

**TRANSFER OF JURISDICTION  
OF CERTAIN NATIONAL PARK SERVICE PROPERTIES TO THE  
DISTRICT OF COLUMBIA GOVERNMENT**

Fort Dupont Park

Washington, D.C.

Finding of No Significant Impact

**JAN 02 2009**

The National Park Service (NPS) is requesting approval for the transfer of jurisdiction of approximately 15 of 376 acres of NPS property to the District of Columbia for the purposes of expanding the existing ice rink and constructing ball fields and supporting facilities for a youth baseball academy in Fort Dupont Park in Washington, D.C. Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508), and the National Capital Planning Commission's Environmental and Historic Preservation Policies and Procedures (NCPC Environmental Policies), I have evaluated the Environmental Assessment (EA) provided by the NPS and comments that NPS received on the EA, including those of NCPC dated November 17, 2008, as well as NPS responses to all comments, relative to the proposed transfer of jurisdiction as shown on NCPC Map File No. 81.00(63.00)42652.

Based on my evaluation, I have determined that NCPC approval of the transfer of jurisdiction of an approximately 15-acre parcel from the NPS to the District of Columbia government for the purposes of expanding the existing ice rink and constructing ball fields and support facilities as shown in Alternative 2 of the EA will not significantly affect the quality of the human environment so long as the transfer of jurisdiction assures the NPS mitigation measures and the following mitigation measures:

- The project site will be used for recreational purposes only, and in accordance with those specific uses identified as Alternative 2, the “Preferred Alternative”, in the Environmental Assessment prepared by the NPS dated October 2008. The uses in Alternative 2 are to improve the Fort Dupont Ice Arena and to construct a Youth Baseball Academy.
- The project site and all existing and future facilities located on the project site, as well as recreational programs conducted in or associated with the existing or future facilities located on the project site, are to remain available to the public.
- Public access will be maintained through the project site to the adjacent parkland.
- Existing parking and any additional parking to be developed on the project site will be available to the public.
- New facilities developed on the project site in conjunction with the proposed baseball academy specified in Alternative 2 of the Environmental Assessment will comply with the provisions of the DC Green Building Act regarding the new construction of District government facilities.



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Marcel C. Acosta  
Executive Director

## **Background**

The National Park Service proposes to transfer jurisdiction of approximately 15 acres of NPS administered property in Fort Dupont Park to the District of Columbia (District) for the purposes of expanding the existing ice rink and constructing ball fields and support facilities in southeast Washington, D.C. The area proposed for jurisdictional transfer is situated in the northern portion of Fort Dupont Park, bounded by Ely Place SE to the north, Minnesota Avenue SE to the west, and Ridge Road SE to the east (the project area). The acreage within Fort Dupont Park that is not part of this transfer of jurisdiction will remain under the administration of the NPS as national park space.

NPS prepared an Environmental Assessment for the transfer in October 2008 and made the EA available for a 30-day public comment period ending on November 17, 2008. This environmental document addresses short-term construction-related impacts and long-term changes to existing environmental conditions under the alternatives, and is consistent with requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500-1508], the National Historic Preservation Act (NHPA) of 1966, as amended, and NCPC's Environmental and Historic Preservation Policies and Procedures (adopted April 1, 2004)(NCPC Environmental Policies). NCPC staff has evaluated and commented on the EA. After considering the EA, and comments to the EA and responses to these comments by the NPS, NCPC adopts the EA as adequate to assess the environmental impacts of the proposed action with mitigation specified herein.

## **Public Participation**

In accordance with NEPA and Section 10 of NCPC's Environmental Policies, NCPC will announce its finding for the project on the agency website, including posting of this Finding of No Significant Impact with mitigation. Additionally, the Tentative Agenda for the Commission's January 8, 2009 meeting contained a notice regarding review of the proposed project. The Tentative Agenda is distributed to more than 750 recipients.

## **Alternatives considered in the EA review**

The EA examined in detail two alternatives: the no action alternative (Alternative 1) and the proposed action to transfer jurisdiction of the project area to the District (Alternative 2). The EA found that Alternative 1 would result in no changes to the existing open space parcel and would not satisfy the purpose and need to improve and expand the existing sports-related recreational facilities currently located within Fort Dupont Park. The NPS has selected Alternative 2 as the Preferred Alternative.

