the 2016 NPS Paved Trails Study goal of “providing a safe and viable off-road north-south trail connection through Rock Creek Park” (page 6-43) because it would eliminate the continuity of a north-south trail. | The NPS has selected Alternative 2, Full Time Closure for implementation. |
| Is the NPS receiving political or other pressure to reopen Beach Drive to motor vehicles? | The NPS has received letters from ANC commissioners, DC Council Members and congressional letters that support either closure of the road permanently or opening of the road permanently. Copies of correspondence are in the EA appendix. |
| Request additional funding, including through donations and lobbying the US Congress, or implement parking fees to support the increase in park visitors and the associated required maintenance. | Outside the scope of this project. |
| What are the budget implications for the following? <ul style="list-style-type: none"> • Implement the three alternatives | The various alternatives may affect the number and types of users, but unless the alternatives involve substantial operational issues (e.g., daily barrier movement), the alternatives, including additional |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Patrol the trails vs. patrol Beach Drive and other entry points • Respond to motor vehicle crashes, crime, and other challenges posed by reopening Beach Drive to motor vehicles • Post additional signage about the adverse impacts of unleashed dogs • Increase enforcement of dog leash rules | <p>signage would not result in significant budget implications. Increase in enforcement of dog leash rules is outside the scope of this plan.</p> |
| <p>Will non-vehicle motorized modes of transportation (e.g., electric bikes and scooters) be allowed on Beach Drive when Beach Drive is closed to motor vehicles?</p> | <p>Electric bikes and scooters are currently allowed on all park roads, including Beach Drive, Sherrill Drive, and Bingham Drive, according to the Rock Creek Park Superintendent Compendium (https://www.nps.gov/rocr/learn/management/rock-creek-park-superintendent-compendium.htm). They will continue to be allowed on these roads when closed to motor vehicles.</p> |
| <p>Allow bicycles on Valley Trail as an alternative to sharing Beach Drive with motor vehicle traffic.</p> | <p>NPS will not consider allowing bicycles on Valley Trail, as it is a historic trail that was created and maintained for foot traffic. Bicycles are required to use roadways and paved trails in Rock Creek Park.</p> |
| <p>Opening Beach Drive to motor vehicles will shorten the lifespan of the roadway and increase maintenance costs.</p> | <p>The NPS has selected Alternative 2, Full Time Closure for implementation.</p> |
| <p>Management of traffic congestion is outside NPS responsibility.</p> | <p>NPS concurs that management of traffic congestion, other than those roads under the jurisdiction of the NPS, is outside of NPS's responsibility.</p> |
| <p>The NPS should discourage driving and/or encourage alternatives to driving, including through developing a park access policy that deprioritizes motor vehicles and partnering with WMATA to improve access points to the park by foot, bicycle, and public transit.</p> | <p>Outside the scope of this project.</p> |
| <p>Do not allow commercial trucks or heavy vehicles to use Beach Drive.</p> | <p>Commercial vehicles, buses, and trucks weighing more than 0.5 ton are currently prohibited on park roads unless given specific permission in writing by the Superintendent (see https://www.nps.gov/rocr/learn/management/rock-creek-park-superintendent-compendium.htm).</p> |
| <p>The NPS should manage the different nonmotorized activities on Beach Drive closed to motor vehicle use and their impacts (e.g., through adding more official trails or fences around sensitive areas).</p> | <p>The establishment of new trails and fences around sensitive areas are beyond the scope of this project. The selection of Alternative 2: Full-Time Closure for Recreation for implementation does not preclude the NPS from establishing new trails or protecting sensitive areas in the future.</p> |

| Concern Statement | Response |
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| <p>The stress of nonmotorized users not adhering to basic park use guidelines (e.g. dog activities and unofficial or social trails), rather than motor vehicles on Beach Drive, is detrimental to Rock Creek Park’s ecology.</p> | <p>Such occurrences are enforcement issues and outside the scope of this project.</p> |
| <p>Provide more details about the “adaptive management model,” which the NPS will use to “monitor implementation of the preferred alternative” (page 14 of the Plan/EA), including:</p> <ul style="list-style-type: none"> • Baseline data • Targets • Key performance indicators • Monitoring plan • Schedule • Adequate resources to carry out management components | <p>The details of the adaptive management model will be developed after the signing of this FONSI. This plan does not prohibit future management changes of Beach Drive should the need arise.</p> |
| <p>The proper use of adaptive management supports the continued closure of Beach Drive to motor vehicles pending the availability of future data and analysis. The NPS does not propose any specific program to obtain additional information or any specific schedule for reconsidering Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA). The Plan/EA states “The National Park Service will monitor implementation of the preferred alternative. The selection of the preferred alternative does not prevent the superintendent from altering the management of upper Beach Drive in the future, based on changes to the condition of park resources and visitor experience” (page 14). However, the NPS NEPA Handbook states “If you propose using adaptive management, an adaptive management framework should be incorporated as an element of one or more of the alternatives under consideration” (page 59).</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation.</p> |
| <p>Supports a visitor use management plan to address:</p> <ul style="list-style-type: none"> • Visitor behaviors related to the development of unofficial or social trails • Accessibility needs for visitors with mobility impairments | <p>Outside the scope of this project, but NPS anticipates developing such a plan in the near future.</p> |
| <p>Periodically monitor and remap the unofficial or social trails.</p> | <p>The NPS intends to resurvey the park’s unofficial or social trails in the late summer/fall of 2022.</p> |

| Concern Statement | Response |
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| Perform a noise management study with baseline measurements and noise management goals, objectives, and strategies. | Noise was considered under the analysis in “Visitor Use and Experience” on pages 16-19 in the EA. |
| The NPS should develop a management plan that deals with wildlife and wildlife habitat issues. | Outside the scope of this project. |
| The NPS should control the park’s deer population. | The NPS currently manages Rock Creek Park’s deer population. For more information about Rock Creek Park’s ongoing deer management efforts, see https://www.nps.gov/rocr/learn/management/white-tailed-deer-management.htm |
| The NPS should clearly communicate that nonmotorized users will still be able to access Beach Drive on weekends and holidays outside of the summer seasonal closure under Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA). | The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA. |
| The NPS should clearly communicate to motorized and nonmotorized users about when the roads will be closed to prevent confusion. | The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA. |
| The NPS should closely cooperate with the DC government in implementing Alternative 2: Full-Time Closure for Recreation to prudently manage transportation, recreation, and conservation of natural resources. | NPS works closely with the DC government on a regular basis. |
| The Rock Creek Conservancy would be a good partner for trail maintenance and the restoration of unofficial trails. | The Rock Creek Conservancy’s staff and volunteers currently work to restore Rock Creek and its parklands. |

PARK OPERATIONS

| Concern Statement | Response |
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| <p>The impacts of increased visitation while Beach Drive has been closed to motor vehicle use (e.g., the creation of unofficial or social trails, off-leash dogs, off-road illegal parking, increased number of visitors after hours) can be mitigated, or eliminated, through the following:</p> <ul style="list-style-type: none"> • Increased education about proper park usage, trail etiquette, and responsible use of natural resources and stewardship of natural lands | <p>The selection of Alternative 2: Full-Time Closure for Recreation for implementation does not preclude the NPS from implementing these types of measures in the future.</p> <p>Hard copies of maps are available outside the Rock Creek Park Nature Center and Planetarium. Hard copies of maps are also available via mail and on the park’s website (see https://www.nps.gov/rocr/planyourvisit/maps.htm). Downloadable digital park maps are available through the NPS App, the official app for the</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Increased signage, including better markings of trails (which can be confusing), signage explaining why visitors should follow park rules, and bilingual signage • Maps, including downloadable digital maps • Enforcement personnel/park staff patrolling the trails • Tickets and fines • Encouragement of park visitors to report misuse of the park • The towing of illegal-parked motor vehicles • Improved trail maintenance • Addition of more formal trails and park access points, including on the east side of the park • Temporary closure of trails to allow for recovery • Blocked unofficial or social trails to prevent visitor use • Blocked sensitive areas • Native species planting • Temporary and permanent fencing • Rope lines • Snow fencing • Volunteers encouraging visitors to stay on official trails • Volunteer trail restoration projects • Volunteer activities and clean-up days for new visitors to invest in maintaining Rock Creek Park • Dog waste bag stations and deposit bins • Working with Rock Creek Conservancy and DC agencies • Working with behavioral scientists (e.g., the U.S. General Services Administration’s Office of Evaluation Sciences) to develop new approaches | <p>National Park Service. For more information, see https://www.nps.gov/subjects/digital/nps-apps.htm.</p> <p>As stated on page 27 of the Plan/EA, “To mitigate impacts from social trails, the National Park Service would need to conduct a visitor use management plan and develop methods and measures to address visitor behaviors related to development of social trails. The National Park Service would also need to develop a strategy to address the closure of social trails and the rehabilitation of the areas to allow the habitat to recover.” The NPS has and continues to close unofficial or social trails throughout the park, in cooperation with volunteer and partner organizations, as resources and priorities allow. These closures are often not respected by the public, some of whom remove closure materials from the trail, and vandalize and destroy closure signage.</p> |
| <p>The NPS has not taken measures to manage or mitigate the creation of unofficial or social trails and erosion.</p> | <p>The NPS has and continues to close unofficial or social trails throughout the park, in cooperation with volunteer and partner organizations, as resources and priorities allow. These closures are often not</p> |

