



## **FINDING OF NO SIGNIFICANT IMPACT**

### **Stabilization of Scarp at Second and Newcomb Streets**

#### **Shepherd Parkway-Fort Circle Parks National Capital Parks-East, Washington, D.C.**

The National Park Service (NPS) is proposing to stabilize an eroded scarp<sup>1</sup> in a natural area of Shepherd Parkway (part of the Fort Circle Parks, also known as the Civil War Defenses of Washington) near Newcomb and Second Streets, S.E., Washington, D.C. (District). The eroded scarp is located on federal parkland administered by National Capital Parks-East, a unit of NPS.

The purpose of this action is to stop erosion and to stabilize a wooded section of parkland where a slope failure occurred in an area of the Shepherd Parkway project site sometime between 1993 and 1994. The slope failure created a nearly vertical scarp approximately 25 feet high and 50 feet long. Large trees and vegetation have collapsed below and around the scarp. Stabilization of the scarp will prevent the loss of additional trees and other vegetation and remove the potential of a future slope failure which could impact municipal infrastructure located above the slope within the city street right-of-way of Newcomb Street. The prevention of tree loss would also protect the aesthetics of the site. The cause of the slope failure is unknown; however, the slope failure is located in an area of naturally unstable soils, and it appears that water of unknown origin(s) created the conditions that caused the slope failure.

The scarp is continually eroding toward municipal infrastructure (including water and sewer pipes and a city street) located approximately 30 feet away. If another large slope failure were to occur at the scarp, the municipal infrastructure could be adversely impacted. Although the scarp is currently fenced off with a temporary snow fence, the cliff-like vertical slope could be a safety issue for neighborhood children and other park visitors in Shepherd Parkway. The area around the project site supports native vegetation and wildlife, including some sensitive species.

The NPS completed an environmental assessment (EA) that provides an analysis of the environmental consequences of the alternatives considered for the resource protection and visitor accommodation projects. This EA was prepared in accordance with National Environmental Policy Act of 1969, as amended (NEPA), its implementing regulations by the Council on Environmental Quality (40 CFR 1500-1508), and Director's Order 12, Conservation Planning, Environmental Impact Analysis and Decision-Making, and accompanying Handbook.

### **SELECTED ALTERNATIVE**

The NPS identified Alternative 2 as its selected alternative in the EA (EA, page 17). This alternative will involve installation of a cantilever steel sheet pile wall along the existing near-vertical slope. Cantilevered sheet pile walls are made from a relatively thin section of steel and are installed in a row of interlocking sheets. The sheet pile wall will be installed from the top of the scarp. All of the construction equipment (including a crane, excavator, and haul truck) will operate from above the scarp, and workers using hand tools will conduct operations in the area below the existing scarp face.

Early in the construction of the wall, a void may be left between the sheet pile wall and the existing scarp; these voids will be filled in with appropriate fill material. Since a vertical face will remain, a permanent safety fence will be installed at the top of the scarp face.

All wall construction activities would be timed to occur during the period of June 15 to December 15 to avoid disturbing nearby nesting bald eagles (*Haliaeetus leucocephalus*), an important and sensitive

---

<sup>1</sup> A scarp refers to a long steep slope or cliff at the edge of a plateau or ridge; usually formed by erosion.

species. The area of disturbance will occur mostly in the area above the scarp face, and will include approximately 3,000 square feet of vegetation removal. It will not be necessary to construct an access road to the bottom of the scarp.

### **OTHER ALTERNATIVES CONSIDERED**

In addition to the NPS selected alternative described above, the EA prepared for this project analyzed two other alternatives; Alternative 1 (the No Action Alternative) and Alternative 3. Under the No Action Alternative, the park would continue to manage the area as it currently does and no action would be taken to alleviate the erosion problems associated with the scarp and the potential damage to municipal infrastructure as the scarp erodes toward the subdivision of Washington Overlook.

