

# FINDING OF NO SIGNIFICANT IMPACT FOR THE REHABILITATION OF BROAD BRANCH ROAD, NW WASHINGTON, DC

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The District Department of Transportation (DDOT), in conjunction with the Federal Highway Administration (FHWA), and in cooperation with the National Park Service (NPS), are proposing the rehabilitation of the 1.5-mile segment of Broad Branch Road, NW, between Linnean Avenue, NW and Beach Drive, NW, a portion of which abuts the southwestern border of Rock Creek Park.

The proposed action is to rehabilitate Broad Branch Road, integrating context sensitive design, to satisfy operational, safety, and multimodal transportation needs in a manner keeping with the setting of the project area, i.e., the adjoining residential land uses, Sovereign Nation properties, institutional developments, and wooded areas, including Rock Creek Park. The proposed action is needed to improve the identified deficiencies along Broad Branch Road for the following reasons:

- Deficiencies in the existing roadway infrastructure and stormwater management system
- Safety of motorists, pedestrians, and bicyclists
- Linkages to serve pedestrian and bicycle travel along the roadway itself as well as to the Rock Creek Park trail system (i.e., Rock Creek Trail, Western Ridge Trail, and Soapstone Valley Trail)

## PROJECT BACKGROUND

In accordance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), FHWA's *Environmental Impact and Related Procedures* (23 CFR 771), FHWA's *Technical Advisory Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (T6640.8A), DDOT's *Environmental Policy and Process Manual*, NPS Director's Order #12 *Conservation Planning, Environmental Impact Analysis, and Decision-making* and #87D: *Non-NPS Roads*, an Environmental Assessment (EA) and associated Section 4(f) Evaluation was prepared and released for agency and public review on October 21, 2013. After review of agency and public comments received, DDOT worked closely with the NPS and the US State Department to minimize potential encroachments by the project on Rock Creek Park as well as lands owned and occupied by the Sovereign Nations. Rock Creek Park, which is protected under Section 4(f) of the US Department of Transportation Act of 1966, is owned by the federal government and administered by the NPS. The lands of the Sovereign Nations, which house diplomatic residences, are protected by the principle of inviolability of diplomatic missions as guaranteed by international law. Both required extended coordination efforts for the project to complete the environmental process.

Recognizing the extended period of time since the initial environmental document was published, DDOT and FHWA prepared a Revised Draft Environmental Assessment (EA), which was approved for public review on October 15, 2020 by the FHWA. After a thorough review and

consideration of all the comments received through the comment period, a Final EA has been prepared with the selection of the Preferred Alternative identified in this Finding of No Significant Impacts (FONSI).

## **PREFERRED ALTERNATIVE**

The Preferred Alternative (Alternative 3 Modified) is detailed in Section 2.3.1 of the Final EA and summarized below.

**Typical Section.** The Preferred Alternative consists of two 10-foot travel lanes; a continuous 6-foot-wide ADA-compliant sidewalk on the west side of the roadway (with the exception of the three segments in front of the Sovereign Nations where it reduces to 5-feet in width to reduce impacts); and standard curb and gutter. It has a total width ranging from approximately 35 to 44 feet, which includes a linear rain garden and/or planting strip between the sidewalk and roadway. The installation of new curbing is intended to prevent the edge of the new roadway from unraveling and discourage tree roots from disturbing the roadway base, as well as protect side slopes from stormwater runoff. In addition, curbs would provide the additional benefit of traffic calming. The Preferred Alternative also extends the proposed sidewalk from the end of DDOT right-of-way into a 6-foot-wide sidewalk that reaches the Rock Creek Park parking lot entrance just north of Beach Drive. The design, construction, and maintenance of the continuation of sidewalk outside of the DDOT right-of-way to the parking lot entrance would be coordinated with the NPS.

Based on comments received on the Revised Draft EA, the Preferred Alternative provides the option of reducing the width of the rain garden between Linnean Avenue and 27<sup>th</sup> Street and including a shared-use path for both bicyclists and pedestrians in lieu of the sidewalk. The intent of the shared use path is to accommodate two-way traffic of all non-motorized users, including bicyclists and pedestrians, and would be designed in accordance with DDOT and FHWA design criteria and guidance for such facilities. It would remain within the same footprint and would remain in the DDOT right-of-way.