| Concern Statement | Response |
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| | respected by the public, some of whom remove closure materials from the trail, and vandalize and destroy closure signage. |
| Create spaces for people and dogs who are overusing the trails through adding a dog park, new picnic areas, and water fountains, and improving restroom facilities. | Outside the scope of this plan, however, it should be noted that unleashed pets are prohibited in National Parks by NPS regulation (36 CFR 2.15). |
| Perform maintenance (e.g., clearing downed trees, limbs, and debris; fixing potholes; resurfacing roads; cleaning picnic tables; addressing trail erosion) in a timely manner. | Outside the scope of this project, but NPS does perform such maintenance on a regular basis. |
| Beach Drive will require more frequent maintenance if it is opened to motor vehicle use. A road's required maintenance is proportional to the weight imposed on it. Nonmotorized users weigh far less than motor vehicles. | The NPS does perform such maintenance on a regular basis, and also notes that it has selected Alternative 2: Full-Time Closure for Recreation, which would close Beach Drive to motor vehicle use. |
| Improve safety on and near Ross Drive by addressing drainage and erosion problems. Both sides of the Ross Drive bridge accumulate mud and water, and, in the winter, the bridge sometimes becomes icy. | Outside the scope of this project. |
| Plow snow from Beach Drive when it is closed to motor vehicles. Otherwise, it leaves the roadway unusable for all. | Under Alternative 2: Full-Time Closure for Recreation, snow removal would not occur (see page 27 in the Plan/EA). This would provide opportunities for nonmotorized winter activities (e.g., skiing, snowshoeing, sledding, tobogganing). |
| Enforce traffic laws (e.g., speed limits), existing rules about prohibiting commercial vehicles and unleashed dogs. | Outside the scope of this project, but enforcement occurs for such issues within the Park. |
| The closure of Beach Drive to motor vehicles has led to an increase of irresponsible park visitors (e.g., increase in the amount of trash and more off-leash dogs). | Relevant impacts are addressed in the EA; such occurrences are otherwise enforcement issues and outside the scope of this project. |

TRANSPORTATION STUDIES AND IMPACTS

| Concern Statement | Response |
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| <p>Opening Beach Drive to motor vehicles will:</p> <ul style="list-style-type: none"> • Provide an efficient travel route to and from DC • Not provide an efficient commuter route because it is slow • Alleviate traffic congestion on other streets and in adjacent residential neighborhoods | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the "Transportation Operations and Safety" section on pages 19-21 of the Plan/EA. Page 19 of the Plan/EA states "traffic and safety mitigations implemented by DDOT and the National Park Service (i.e., signage, new and adjusted traffic</p> |

| Concern Statement | Response |
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| <ul style="list-style-type: none"> • Not alleviate traffic congestion • Encourage more people to drive • Bring more motor vehicles into the park • Help absorb traffic congestion as a result of other transportation projects (e.g., creation of bicycle lanes and a new dedicated bus lane) • Provide a more relaxing and scenic commute <p>Closing Beach Drive to motor vehicles has (or would):</p> <ul style="list-style-type: none"> • Resulted in minimal or no adverse impacts on motor vehicles, including work commutes, traveling east-west, or on emergency vehicle access • Reduced the number of motor vehicles in the park • Reduced traffic volumes on neighboring streets as observed when Beach Drive was closed for construction in 2017-2019 • Adversely impacted work commutes, including adding drive time • Adversely impacted east-west travel • Created less scenic and less calm commutes on other streets • Reduced the time available to recreate in Rock Creek Park due to increase time idling in traffic • Resulted in minimal or no adverse impacts on other streets and adjacent residential neighborhoods • Retained the same motor vehicle access to areas of the park for motor vehicle users that wish to enjoy the park as when Beach Drive is open to motor vehicles • Adversely impacted other streets and adjacent residential neighborhoods (including during the summer), including creating congestion, shifting rush hour traffic, and parked motor vehicles on neighborhood streets • Aggravated traffic impacts on other streets and adjacent residential | <p>signals, and traffic calming) should minimize travel delays and improve safety for all road users.” These potential traffic and safety mitigation measures are described on page 20. These mitigation measures may be considered in the future if a need develops.</p> |

| Concern Statement | Response |
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| <p>neighborhoods in combination with other transportation projects (e.g., creation of bicycle lanes and a new dedicated bus lane)</p> <ul style="list-style-type: none"> • Replaced motor vehicle trips with other modes of transportation • Not impacted the decision of motor vehicle users to drive • Adversely impacted DC, Maryland, and Virginia residents | |
| <p>Some motor vehicle drivers are happy to change to a less efficient travel route to allow for the closure of Beach Drive to motor vehicles.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA.</p> |
| <p>Saving a few minutes on motor vehicle commute times and accommodating a relatively small amount of traffic is not worth opening Beach Drive to motor vehicles.</p> <p>The benefits of keeping Beach Drive closed to motor vehicles to nonmotorized users and on the environment outweigh the benefits to motor vehicle users.</p> <p>The number of motor vehicle users who depend on Beach Drive to commute and the reduced amount of emissions outweighs the price pedestrians and bicyclists having to share a multi-use trail.</p> <p>Closing Beach Drive to motor vehicles to benefit nonmotorized users does not improve the use of the road for everyone equitably. The repair of Beach Drive took multiple years and was expensive because it is an essential thoroughfare.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA.</p> |
| <p>Motor vehicles have alternative routes to access Rock Creek and navigate DC, including using the Metro system, MARC, or biking.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA. The Metro system and MARC may not be an option for weekday users due to the Metro system’s operating hours or because weekday users’ homes or jobs are not Metro- or MARC-accessible. Biking may not be an option for some users due to physical impairments, distance between users’</p> |

| Concern Statement | Response |
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| | homes and jobs, level of comfort or experience using a bicycle, and/or perception of safety risks. |
| Motor vehicle commuters need as many route options available as possible. | The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA. |
| <p>Traffic impacts on other streets and adjacent residential neighborhoods can be mitigated through:</p> <ul style="list-style-type: none"> • Sign alternative routes • Install traffic calming measures • Re-time lights • Add traffic signals and stop signs • Yield signs • Roundabouts • Update speed limits • Install speed bumps and roundabouts • Add protected bikeways • Implement other design modifications | The implementation of traffic and safety mitigations on non-NPS streets is beyond NPS jurisdiction. However, page 19 of the Plan/EA states “traffic and safety mitigations implemented by DDOT and the National Park Service (i.e., signage, new and adjusted traffic signals, and traffic calming) should minimize travel delays and improve safety for all road users.” These potential traffic and safety mitigation measures are described on page 20. |
| <p>If the closure of Beach Drive adversely impacts commuters, then:</p> <ul style="list-style-type: none"> • Build alternative routes • Dedicate bus lanes • Increase road capacity • Improve infrastructure on other major routes | Changes to non-NPS streets are beyond NPS jurisdiction. |
| <p>If Beach Drive is opened to motor vehicles:</p> <ul style="list-style-type: none"> • Install traffic calming measures, including those proposed in the 2007 GMP • Discourage commuter traffic through rumble strips • Narrow travel lanes • Install speed bumps, including speed bumps with cutouts for bicyclists • Add speed cameras • Enforce or lower the speed limit • Post signage about motor vehicle/bicycle passing laws • Add crosswalks at trail crossings • Study motor vehicle behavior <p>How does the NPS intend to mitigate motor vehicle traffic behavior and provide safety measures for nonmotorized users if Beach Drive is opened to motor vehicles?</p> | Page 19 of the Plan/EA states “traffic and safety mitigations implemented by DDOT and the National Park Service (i.e., signage, new and adjusted traffic signals, and traffic calming) should minimize travel delays and improve safety for all road users.” These potential traffic and safety mitigation measures are described on page 20. These mitigation measures may be considered in the future if a need develops. |

