



## FINDING OF NO SIGNIFICANT IMPACT

### Oxon Cove Multi-Use Hiker-Biker Trail

#### National Capital Parks – East

### INTRODUCTION

National Capital Parks – East, an administrative unit of the National Park Service (NPS), in cooperation with the District Department of Transportation (DDOT), prepared an environmental assessment (EA) to construct a multi-use hiker-biker trail through the Washington, DC (the District) and Maryland sections of Oxon Cove Park (the park). The project is needed to provide a trail to link together other sections of the park and other District and Maryland trail systems. Oxon Cove Park encompasses 512 acres, includes the historic Oxon Hill Farm (289 acres), and is one of 13 parks managed within the National Capital Parks – East administrative unit. Most of the park is located in Prince George's County, Maryland, with some overlap into the District.

The proposed section of trail is located north of Oxon Cove in the southwest quadrant of the District and extends into Maryland.

The environmental assessment was prepared in accordance with the National Environmental Policy Act (NEPA), the regulations of the Council on Environmental Quality (CEQ) for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508), and NPS Director's Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*. The statements and conclusions reached in this finding of no significant impact are based on documentation and analysis provided in the environmental assessment and associated decision file. To the extent necessary, relevant sections of the environmental assessment are incorporated by reference below.

### SELECTED ALTERNATIVE

Based on the analysis presented in the environmental assessment, the National Park Service selected alternative 2, described on page 11 of the environmental assessment, for implementation. The selected alternative will provide a new trail and improve pedestrian travel between sections of Oxon Cove Park and other local trail systems by removing an existing chain link fence; constructing an asphalt trail suitable for use by bicyclists, commuters, hikers, and joggers; constructing an observation deck, bench, and bike rack; constructing a gravel lot; and placing a trailhead entrance sign.

The asphalt multi-use trail will extend south from the existing gravel lot located at the end of Shepherd Parkway SW, adjacent to the District of Columbia Water and Sewer Authority and the Blue Plains auto impound lot. The trail will be approximately 4,900 feet long, or just under 1 mile, and will extend toward Oxon Creek along the edge of the project area along the water and join the existing hiker-biker trail on the Maryland portion of the park. The asphalt trail will be 10 feet wide with an additional 2 feet on each side for a gravel shoulder. The project area is located approximately 35 feet above the waterway in this location, allowing for a view down to the water and across to the Potomac River. A 20-foot by 20-foot observation deck above the water will be available at approximately the midpoint of the trail. Amenities in the area of the observation deck will include interpretive signs, a bench area, and a bike rack. A 370-foot-long elevated wooden ramp will cross the steep decline down to the water. The construction of

an observation point with less than 0.1 acre of disturbance is an excepted action, therefore, a Wetland Statement of Findings is not required.

The construction for the trail will require the removal of approximately 250 trees, most of which are young, invasive species. As part of the initial site design, a tree survey was completed for a 60-foot right-of-way along the proposed alignment. The preliminary design for the trail avoids mature, native trees where possible while providing scenic vistas along the cove. The project is located on top of a capped landfill, so minimal grading and soil disturbance will occur during trail construction to avoid disturbing the landfill cap. To comply with trail design standards, approximately 780 cubic yards of soil will be excavated. The potential exists for soil contamination within the project area associated with the landfill; therefore, any excavated soil will be containerized, analyzed, and disposed of following proper disposal procedures. Approximately 2,280 cubic yards of clean fill will be brought on-site and used during construction. The landfill cap is located beneath approximately 10 feet of fill. As a result, stumps of removed trees will be ground to eliminate organic material beneath the trail to a depth of no greater than 5 feet to avoid disturbing the landfill cap. The total limit of disturbance will be approximately 3 acres. The limit of disturbance includes the footprint of the trail, including the gravel shoulders and graded area.

## **RATIONALE FOR DECISION**

The National Park Service selected alternative 2 for implementation because it best meets the purpose and need of the project while limiting impacts on natural resources. Alternative 2 provides a connection between the Oxon Hill Farm Trail and Shepherd Parkway and has been aligned to avoid tree removal, to the extent possible, as well as wetlands and low-lying areas and provide visitors with vistas of the Potomac River.

## **ALTERNATIVES CONSIDERED**

The environmental assessment provides an overview of the proposed project and analyzes one other alternative and its impacts on the environment: Alternative 1, No-Action Alternative (page 11 of the environmental assessment).

### **Alternative 1: No-Action Alternative**

Under the no-action alternative, the National Park Service will not construct a new trail or make any enhancements to existing bicycle and pedestrian facilities. Visitors will continue to use the Oxon Hill Farm Trail to access the river and the trail around the historic farm, but no other routes will be available to visitors to access the park. The National Park Service currently does not actively manage the project area, other than ongoing cleanup activities related to the landfill. No action means that the National Park Service will continue to operate the park and implement minor improvements as part of its normal maintenance and safety operations.

## **MITIGATION MEASURES**

The National Park Service places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the following protective measures will be implemented as part of the selected alternative. The National Park Service will conduct an appropriate level of monitoring throughout the construction period to help ensure that protective measures are properly implemented and achieve their intended results. Project-specific mitigation measures identified to date are presented below.

- Any excavated soil will be containerized, analyzed, and disposed of in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) ID for Oxon Cove.
- Prior to any construction, the National Park Service will approve the limit of disturbance. NPS staff and the construction manager will flag trees permitted for removal.
- The National Park Service will approve vegetation-clearing limits in writing prior to construction, and trees permitted to be removed will be flagged. No tree clearing will take place during the nesting bird season (April 1–August 31). If feasible, construction will be limited from November 1 through March 1 to avoid impacts on turtles.
- Vegetation clearing will be conducted outside the breeding season for birds (typically April through August), and/or trees with occupied bird nests will not be removed.

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As documented in the environmental assessment, the selected alternative has the potential for adverse impacts on soils, vegetation, and wildlife and wildlife habitat, while visitor use and experience, including safety, will experience both beneficial and adverse impacts as a result of implementing the selected alternative; however, the National Park Service has determined that the selected alternative can be implemented without significant adverse effects, as defined in 40 CFR Part 1508.27.

Construction of the trail will include excavation and removal of approximately 780 cubic yards of soil that will be containerized, analyzed, and disposed of following proper disposal procedures. Clean fill (estimated to be approximately 2,280 cubic yards) will be used where fill is required. In contaminated areas not requiring grading, the trail will be elevated using 1 to 2 feet of imported fill material placed on existing grade. Soil compaction may result from the use of heavy equipment to construct the trail, and a temporary decline in soil productivity will be expected in disturbed areas. Soil productivity will be completely eliminated for areas within the footprint of the new trail (less than 2 acres). Construction of the elevated wooden ramp and observation deck over Oxon Cove will cause localized, short- and long-term, and negligible adverse impacts on soils that will be mitigated through the use of best management practices to prevent and control soil erosion and sedimentation during construction. Construction activities will also adhere to an approved erosion and sediment control plan. Areas damaged outside the proposed trail will be actively reseeded, and mitigation measures will be implemented to stabilize the soil, repair compaction, and/or improve soil productivity.

A Phase 1A archeological investigation was completed in October 2015 confirmed that the entire project area is landfill, with 10 feet of fill soil on top of the landfill cap in the vicinity of the selected trail alignment. The construction associated with the trail will not impact archeological sites. On September 29, 2016, the District Historic Preservation Office confirmed the project will have no adverse effect on cultural resources. On October 18, 2016, the Maryland Historic Trust also determined the undertaking will have no adverse effect on historic properties.

Construction will also require removal of existing vegetation and trees within the footprint of the trail. In areas of natural vegetation or areas maintained as meadow, the upper layer of existing vegetation, including grasses, shrubs, and trees, will be removed and replaced with an asphalt or gravel stone-dust base. Trees to be removed will include those located in the proposed footprint of the trail as well as trees with critical root zones within the footprint of the trail. Hazardous trees and vegetation will also be removed or trimmed back prior to construction where necessary to allow vehicles and workers to access the project site. Construction staging areas will be restricted to existing parking or paved areas adjacent to the project site along the end of Shepherd Parkway SW and will not affect vegetation. The preliminary trail design was routed to avoid healthy native trees; instead, unhealthy or invasive tree species were slated for removal wherever feasible. Based on preliminary trail design, approximately 250 trees will be

removed during construction of the trail. Impacts on vegetation will be long term, moderate, and adverse because of the amount of natural vegetation that will be permanently removed in currently undisturbed areas; however, no adverse impacts on populations of any species will occur. Once the construction of the trail is complete, adjacent areas within the limit of disturbance will be reseeded or replanted with native species.