**Intersection Improvements.** As part of the Preferred Alternative, the intersection of Broad Branch Road and 27<sup>th</sup> Street would be modified to split the right- and left-turn lanes for southbound motorists on Broad Branch Road, allowing for improved turning movements at the intersection. Also, a new T-intersection is proposed at Brandywine Street to replace the existing forked Y-intersection. This new intersection design would reduce paved area and incorporate additional Low Impact Development (LID) techniques in the roadway design as well as improve roadway safety, wheelchair accessible ramps/aprons, and crosswalks compliant with ADA requirements.

**Soapstone Creek Culvert Replacement & Drainage/Stormwater Management.** The Preferred Alternative would replace the existing historic Soapstone Creek Culvert with a precast concrete arch culvert placed on concrete strip footing foundations alongside Soapstone Creek. The new structure is designed to reduce the frequency of stormwater overtopping the roadway and the extent of flooding. The road deck over Soapstone Creek will match the proposed elements along the rest of the roadway and be approximately 29 feet in width.

On the east side of the roadway along the banks of Broad Branch, 9 segments of retaining walls, totaling 2,695 feet would be required, the majority of which would be located within several feet of or partially overlap the footprint of existing stone walls. The visible height of these walls from the roadway would be 3.5 feet above the new curb. Viewed from the east or Rock Creek Park side, these walls would have a visible height of 3.0 to 10.9 feet. Fifteen segments of retaining walls would be required on the west side of the roadway totaling 3,870 feet. These walls are proposed to minimize the amount of cut required to maintain stabilization on the west side of the roadway. The visible height of these walls ranges from 3.0 to 16.0 feet.

A linear rain garden (or bio-swale) would be incorporated on the west side, between the sidewalk and the roadway, at the north end of the project to incorporate LID techniques by reducing the amount of impervious surface in the project area and increasing green space.

**Right-of-Way.** The Preferred Alternative would require additional right-of-way to expand the roadway cross-section to include sidewalks, curbing, and drainage facilities, which will provide benefit to the entire project corridor. In addition to the areas where the current roadway exceeds existing DDOT right-of-way, additional right-of-way would need to be acquired from NPS<sup>1</sup> at seven locations for the permanent construction of the roadway, sidewalks, and associated retaining walls. However, the Preferred Alternative incorporates all roadway widening on the eastern side of the existing roadway, thus avoiding property impacts to the land of any of the Sovereign Nations.

## ALTERNATIVES CONSIDERED BUT DISMISSED

The initial EA, Revised Draft EA, and Final EA considered the No Build Alternative (Alternative 1) and three additional Build Alternatives (Alternatives 2, 3, and 4), in conjunction with multiple options for multimodal connections and stormwater and drainage elements. The primary differences between each of the Build Alternatives are presented in the table below. In summary, Build Alternative 2 represents the minimum width improvement that could be done within the existing DDOT-owned right-of-way; Build Alternative 3 represents expanding the overall width of the project to include a continuous sidewalk; and Build Alternative 4 was developed to accommodate all three modes of transportation: autos, pedestrians, and bicycles. The No Build Alternative does not meet the purpose and need of the project; however, serves as a baseline when comparing the benefits and effects of the Build Alternatives, which are documented in Chapter 4 of the Final EA. Build Alternative 2, while having fewer impacts than the proposed action, was not selected because it does not fully meet the purpose and need of the project; it does not provide sidewalks in conformance with the DDOT's Complete Streets Policy, DDOT's Design and Engineering Manual, and the District's Priority Sidewalk Assurance Act of 2010 that requires the provision of sidewalks along DC streets for any roadway undergoing major reconstruction. Build Alternative 4 was not selected because, after years of continued discussions, the right-of-

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<sup>1</sup> As administrator of the federally-owned Rock Creek Park, the NPS was consulted in the development of the modifications resulting in the Preferred Alternative and concurred that the narrow encroachments (each less than 12 inches wide) would have no major effect on the park property. On October 22, 2020, the Department of the Interior (DOI), which includes the NPS, concurred with the Section 4(f) evaluation that there are no feasible or prudent avoidance alternatives and that the Preferred Alternative would cause the least overall harm to park properties (see Appendix Q of the Final EA). Additional right-of-way will be acquired from NPS via Transfer of Jurisdiction (TOJ).

way encroachments that would be required by its elements were not acceptable to the federal agencies.