### Alternative 2 – the Preferred Alternative

Under Alternative 2, the NPS would transfer jurisdiction of the project area to the District for the purposes of expanding the existing ice rink and constructing new ball fields and support facilities for a youth baseball academy. Within the terms of the jurisdictional transfer all managerial responsibilities on the land and the Fort Dupont Ice Arena (FDIA) would be transferred from the NPS to the District and the property would no longer be managed as a part of Fort Dupont Park. If implemented, the transfer of jurisdiction would also necessitate amending the 2004 *Fort Circle Parks Final Management Plan*.

The proposed improvements and expansion of the recreational facilities within the project area include: expanding the FDIA, providing the ball fields and support facilities to support the programming requirements of the Washington National's Youth Baseball Academy, continuing the existing use of the tennis and basketball courts, and potentially including a multi-purpose sports field.

The subject of Alternative 2 within the EA is the transfer of jurisdiction of the project area from the NPS to the District. The EA also considers the subsequent proposal to expand and improve the sports-related recreational facilities to the extent these details are presently known. The EA presents conceptual site plan options developed for Alternative 2 that were used as a means of determining the feasibility of the program on the project site (i.e., requirements of the Youth Baseball Academy and FDIA, the size of the athletic fields, administrative building, and parking), and the physical constraints of the site (i.e., the Natural Zone south of the site as identified in the *Fort Circle Parks Final Management Plan*, NPS maintenance buildings, Kimball Elementary School fields, and the existing tennis/basketball courts). Total parking that could be accommodated under the conceptual site plan options ranges from 180 to 320 spaces. Prior to implementing any option of Alternative 2, detailed design drawings would be developed that will show the proposed configuration of program elements on the site. The impact analysis in the EA does, however, take into account a reasonable range of options to serve as the program elements of the Youth Baseball Academy and the FDIA.

### **Analysis of Potential Impacts**

The EA and comments on the EA by NCPC and others identify areas of potential environmental impact on the NPS's Preferred Alternative (Alternative 2) that must be mitigated to assure that the transfer will not have significant impacts on the environment. This mitigation was developed in part to address site and building elements that will be further developed at the design stage. The projects developed on this land will be District of Columbia public projects outside of the Central Area, and are subject to further NCPC review during the design phases.

After the transfer of jurisdiction, the property will be the responsibility of the District and will no longer be managed by NPS as a part of Fort Dupont Park. District environmental standards will then apply and it will then be the District's responsibility to develop any additional mitigation necessary to address potential further impacts to the area's cultural, historical, and natural resources.

### **Retention of the transfer property for park purposes**

1. The Parks and Open Space Element of the Federal Elements of the Comprehensive Plan observes that the federal government has placed a high value on the environmental benefits, recreational use, and scenic beauty provided by the monumental, natural and cultural landscapes of the National Capital Region and that the federal government has, over the years, amassed a significant inventory of natural and historic parks to complement the more formal open space settings for the national capital's monuments and memorials. The Element includes the policy: "The federal government should preserve the important scenic, historic, and natural elements of the Fort Circle Parks."

Further, the Element provides the following: "Development and enhancement of the Fort Circle Parks should protect their cultural resources and be compatible with their important natural landscape features, which are visible from the monumental core. Community-oriented recreational opportunities, interpretation of fort sites, and a well-delineated connecting trail in a park-like setting - utilizing the McMillan Plan connections - should be provided throughout the system."

In addition, NCPC has partnered with the NPS and the District on the CapitalSpace initiative, which is a current collaborative effort to promote, protect, enhance, and grow the District's parks and open space system. Some of the broad objectives of Capitalspace include addressing the shortage of outdoor regulation-sized playing fields accessible to District residents and attracting scarce resources to maintain and operate facilities at a high standard. A CapitalSpace analysis of access to park and open space within the District finds that: Fort Dupont Park is extremely important in providing park services to Ward 7 within the city; that this area of the city has one of the greatest concentrations of children; and that many areas in this neighborhood have comparatively less access to park and active recreational resources than the rest of the city.

Since it remains in the federal government's interest to preserve park space for community recreation, the project site should be used only for the expansion and improvement of the sports related recreational facilities identified in this transfer of jurisdiction proposal and in accordance with Alternative 2 of the EA.

#### *Mitigation*

The NPS and the District have agreed within a Declaration of Covenants as part of the transfer agreement that the District will use the project site for recreational purposes, and ultimately for the specific recreational purposes of either or both of those specific uses identified as Alternative 2 in the EA. The uses in Alternative 2 are to improve the Fort Dupont Ice Arena and to construct a Youth Baseball Academy. The Declaration of Covenants includes a reversion of the transfer if project site is not being used for recreational purposes or if any of the covenants are not being satisfied.