Activities associated with trail construction in the short term will likely displace species that currently use the areas where construction will take place. This displacement will result from increased human activity and noise associated with construction activities on-site. In addition, mortality or injury of some smaller, less mobile species could occur as a result of construction activities. Adverse impacts on terrestrial wildlife will result; however, these are expected to be short term and minor because of the relatively small area being affected compared to the total area of the park. Additionally, displaced individuals can move to other areas adjacent to the construction sites for adequate habitat. Any loss or displacement of individuals of a non-threatened or endangered species will not jeopardize the viability of populations in and adjacent to the park. Adverse impacts on terrestrial wildlife will be short term and minor because they will occur only during the construction period. Following construction activities, displaced species are expected to return to the area.

All construction equipment will remain within the ultimate footprint of the trail. Construction of the proposed trail through areas that are currently undisturbed natural wildlife habitat will result in the loss of habitat in those areas. However, long-term, adverse impacts on terrestrial wildlife habitat will be minor because the affected area will be relatively small and large tree clearing will be limited. On August 5, 2015, the U.S. Fish and Wildlife service confirmed that no time of year restrictions are required for tree clearing due to the northern long-eared bat (*Myotis septentrionalis*) or the Indiana bat (*Myotis sodalis*) and that the project is not likely to adversely affect these species of bats.

During the construction period, noise from construction equipment and lack of access as a result of construction-related closures will likely disrupt visitor experience. Construction activities will add noise pollution from heavy machinery and localized air pollution from the operation of construction vehicles, which will affect some user groups (i.e., bird-watchers) more than others. A portion of the existing Oxon Hill Farm Trail will be closed during construction. Construction in other parts of the project area will be located close to the cove-front and urban corridor; therefore, impacts from noise in these areas will be less noticeable in these areas. Overall, construction activities will have short-term, minor, adverse impacts on visitor use and experience.

Construction of the multi-use hiker-biker trail and related amenities will allow for continuous access from the end of Oxon Hill Farm Trail to the project area. Visitors will be able to access the cove-front where no public access is currently available. Construction of the trail alignment will provide visitors with a continuous trail along the cove and across the park into Oxon Hill Farm Park, improving visitor experience and the connection between the northern and southern sides of the cove. The construction of an observation deck, bench area, bike racks, and ramp will provide visitors the opportunity to view the water and encourage outdoor and water activities such as fishing and bird watching. The completed trail will increase the volume of pedestrians and bicyclists in an area of the park where use is currently limited. Overall, impacts on visitor use and experience will be long term and beneficial as a result of the trail and related amenities.

Construction of the multi-use trail will create potential adverse impacts on visitor safety during the construction period. However, construction workers and employees will follow an approved health and safety plan that will incorporate all applicable regulations. Barriers and signs will be used around the construction site to divert visitors from potentially dangerous situations. In addition, public announcements will be made on the park website and in the media to alert the public to the construction schedule and locations. With the incorporation of these mitigation measures, short-term impacts will be negligible and adverse.

As noted in a 2002 Preliminary Assessment/Site Investigation conducted in support of this project, it is unlikely that visitors will be adversely impacted from direct contact with surface soils or from blowing dust. In areas of potential soil contamination, the trail will be elevated from grade and constructed on 1 to 2 feet of fill material to avoid disturbance of soils to the extent possible. All excavated soils will be containerized, analyzed, and disposed of properly. With the implementation of these mitigation measures, the trail will not impact visitor safety.

No significant impacts on public health, public safety, or unique characteristics of the region are expected. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

## **PUBLIC INVOLVEMENT**

The National Park Service initiated public scoping for this environmental assessment by issuing a public scoping notice on February 23, 2015. The scoping notice was posted to the park's Planning, Environment, and Public Comment (PEPC) website. The public scoping comment period was open from February 23, 2015, to April 23, 2015. During this time, the National Park Service requested comments on the project via the NPS' PEPC website at <http://parkplanning.nps.gov/oxcohikerbiker/> or via written comments sent to the park.