Alternative 3 would involve installation of a cantilever steel sheet pile wall along the existing near-vertical slope; however, it would be necessary for construction equipment to work below the scarp. The sheet piles would be vibrated into place using a vibratory hammer. As in the preferred action alternative, a crane would work from the top of the scarp, however, under this alternative; an excavator and haul trucks would be positioned below the scarp in order to remove excess soil from the scarp once the sheet pile wall is installed. An access road with a footprint of approximately 2,500 square feet would be constructed around the scarp for access to the area below the scarp face. The area of disturbance would occur above and below the scarp face, and would include approximately 5,500 square feet of vegetation removal, including construction of an access road to the bottom of the scarp. This alternative was not chosen for implementation because of the additional amount of land disturbance that would have been required.

The Council on Environmental Quality (CEQ) regulations for implementing NEPA require federal agencies to explore and objectively evaluate all reasonable alternatives, and to discuss the rationale for eliminating any alternatives that were not considered in detail. The EA did consider an alternative that involved the use of horizontal drains to address the erosion problem. While this alternative had a smaller area of disturbance, it was shown not to be effective at stabilizing the scarp erosion and alleviating the potential damage of municipal infrastructure and reducing the hazard to public safety.

### **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The NPS is required to identify the environmentally preferred alternative in its NEPA document for public review and comment. The NPS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM4.10) and CEQ's *NEPA's Forty Most Asked Questions*, defines the environmentally preferred alternative as the one that "causes the least damage to biological and physical environment". It is the alternative "which best protects, preserves, and enhances historic, cultural and natural resources" (Q6a). After completing the environmental impact analysis, the NPS identified the NPS's selected alternative to be the environmentally preferable alternative. The Selected Alternative is environmentally preferable because it stops the erosion that is occurring on the slope and stabilizes a wooded section of parkland. In addition, the majority of work associated with the Selected Alternative will be performed from above the scarp, which will result in a smaller area of disturbance than would be required of the other considered action alternative (Alternative 3).

### **MITIGATION MEASURES**

The NPS places a 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 mitigation measures below will be implemented as part of the selected action.

The NPS will implement the following on-site mitigation measures to minimize the potential adverse impacts to natural and cultural resources associated with the action alternatives:

- Construction activities will only be allowed from June 15 to December 15 to avoid adverse impacts to nesting bald eagles.

- To reduce the emission of air pollutants, fuel-burning equipment running times will be kept to a minimum and engines will be properly maintained.
- Construction activities requiring the use of machinery will be kept to a minimum to conserve energy resources during construction activities.
- An erosion and sediment control plan is required by District's Department of Consumer and Regulatory Affairs and will be included in the construction permit. Erosion and sediment control plans will include best management practices to stabilize soils and minimize movement of sediment off-site.
- Construction activities will be scheduled to minimize traffic impacts during peak hours and reduce traffic delays; construction will only occur during daylight hours and not on Federal holidays to reduce temporary noise impacts.
- A planting plan will be required and vegetation will be immediately re-established using locally native species after the project is completed.
- To reduce temporary noise impacts, construction activities will occur only during daylight hours and will not occur on Federal holidays.
- If archeological resources are uncovered during construction, NPS will stop work and consult with an NPS archeologist to determine the level of archeological survey required. If an archeological survey resulted in archeological resources, NPS will consult with the DC State Historic Preservation Office (DC SHPO). The NPS may be required to evaluate those resources as potential historic properties. If a resource is encountered that is eligible for the National Register of Historic Places, NPS will need to determine a means of avoiding or mitigating effects to that resource, in consultation with the DC SHPO.

The NPS will implement an appropriate level of monitoring throughout the construction process to help ensure that protective measures are being properly implemented and are achieving their intended results.

#### **WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As documented in the EA, the NPS has determined that the selected alternative, Alternative 2 (NPS preferred alternative), can be implemented without significant adverse effects. As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

***Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an Environmental Impact Statement (EIS):***

As described in the EA, several resource topics will experience both beneficial and adverse impacts as part of the implementation of the selected alternative; however, no significant adverse impacts were identified. Resource topics that were addressed in the EA include soils, vegetation and wildlife, and cultural resources. All other resource topics were dismissed because the project will result in minor or less impacts to those resources.