#### *Retention of public accessibility of the project site*

2. The EA notes that there will be long-term beneficial impacts to those who will utilize the Youth Baseball Academy and expanded ice rink facilities, and that implementation of Alternative 2 will also result in long-term beneficial impacts to the local community and economy as recreational facilities within the Project Area are improved and expanded. However, the proposal for these facilities within the EA is for a third party, not the District, to develop and manage the Youth Baseball Academy and expanded ice rink facilities after entering into a lease with District. The EA does not identify any assurances that these facilities will remain accessible to the public.

Since Fort Dupont Park is extremely important in providing park services to the city's Ward 7, which is an area that has one of the greatest concentrations of children and comparatively less access to park and active recreational resources than the rest of the

city, it remains in the federal government's interest to ensure public accessibility to the recreational opportunities on the project site.

*Mitigation*

The NPS and the District have agreed within a Declaration of Covenants in the transfer of jurisdiction agreement that the District will assure that the project site and all existing and future facilities located on the project site as well as recreational programs conducted in or associated with the existing or future facilities located on the project site will remain available to the public. The Declaration of Covenants includes a reversion of the transfer if any of the covenants are not being satisfied.

*Retention of public access through the project site*

3. As noted above, the Parks and Open Space Element of the Federal Elements of the Comprehensive Plan provides the following: "Development and enhancement of the Fort Circle Parks should protect their cultural resources and be compatible with their important natural landscape features, which are visible from the monumental core. Community-oriented recreational opportunities, interpretation of fort sites, and a well-delineated connecting trail in a park-like setting - utilizing the McMillan Plan connections - should be provided throughout the system." Currently, the northern border of Fort Dupont Park has limited restrictions on access to the park for the residents north of the project site. It is not clear within the description of the development of the proposed project in the EA if the project site will be fenced or if public access will be restricted. To ensure continued community access to Fort Dupont's many recreational opportunities, it is in the federal government's interest to ensure that public access through the project site, connecting Fort Dupont Park and the adjoining neighborhoods, is maintained.

*Mitigation*

The NPS and the District have agreed within a Declaration of Covenants in the transfer of jurisdiction agreement that the District will maintain public access through the project area to the adjacent park land and to consult with the NPS before modifying or adding walking and biking trails within the Transfer Property. The Declaration of Covenants includes a reversion of the transfer if any of the covenants are not being satisfied.

*Retention of public access to parking on the project site*

4. Currently there are approximately 188 parking spaces available to the public at the project site (adjacent to the FDIA). Within Alternative 2, the EA identifies four options (conceptual site plans) to configure the expansion of the ice rink and reconfigure the existing parking area. In addition, within Alternative 2, the EA identifies three options (conceptual site plans) to configure the Youth Baseball Academy, all of which include additional parking areas. The amount of parking proposed within all options varies; however, the EA notes that parking capacity throughout the entire project site would increase from the current number by 50-120 cars. The EA does not identify whether

parking on the project site following development of Alternative 2 will continue to be available to users of Fort Dupont Park.

Since Fort Dupont Park is a national park that attracts both local and national visitors, and the current available parking spaces on the project site are used by visitors to the park, it remains in the federal government's interest to ensure public accessibility to available parking spaces within the project site following the transfer of jurisdiction.

*Mitigation*

The NPS and the District have agreed within a Declaration of Covenants within the transfer of jurisdiction documents that the District will make all existing parking and any additional parking to be developed on the project site available to the public at all times. The Declaration of Covenants includes a reversion of the transfer if any of the covenants are not being satisfied.

*Ensure the protection of the scenic, historic and natural characteristics of Fort Dupont Park*

5. As noted in the EA, after the transfer of jurisdiction takes place, implementation of any of the options proposed by the District under Alternative 2 will result in short-term and long-term negligible to minor adverse impacts to soils from both construction and recreational activities. Long-term negligible to minor adverse impacts to topography will also occur near the southern end of the project area as grading will be necessary to provide level ball fields. No impacts to geology will result from implementation of this alternative.

*Mitigation*

Within a Declaration of Covenants within the transfer of jurisdiction documents the NPS and the District have agreed with the NPS executed FONSI that with required mitigation the transfer and development of Alternative 2 will not constitute a major federal action significantly affecting the quality of the human environment. In addition, because no portion of the designated Natural Resource Zone identified in the *Fort Circle Parks Final Management Plan* that is adjacent to the project site will be transferred, and mitigation is set forth in the NPS FONSI to protect this area, if that mitigation is carried out there will be either no adverse impacts or negligible adverse impacts to the natural resources within this zone.

The specific mitigation set forth in the NPS executed FONSI are:

- Installing a construction fence along the border of the Natural Resource Zone and project area to protect park resources, such as the forested areas, that delineates the limits of construction and ensures construction vehicles do not encroach on NPS property.
- Regular monitoring of the Natural Resource Zone within the park by an NPS biologist during construction to ensure construction activities are not impacting the trees and other park resources. If it is determined that any of these activities could

~~cause adverse impacts to these resources, construction would be halted until mitigations are established to avoid or minimize adverse impacts to the greatest extent possible.~~

- The District will ensure all appropriate District regulations are complied with and that Covenant requirements will be implemented and are achieving their intended results. These include those for soil and water resources, and for cultural resources as described as mitigation in the EA on pages 26-27. The District necessarily must also abide by other requirements, such as those to protect what are defined as "Special Trees" in the District's Urban Forest Preservation Act of 2002, to the extent these types of trees are located within the transferred property. All trees removed during the construction of the new Youth Baseball Academy and expansion of the Fort Dupont Ice Arena would be replaced with native tree species.
- Prior to construction, a stormwater management plan would be developed for the operation of the proposed facilities. This plan would address the increase in impervious surfaces and subsequent increases in overland runoff by incorporating stormwater control designs into the project to manage the rate at which runoff leaves the site. To ensure no additional runoff is introduced into the Natural Resource Zone, the stormwater control design would be directed to appropriate stormwater outfalls.
- If required, application of fertilizers and pesticides to the new ballfields would be done according to manufacturer guidelines using proper methods and correct quantities and only when weather conditions are suitable. This would ensure that only the targeted area is treated, and areas outside of the project area would not be impacted.

The NPS and the District have agreed within a Declaration of Covenants in the transfer of jurisdiction agreement that the District will assure that new facilities developed in conjunction with the proposed baseball academy specified in Alternative 2 of the EA will comply with the provisions of the DC Green Building Act regarding the new construction of District government facilities.

Subsequent actions that the District government may take to expand and improve the sports related recreational facilities on the project area will require further NCPC review pursuant to 40 U.S.C. § 8722.

- 6 As described in the EA, no properties listed in or eligible for listing in, the National Register of Historic Places (NRHP) occur within the project site. Many alterations have occurred to the Park in the last 50 years, and the historic appearance of the Park from the 1930s and 1940s no longer survives. A 2004 Historic Resource Study (HRS) on Fort Dupont Park evaluated the historic context of the Park and concluded that the cultural landscape did not possess the historical significance and integrity to qualify for listing in the NRHP under Criteria A, B, or C. These criteria generally pertain to significant events, persons, and architectural qualities of the property. The Fort Dupont HRS did not evaluate the Park for NRHP eligibility under Criterion D, which generally is used for

archeological resources and pertains to a property's ability to provide information important in history or prehistory.

The area to be transferred is designated as a Recreation Zone in the *Fort Circle Parks Final Management Plan* and does not contain any historic structures or districts. It is approximately 0.30 miles northwest of the NRHP eligible Fort Davis Drive, and nearly one mile from Fort Dupont earthworks. The distance from Fort Davis Drive and the Fort Dupont earthworks to the area to be transferred is too great for the proposed land transfer to cause any effects. Views between Fort Davis Drive and Fort Dupont to the project area are obstructed by vegetation and the area's natural topography.

The distance from the project area to Fort Davis Drive or Fort Dupont earthworks and the lack of a viewshed suggest there would be no impact from the undertaking upon these properties. The District's future use of the property will be comparable to the site's existing recreational functions and will preserve the current setting. In addition, no archeological resources have been identified within the proposed project area and impacts to undiscovered subsurface resources, if present, are not anticipated. No sites sacred to American Indians or other significant ethnographic resources are known to occur within Fort Dupont Park.

#### *Mitigation*

The District Historic Preservation Office, on November 7, 2008, stated that the actual transfer of jurisdiction will constitute "no adverse effect", however, the requirements of 36 CFR 800 would remain applicable to the District's proposed improvement and expansion of the sports-related recreational facilities that are currently located on the parcel and to all future actions proposed for the site. The NPS would participate in any such compliance as the adjacent land manager with potentially affected resources.