After issuance of the initial Environmental Assessment, a fourth alternative was developed to further minimize potential encroachments on Rock Creek Park and land of any of the Sovereign Nations. This alternative is referred to as Alternative 3 Modified and was selected as the Preferred Alternative, which is summarized separately above. Each Build Alternative, as well as the iterative alternatives development process, is detailed in Chapter 2 of the Final EA.

**Summary of Alternatives Considered but Dismissed**

	<b>NO BUILD ALTERNATIVE 1</b>	<b>BUILD ALTERNATIVE 2</b>	<b>BUILD ALTERNATIVE 3</b>	<b>BUILD ALTERNATIVE 4</b>
<b>Meets Purpose &amp; Need?</b>	No	Partially	Yes	Yes
<b>Within Existing DDOT Right-of- Way?</b>	Yes	Yes	No, additional right-of-way required	No, additional right-of-way required
<b>Estimated Cross- Section Width</b>	Existing	23 to 37 feet	33 to 43 feet	37 to 47 feet
<b>Travel Lane Typical Section</b>	Existing	Two 10-foot travel lanes	Two 10-foot travel lanes	Two 10-foot travel lanes
<b>Sidewalk(s)/ Pedestrian Improvements?</b>	No	No	Yes, 6-foot sidewalk on west side of roadway	Yes, 6-foot sidewalk on west side of roadway
<b>Bicycle Lane(s)/ Multimodal Improvements?</b>	No	No	No	Yes, 4-foot bike lane on east side of roadway
<b>Intersection Improvements</b>	No	Yes	Yes	Yes
<b>Retaining Walls</b>	No	Yes	Yes	Yes
<b>Drainage/ Stormwater Improvements</b>	No	Yes	Yes	Yes

**BASIS FOR THE FINDING OF NO SIGNIFICANT IMPACT**

**Basis for the Selection of the Preferred Alternative.** The selection of the Preferred Alternative was a culmination of a multi-step, collaborative process for alternatives development between DDOT, project stakeholders, and the public to incorporate elements of each of the project’s needs: roadway elements, stormwater and drainage elements, and bicyclist and pedestrian elements. As background, the No Action Alternative and three Build Alternatives (described in the next section) with multiple multimodal and connecting intersection options were assessed in the initial EA and the refined alternatives evaluated in the Revised Draft EA.

After significant coordination with the NPS and the US State Department to minimize potential encroachments by the project on Rock Creek Park and land of any of the Sovereign Nations,

respectively, DDOT developed a revised alternative that would not encroach upon land of any of the Sovereign Nations. This revised alternative involved slightly more infrastructure than the original Build Alternatives, however, less new right-of-way. As a result, it achieves the goal of avoiding encroachment upon land of any of the Sovereign Nations and lessens overall environmental impacts. After consideration of the added benefits and reduced impacts of this revised alternative, DDOT recommended this revised alternative referred to as Alternative 3 Modified in the Final EA – as the Preferred Alternative for design and construction. In addition, based on the comments received, the Preferred Alternative provides an option of a shared use path in the northern portion of the project within the project’s footprint and in the DDOT right-of-way.

**Summary of Environmental Effects – No Significant Impact.** The impacts analysis was conducted for the Preferred Alternative (Alternative 3 Modified) and is reported in Chapter 4 of the Final EA. The conclusion of the analysis is that the project would not have a significant impact on the environment as defined by the CEQ.

Subsequent to implementation of the required mitigation as appropriate, the project would result in no or negligible impacts to the following resources: farmland; community resources; wetlands, navigable waters, wild or scenic rivers, or coastal zones; ethnographic resources, museum collections, Indian Trust resources and Native American sacred sites, or paleontological resources; economics and development; demographics; environmental justice populations; hazardous materials; energy conservation; or indirect and cumulative impacts.

The project would have an overall long-term beneficial impact to water resources and quality; aquatic and terrestrial organisms; safety; emergency services; parks and recreation areas; and pedestrian facilities. Of note, given the existing issues of uncontrolled runoff and extensive erosion, the proposed stormwater management system would reduce the volume and capacity of stormwater runoff entering receiving surface waters by increasing retention and infiltration, and would offset additional runoff generated from increased impervious areas from the project.