The selected alternative will result in site-specific, minor short-term adverse impacts to soils during the stabilization of the slope, however, after the work is completed, there will be long-term beneficial impacts as the slope is stabilized.

While there will be some short-term, minor adverse impacts to vegetation and wildlife, as a result of the removal of vegetation and the disturbance to a natural area caused by vibrations, noise, and visual presence of construction personnel and equipment, a beneficial effect will occur over the long term with the stabilized slope (and habitat) and with restoring the area and reducing the potential for future slope failures. Construction activities will occur during the period from June 15 to December 15 to avoid adversely impacting nearby nesting activities of bald eagles. In terms of cultural resources, the area that

would be impacted by this alternative does not contain any known archeological or historical resources eligible for listing on the National Register of Historic Places. No adverse or beneficial impacts will occur to these resources as a result of this alternative.

***Degree of effect on public health and safety:***

Public health and safety are protected and improved by implementation of the selected alternative by stabilizing the eroding scarp (as well as trees and other vegetation) and reducing the potential for future scarp failures, and reducing potential damage and/or failures of municipal infrastructure.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:***

As described in the EA, there are no prime or unique farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within or surrounding Shepherd Parkway that will be affected by this project. The area impacted by this alternative does not contain any known archeological or historical resources eligible for listing on the National Register of Historic Places.

***Degree to which effects on the quality of the human environment are likely to be highly controversial:***

There were no highly controversial effects identified during either preparation of the EA or the public review period.

***Degree to which the possible effects on the quality of the human environment are highly uncertain, or involve unique or unknown risks:***

There were no highly uncertain or unique or unknown risks identified during preparation of the EA or the public review period.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:***

Implementation of the selected alternative will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration.

***Whether the action is related to other actions with individually but cumulatively significant impacts:***

There are no other projects planned or known in the study area or within the immediate vicinity, including the NPS and the District. Due to the highly localized nature of the project and the small project area, no cumulative projects were applicable to this area. The project involves construction activities only on approximately 3,000 square feet and will not impact the surrounding land.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:***

After applying the Advisory Council on Historic Preservation's criteria of adverse affects (30 CFR Part 800.5, Assessment of Adverse Effects), the NPS concludes, implementation of the selected alternative will result in a "no historic properties affected" determination, since the proposed project area does not appear to contain any archeological or historic resources eligible for listing on the National Register of Historic Places. The project site, on a wooded slope, shows no evidence of archaeology. Additionally, the project site area immediately adjacent to, and paralleling Newcomb Street, shows evidence of disturbance in the form of a slight earthen berm that runs approximately 25 feet, likely the result of Newcomb Street construction activities. If any unknown archeological resources are inadvertently uncovered during construction, NPS will stop work and consult with an NPS archeologist.

In accordance with Section 106 of the National Historic Preservation Act, the NPS sent a letter to the DC SHPO on July 9, 2009 with a determination of no adverse effect to cultural resources for the proposed action. The DC SHPO concurred with that determination of no adverse effect in a response letter to the NPS dated July 24, 2009.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:***

In accordance with Section 7 of the Endangered Species Act of 1973, NPS sent letters to solicit comments from the U.S. Fish and Wildlife Service (FWS) and the District of Columbia Department of Environment, Fisheries and Wildlife Division (DDOE) regarding potential occurrences of federal- and state-listed species within the project area that could be adversely impacted by the proposed alternatives.

On February 7, 2008, the NPS wrote a letter to the FWS to consult with that agency on the existence of federally listed endangered species at the project site. The FWS responded in a letter dated February 27, 2008, and stated that “no proposed or federally listed endangered species are known to exist within the project impact area.

On February 6, 2008, the NPS also wrote a letter to the DDOE, to consult with that agency on the existence of federally listed endangered species at the project site. The DDOE responded in a letter dated February 28, 2008, referencing specifically their concern for the nearby nesting bald eagles and stated that the NPS did not provide sufficient detail (noise, vibrations, equipment use, etc., associated with each of the alternatives) in its letter for DDOE to assess potential project impacts. That additional information was subsequently provided in the EA that was prepared for the project, and appropriate steps are being taken to avoid and mitigate project impacts to the bald eagle nesting activity.