During the comment period, the National Park Service received three correspondences by mail or through the PEPC system. It received two comments from individuals and one comment from a federal government agency. All three commenters expressed support for the project.

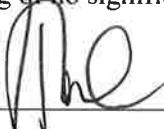
Public review of the environmental assessment occurred between September 9, 2016 and October 12, 2016. Twenty comments were received. Attachment 2 provides a summary of comments received and responses to substantive comments.

## CONCLUSION

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


Based on the foregoing, an environmental impact statement is not required for this action and will not be prepared. This is a finding of no significant impact.

**Recommended:**

  
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Tara D. Morrison  
Superintendent  
National Capital Parks – East


6/20/2017  
\_\_\_\_\_  
Date

**Recommended:**

  
\_\_\_\_\_  
Christine Smith  
Superintendent  
Piscataway Parks

6/7/2017  
\_\_\_\_\_  
Date

**Approved:**

  
\_\_\_\_\_  
Robert A. Vogel  
Regional Director  
National Capital Region

7-13-2017  
\_\_\_\_\_  
Date

# ATTACHMENT 1: NON-IMPAIRMENT DETERMINATION

## INTRODUCTION

The National Park Service (NPS) has determined that implementation of the selected alternative will not result in impairment of park resources and values of Oxon Cove Park. Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS National Environmental Policy Act (NEPA) Process (October 31, 2011), a non-impairment determination for the selected alternative is included here as an appendix to the Finding of No Significant Impact.

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

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

According to NPS *Management Policies 2006*, an action constitutes an impairment when its impact “would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (sec. 1.4.5). To determine impairment, the National Park Service must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (sec. 1.4.5).

National park system units vary based on their enabling legislation, natural and cultural resources present, and mission. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit. The Oxon Cove Multi-Use Hiker-Biker Trail will provide riverfront access, visitor amenities, and new links to existing trails in an area of the park that currently has no trails or other visitor facilities. Oxon Cove Park serves to preserve and interpret historic, agrarian, and natural landscapes along the Potomac River shoreline, while also preserving forests and contributing to the protection of the water quality of the Potomac River. The park preserves several distinct natural habitats, a diverse array of wildlife, and scenic views within an intensively developed urban area. In addition, it connects a number of recreational and natural corridors, providing access for public enjoyment and recreational opportunities as part of a comprehensive system of parks, parkways, and recreational areas in and around the nation’s capital.

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

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

The resource impact topics carried forward and analyzed for the NPS selected alternative in the environmental assessment and for which an impairment determination is contained in this appendix, are soils, vegetation, and wildlife and wildlife habitat. Each resource or value for which impairment is assessed and the reasons why impairment will not occur is described below.

## **Soils**

The selected alternative will not result in impairment to soils. Part of the significance of the park is that it preserves natural landscapes along the Potomac River shoreline and contributes to the protection of the water quality of the Potomac River. In addition, it provides access for public enjoyment to the recreational opportunities as part of a comprehensive system of parks, parkways, and recreational areas in and around the nation's capital.

While the selected alternative will eliminate soil productivity on less than 2 acres as a result of the construction of an asphalt trail, disturbed areas outside the proposed trail will be actively reseeded. The trail shoulders, aggregate topsoil, will be a specific mixture of gravel and topsoil and will be seeded along with the other surrounding disturbed areas. The aggregate topsoil provides the stability of gravel to protect the trail edge and provides a stable shoulder surface, while also being seeded and blending into the surrounding vegetated areas. This is standard treatment for road and trail edges throughout the NPS. Mitigation measures will be implemented to stabilize the soil, repair compaction, and/or improve soil productivity. Best management practices employed throughout the construction period will prevent erosion and runoff and help minimize or avoid adverse impacts on soils. The area of permanent impacts on soils under the selected alternative is small relative to the overall size of the park, and the selected alternative will provide improved trail connections and visitor opportunities to experience the natural resource values present in the project area. Because the selected alternative will not inhibit the park's ability to protect natural resources, the selected alternative will not result in impairment.