In addition, the project would:

- Not result in appreciable increases in noise or vibration levels above existing levels;
- Not result in adverse effect to air quality;
- Not result in any changes to land use or zoning;
- Not result in residential or business displacements;
- Avoid impacts to lands belonging to Sovereign Nations; and
- Subsequent to stipulations contained in the Section 106 Memorandum of Agreement (MOA), resolve adverse effects to historic properties, as concurred upon by the District of Columbia State Historic Preservation Officer (DC SHPO), which is contained in Appendix O of the Final EA.

The project would result in some minor impacts to the natural, cultural, socioeconomic, and transportation environment; however, none of these impacts rise to a level of “significance” as

defined by CEQ. A summary of these impacts by resource is provided in the table below; a detailed analysis of these effects is provided in Chapter 4 of the Final EA.

MINOR IMPACTS TO THE ENVIRONMENT FROM THE PREFERRED ALTERNATIVE
<p><i>Natural Resources – Geology, Soils, and Topography:</i> Temporary impacts during construction include re-disturbing previously graded areas. Permanent impacts include disturbing land areas beyond the existing roadway infrastructure on the west side of the roadway. These additional areas are required to provide new curb, gutter, and sidewalk facilities. The Preferred Alternative includes substantial reductions to total disturbed areas compared to other Build Alternatives – thus minimizing encroachments outside of the existing right-of-way while still meeting the project’s purpose and need.</p>
<p><i>Trees:</i> Expansion of the roadway footprint and disturbance of areas adjacent to the roadway during construction would remove vegetation, including some large trees. Work conducted may damage trees located beyond the limits of disturbance if their root systems stretch into areas where groundbreaking occurs. The Preferred Alternative includes substantial reductions to total potential for number of trees impacted compared to other Build Alternatives, while still meeting the project’s purpose and need. Detailed tree inventory would be prepared during final design and applicable permitting will be completed.</p>
<p><i>Floodplains:</i> A portion of the existing Broad Branch Road lies within the 10-year floodplain for Broad Branch stream. The area of impervious surfaces within the floodplain would increase due to the addition of new pavement, curbs, gutters, sidewalk and/or bike lanes as part of the Preferred Alternative. Design refinements to the Preferred Alternative, compared to other Build Alternatives, reduce the total floodplain encroachment by the project. None of the encroachments are expected to cause any increase in backwater elevations. An overall reduction in backwater flooding is expected with the increased floodwater capacity provided by the new culvert over Soapstone Creek.</p>
<p><i>Streams:</i> In-stream work for this project would include replacement of the crossing at Soapstone Creek, reconstruction of culvert outfalls to Broad Branch, and restoration of existing or construction of new retaining walls along Broad Branch. Such in-stream work would require permits with the US Army Corps of Engineers (USACE) and District Department of the Energy &amp; Environment (DOEE) in accordance with Sections 402 and 404 of the Clean Water Act.</p>
<p><i>Threatened and Endangered Species:</i> In the Revised Draft EA, DDOT committed to continued coordination (i.e., during future design and construction of the project) with the United States Fish and Wildlife Service (USFWS) and NPS to identify any known locations of the Northern long-eared bat (<i>Myotis septentrionalis</i>) hibernacula and/or maternity roost trees or their buffers within the project vicinity, as incidental take resulting from tree removal related to this species during specific times of year is prohibited. During review of the Revised Draft EA, USFWS informed DDOT via an email dated October 22, 2020 that there are potentially two Northern long-eared bat maternity roost tree buffers (150 foot radius around roost trees) that occur within the project area. The USFWS further determined that as long as no trees are destroyed or cut within the 150 foot radius around a maternity roost tree between June 1 to July 31, this project is considered "not likely to adversely affect" the Northern long-eared bat. DDOT will follow the Time-of-Year (TOY) restriction as specified by the USFWS for tree cutting during construction.</p>
<p><i>Aesthetics and Visual Quality:</i> Effects to aesthetics and visual quality in the project area include alteration of existing cultural and natural features and introduction of vertical elements (i.e., retaining walls) that could obscure existing views. Other visual changes include replacement of the Soapstone Creek Culvert with a concrete arch culvert and the headwalls of three outfalls. The visual quality within the project area where new retaining walls are proposed would change from natural or landscaped vegetation to discontinuous retaining walls varying in visible height, including view from Broad Branch Road itself, Rock Creek Park, and residential or institutional sectors on the west side of the roadway. Design of the Preferred Alternative minimized the height of and/or removed use of retaining walls, compared to other Build Alternatives, while still meeting the project’s purpose and need and minimizing the project footprint.</p>