***Whether the action threatens a violation of federal, state, or local environmental protection law:***

The implementation of the selected alternative violates no federal, state, or local environmental protection laws.

**IMPAIRMENT OF PARK RESOURCES OR VALUES**

The NPS has determined that the implementation of the selected alternative will not constitute an impairment to the resources or values of Shepherd Parkway. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies 2006*. As described in the EA, implementation of the selected alternative will not result in major, adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of National Capital Parks-East; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents.

Although the selected alternative will result in short-term minor adverse impacts to several park resources (soils, vegetation and wildlife), over the long-term it will help to conserve the natural resources of the Shepherd Parkway section of the Fort Circle Parks and carry forward the park's purpose of conserving the linkage of urban green spaces that contribute to the character and scenic values of the Nation's Capital identified in the *Final Management Plan Fort Circle Parks, Washington, D.C. 2004*.

Soil resources will not be impaired because implementation of the selected alternative will stop any ongoing erosion and soil loss at the scarp and stabilize the site to allow vegetative growth. In addition, no impairment to vegetation and wildlife will occur because selected alternative is a “spot treatment” of the scarp that poses the least disruption to the surrounding forest environment. Following implementation of selected alternative the stabilized project site will become “naturalized” by restoration plantings and re-colonization by the local forest seed bank. Because there are no known archeological sites in the project area, no impairment of cultural resources will occur.

## **PUBLIC INVOLVEMENT**

The EA for the Stabilization of Scarp at Second and Newcomb Streets was made available for public review and comment during a 30-day period ending on September 4, 2009. To notify the public of this review period, NPS sent notifications to various agencies and stakeholders and posted the document on the internet at the NPS Planning, Environment, and Public Comment website (<http://parkplanning.nps.gov/>).

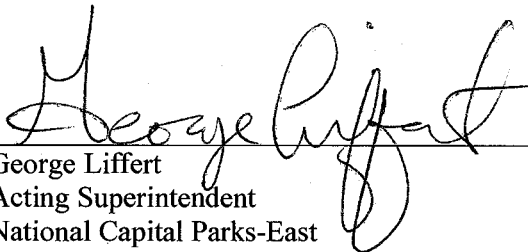
Feedback was received from one individual, whose comments were supportive for the project, but noted one minor inaccuracy in the EA. The NPS acknowledges that the EA mistakenly referred to the project site section of the city as “College Heights” instead of the correct designation of “Congressional Heights.” This inaccuracy however did not result in any changes to the overall impact analysis or the selected alternative that was presented in the EA.

## CONCLUSION

The NPS has selected Alternative 2 for implementation. In light of the impacts described in the EA for the project and with guidance from NPS *Management Policies 2006*, natural and cultural resources information, professional judgment, and considering agency and public comments, the impacts that will result from the selected alternative will not impair any park resources and values. The selected alternative does not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are all minor in intensity. There are no significant impacts on soils, vegetation, wildlife, or cultural resources. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

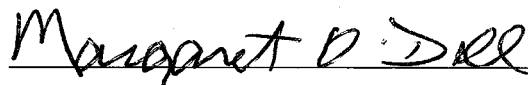
Based on the foregoing an EIS is not required for this action and thus will not be prepared. This is a finding of no significant impact.

Recommended:

  
George Liffert  
Acting Superintendent  
National Capital Parks-East

4-22-10  
Date

Approved:

  
Margaret O'Dell  
Regional Director  
National Capital Region

6-15-10  
Date



# United States Department of the Interior

## NATIONAL PARK SERVICE

National Capital Parks-East  
1900 Anacostia Drive, S.E.  
Washington, D.C. 20020

IN REPLY REFER TO:

A3815(NCR-NACE)

July 9, 2009

Mr. David Maloney  
Associate Director  
Historic Preservation Office  
DC Office of Planning  
801 North Capitol Street, N.E.  
Washington, DC 20002

Dear Mr. Maloney:

The National Park Service is preparing an Environmental Assessment (EA) for stabilizing an eroding section of forested slope along Newcomb Street, near 2<sup>nd</sup> Street in the southeast section of Washington, D.C. The park area is part of Shepherd Parkway (Fort Circle Parks). In the EA, we explore alternatives that will permanently stabilize the actively eroding slope, while minimizing the impact to the surrounding forest (i.e. sheet piling installed at top of slope).