| Concern Statement | Response |
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| <p>If Beach Drive is opened to motor vehicles, what resources will be needed for the following?</p> <ul style="list-style-type: none"> • Short- and long-term law enforcement of the speed limit and other road rules • Measures to prevent collisions between motor vehicles and nonmotorized users • Motor vehicle collision response | <p>If the road was open full time, then it would be the same as No Action Alternative Pre-COVID-19 Pandemic Management. Analysis on the impacts of this alternative were covered in the EA. Operational requirements and enforcement would return to how they were prior to the initial closure.</p> |
| <p>If traffic impacts from the seasonal closure of Beach Drive to motor vehicles are anticipated to be minor and can be mitigated, why does the same logic not hold true for the year-round closure of Beach Drive to motor vehicles?</p> | <p>Under the Selected Alternative, the Beach Drive would be permanently closed. Seasonal closure would have cars on Beach Drive or 8 months out of the year.</p> |
| <p>Motor vehicle traffic on Beach Drive is just commuter traffic.</p> | <p>Motor vehicle traffic on Beach Drive does include commuter traffic. However, motor vehicle traffic on Beach Drive also includes visitors who are scenic driving. Motor vehicles also provide a way for people with mobility impairments to access and experience the park.</p> |
| <p>Other park roads provide opportunities for scenic driving.</p> | <p>There are many opportunities for scenic driving in Rock Creek Park.</p> |
| <p>The NPS should consider motor vehicle use only to the extent that it facilitates public access to the park for park purposes. The EA should disregard Beach Drive's capacity for use as a commuter route.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the "Transportation Operations and Safety" section on pages 19-21 of the Plan/EA.</p> |
| <p>Annually assess the impact of the summer closure of Beach Drive to motor vehicles. Summer is often the time when road construction occurs and therefore, motor vehicle traffic is pushed onto fewer roads.</p> | <p>NPS does not control the scheduling of road work not under the jurisdiction of the NPS.</p> |
| <p>Annually assess traffic and park use data when Beach Drive is opened and closed to motor vehicle traffic to reevaluate the efficacy of Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA). Conduct a baseline study of impacts on motor vehicle traffic and emissions.</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |
| <p>Consider deferring opening Beach Drive to motor vehicles until January 1, 2023, when additional data about the potential impacts of other transportation projects, especially as thoroughfares with much higher current volumes (such as Connecticut Avenue) are redesigned to allow multimodal uses, is available. The combined diversion effects of these projects, coupled with unknown levels of employees' hybrid work in the future or increased use of mass transit all suggest that there will be increased</p> | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation, which would close Beach Drive to motor vehicle use 7 days a week, 365 days a year as stated on page 11 of the Plan/EA.</p> |

| Concern Statement | Response |
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| <p>pertinent data. Beach Drive is part of the picture, but not the whole picture.</p> | |
| <p>Future decisions regarding Beach Drive’s closure to motor vehicles should include updated traffic assessments and impact analyses on local neighborhoods, current and future developments in upper Northwest, park resources, and visitor experience.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA.</p> |
| <p>The collaboration between the NPS and DDOT, as well as adherence to NEPA requirements, is questionable given that the EA did not incorporate the revised June 2022 version of the DDOT Upper Beach Drive Management Plan-Traffic Study (“Traffic Study”) and that the June 2022 version was publicly released after the July 18th public meeting.</p> | <p>The NPS received the revised June 2022 version from DDOT after the Plan/EA was prepared and ready for public release. The NPS posted a link to the revised June 2022 version to the project’s publicly available PEPC webpage on July 21, 2022, which was within the July 11-August 11 public comment period. The review of the June 2022 study was added to the FONSI.</p> |
| <p>Provide:</p> <ul style="list-style-type: none"> • Nonmotorized user counts • Detailed results of the traffic study performed as a result of Beach Drive’s closure to motor vehicles • Seasonal traffic patterns • A study to prove that there is demand to reopen Beach Drive to motor vehicles • Number of motor vehicles that exceed the posted speed limit • Cost of enforcing the speed limit • The revised June 2022 Traffic Study • The traffic analysis of the April 1-September 30 seasonal closure in the revised June 2022 Traffic Study | <p>The October 2021 and revised June 2022 versions of the Traffic Study are both available at: https://parkplanning.nps.gov/document.cfm?parkID=198&projectID=102800&documentID=121986.</p> <p>The NPS is in the process of completing a visitor use survey and will make that data available once completed.</p> |
| <p>The traffic analysis does not support the selection of Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA). The traffic analysis, and the rationale for selecting Alternative 3: Seasonal Closure for Recreation (the NPS preferred alternative in the Plan/EA) is problematic because:</p> <ul style="list-style-type: none"> • The EA does not incorporate the analysis from the revised June 2022 Traffic Study • The motor vehicle count will likely not be the same post-COVID-19 because of the increase in teleworking, gas prices, and ride-sharing. • The analysis does not consider 2020-2022 traffic counts or current motor vehicle congestion. • The analysis uses outdated data. | <p>The NPS has selected Alternative 2: Full-Time Closure for Recreation for implementation.</p> |

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| <ul style="list-style-type: none"> • No seasonal traffic counts are provided. • The impacts on travel time on Connecticut Avenue are not provided. • Where travel time increases would occur and what percentage of time is compared to overall journeys is not discussed. • The revised June 2022 Traffic Study does not evaluate the impacts on the east side of the park, the area south of the closure, 13th and 14th Streets, Arkansas Avenue, Piney Branch Parkway, Blagden Avenue, and streets in the adjacent residential neighborhoods. • The study did not collect data for Georgia Avenue, Reno Road, and/or Wisconsin Road. • The study does not consider whether the Beach Drive closure to motor vehicles, along with the new dedicated bus lanes, will change motor vehicle user behavior. • It fails to consider impacts from the continued redevelopment of the former U.S. Army Walter Reed campus. • It fails to consider impacts on adjacent residential neighborhoods. • It ignores the DC’s commitment to reduce motor vehicle trips. | |
| <p>Why did the Traffic Study focus on the year 2045?</p> | <p>As described on page 19 of the October 2021 Traffic Study, “Travel demand forecasts were developed for the year 2045 which is the furthest out year for the Metropolitan Washington Council of Governments (MWCOC) travel demand forecasting model.”</p> |
| <p>How was 2045 travel demand forecasted?</p> | <p>Travel demand forecasts for 2045 were developed by the Metropolitan Washington Council of Governments (MWCOC). Information about MWCOC’s regional transportation model can be found at https://www.mwcog.org/transportation/data-and-tools/modeling/.</p> |
| <p>The revised June 2022 Traffic Study indicates a more than 50 percent increase in emissions in the peak hour, peak direction. This contradicts the EA’s conclusion that air quality is not an issue.</p> | <p>Closing Beach Drive does not decrease the number of vehicles driving in the area, as such, it does not decrease the amount of emissions that occur within the local and regional airsheds.</p> |
| <p>The EA does not analyze the April 1st to September 30th closure alternative included in the revised June 2022 Traffic Study.</p> | <p>The NPS considered different seasonal closures for the management of Upper Beach Drive during the development of the Plan. These approaches were ultimately dismissed due to their operational challenges. These approaches were not described</p> |

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| | <p>in the Plan/EA’s “Alternatives Dismissed from Further Consideration” section but will be included as an errata in the Plan/EA’s FONSI document.</p> |
| <p>The No-Action Alternative should be full-time closure of Beach Drive to motor vehicles as it was during the COVID-19 pandemic and before the pandemic when Beach Drive was undergoing the multi-year repaving project.</p> | <p>The selected alternative for implementation is the full-time closure of Beach Drive.</p> |
| <p>The EA does not discuss the impacts from increased motor vehicle traffic on Piney Branch Parkway.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA. A more detailed analysis of the surrounding roadways (including Piney Branch Parkway and 16th Street) was provided for in the travel demand forecasts for 2045 that were developed by the Metropolitan Washington Council of Governments (MWCOC). Information about MWCOC’s regional transportation model can be found at https://www.mwcog.org/transportation/data-and-tools/modeling/.</p> |
| <p>The EA does not include the continued development of the former U.S. Army Walter Reed campus in their impact analysis on traffic.</p> | <p>The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA. A more detailed analysis of the surrounding roadways (including Piney Branch Parkway and 16th Street) was provided for in the travel demand forecasts for 2045 that were developed by the Metropolitan Washington Council of Governments (MWCOC). Information about MWCOC’s regional transportation model can be found at https://www.mwcog.org/transportation/data-and-tools/modeling/.</p> |
| <p>Why does the EA analyze motor vehicle traffic impacts on streets outside of the park when the NPS does not have jurisdiction over these streets?</p> | <p>In accordance with Council on Environmental Quality regulations, the environmental consequences analysis includes the direct, indirect, and cumulative impacts potentially resulting from the proposed alternatives (40 CFR 1508.1(g)). “Indirect impacts” are defined as “caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable” in 40 CFR 1508.1(g). Impacts on streets outside of the park are “farther</p> |

| Concern Statement | Response |
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| | removed in distance but are still reasonably foreseeable.” |
| The NPS should support DC’s goals with respect to changing transportation modes and reducing vehicle miles traveled as described in the Sustainable DC plan, as well as reducing greenhouse gas emissions. | Outside the scope of this project. |
| Install pedestrian and bicycle counters to track usage. | Not within the scope of this project. The NPS will carry out these counts should they be needed. |
| Driving on Beach Drive in the winter is dangerous due to the road’s curves and ice. | The selected alternative will see a full closure of Beach Drive. Regardless, drivers should drive with caution in icy conditions. |
| Induced Demand (i.e., demand increases as supply increases) is a critical topic not discussed in the EA. The more roads created; the more people will decide to drive on those roads. Conversely, the more roads removed, fewer people will drive. | The closure of Beach Drive is not expected to reduce the number of vehicles on surrounding streets. |
| <p>The Plan/EA’s FONSI document should provide:</p> <ul style="list-style-type: none"> • How the NPS and DDOT plan to reduce or eliminate motor vehicle traffic in the national park • How the NPS plans to mitigate the impacts of motor vehicle traffic on nonmotorized users if Beach Drive reopens to motor vehicles | The beneficial and adverse impacts of opening or closing Beach Drive to motor vehicles on transportation operations and safety are described in the “Transportation Operations and Safety” section on pages 19-21 of the Plan/EA. Mitigations are attached to the FONSI. |

APPENDIX C: SECTION 106 COORDINATION LETTERS

APPENDIX D: SECTION 7 COORDINATION LETTERS

APPENDIX C: SECTION 106 COORDINATION LETTERS



United States Department of the Interior

NATIONAL PARK SERVICE
Region 1 – National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

IN REPLY REFER TO:
1.A.2 (ROCR)

Ms. Elizabeth Hughes
State Historic Preservation Officer
Attn: Ms. Beth Cole, Ms. Becky Roman
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Ms. Hughes:

On August 17, 2022, your office concurred with a National Park Service (NPS) “No Adverse Effect” to historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives -- No Action and Full-time Closure for Recreation -- in the EA, which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>)

After further analysis, the NPS has concluded that Alternative 2, rather than Alternative 3, should be the Selected Alternative defined in the Finding for No Significant Impact for implementation. The effects associated with implementation of Alternative 2 vs. Alternative 3 are identical and outlined below.

Comparison of Alternatives

Areas of Effect in Alternative 2 are the same as Alternative 3. Closed areas for Alternative 2 would be the same as in Alternative 3. The difference between the two is that Alternative 3 is a seasonal closure and Alternative 2 is a full-time closure.

- Alternative 3 proposes seasonal closure for recreation, in which the roadway would be closed to motor vehicle use and open for nonmotorized recreational use seven days a week from the Tuesday after Memorial Day to the Friday before Labor Day. From the Tuesday after Labor Day to the Friday before Memorial Day, the upper portions of Beach Drive NW, Bingham Drive NW,

and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

- Alternative 2 proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.

Both alternatives provide greater park access by active recreational users including walkers, runners, and cyclists and passive recreational users such as wildlife observers and those seeking respite in natural areas. The selected alternative would also create safer conditions for all park visitors year-round by reducing conflicts between motor vehicles, bicyclists, and pedestrians, and provide routes for cyclists, largely free of motor vehicles, between the north end of the Rock Creek Park Multi-Use Trail and the Maryland state line. This alternative would also provide nonmotorized access for persons with disabilities to areas of the park that lack separated pathways and accessible trails.

Analysis and Determination of Effect

In accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. 306108), and the Advisory Council on Historic Preservation's implementing regulations (36 CFR Part 800), the NPS has considered the effects of this undertaking to historic properties, prepared an Assessment of Effects document, and applied the Criteria of Adverse Effect, as defined in 36 CFR Part 800.5, to historic properties within the Area of Potential Effects (APE).

The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022 communication remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is largely operational in nature. No physical changes will occur to these roadways, and their

integrity of design, location, setting, association, workmanship, materials, and feeling would remain intact. Likewise, no changes would occur to the park's historic structures, natural resources, or overall scenic qualities. The roadways themselves would continue to be preserved as they are at present. The NPS Selected Alternative will likely see the addition of small-scale changes, such as the addition of new signage, gates, and roadway markings. However, these will be designed to be compatible with the historic districts and are completely reversible. Therefore, the full-time closure of upper Beach Drive NW and adjacent roadways is anticipated to result in "No Adverse Effects" to properties listed in, or eligible for, listing in, the National Register of Historic Places.

Regarding potential impacts to archeology, implementation of the NPS Selected Alternative 2 (i.e. Full-time Closure for Recreation) does not feature a significant ground disturbing component. Existing paved roadways will continue to be used by recreational users. While some small-scale features (e.g., signage, gates) may need to be installed to enhance safety and access for emergency vehicles, these will be installed within or immediately adjacent to the roadway prisms, which have experienced previous disturbance. No such features will be installed within archeologically sensitive areas. Therefore, this project is anticipated to result in "No Adverse Effects" to archeological resources.

The NPS is also consulting with the District of Columbia Historic Preservation Office and federally recognized tribes on this matter. Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Resource Manager Nick Bartolomeo at 202-895-6010, or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

JULIA
WASHBURN

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Julia Washburn
Superintendent

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United States Department of the Interior

NATIONAL PARK SERVICE
Region I - National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207



IN REPLY REFER TO:
I.A 2 (ROCR)

Ms. Elizabeth Hughes
State Historic Preservation Officer
Attn: Ms. Beth Cole, Ms. Becky Roman
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Ms. Hughes:

Mo Co.

On August 17, 2022, your office concurred with a National Park Service (NPS) "No Adverse Effect" to historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives -- No Action and Full-time Closure for Recreation -- in the EA, which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/project/home.cfm?projectID=102800>)

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For MD. Lesouney

#ZNA BX 10/14/2022

and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

- Alternative 2 proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.

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Analysis and Determination of Effect

In accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. 306108), and the Advisory Council on Historic Preservation's implementing regulations (36 CFR Part 800), the NPS has considered the effects of this undertaking to historic properties, prepared an Assessment of Effects document, and applied the Criteria of Adverse Effect, as defined in 36 CFR Part 800.5, to historic properties within the Area of Potential Effects (APE).

The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022 communication remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is largely operational in nature. No physical changes will occur to these roadways, and their

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Regarding potential impacts to archeology, implementation of the NPS Selected Alternative 2 (i.e. Full-time Closure for Recreation) does not feature a significant ground disturbing component. Existing paved roadways will continue to be used by recreational users. While some small-scale features (e.g., signage, gates) may need to be installed to enhance safety and access for emergency vehicles, these will be installed within or immediately adjacent to the roadway prisms, which have experienced previous disturbance. No such features will be installed within archeologically sensitive areas. Therefore, this project is anticipated to result in "No Adverse Effects" to archeological resources.

The NPS is also consulting with the District of Columbia Historic Preservation Office and federally recognized tribes on this matter. Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Resource Manager Nick Bartolomeo at 202-895-6010, or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

JULIA
WASHBURN

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JULIA WASHBURN
Date: 2022.09.15
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Julia Washburn
Superintendent

For Maryland:

The Maryland Historical Trust has determined that this undertaking will have no adverse effect on historic properties.

Beth Cole 10/18/2022
Date



United States Department of the Interior

NATIONAL PARK SERVICE
Region 1 – National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

IN REPLY REFER TO:
1.A.2 (ROCR)

Mr. David Maloney
State Historic Preservation Officer
Attn: Mr. Andrew Lewis
DC Historic Preservation Office
Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Mr. Maloney:

On August 26, 2022, your office concurred with the National Park Service (NPS) July 18, 2022 “no adverse effect” on historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives, No Action and Full-time closure for recreation in the EA which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>)

After further analysis, the NPS has concluded that Alternative 2, rather than Alternative 3, should be the Selected Alternative defined in the Finding for No Significant Impact for implementation. The effects associated with implementation of Alternative 2 vs. Alternative 3 are identical and outlined below.

Comparison of Alternatives

Areas of Effect in Alternative 2 are the same as Alternative 3. Closed areas for Alternative 2 would be the same as in Alternative 3. The difference between the two is that Alternative 3 is a seasonal closure and Alternative 2 is a full-time closure.

- Alternative 3 proposes seasonal closure for recreation, in which the roadway would be closed to motor vehicle use and open for nonmotorized recreational use seven days a week from the Tuesday after Memorial Day to the Friday before Labor Day. From the Tuesday after Labor Day

to the Friday before Memorial Day, the upper portions of Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

- Alternative 2 proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.

Both alternatives provide greater park access by active recreational users including walkers, runners, and cyclists and passive recreational users such as wildlife observers and those seeking respite in natural areas. The selected alternative would also create safer conditions for all park visitors year-round by reducing conflicts between motor vehicles, bicyclists, and pedestrians, and provide routes for cyclists, largely free of motor vehicles, between the north end of the Rock Creek Park Multi-Use Trail and the Maryland state line. This alternative would also provide nonmotorized access for persons with disabilities to areas of the park that lack separated pathways and accessible trails.

Analysis and Determination of Effect

In accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. 306108), and the Advisory Council on Historic Preservation's implementing regulations (36 CFR Part 800), the NPS has considered the effects of this undertaking to historic properties, prepared an Assessment of Effects document, and applied the Criteria of Adverse Effect, as defined in 36 CFR Part 800.5, to historic properties within the Area of Potential Effects (APE). The NPS initiated Section 106 consultation with your office on Tuesday, June 15, 2021, followed by a previous Determination of Effect on July 18, 2022 (Attachment A).

The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022, remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. The NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is

largely operational in nature. No physical changes will occur to these roadways, and their integrity of design, location, setting, association, workmanship, materials, and feeling would remain intact. Likewise, no changes would occur to the park's historic structures, natural resources, or overall scenic qualities. The roadways themselves would continue to be preserved as they are at present. The NPS Selected Alternative will likely see the addition of small-scale changes, such as the addition of new signage, gates, and roadway markings. However, these will be designed to be compatible with the historic districts and are completely reversible. Therefore, the full-time closure of upper Beach Drive NW and adjacent roadways is anticipated to result in "No Adverse Effects" to properties listed in, or eligible for, listing in the National Register of Historic Places. Please see the enclosed Assessment of Effects form for additional details.

Regarding potential impacts to archeology, implementation of the NPS Selected Alternative 2 (i.e. Full-time Closure for Recreation) does not feature a significant ground disturbing component. Existing paved roadways will continue to be used by recreational users. While some small-scale features (e.g., signage, gates) may need to be installed to enhance safety and access for emergency vehicles. These will be installed within or immediately adjacent to the roadway prisms, which have experienced previous disturbance. No such features will be installed within archeologically sensitive areas. Therefore, this project is anticipated to result in "No Adverse Effects" to archeological resources.