## MITIGATION MEASURES

Impacts to all resources have been avoided to the extent possible as part of the alternative development process, preliminary design of Build Alternatives, and selection of the Preferred Alternative. Minimization efforts were a collaborative multi-step process with project stakeholders and the public to refine the alternatives during the EA process. For example, reduced sidewalk widths and/or minor alignment refinements were incorporated into the project design to minimize property impacts. The selection of the Preferred Alternative was itself a minimization effort: it reduces the right-of-way requirements associated with the original Build Alternatives, avoiding encroachment upon land of any of the Sovereign Nations and further minimizing encroachments on Rock Creek Park. Additionally, expansion of capacity of the Soapstone Culvert and repair/extension of existing culverts during design, will mitigate the flooding issues that are currently prevalent in the project area.

An ordered approach to mitigating unavoidable impacts has been followed that includes the following sequence: minimization; repair or restore; reduce over time; and compensate. The proposed mitigations for any unavoidable impacts and the environmental commitments to assure their implementation are broadly summarized in the list below and specifically detailed in the Executive Summary of the Final EA.

- Use of DDOT's standards, specification, and regulations for all project elements during design and construction.
- Continued coordination with federal and District agencies, local organizations, the general public, and other stakeholders in accordance with, and to ensure compliance of, all applicable federal and District laws and regulations during future phases of design and construction.
- Obtaining all applicable federal and District permits, including, but not limited to: Section 402 and 404 of the Clean Water Act (33 U.S.C. 1344); Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Wetland (Nationwide Permit 27 - Aquatic Habitat Restoration, Establishment and Enhancement Activities); a National Pollutant Discharge Elimination System (NPDES) permit; a building permit for any work within an identified floodplain area in accordance with DCMR Title 20 – Chapter 31 Flood Hazard Rules; a Special Tree Remove Permit in accordance with the District's Tree Canopy Protection Amendment Act of 2016; a Transfer of Jurisdiction for the construction of permanent infrastructure and a Special Use Permit for temporary activity related to the rehabilitation of existing structures that support DDOT infrastructure within NPS property; and other construction-related permits.
- Use context sensitive design principles and architecturally compatible materials to ensure that any new treatments will fit with the context of the adjoining land uses including residential, Sovereign Nation properties, institutional developments, and park properties.
- Preparation of the appropriate plans in support of design submittals and permit applications, as identified above, including, but not limited to: maintenance of traffic

(MOT) plans, erosion and sediment control plans, stormwater management plan, health and safety plan, construction management plan, and others.

- Incorporation of stormwater management during design to offset increases in runoff due to increased impervious areas, including rain gardens and other LID measures to further reduce storm event runoff, to improve drainage design, and to minimize downstream/receiving water impacts.
- Use of best management practices (BMPs) for tree inventory and protection, land disturbance activities, restoration, noise and vibration during construction, hazardous waste and materials during construction, and other activities, prior to and during construction.
- Implementation of protective actions for the Northern long-eared bat (*Myotis septentrionalis*), of following Time-of-Year (TOY) restriction as specified by the USFWS of no trees being destroyed or cut within the 150 foot radius around a maternity roost tree between June 1 to July 31.
- Restoration of, or replacement-in-kind, of all property access (i.e., driveways and alleys) or property structures (i.e., fences, light posts, or other permanent features).
- Compliance with the stipulations set forth in the executed Section 106 Memorandum of Agreement (Appendix O of the Final EA).
- Acquisition of private right-of-way would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and acquisition of NPS lands would be implemented through a Transfer of Jurisdiction between NPS and DDOT to implement this project as there is no other feasible alternative.

## AGENCY CONSULTATION

DDOT conducted an agency coordination program throughout the planning process for the Broad Branch Road EA. This coordination included project scoping, consultation with resource agencies in accordance with Section 7 of the Endangered Species Act (ESA), consultation with the DC SHPO, the NPS in accordance with Section 106 of the National Historic Preservation Act (NHPA), and individual stakeholder meetings. Agencies also provided comments on the initial EA and Revised Draft EA and their comments from the meetings and review processes were incorporated into the project design and/or EA document accordingly. Input from the participating agencies and other federal and local agencies were instrumental in the development and refinement of project alternatives, and selection of the Preferred Alternative.