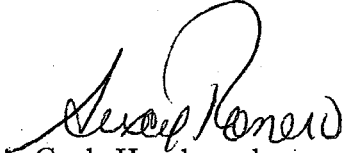
A "No Adverse Effect" determination has been made in an "*Assessment of Actions Having an Effect on Cultural Resources*" review by the National Capital Region's Cultural Resources Division (Acting Chief of the Division, Maureen Joseph, and Regional Archaeologist Robert Sunderland) in June, 2009. This serves to officially initiate consultation with your office pursuant to Section 106 of the National Historic Preservation Act that we hope to incorporate in the EA. The enclosed information sheet/project area map provides additional detail. If you concur with our determination, please sign the concurrence line below and kindly return a copy of this record to this office.

We anticipate releasing the EA in the coming weeks and can provide your office with a copy for review and comment. Thank you for your cooperation. Please contact Stephen Syphax in our



Resource Management Division at (202) 690-5160, if you have any questions or require additional information.

Sincerely,

  
for Gayle Hazelwood,  
Superintendent

Enclosure: Information Sheet/Project Area Map

I concur with the determination of no adverse effect.

---

State Historic Preservation Officer

---

Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION OFFICE  
OFFICE OF PLANNING



*Steve  
Syphax*

July 24, 2009

Ms. Gayle Hazlewood  
Superintendent, National Capital Parks- East  
1900 Anacostia Dr. SE  
Washington DC 20020

**RE: 09-186 Shepard's Parkway Erosion Remediation at Newcomb Ave.**

Thank you submitting information on the proposed EA for Erosion Remediation at Newcomb Ave. in Shepard's Parkway for review. The DC SHPO has reviewed the submitted materials for the project and concurs with the finding of No Adverse Effect. If any changes to the plans are proposed, including methods or footprint, then the project must be resubmitted for review.

Please do not hesitate to call with any questions at 202.442.8836.

Sincerely,

*Ruth Troccoli*

Ruth Troccoli, Ph.D.  
Archaeologist

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
STATE HISTORIC PRESERVATION OFFICE



DC STATE HISTORIC PRESERVATION OFFICE  
SECTION 106 REVIEW FORM

TO: Gayle Hazlewood, Supt. National Capital Parks East, NPS

ADDRESS: 1900 Anacostia Dr., SE, Washington DC 20020

PROJECT NAME/DESCRIPTION: Erosion Remediation at Newcomb Ave. in Shepard's Parkway

PROJECT ADDRESS/LOCATION DESCRIPTION: Newcomb Ave. in Shepard's Parkway

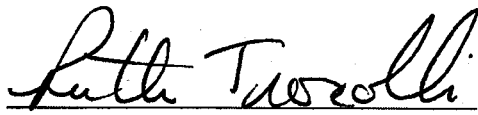
DC SHPO PROJECT NUMBER: 09-186

The DC State Historic Preservation Office (DC SHPO) has reviewed the above-referenced federal undertaking(s) in accordance with Section 106 of the National Historic Preservation Act and has determined that:

- ☐ This project will have no effect on historic properties. No further DC SHPO review or comment will be necessary.
- ☐ There are no historic properties that will be affected by this project. No further DC SHPO review or comment will be necessary.
- ☒ This project will have no adverse effect on historic properties. No further DC SHPO review or comment will be necessary.
- ☐ This project will have no adverse effect on historic properties conditioned upon fulfillment of the measures stipulated below.
- ☐ Other Comments / Additional Comments (see below):

If any changes to the plans are proposed, including methods or footprint, then the project must be resubmitted for review.

BY:

  
Ruth Troccoli, Ph.D.  
DC SHPO Archaeologist

DATE:

