

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**AMERICAN VETERANS DISABLED FOR LIFE MEMORIAL
ENVIRONMENTAL ASSESSMENT**

National Park Service

Abstract

The National Park Service (NPS) and the Disabled Veterans' LIFE Memorial Foundation, Inc. have prepared and issued an Environmental Assessment (EA) to evaluate the potential impacts of the proposed American Veterans Disabled for Life Memorial. The approved site for the Memorial is located in Southwest Washington, DC at 2nd Street and Washington Avenue. The NPS hereby announces its decision to issue a Finding of No Significant Impact (FONSI) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) Regulations 40 CFR Parts 1500-1508, the National Historic Preservation Act (NHPA), and NPS Director's Orders (DO) 12 and 55. The purpose of this Decision Notice and FONSI is to clearly communicate the consideration by the NPS of reasonable alternatives, provide the NPS rationale for selecting the Preferred Alternative, identify mitigation measures that would minimize the identified impacts of the Preferred Alternative and explain the finding that the Preferred Alternative will have no significant environmental impacts on the natural or man-made environment.

I. BACKGROUND

The National Park Service (NPS) and Disabled Veterans' LIFE Memorial Foundation, Inc., (the Foundation) prepared the American Veterans Disabled for Life Memorial Environmental Assessment (EA) in June 2005, and made the EA available to public and government agencies for a 30-day review and comment period from July 8, 2005 to August 8, 2005. The NPS prepared the EA consistent with the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality (CEQ) regulations implementing NEPA; the National Historic Preservation Act (NHPA) of 1966, as amended; and NPS Director's Orders 12 and 55. The EA assessed the potential environmental impacts associated with the establishment of the proposed Memorial and evaluated a No Action Alternative. Mitigation measures were recommended for potential impacts identified.

Upon conclusion of the EA public review period, the NPS project team analyzed the scientific and regulatory components of the EA, reviewed the conclusions of the EA, and considered the public comments on the EA. Consistent with NEPA, NPS announces its decision to select the alternative that it will implement, and identify its environmental findings. The purpose of this Decision Notice and Finding of No Significant Impact (FONSI) is to clearly communicate consideration by the NPS of reasonable alternatives, provide the NPS's rationale for selecting the preferred alternative, identify mitigation measures that minimize the identified impacts of the preferred alternative, and explain the finding that the preferred alternative will have no significant impact or effect on the natural or man-made environment.

The NPS, on August 31, 2001, wrote to the D.C. State Historic Preservation Officer (DCSHPO), determining that there were no historic properties affected by the undertaking (construction of the memorial). On March 16, 2004, the NPS shared the design concept for the proposed memorial and sought concurrence that no historic properties were affected by the site and design of the memorial, a decision with which the DCSHPO concurred on March 31, 2004. The memorial design, in response to the law that transferred the properties to the NPS in 2006 (Public Law 109-396, Title II, Section 201 (a) (2)), was amended again prompting further consultation with the DCSHPO by letter, on July 3, 2008. On July 22, 2008, that consultation was concluded by a letter from the DCSHPO stating that the effect of the undertaking is not considered to be adverse and that no further DCSHPO review or comment will be necessary.

II. PROPOSED ACTION

The Foundation proposes to establish a national memorial to honor all disabled veterans throughout America's history. Authority to establish the memorial is provided in Public Law 106-348, with the law providing that the memorial be established in accord with the congressionally established standards of the Commemorative Works Act of 1986, as amended. This authority was extended by Public Law 110-106. The Memorial will be located on an approved site at Washington Avenue and 2nd Street, SW near the National Mall. The site was approved by the National Capital Planning Commission (NCPC) in August 2001.

Implementation of the proposed action would establish a national memorial in honor of disabled veterans from all branches of the armed forces, transcending conflicts, service branches, and generations. The Memorial will honor soldiers, sailors, airmen and Marines who have become permanently disabled during the performance of their duties for America. The Memorial will express our Nation's gratitude for their selfless service, sacrifice, and courage that is emblematic of America's finest ideals. The Memorial will represent the values of liberty, service, dedication, and sacrifice on behalf of freedom that Americans hold dear, and will serve as an eternal reminder of the human cost of conflict.