Highlights of major agency consultations are summarized in the following table. Details of the agency coordination process are documented in Chapter 5 of the Final EA. Additionally, Appendix F provides copies of agency scoping letters; Appendix G documents the coordination specific to the Section 106 process; Appendix L documents agency comments received on the initial EA and provides DDOT's responses; Appendix P provides copies of stakeholder coordination documents; and Appendix R documents agency comments received on the Revised Draft EA and provides DDOT's responses.

## SUMMARY OF CONSULTATION & COORDINATION ACTIVITIES

**Agency Scoping Meeting.** The purpose of the Agency Scoping Meeting, held on March 24, 2011, was to provide federal and local agencies with an overview of the proposed project as well as solicit their initial thoughts on issues, concerns, and resources within the study area. Agencies in attendance included NPS, DOEE, and the National Capital Planning Commission (NCPC). Early coordination was also conducted with the USACE.

**Agency Alternatives Meeting.** The purpose of the Agency Alternatives Meeting, held on August 25, 2011, was to update federal and local agencies on the study's process and to solicit their input for concept improvements and preliminary alternatives. Agencies in attendance included NPS, DOEE, DC Office of Planning (DCOP), NCPC, and the DC SHPO.

**Agency Site Visit.** On April 26, 2013, DDOT conducted a site visit of the southern portion of the project area with FHWA, NPS, and DC SHPO to provide an overview of the project area; identify specific constraints due to limited right-of-way and topography; and address specific resource issues, including cultural resources in Rock Creek Park that may require rehabilitation or replacement to meet project objectives (e.g., existing stone retaining walls).

**Section 106 Consultation.** The Section 106 process of the National Historic Preservation Act was initiated with the DC SHPO on February 24, 2011 after an introductory project meeting that was held on December 8, 2010. DDOT and FHWA consulted with DC SHPO and other agencies throughout the project in accordance with Section 106 process and decisions. The Section 106 process has a specific public involvement component, which was satisfied by the public outreach completed in conjunction with the NEPA review process. Specific forms requesting to be Section 106 interested parties were provided at the Public Meeting held on November 8, 2012 and the Public Hearing held on November 5, 2013. One organization, ANC 4A8, and three private citizens requested Section 106 interested party status, and Section 106 information was provided to them accordingly.

Subsequent to the release of the initial EA in October 2013, a draft Section 106 MOA to resolve adverse effects to historic properties was prepared and submitted for comment to DC SHPO, NPS, and the Commission of Fine Arts (CFA) in February 2014, as well as public review. Changes were incorporated into the MOA accordingly. Through execution of the final Section 106 MOA, and subsequent to implementation of the stipulations contained in the Section 106 MOA, as concurred upon by the DC SHPO and other signatories, adverse effects to the historic properties will be resolved. Section 106 consultations will continue during the final design and construction phases of the project to ensure compliance with the stipulations set forth in the executed MOA, which is Appendix O of the Final EA.

**Section 7 Consultation.** Initial consultations with the USFWS, in accordance with Section 7 of the Endangered Species Act, indicated that no proposed or federally listed endangered or threatened species were known to exist within the project area. During review of the Revised Draft EA, USFWS informed DDOT via an email dated October 22, 2020 that there are potentially two Northern long-eared bat maternity roost tree buffers (150 foot radius around roost trees) that occur within the project area. The USFWS further determined that as long as no trees are destroyed or cut within the 150 foot radius around a maternity roost tree between June 1 to July 31, this project is considered "not likely to adversely affect" the Northern long-eared bat under the 4(d) rule. DDOT will follow the Time-of-Year (TOY) restriction as specified by the USFWS for tree cutting during construction. Detailed tree inventory would be prepared during final design, in coordination with NPS. If any additional nests, hibernacula trees, or buffers around maternity roosts are identified, necessary consultation with the USFWS and DOEE would be completed pursuant to the requirements of the Migratory Bird Act, Endangered Species Act, and the Fish and Wildlife Coordination Act.