## **Vegetation**

The selected alternative will not result in impairment to vegetation. Part of the significance of the park is that it preserves several distinct natural habitats, a diverse array of wildlife, and scenic views along the Potomac River, while also connecting a number of recreational and natural corridors in and around the nation's capital.

Construction activities associated with the selected alternative will contribute to long-term, adverse impacts by removing approximately 250 trees in a currently undisturbed area. The siting of the multi-use hiker-biker trail will avoid highly desirable native trees to the extent possible. Unhealthy or invasive tree species will be targeted for removal wherever feasible. The majority of trees to be removed have a diameter at breast height of less than 10 inches. Disturbed areas outside the immediate footprint of the trail will be reseeded or replanted with native species once construction activities are complete. Park resources will not be impaired under the selected alternative; rather, implementation of the selected alternative will help conserve linkages of urban green spaces that contribute to the character and scenic values of the nation's capital and provide recreational opportunities compatible with historic and natural resource values.

## **Wildlife and Wildlife Habitat**

The selected alternative will not impair wildlife and wildlife habitat. Part of the significance of the park is that it preserves several distinct natural habitats, a diverse array of wildlife, and scenic views along the Potomac River, while also connecting a number of recreational and natural corridors in and around the nation's capital. Under the selected alternative, short-term construction activities will likely disturb and displace certain wildlife species. Mortality or injury to some individuals of smaller, less mobile species could occur as a result of construction activities. Following construction activities, displaced species are expected to return to the area. Construction of the proposed trail through currently undisturbed natural wildlife habitat will result in the permanent loss of those habitats; however, the area affected will be relatively small compared to Oxon Cove Park as a whole and large tree clearing will be limited. Because the park will continue to be able to meet its mission and fulfill its purpose as described in the environmental assessment, the selected alternative will not result in impairment.



## SUMMARY

The National Park Service has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of Oxon Cove Park. As described above, adverse impacts anticipated as a result of implementing the selected alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant by NPS staff or relevant NPS planning documents, will not constitute impairment. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the environmental assessment, 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*.

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## **ATTACHMENT 2: PUBLIC COMMENT RESPONSE SUMMARY**

### **INTRODUCTION**

On September 9, 2016, National Capital Parks – East, an administrative unit of the National Park Service (NPS) published a news release announcing the release of an environmental assessment (EA) for consideration of the construction of multi-use hiker-biker trail in Oxon Cove Park. Public comments were accepted through October 12, 2016. During the public comment period, the National Park Service received 20 correspondences. The comments received mostly supported the proposed action and offered suggestions for the trail and surrounding connections.

This report summarizes the range of comments received, identifies substantive comments, provides responses to substantive comments, and provides the full text of all correspondences received. The National Park Service reviewed and discussed all substantive comments, and responses have been provided.

### **PUBLIC COMMENT SUMMARY**

During the public comment period, the National Park Service received 20 correspondences. Fourteen commenters were in support of the preferred alternative and one commenter did not support the preferred alternative.

Many commenters supported the proposed trail but expressed concern about the condition or need for repair of trail segments and associated facilities outside the geographic and overall scope of this project. Comments included the poor condition of the existing Oxon Hill Farm, the washed out pedestrian footbridge that links the local neighborhood to the Oxon Hill Farm Trail, and the need for a direct connection from Wilson Bridge to Shepherd Parkway.

Some commenters had various suggestions for trail enhancement, including widening it to 12–14 feet, adding wooden mountain bike obstacles along the path, allowing dogs on-leash within the park (within Oxon Hill Farm), and noting opportunities for interpretation such as the nearby District landmark boundary stone and the previous use as an asylum cemetery (which was not NPS land). Another commenter requested the inclusion of a non-motorized boat launch. Many of these enhancements are currently either cost prohibitive or outside the scope of the proposal.

Two commenters disagreed with the impact analysis. One commenter felt that temporary closure of the Oxon Hill Farm Trail during construction would result in short-term, moderate impacts on visitors, not minor. Another commenter requested that all wetland impacts, even minimal ones, be mitigated. One commenter noted that the surrounding residential area is an environmental justice population with minimal awareness of the park. The park service stands by their analysis of impacts as stated in the environmental assessment.