The NPS is also conducting Section 106 with the Maryland State Historic Preservation Office and federally recognized tribes (i.e., Catawba Indian Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee of Oklahoma, and Pamunkey Indian Tribe). Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Nick Bartolomeo, Resources Manager, by telephone at 202-895-6010 or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

Julia Washburn
Superintendent

Enclosures: July 18, 2022, Determination of Effect Letter to SHPO from NPS



October 27, 2022

Ms. Julia Washburn, Superintendent
National Park Service
Rock Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20407-0001

RE: Section 106 Determination of Effect, Upper Beach Drive Management Plan

Dear Ms. Washburn:

As you may recall, the District of Columbia State Historic Preservation Officer (SHPO) provided a letter to the National Park Service (NPS) on August 26, 2022 to document our concurrence with the NPS determination of “no adverse effect” for implementation of the above-referenced plan. The primary focus of our letter was on the proposed “seasonal” closure of Upper Beach Drive and adjacent streets as described in the NPS Alternative 3 (see attached). We now understand that the NPS is proposing a permanent closure as described in Alternative 2 and we are writing to provide additional comments regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.

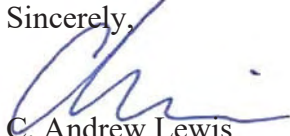
The primary basis for our earlier determination was that the only physical changes within the Area of Potential Effect would be the installation of limited closure-related signage and gates in non-archaeologically sensitive areas beside the roadways. Since these facts remain unchanged, we concur with the NPS determination of “no adverse effect” for the revised alternative (i.e. permanent closure). In reaching this decision, we also took into account how the National Register nomination for Rock Creek Park describes the present road system as follows:

“The existing parkway road system was largely adapted from the reuse of existing county roads or originally built as early twentieth century park carriage drives. All of the park’s serpentine roads were designed as pleasure drives, which was a major recreational activity in in the park before 1941. The present road system continues to reflect their original purpose of providing public access to the enjoyment of extraordinary rural scenery. Although adapted to the automobile, the designed alignment, width and environmental surroundings of these scenic roads has not substantially changed since the 1920s.”

While statements such as these document a historical connection between Rock Creek’s roadway system and pleasure drives, they also document that such activities fell out of fashion in the early 40’s, establish that the provision of vehicular access required an “adaptation” of historical conditions and reinforce that the system’s primary purpose is to provide public access to rural scenery. Since the permanent closure of these roadways to vehicles (except for those necessary to provide access to picnic areas) will not alter the system’s designed alignment, width, environmental surroundings or the continued provision public access, these factors further support a finding of “no adverse effect.”

If you should have any questions or comments regarding the historic built environment, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions or comments related to archaeology should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Otherwise, thank you for providing this opportunity to review and comment.

Sincerely,



C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

23-0088 & 21-0609

DETAILED DESCRIPTION OF ALTERNATIVES

- **Alternative 1 (No-Action Alternative)** would return Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW to the pre-COVID-19 pandemic weekend and holiday closure schedule (i.e., weekends from 7:00 AM on Saturdays until 7:00 PM Sundays and on federal holidays).
- **Alternative 2** proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.
- **Alternative 3** proposes seasonal closure for recreation, in which the roadway would be closed to motor vehicle use and open for nonmotorized recreational use seven days a week from the Tuesday after Memorial Day to the Friday before Labor Day. From the Tuesday after Labor Day to the Friday before Memorial Day, the upper portions of Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes, as defined in Alternative 1. Affected areas are the same as Alternative 2. Closed areas would be the same as in Alternative 2, with different timing and length of the closure.



United States Department of the Interior

NATIONAL PARK SERVICE
Region 1 – National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

IN REPLY REFER TO:
1.A.2 (ROCR)

Chief Robert Gray
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Chief Gray:

On July 18, 2022, the National Park Service (NPS) contacted you regarding a “No Adverse Effect” to historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives -- No Action and Full-time Closure for Recreation -- in the EA, which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>)

After further analysis, the NPS has concluded that Alternative 2, rather than Alternative 3, should be the Selected Alternative defined in the Finding for No Significant Impact for implementation. The effects associated with implementation of Alternative 2 vs. Alternative 3 are identical and outlined below.

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and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

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Analysis and Determination of Effect

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The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022 communication remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is largely operational in nature. No physical changes will occur to these roadways, and their

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The NPS is also consulting with the District of Columbia Historic Preservation Office, Maryland State Historic Preservation Office, and federally recognized tribes on this matter. Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Resource Manager Nick Bartolomeo at 202-895-6010, or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

JULIA
WASHBURN

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Julia Washburn
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
Region 1 – National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

IN REPLY REFER TO:
1.A.2 (ROCR)

Chief Brad KillsCrow
Attn: Ms. Susan Bachor
Delaware Tribe of Indians
5100 Tuxedo Boulevard
Bartlesville, OK 73005

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Chief Brooks:

On July 18, 2022, the National Park Service (NPS) contacted you regarding a “No Adverse Effect” to historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives -- No Action and Full-time Closure for Recreation -- in the EA, which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>)

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- Alternative 3 proposes seasonal closure for recreation, in which the roadway would be closed to motor vehicle use and open for nonmotorized recreational use seven days a week from the Tuesday after Memorial Day to the Friday before Labor Day. From the Tuesday after Labor Day to the Friday before Memorial Day, the upper portions of Beach Drive NW, Bingham Drive NW,

and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

- Alternative 2 proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.

Both alternatives provide greater park access by active recreational users including walkers, runners, and cyclists and passive recreational users such as wildlife observers and those seeking respite in natural areas. The selected alternative would also create safer conditions for all park visitors year-round by reducing conflicts between motor vehicles, bicyclists, and pedestrians, and provide routes for cyclists, largely free of motor vehicles, between the north end of the Rock Creek Park Multi-Use Trail and the Maryland state line. This alternative would also provide nonmotorized access for persons with disabilities to areas of the park that lack separated pathways and accessible trails.

Analysis and Determination of Effect

In accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. 306108), and the Advisory Council on Historic Preservation's implementing regulations (36 CFR Part 800), the NPS has considered the effects of this undertaking to historic properties, prepared an Assessment of Effects document, and applied the Criteria of Adverse Effect, as defined in 36 CFR Part 800.5, to historic properties within the Area of Potential Effects (APE).

The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022 communication remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is largely operational in nature. No physical changes will occur to these roadways, and their

integrity of design, location, setting, association, workmanship, materials, and feeling would remain intact. Likewise, no changes would occur to the park's historic structures, natural resources, or overall scenic qualities. The roadways themselves would continue to be preserved as they are at present. The NPS Selected Alternative will likely see the addition of small-scale changes, such as the addition of new signage, gates, and roadway markings. However, these will be designed to be compatible with the historic districts and are completely reversible. Therefore, the full-time closure of upper Beach Drive NW and adjacent roadways is anticipated to result in "No Adverse Effects" to properties listed in, or eligible for, listing in, the National Register of Historic Places.

Regarding potential impacts to archeology, implementation of the NPS Selected Alternative 2 (i.e. Full-time Closure for Recreation) does not feature a significant ground disturbing component. Existing paved roadways will continue to be used by recreational users. While some small-scale features (e.g., signage, gates) may need to be installed to enhance safety and access for emergency vehicles, these will be installed within or immediately adjacent to the roadway prisms, which have experienced previous disturbance. No such features will be installed within archeologically sensitive areas. Therefore, this project is anticipated to result in "No Adverse Effects" to archeological resources.

The NPS is also consulting with the District of Columbia Historic Preservation Office, Maryland State Historic Preservation Office, and federally recognized tribes on this matter. Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Resource Manager Nick Bartolomeo at 202-895-6010, or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

JULIA
WASHBURN

Digitally signed by
JULIA WASHBURN
Date: 2022.09.16
15:14:15 -04'00'

Julia Washburn
Superintendent

[EXTERNAL] Re: Updated Consultation, Upper Beach Drive Management, Rock Creek Park

Susan Bachor <sbachor@DelawareTribe.onmicrosoft.com>

Mon 9/26/2022 9:08 AM

To: Bartolomeo, Nick <Nick_Bartolomeo@nps.gov>; sbachor@delawaretribe.org
<sbachor@delawaretribe.org>; Brad KillsCrow <bkillscrow@delawaretribe.org>

Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Wanishi for reaching out to the Delaware Tribe of Indians regarding this project. We have no comments or concerns regarding this project. This area of potential effect is on the borders of our area of interest. We would defer to federally recognized nations who claim this territory.

Susan Bachor, M.A.

Deputy THPO & Archaeologist

Delaware Tribe Historic Preservation

126 University Circle

Stroud Hall, Rm. 437

East Stroudsburg PA 18301

NEW *cell-1.539.529.1671*****

sbachor@delawaretribe.onmicrosoft.com - electronic submissions preferred

Please call for appointment.