► *Continued.*

## SUMMARY OF CONSULTATION & COORDINATION ACTIVITIES

*Section 4(f) Coordination.* NPS and DC SHPO are the officials with jurisdiction over Section 4(f) properties. As the design refinement resulted in impacts to NPS properties, DDOT continued to coordinate with NPS regarding potential impacts to Rock Creek Park. A series of seven meetings were conducted between March 2014 and November 2018 where NPS was briefed on revisions made to the Build Alternatives and selection of the Preferred Alternative. Four Section 4(f) properties would be used by the Preferred Alternative; however, FHWA has determined that the Preferred Alternative is an alternative with the least overall harm. NPS agreed that the encroachments of the project on their property, which are narrow slivers located along relatively steep grades, would not adversely affect the activities, features, or attributes of the park land and the roadway improvement would serve to better stabilize slopes at these same locations. NPS will continue to cooperate in the post-NEPA phases of the project in that there will be Transfers of Jurisdiction (TOJ) of properties between the two agencies to accommodate the final design and construction of the proposed action. After review of the Revised Draft EA and Section 4f Evaluation, on October 22, 2020, the DOI, which includes the NPS, concurred that there are no feasible or prudent avoidance alternatives and that the Preferred Alternative would cause the least overall harm (see Appendix Q). Additionally, minimization measures were incorporated into the design of the project, and as a result of ongoing coordination throughout the NEPA process with DC SHPO, including the execution and implementation of the Section 106 MOA (see Appendix O), DC SHPO has no objections to the project.

*Joint Agency Progress Meetings.* DDOT and FHWA conducted a series of regularly scheduled meetings with the NPS and DOEE to ensure continuous input from these two agencies. Each agency provided extensive information on existing conditions within the project area and helped coordinate the roadway improvement with on-going improvements in Rock Creek Park – most notably stormwater management and stream restoration activities.

DDOT also conducted or attended meetings with other agencies about the project, including the CFA, to address property access and DC Water to identify potential infrastructure conflicts or concerns.

*Coordination with Major Stakeholders.* Consultations were carried out with the US Department of State and the Sovereign Nations which maintain diplomatic residences along the project corridor. These consultations were instrumental in the development and evaluation of the Build Alternatives, and design refinement and selection of the Preferred Alternative, as the sovereign rights of inviolability severely restricted the ability to acquire any permanent right-of-way from the lands of any of the Sovereign Nations. Consultations will continue during the final design and construction phases of the project.

## PUBLIC INVOLVEMENT

**Summary of Public Involvement Process.** DDOT conducted an active public involvement program throughout the planning process for the Broad Branch Road EA. This coordination included two public meetings, in 2011 and 2012, and a public hearing, in 2013, to help inform and solicit input from the general public on the proposed project as part of the initial EA effort. Immediately after FHWA approved the Revised Draft EA for public review on October 15, 2020, DDOT conducted a virtual public involvement process. Each of these meetings are summarized in the table below. Throughout the project, DDOT maintained a project website<sup>2</sup> that detailed the project history and activities associated with the proposed Broad Branch Road rehabilitation effort. The website provided the public with continuous opportunity to review all project materials and provide comments throughout the process.

Input from the public was instrumental in the development and refinement of project alternatives and selection of the Preferred Alternative. Public comments received throughout the process

<sup>2</sup> The project website is: <https://broadbranchrdea.com>

were incorporated into the project designs and/or EA documents accordingly. Copies of the comments received during the formal public hearing and comment period and DDOT's responses to each are provided in the appendices of the Final EA: Appendix K - Public Hearing Comments and Responses; Appendix M – Organization Comments and Responses on the Initial EA; and Appendix N – Citizen Comments and Responses on the Initial EA. Comments received on the Revised Draft EA and DDOT's responses to them are provided in Appendix R – Revised Draft EA Comments and Responses.

#### SUMMARY OF PUBLIC INVOLVEMENT ACTIVITIES

*Public Scoping Meeting (2011).* DDOT held a Public Scoping Meeting at the Chevy Chase Community Center, 5601 Connecticut Avenue NW in Washington, DC on July 13, 2011 from 6:30 to 8:30 p.m. The purpose of the open house meeting was to introduce the project and to provide all interested persons the opportunity to provide comments regarding the project. Maps, displays, and background information were available for review at the meeting. Of the citizens who attended, 12 signed in at the meeting. Comments were submitted by 17 individuals, including two written comment forms and two verbal comments recorded by a verbatim reporter at the meeting, and 13 comments were submitted by email during the public meeting comment period.

*Public Meeting (2012).* DDOT held a second Public Meeting at The Methodist Home of DC, 4901 Connecticut Avenue NW in Washington, DC on November 8, 2012 from 6:30 to 8:30 p.m. The purpose was to provide an update on study activities and to afford interested persons an opportunity to provide comments on the preliminary alternatives being considered for the project. Various engineering concepts for reconstruction of the roadway, stormwater management systems, sidewalks, and bikeways were reviewed and discussed at the meeting. Of the citizens who attended the meeting, 33 signed in. Written comments were submitted by 14 individuals at the meeting and a verbatim reporter documented verbal comments from 6 meeting attendees. One form and 22 emails were also submitted during the public meeting comment period.