III. AGENCY DECISION

Environmentally Preferred Alternative

CEQ regulations implementing NEPA require a Federal agency to identify the alternative or alternatives that are considered to be environmentally preferable. Following a study of alternative sites, site approval from federal review agencies, a design competition, and design concept development and approval, two alternatives were identified for this project, the Proposed Memorial and a No Action Alternative. The Foundation investigated six different sites, all from the Memorials and Museums Master Plan, ultimately choosing Site 26, approved by the Commission of Fine Arts and the National Capital Planning Commission. The No Action Alternative would result in no changes to the existing open space parcel and would not satisfy the purpose and need of the proposed action to establish a national memorial as specific in the authorizing legislation.

The Proposed Memorial would result in short-term and long-term impacts to transportation systems. The Proposed Memorial Alternative would have positive impacts on the site and surrounding area by returning the site and its abutting street network to a more original configuration as established in the L'Enfant Plan of 1791 and strengthening the cultural character of the area. The preferred alternative would result in minor impacts to environmental resources. Therefore, the construction of the Memorial is the environmentally preferred alternative.

Preferred Alternative

The NPS has selected the Proposed Memorial Alternative as the preferred alternative. The Proposed Memorial Alternative includes compliance with Public Law 109-396 to include utility relocation and street re-alignment to achieve a unified site of approximately 2 acres in size, construction of the Memorial and maintenance of the new national memorial. The memorial fulfills the purpose of Public Law 106-348 and provides a national memorial in honor of the disabled men and women who have served our country.

The approved original concept design (see Part V, Memorial Design Elements) precipitated security concerns by the Architect of the Capitol in regard to re-aligning C Street between 2nd Street and Washington Avenue. In 2006 Congress enacted Public Law 109-396, which transferred jurisdiction of the components of the site from the District of Columbia to the Secretary of the Interior and formalized site usage specifically for the Memorial. It also prohibited the re-opening of C Street (as previously described) without the approval of the

Architect of the Capitol and mandated a walkway across the Memorial between 2nd Street and Washington Avenue. Accordingly, the approval of the Architect of the Capitol will be required for the re-opening of C Street.

IV. ENVIRONMENTAL IMPACTS OF THE PREFERRED ALTERNATIVE

Establishment of the memorial at the approved site has been considered with regard to the criteria that must be considered when determining whether a significant impact could occur and whether an EIS is appropriate (DO-12 Handbook § 4.2, Criteria for Significant Impact). Establishment of the Memorial on the two-acre site is not expected to result in significant adverse impacts on the socio-economic resources, cultural resources, natural resources, transportation resources, or utilities and infrastructure. The potential positive and negative environmental impacts for the Proposed Memorial Alternative, as documented in the EA, are summarized below. Recommended mitigation measures for these impacts are discussed here and in the EA.

Socio-Economic Environment

Land Use: The proposed Memorial would result in a positive land use impact by returning the site and its abutting street network to a more original configuration as established in the L'Enfant Plan of 1791. The Memorial would support and strengthen the cultural character of the area and enhance visual relationships with several other features. In order to mitigate potential impacts, proper signage, detour routes, and way-finding measure would be placed around the site so that pedestrians and traffic can be redirected to alternate routes during construction.

Planning Controls and Policies: The Memorial in the chosen location would comply with applicable federal and local policies including the Commemorative Works Act of 1986 and NCPC's Museums and Memorials Master Plan of 1997.

Visitation: The proposed Memorial could result in a long term positive impact on pedestrian circulation by creating a new node of activity in the area and through reconfiguration of the three parcels.

Community Facilities and Services: Community facilities in the vicinity of the site are limited to nearby museums. No restroom facilities are provided at this site now, nor are they part of this project. Nearby restrooms are located at the Botanic Gardens, the Capitol Building, and the National Museum of the American Indian.