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From: Bartolomeo, Nick <Nick_Bartolomeo@nps.gov>

Sent: Sunday, September 25, 2022 10:04 AM

To: sbachor@delawaretribe.org <sbachor@delawaretribe.org>; Brad KillsCrow <bkillscrow@delawaretribe.org>

Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>

Subject: Updated Consultation, Upper Beach Drive Management, Rock Creek Park

Hello Chief KillsCrow and Ms. Bachor.

Earlier this past summer, we engaged in consultation regarding potential changes to the management of certain roadways in Rock Creek Park in Washington, DC. In our initial consultation, we had indicated that the National Park Service proposed to select an alternative that involved a seasonal closure for recreation of these roadways. Since this time, we have determined that a full-time closure of these roadways would be our selected alternative. The attached correspondence documents this proposed determination and reinitiates consultation with you on this issue.

Thank you for your consideration. If you have any questions, please contact me.

Sincerely,

Nick Bartolomeo
Resources Manager
Rock Creek Park
3545 Williamsburg Lane NW
Washington, DC 20008
Office: 202-895-6010
Cell: 202-579-8494

Re: [EXTERNAL] Upper Beach Drive Management Plan

Bartolomeo, Nick <Nick_Bartolomeo@nps.gov>

Tue 10/25/2022 11:05 AM

To: Caitlin Rogers <caitlin.rogers@catawba.com>

Cc: Stidham, Tammy <Tammy_Stidham@nps.gov>

Hello Ms. Rogers, thank you for your response.

All the best,

Nick Bartolomeo
Resources Manager
Rock Creek Park
3545 Williamsburg Lane NW
Washington, DC 20008
Office: 202-895-6010
Cell: 202-579-8494

From: Caitlin Rogers <caitlin.rogers@catawba.com>
Sent: Tuesday, October 25, 2022 11:02 AM
To: Bartolomeo, Nick <Nick_Bartolomeo@nps.gov>
Subject: [EXTERNAL] Upper Beach Drive Management Plan

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Bartolomeo,

The Catawba THPO concurs with your decision that Alternative 2 be the selected alternative. If you need anything else let me know.

Hawuh (Thank you),

Caitlin Rogers
Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, SC 29730

803-328-2427 ext. 226

*** Please note that my email has changed to Caitlin.Rogers@catawba.com ***

Please Note: We CANNOT accept Section 106 forms via e-mail, unless requested. Please send us hard copies. Thank you for your understanding

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United States Department of the Interior

NATIONAL PARK SERVICE
Region 1 – National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

IN REPLY REFER TO:
1.A.2 (ROCR)

Chief Glenna Wallace
Attn: Paul Barton
Eastern Shawnee Tribe of Oklahoma

Subject: Section 106 Consultation, Determination of Effects, Upper Beach Drive Management Plan

Dear Chief Wallace:

On July 18, 2022, the National Park Service (NPS) contacted you regarding a “No Adverse Effect” to historic properties determination for Alternative 3, Seasonal Closure for Recreation, as the preferred alternative for the Upper Beach Drive Management Plan / Environmental Assessment (EA). This determination was based on limited small-scale changes within the Area of Potential Effect that are associated with the closure. This was included along with two other alternatives -- No Action and Full-time Closure for Recreation -- in the EA, which was released for public review on July 11, 2022. (<https://parkplanning.nps.gov/projectHome.cfm?projectID=102800>)

After further analysis, the NPS has concluded that Alternative 2, rather than Alternative 3, should be the Selected Alternative defined in the Finding for No Significant Impact for implementation. The effects associated with implementation of Alternative 2 vs. Alternative 3 are identical and outlined below.

Comparison of Alternatives

Areas of Effect in Alternative 2 are the same as Alternative 3. Closed areas for Alternative 2 would be the same as in Alternative 3. The difference between the two is that Alternative 3 is a seasonal closure and Alternative 2 is a full-time closure.

- Alternative 3 proposes seasonal closure for recreation, in which the roadway would be closed to motor vehicle use and open for nonmotorized recreational use seven days a week from the Tuesday after Memorial Day to the Friday before Labor Day. From the Tuesday after Labor Day to the Friday before Memorial Day, the upper portions of Beach Drive NW, Bingham Drive NW,

and Sherrill Drive NW would be open to motor vehicles on weekdays and closed to motor vehicles on weekends and holidays to allow for nonmotorized recreational purposes.

- Alternative 2 proposes full-time closure for recreation, in which the roadways would be closed to motor vehicle use and open for nonmotorized recreation use seven days a week, 365 days a year. Affected areas would include Bingham Drive NW (0.43 miles), Sherrill Drive NW (0.34 miles), and Beach Drive NW (4.28 miles) in three sections: from Broad Branch Road NW to Joyce Road NW, from Picnic Area 10 to Wise Road NW, and from West Beach Drive NW to the Maryland boundary. Between Joyce Road NW and picnic areas 6-10, Beach Drive NW would remain open to vehicles only to provide access to group picnic areas and parking lots. Ross Drive NW would always remain open to vehicles.

Both alternatives provide greater park access by active recreational users including walkers, runners, and cyclists and passive recreational users such as wildlife observers and those seeking respite in natural areas. The selected alternative would also create safer conditions for all park visitors year-round by reducing conflicts between motor vehicles, bicyclists, and pedestrians, and provide routes for cyclists, largely free of motor vehicles, between the north end of the Rock Creek Park Multi-Use Trail and the Maryland state line. This alternative would also provide nonmotorized access for persons with disabilities to areas of the park that lack separated pathways and accessible trails.

Analysis and Determination of Effect

In accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. 306108), and the Advisory Council on Historic Preservation's implementing regulations (36 CFR Part 800), the NPS has considered the effects of this undertaking to historic properties, prepared an Assessment of Effects document, and applied the Criteria of Adverse Effect, as defined in 36 CFR Part 800.5, to historic properties within the Area of Potential Effects (APE).

The full-time closure in Alternative 2 aligns best with NPS mission and responsibilities and the park enabling legislation. The degree of affect to historic properties is the same between the two alternatives. Therefore, the NPS chooses Alternative 2: Full-time closure as the Selected Alternative for implementation.

The APE and historic properties affected that are described in the July 18, 2022 communication remain unchanged with the change in choosing of Alternative 2 as the Selected Alternative for implementation. NPS cultural resource professionals reviewed the proposed undertaking (i.e., implementation of NPS Selected Alternative 2: Full-time Closure for Recreation) and determined that it will not adversely affect the historic characteristics of the Rock Creek Park Historic District and Civil War Defenses of Washington Historic District that qualify them for inclusion in the National Register of Historic Places. The change in management strategy for upper Beach Drive NW, Bingham Drive NW, and Sherrill Drive NW is largely operational in nature. No physical changes will occur to these roadways, and their

integrity of design, location, setting, association, workmanship, materials, and feeling would remain intact. Likewise, no changes would occur to the park's historic structures, natural resources, or overall scenic qualities. The roadways themselves would continue to be preserved as they are at present. The NPS Selected Alternative will likely see the addition of small-scale changes, such as the addition of new signage, gates, and roadway markings. However, these will be designed to be compatible with the historic districts and are completely reversible. Therefore, the full-time closure of upper Beach Drive NW and adjacent roadways is anticipated to result in "No Adverse Effects" to properties listed in, or eligible for, listing in, the National Register of Historic Places.

Regarding potential impacts to archeology, implementation of the NPS Selected Alternative 2 (i.e. Full-time Closure for Recreation) does not feature a significant ground disturbing component. Existing paved roadways will continue to be used by recreational users. While some small-scale features (e.g., signage, gates) may need to be installed to enhance safety and access for emergency vehicles, these will be installed within or immediately adjacent to the roadway prisms, which have experienced previous disturbance. No such features will be installed within archeologically sensitive areas. Therefore, this project is anticipated to result in "No Adverse Effects" to archeological resources.

The NPS is also consulting with the District of Columbia Historic Preservation Office, Maryland State Historic Preservation Office, and federally recognized tribes on this matter. Any feedback received will be taken into consideration as the NPS continues with its responsibilities under Section 106 and NEPA.

We look forward to your response and if you concur with the NPS determination of "No Adverse Effect." Should you have any questions or comments regarding this correspondence, please contact Resource Manager Nick Bartolomeo at 202-895-6010, or by email at nick_bartolomeo@nps.gov.

Thank you for your continued assistance.

Sincerely,

JULIA
WASHBURN

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JULIA WASHBURN
Date: 2022.09.16
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Julia Washburn
Superintendent

APPENDIX D: SECTION 7 COORDINATION LETTERS



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
Rock Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20008-1207

April 15, 2022

Genevieve LaRouche, Field Supervisor
Chesapeake Bay Field Office
U.S. Fish & Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

CONSULTATION CODE: 05E2CB00-2022-SLI-0432

RE: Informal Section 7 Consultation for the Endangered Hay's Spring amphipod (*Stygobromus hayi*) and Northern Long-Eared Bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*) in Rock Creek Park for the Upper Beach Drive NW Management Plan

Dear Ms. LaRouche:

Rock Creek Park has initiated Endangered Species Act (ESA) informal Section 7 consultation for the endangered Hay's Spring amphipod (*Stygobromus hayi*), threatened northern long-eared bat (*Myotis septentrionalis*, NLEB), and endangered Indiana bat (*Myotis sodalis*) for carrying out the proposed Upper Beach Drive NW Management Plan as described below. All three species are found within the action area for the proposed project, which could potentially change the long-term management of upper Beach Drive NW and nearby roadways, extending from Broad Branch Road NW north to the Maryland state line. There is no designated critical habitat for these species in Rock Creek Park.

We have made the determination that the proposed activity may affect, but is not likely to adversely affect, any species listed as threatened or endangered under the ESA of 1973, as amended 1982. Our supporting analysis is provided below.

Project Description and Action Area

Rock Creek Park is developing a comprehensive management approach for upper Beach Drive NW and adjacent roadways to improve recreational opportunities and minimize resource impacts. This effort is an outgrowth of a decision in April 2020 by the park Superintendent to close to motor vehicle through traffic Beach Drive NW and adjacent roadways, extending from Broad Branch Road NW north approximately five miles to the Maryland state line. The purpose of these closures, which currently remain in place, was to allow for expanded outdoor recreational opportunities during the COVID-19 pandemic.

The Environmental Assessment for this management plan is underway; we anticipate completing the plan during 2022 and implementing the selected alternative. The park's preferred alternative is to close the upper Beach Drive NW and adjacent roadways to through traffic during the summer months (likely Memorial Day through Labor Day), and also close the road to through traffic on weekends and holidays from Labor Day to Memorial Day. This will alter existing park management by changing vehicle and pedestrian flow and access and will cause long-term changes in visitor use of resources with possible impacts to federally listed species.

Beach Drive NW is the park's primary north-south route through the riparian valley and forms the backbone of the northern park road network. The entire project area is within the boundaries of Rock Creek Park. The action area is from Broad Branch Road NW north to the Maryland state line and is formed by potential temporal closures of three sections of Beach Drive NW to vehicles (Figure 1). Figure 2 shows the overlap of the Beach Drive NW action area and the protected 500-foot buffers around the springs where Hay's Spring amphipod is found.

Specifically, the project limits are:

- Beach Drive NW between Broad Branch Road NW and Joyce Road NW; this stretch is most important because it encompasses six Hay's Spring amphipod sites and previously known roost and maternity trees for northern long-eared bat (Deeley et al. 2021).
- Beach Drive NW between Joyce Road NW and Wise Road NW.
- Beach Drive NW between West Beach Drive NW and the Maryland boundary; northern long-eared bat has been captured with mist-nets along this area.
- The full length of Bingham Drive NW.
- The full length of Sherrill Drive NW. (Note that Hay's Spring amphipod has not been found recently but was previously found for over 10 years in the Sherrill Drive NW site.)

The federal discretionary action will close these sections of Beach Drive NW and adjacent roadways to some degree to through motor vehicle traffic. Alternative 2 is park preferred: Seasonal closure for recreation. As noted previously, this would involve a closure during the summer months – to coincide with favorable summer recreational weather conditions -- while also continuing the weekend closures and federal holiday closures throughout the year.

Listed Species in the Action Area

Surveys from 2016 to 2018 for the threatened NLEB and endangered Indiana bat found that both are present in ROCR (Deeley et al. 2021). White-Nose Syndrome (WNS) is a primary threat to both bat species. The consultation issues are also around the loss of habitat and hibernacula, which are similar for both species. The conservation actions will be similar to protect both species. There are no identified hibernacula in the park.

We used the NLEB determination key within the Information for Planning and Consultation (IPaC) system. Additional NLEB studies began in 2019 but stopped during 2020 due to COVID-19 pandemic. The studies began again in 2021 with the installation of bat houses and further research to better understand NLEB demographics (W. Ford et al. personal communication

2021). We know that NLEB use the park throughout the active period from 1 April through 31 October for foraging and 1 June to 31 July for reproducing.

The draft Recovery Plan (USFWS 2021b) for the Hay's Spring amphipod adopted from the biological report (USFWS 2021a) 500-foot buffers around all the springs where Hay's Spring amphipod is present (Figure 2). These buffered areas are within this project's action area.

Anticipated Threats and Stressors to Hay's Spring amphipod—Existing Environmental Baseline

Because Hay's Spring amphipod is subterranean, we cannot easily count individuals or determine harm to essential functions like reproduction. The biological study (USFWS 2020) and draft Recovery Plan (USFWS 2021) established a causal link between changes in habitat quantity, quality, and availability, and Hay's Spring amphipod response. We will consider impacts to the habitat for this analysis.

As noted on Page 5 of the draft Recovery Plan, the primary threats and stressors were identified as related to water quality degradation (USFWS 2021). However, other threats include impacts to forests and impacts from recreation. The draft Recovery Plan states that "increased recreation (primarily through the creation or use of unauthorized social trails) can potentially harm the species through increased soil compaction, soil erosion, defoliation, increased trash and localized pollution, and potential disturbance to habitat."

The forest found at the springs, in their vicinity, and their drainage or recharge areas provides protection to the spring wetlands by buffering stormwater, surface runoff, and preventing erosion. The park recognizes that protecting the forest habitat protects the Hay's Spring amphipod.

Off-trail recreation within the 500-foot buffers around springs and wetlands will potentially harm the Hay's Spring amphipod. Rock Creek Park staff were concerned about seeing the increased creation of social trails and visitor use of the informal trails to include dogs off leash (N. Bartolomeo personal communication 2021). In October 2020, staff completed a field review and mapped the social trails in the park. This effort was updated in December 2021 for those sections of Beach Drive NW within the action area (Figure 2). Figure 2 is the existing baseline, showing the number of current informal or social trails. It is assumed that the closing of Beach Drive NW and associated roadways to vehicles will increase the use of the roadways and adjacent forested areas by pedestrians. It is reasonable to expect an increase in the use of unauthorized informal trails leading from the roads, as well as the creation of new social trails.

The habitat and species are most vulnerable to disturbance when soils are saturated. Visitors create a high risk to the Hay's Spring amphipod when they use the social trails within the 500 foot buffers and the soil is wet, groundwater is high, and the springs are flowing. This project may result in:

- Direct and Indirect habitat degradation: Increased creation of social used by increased levels of park visitors and unleashed dogs trails in the 500 foot buffers that overlap Beach Drive NW and other roadways.

- Interrelated habitat degradation: Increased transport of nonnative invasive propagules by people and dogs into the 500-foot buffer.

Conservation Measures to Protect Hay’s Spring Amphipod

As identified in the draft Recovery Plan, page 9, as Priority 1 actions, Rock Creek Park will coordinate with USFWS and other entities to protect recharge areas from recreational and construction activities (e.g., new trails, increases in impervious surface, tree removals, stream restoration), and other activities adversely affecting water quality and quantity (i.e., application of harmful pesticides, changes in surface or subsurface flows). The park is committed to reducing negative impacts to Hay’s Spring amphipod from visitor recreation activities.

Four of the six buffer areas in the park currently have substantial numbers of informal trails (Figure 2, baseline). As noted in the 20 January 2022 letter (Pavek personal communication) from FWS to NPS, “Soil compaction and erosion destroys the network of wet areas that constitute habitat for this species.” The current project cannot increase the creation, and/or increase the use, of informal trails in this habitat.

1. The park needs to assess the urgency, quantify the extent, and address the threats posed by number, proximity, and condition of the unauthorized informal trails to the springs, within the 500 foot buffers, and through the wetlands. Specifically, the park will:

- Prioritize the informal trails by degree of potential harm to Hay’s Spring amphipod, which will help implement management actions (slope stabilization, avoid landslides, revegetation, trail blockage, etc.) to conserve and protect the habitat and species.
- Establish monitoring of vegetation and soils covering the entire 500-foot buffers for recreation impacts; methods and frequency of habitat monitoring to be determined.
- Close and remove unauthorized informal trails within all recharge areas and the 500-foot buffers. This may require a coordinated volunteer effort and increased park FTEs. The scientific literature has analyses of park visitor use of unauthorized informal trails and of park visitor use interventions (e.g., Marion 2019). Other parks who have had recreation impacts assessed, social trails mapped, and interventions implemented will be contacted, such as C&O Canal and Harpers Ferry National Historical Parks, and George Washington Memorial Parkway.

2. To further help protect the 500-foot buffers and recharge areas, Rock Creek Park will engage in public educational campaigns using social media, the park website, the Superintendent’s compendium of law and regulation, and frequent in-park signage to inform visitors of the importance of resource protection and how their actions can help further the park’s conservation efforts while protecting the location of threatened and endangered species. In addition, other options for consideration may include:

- More patrols and visible law enforcement presence, park rangers, and park volunteers to reinforce this messaging and protect the resources.
- Better information and signage about the location of formal park trails.
- The installation and maintenance of boot brushes (for removing invasive plant seeds) at strategic locations near official trail heads.

- Extensive reminders (signs, enforcement actions) that dogs must remain on leash and the consequences (ticketing, fines) for dogs off leash.

3. Another Priority 1 action listed in the draft Recovery Plan, page 9, is to have an interagency USFWS and NPS long-term (20 years) agreement to protect the 500-foot buffers of occupied and drainage areas of unoccupied springs from disturbance and erosion following the release of the Recovery Plan. This will provide technical assistance for the park.

4. Continued implementation of the Rock Creek Park white-tailed deer management plan will increase tree and vegetation seedling stocking rates, restoring the forest and protecting Hay's Spring amphipod.