Safety and Security: The U.S. Park Police provide continuous patrol service in the area of the memorial. The District of Columbia provides fire protection and emergency medical protection for the site.

Cultural Resources

Archeological Resources: Open cut and cover construction of the interstate tunnels beneath the memorial site in 1960-64 disturbed and removed any potential remains, so no archeological resources are present.

Historic Resources: The establishment of the Memorial would have a positive effect on historic resources by realigning the C Street view corridor to its historic lateral configuration in the L'Enfant Plan and the Memorial's orientation toward the US Capitol would enhance the view of the resource to the Memorial. Revisions and improvements to the Memorial design are being coordinated with the DCSHPO, CFA and NCPC.

Visual Resources: The Memorial would enhance the visual character of the area through simplification of the street pattern and the creation of tree cover that does not currently exist. The Memorial would also create a new visual focus for visitors.

Natural Resources: Original soils of the site were displaced and removed in the 1960-64 time period when the interstate was constructed. Existing materials, including soil, trees, concrete walks, sub-grade were all imported to the site.

Vegetation and Wildlife: There are no aquatic species present on the site. No known endangered or threatened animal species currently exist on the site.

Noise Levels: The project will not introduce new sound into the sound pattern provided by the surrounding public streets and interstate roadways. The project will introduce additional tree and shrubs and may contribute to a noise reduction.

Transportation

Roadways and Traffic: The street re-alignment construction phase of the project would impact transportation by temporarily constraining and/or closing parking spaces, roadway lanes, or roadways in the project area. Roadways near the Memorial site would be temporarily reduced in capacity, creating traffic delays on roadway segments during peak traffic periods. Long term impacts include the closure of C Street and the elimination of the existing spur leading from southbound Washington Avenue to the ramp to Interstate 295. In addition, 2nd Street will be widened to accommodate two-way traffic to mitigate the closure of C Street between Washington Avenue and 2nd Street. According to a 2007 traffic study, the closing of C Street and the elimination of the spur to the I-295 on-ramp will not cause existing intersections to operate at unacceptable levels of service. However, one intersection that currently operates at a failing level of service will continue to do so (at a slightly improved level) but will not be adversely impacted by this project. Additionally, the right turn movement currently served by the spur to the I-295 ramp would be maintained; vehicles would make the right turn directly onto the ramp at the existing traffic signal instead of using the spur. Construction of the street realignment will mitigate constraints during the Memorial's construction. The street reconfiguration would potentially result in a positive impact through simplification of street geometry and improvement

to access through and around the site to adjacent highways. A construction management plan will be prepared to manage construction related traffic, parking, and materials delivery. The plan will include coordination with other construction projects in the area.

Parking: Reconfiguration of the Memorial site would result in a slight positive impact on parking. Parking configuration would be modified as a result of the proposed Memorial. Approximately 8 to 10 existing metered parking spaces would be replaced by a 10-space lot (for disabled only) and a metered lay by for special needs vehicles, resulting in an overall increase in parking.

Pedestrian and Bicycle Circulation: Although construction activities would temporarily limit pedestrian and bicycle circulation in the area, the overall pedestrian circulation would be improved, resulting in a positive impact.

Utilities and Infrastructure

Stormwater Management: The establishment of the Memorial would result in a significant increase in impervious surface, and an increased potential for impacts related to runoff. On-site stormwater can be conveyed through intakes surrounding the Memorial site. Control of discharge and water quality would be coordinated with DCRA and best management practices would be implemented. Discharge and water quality control may be achieved by directing stormwater to an underground holding tank with mechanical and sand filters and an oil –water separation system.

Sanitary Sewer: Treated water from the memorial is to be collected and discharged into the public sewer system for treatment at DC-WASA's Blue Plains Wastewater Treatment Plant. The capacity of the sanitary sewer system of the project site would not be impacted.

Site Utilities: The Memorial would use the existing electrical service, water supply, and gas service supplying the site. Relocation or improvements to the lines may be necessary and would be coordinated with the applicable utility service provider. In order to avoid encountering underground utility lines during construction, including the tunnel air shafts, the location and depths of lines will be identified in areas proposed for excavation prior to any ground-disturbing activities.

Highway Tunnels: The project has been designed to be structurally compatible with the existing underground tunnels.

V. PUBLIC INVOLVEMENT

The Memorial project underwent substantial agency coordination and public involvement. With respect to NEPA, this EA was made available for public review and comment from July 8 to August 8, 2005. The EA was published on the NPS web site and a press release announcing the document's availability was published in a local newspaper. The EA was distributed to Federal and District of Columbia agencies as well as interested citizen organizations.

The design, per the Commemorative Works Act, the standards under which this memorial is being developed, has provided multiple opportunities for public comment at the public meetings of the Commission of Fine Arts, and the National Capital Planning Commission in the successive process of concept, preliminary and final design review and approval. Further, the memorial sponsor has consulted military veterans groups and disabled veterans on the content of the memorial design.

Public comments

Several comment letters on the EA were received during the public review period. These comments concerned the role of the NPS, the site approval process, the fulfillment of NEPA requirements, transportation systems, and design elements of the Memorial.

Response to Comments

NPS Role: The participatory roles of NPS and the Foundation in the process to establish a proposed American Veterans Disabled for Life Memorial are defined by Congress in the Commemorative Works Act and related procedures. The Foundation worked within the Museums and Memorials Master Plan to identify and recommend a site for the proposed Memorial; the NPS administers the selected site and provided guidance to the Foundation; the Foundation is responsible for the design, construction, and maintenance of the Memorial.

As the approved site for the Memorial is a federal area administered by the NPS, Congress requires the NPS, on behalf of the Foundation, to submit site and design proposal to CFA and NCPC (40 U.S.C. § 8905) for consideration and approval. In addition, under federal law, as the administrator of the parcel, NPS is responsible for preparing an EA to ensure the proposed action meets federal and local interests as well as regulatory requirements.

Site Approval: The Memorial would be established at a previously approved site, identified as Site #26 in NCPC's Museums and Memorials Master Plan. A thorough site selection study and evaluation process included a two-step screening process on 10 potential sites. The evaluation is detailed in The Disabled Veterans' Life Memorial Site Selection Report, dated July 2001. The selected site was chosen because of its proximity to the National Mall and the U.S. Capitol, and its access to both Metrorail and Metrobus. The CFA and NCPC approved, with District concurrence, Site 26 for the American Veterans Disabled for Life Memorial in August 2001.

Memorial Design Elements: A design competition was kicked off in 2002 to identify the design firm to work with the Foundation. The Foundation convened a Technical Advisory Committee to determine the optimal configuration of the site, develop design parameters, and help prepare for a design competition. A *Call for Entries* booklet provided the framework and outlined project goals, opportunities and constraints, and was intended to guide design firms in preparing their concept proposals. The Memorial concept was approved by NCPC on April 1, 2004, pursuant to the Commemorative Works Act (40 U.S.C. § 8905). The revised concept, precipitated by Public Law 109-396, was approved by the CFA on November 16, 2006, and the NCPC on December 7,

2006. The design is subject to final approval by NCPC and CFA. The major elements of the Memorial include a central fire element within a water feature; a grove of trees adjacent to a reflecting pool; and stone and glass walls that enclose the site and delineate its paths.

NEPA Requirements: In accordance with NEPA, the EA documents the potential effects of the proposed Memorial and acknowledges that the final design may include minor revisions. Subsequent to the EA process, the Memorial design will undergo a thorough review and is ultimately subject to approval by NCPC and CFA. The EA is intended to assess and mitigate the environmental consequences of the proposed action.