Effects Determination

When this project is implemented, the park does not anticipate removal of trees and other vegetation, although pruning (observing time-of-year restrictions for the listed bat species) and removal of hazardous trees along Beach Drive NW and nearby roadways will continue.

This project will open Beach Drive NW and nearby roadways to long-term, full-time pedestrian recreational use, which will likely increase social trail use and creation above the environmental baseline conditions (Figure 2). This would cause reductions in habitat quantity and quality.

Further, the direct and indirect effects of long-term increased recreational access along Beach Drive NW will be most severe when the 500-foot buffers have saturated soils, putting the Hay's Spring amphipod and wetland spring habitat at risk.

However, implementation Conservation Measures 1 through 4 above by the park will avoid or minimize impacts and exposure by addressing, reducing, and removing the listed threats and protecting the 500-foot buffers around the springs and recharge areas and the Hay's Spring amphipod. The short-term consequences will immediately remove visitor access to the social trails within the 500-foot buffers. The long-term consequences will have vegetation recovery and eroded slopes and spring sites stabilized. The wetland habitat will be enhanced and Hay's Spring amphipod will be protected.

Conclusions

Based on the analysis with the conservation measure in place, we determined that the proposed action may affect but is not likely to adversely affect the two bats and the Hay's Spring amphipod. We certify that we have used the best scientific and commercial data available to complete this analysis. We request your concurrence with this determination.

Sincerely,

Julia Washburn
Superintendent



Figure 1. Project action area in Rock Creek Park is highlighted in yellow.

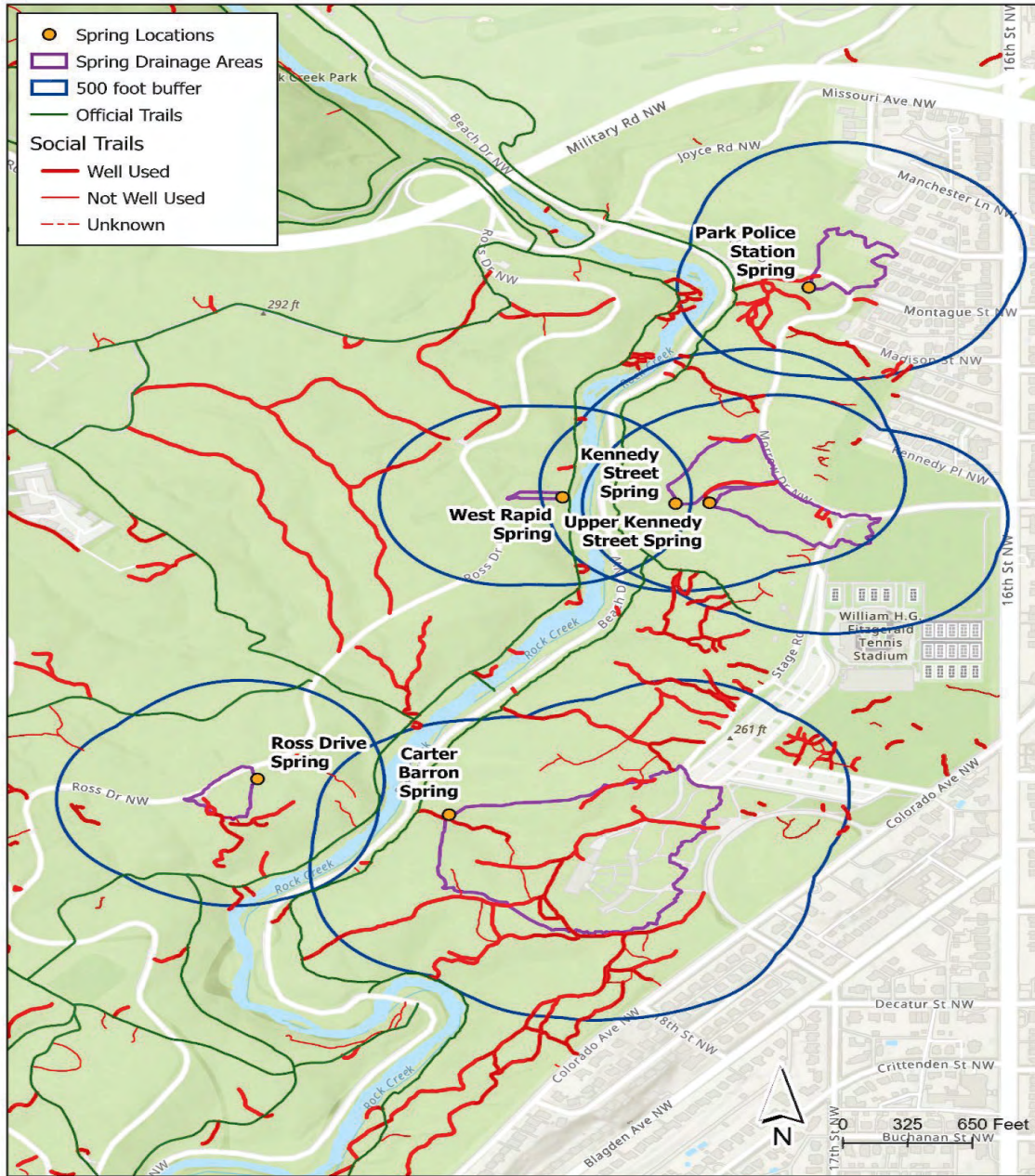


Figure 2. Social trails along Beach Drive NW and proximity to springs (orange dots) where Hay’s Spring amphipod is located. The circular (blue) 500-foot buffers around the springs overlaps Beach Drive NW. The purple outlines are spring recharge areas that must be protected along with the buffers.

Literature Cited

Deeley, S., S. Freeze, and L. Rohrbaugh. 2021. Post-white-nose syndrome bat communities in the National Capital Region: Part 1—final report. Natural Resource Report NPS/NCRO/NRR—2021/2319. National Park Service, Fort Collins, Colorado. <http://doi.org/10.36967/nrr-2287867> .

Marion, J. 2019. Guidance for managing informal trails. American Trails. doi <https://www.americantrails.org/resources/guidance-for-managing-informal-trails> .

USFWS (U.S Fish and Wildlife Service). 2021a. Biological Report for the Hay's spring amphipod (*Stygobromus hayi*), Version 1.0. September 2021. Hadley, MA.

USFWS (U.S. Fish and Wildlife Service). 2021b. Draft recovery plan for the Hay's spring amphipod (*Stygobromus hayi*). Unpublished. North Atlantic-Appalachian Region, Hadley, Massachusetts. 11 pages.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
<http://www.fws.gov/chesapeakebay>

October 28, 2022

Julia Washburn
Superintendent, Rock Creek Park
National Park Service
5200 Glover Rd, NW
Washington, DC 20015

*RE: Section 7 determination for the Hay's spring amphipod (*Stygobromus hayi*), Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*) for the updated Preferred Alternative for the Rock Creek Park Upper Beach Drive NW Management Plan*

Dear Ms. Washburn:

The U.S. Fish and Wildlife Service (Service) has reviewed your October 12, 2022 letter regarding the update to the preferred alternative for the Upper Beach Drive NW Management Plan. The comments provided below are in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The purpose of this project is to update the management plan for Beach Drive NW and adjacent roadways at Rock Creek Park located in Washington DC. The new preferred alternative for this project is to close Beach Drive NW, Sherrill Drive NW, and Bingham Drive NW full-time for recreation use. The federally threatened northern long-eared bat (*Myotis septentrionalis*), federally endangered Indiana bat (*Myotis sodalis*), and federally endangered Hay's spring amphipod (*Stygobromus hayi*) are likely to be present within the action area. Additionally, the tricolored bat (*Perimyotis subflavus*), which has been proposed to be listed as endangered, may be present within the action area.

Because no additional tree clearing is anticipated to take place as part of this project for all the alternatives, and the standard time of year restrictions for any pruning or clearing are in place, we concur that the preferred alternative is "not likely to adversely affect" the bat species.

We agree with your assessment of potential impacts to Hay's spring amphipod that are likely to occur as part of this project. We also agree that the conservation measures you provided will be helpful at mitigating harm to the Hay's spring amphipod, and that these measures will be necessary regardless of the alternative selected.



The Service is committed to working with Rock Creek Park to enact an interagency agreement to protect the occupied springs and buffer areas as soon as possible within this fiscal year. Monitoring and habitat management will be described in more detail in that document. The Service supports the Park's position that additional management actions can be discussed if resource conditions degrade, or unanticipated impacts occur. Monitoring is an important aspect to ensure that habitat quality does not degrade. As long as these conservation measures are implemented, we concur that this project is "not likely to adversely affect" the Hay's spring amphipod.

If additional information becomes available or a different alternative is selected, please notify our office and we can provide an updated determination. We appreciate the opportunity to provide information relative to fish and wildlife issues. Thank you for your interest in these resources. If you have any questions or need further assistance, please contact Kathleen Cullen of my staff at 410/573-4579 or kathleen_cullen@fws.gov.

Sincerely,

GENEVIEVE PULLIS  Digitally signed by
GENEVIEVE PULLIS
Date: 2022.10.28
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Genevieve LaRouche
Field Supervisor