Transportation Systems: The new Memorial improves the pedestrian circulation from the Rayburn House Office Building to the Ford Office Building by improving crosswalks and pathways and redirecting circulation away from the highway entry ramps. The current concept design has benefited from extensive consultation and direction from the US Access Board; in regard to proposed pedestrian circulation improvements, the current concept design was closely coordinated with the District of Columbia Department of Transportation (DDOT) to develop the roadway and intersection designs. The proposed permanent improvements include:

- The closure of C Street between 2nd Street and Washington Avenue
- Removal of the existing traffic signal at Washington Avenue and C Street
- Conversion of 2nd Street from one-way to two-way traffic (Washington Avenue to D Street)
- Installation of a new traffic signal at 2nd Street and Washington Avenue
- Modifications to the existing traffic signal at C and 2nd Street intersection
- Modifications to the west curb of Washington Avenue and eastbound/westbound lane configurations
- Possible modifications to the existing traffic signal at Washington Avenue/C Street/1st Street

These proposed improvements were the basis for a 2007 traffic study that reported only one intersection, Washington Avenue and Independence Avenue, would see a decrease in Level of Service (LOS). The reduction from LOS B to LOS C occurs during the AM peak period; however, this reduced LOS is still at an acceptable level and would not have adverse impacts on traffic operations at adjacent intersections.

Maintenance of Memorial: Appropriate measures, such as waterproofing of the water feature, would be implemented during the construction of the memorial in order to minimize maintenance requirements. Maintenance of the Memorial would be coordinated between the Foundation, NPS, and DDOT.

VI. IMPAIRMENT OF PARK RESOURCES OR VALUES

In addition to determining the significance of the environmental consequences of the preferred alternative, NPS Management Policies (NPS 2006) and Director's Orders 12 and 55 require analysis of potential impacts to determine if the proposed action would impair park resources.

In 2008, and until the memorial is in place, there are essentially no park resources or values to impair on the site. The areas to be combined to create the site are presently underutilized as landscaped traffic islands and street space that are the result of an Interstate highway project. As a result of the project, a site will be created that will present park resources to the public in the form of a landscaped memorial space to honor disabled veterans of the United States Armed Forces, fulfilling the intent of Public Law 109-396 and Public Law 106-348. Accomplishing the authorized commemoration on this site by creatively assembling and utilizing these spaces, has preserved other park resources in other areas, from conversion and potential impairment.

As described in the EA, the implementation of the preferred alternative will not result in adverse impacts to a resource of value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation of the park system of the nation's capital; (2) key to the natural or cultural integrity of the parklands; and (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents.

Accordingly, I as Superintendent of National Mall and Memorial Parks, have determined that implementation of the preferred alternative will not constitute an impairment of park resources and values.

VII. FINDING OF NO SIGNIFICANT IMPACT

This FONSI is based on the EA for the American Veterans Disabled for Life Memorial. As previously identified, NPS prepared the document to fulfill the requirements of NEPA, NHPA, DO-12 and DO-55. Consistent with these regulatory requirements, the EA addresses short-term construction-related impacts and long-term changes to existing environmental conditions under the alternatives, as well as the cumulative impacts that would result from this and other proposed projects in the area.

The NPS has fully evaluated the information and analysis contained in the EA, and has considered comments on the EA received from the public, reviewing agencies, and others. On the basis of these considerations, the NPS has determined the EA adequately and accurately addresses the environmental issues and impacts of the proposed project. The NPS has evaluated the Proposed Memorial Alternative using the criteria of 40 CFR § 1508.27 to determine the significance of the impacts, examining their context and intensity.

As discussed above, there are minimal natural or cultural resources present on the site. The project is expected to have largely positive or beneficial impacts. Construction will result in

some transportation impacts, but they will be short-term and managed under a construction management plan, and therefore will not be significant overall. Though there will be some potential increase in stormwater run-off, the impacts will not be significant due to the mitigation measures described above and in the EA.

On this basis, the NPS has determined that the preferred alternative for the American Veterans Disabled for Life Memorial does not constitute a major Federal action significantly affecting the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

Recommended:

Margaret O'Dell
Margaret O'Dell
Superintendent
National Mall and Memorial Parks

Date 9-5-08

Approved:

Lisa A. Mendelson-Ielmini
Lisa A. Mendelson-Ielmini
Acting Regional Director
National Capital Region, National Park Service

Date 9/5/2008