*Public Hearing (2013).* DDOT held a Public Hearing at The Methodist Home of DC, 4901 Connecticut Avenue NW in Washington, DC on November 5, 2013 at 6:30 p.m. The purpose of the public hearing was to provide information and receive comments about the proposed project and the EA (which was made available for public review on October 21, 2013). Maps, displays, and copies of the EA were available at the public hearing, and members of the project team were on hand to discuss the project and answer questions. In addition, a presentation was given to provide background on the project. Of the citizens who attended the hearing, 72 signed in. Both oral (via public testimony) and written statements were taken at the public hearing. A verbatim reporter documented public testimony from the meeting attendees. Written comments were received from agencies, organizations and interest groups, and the general public at the hearing and during the designated comment period, which ended on November 22, 2013. Responses to all of these comments are included in the appendices of the Final EA.

*Virtual Public Involvement for the Revised Draft EA (2020).* In order to reduce the risk for COVID-19 (as defined by the Center for Disease Control) and in alignment with Mayor Bowser's current Coronavirus Phase Two Guidance at the time of publication, DDOT and FHWA provided a complete digital copy of the Revised Draft EA, including all technical appendices, and a narrated video presentation and the findings of the project on the project website for public review and comment. In lieu of a traditional in-person meeting, a narrated video presentation of the project and the findings of the Revised Draft EA were also provided on the website. Announcements of the availability of the Revised Draft EA were emailed to all individuals and special interest groups who requested to be on the project mailing list (n=386), and availability letters were also individually mailed to agencies, elected officials, utility representatives, and other project stakeholders (n=55). Comments on the project were accepted via the website during a 30-day comment period through November 16, 2020. Additionally, during the public review period, DDOT participated in two Advisory Neighborhood Commission (ANC) meetings: ANC 4A on November 4, 2020 and ANC 3/4G on November 9, 2020.

**Comments Received on the Revised Draft EA.** During the 30-day comment period for the Revised Draft EA, 171 comments from 42 individuals, interest groups, and agencies were received. The comments received on the Revised Draft EA and DDOT responses are provided in Appendix R – Revised Draft EA Comments and Responses. The following is a summary of the written and oral comments by general topic received throughout the comment period. For each topic, examples of the types of comments are presented.

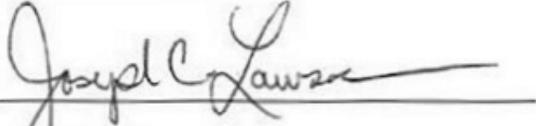
- **Alternatives and Project Design** (e.g., preference for a specific alternative; one-way, one-lane, and/or reduced-width travel lane operations on Broad Branch Road; traffic calming measures and/or speed limit reductions; request(s) for additional design details for roadway profiles, retaining walls, and other project elements; use of pervious pavements and other low-impact design elements)
- **Bicycle Lane** (e.g., meeting the purpose and need; dedicated bicycle lane needed; air quality and socio-economic benefits of a bicycle lane; relationship with DDOT plans and policies such as the Vision Zero Enhancement Omnibus Amendment Act of 2020 (when funded) and moveDC; coordination with other projects in the District; delay and detour for bicyclists; signage and pavement markings for safe bicycle operations)
- **Pedestrian Improvements** (e.g., meeting the purpose and need; ADA requirements; access to park; connection to intersecting/adjacent streets and neighborhoods needed; safe access and/or crossings for schools)
- **Land Use / Property** (e.g., property values; restoration and/or replacement to property access, grades, and structures; coordination with property owners; coordination with federal agencies regarding additional right-of-way for project use)
- **Safety** (e.g., meeting purpose and need; safety of all users; safety of bicycle and motorists in the Preferred Alternative)
- **Threatened & Endangered Species** (e.g., presence of the Northern long-eared bat buffers)
- **Vegetation** (e.g., loss of trees and vegetative cover; clearing and grading practices; special and heritage trees)
- **Aesthetic and Visual Quality** (e.g., location, length, and height of proposed retaining walls; bucolic setting of the project area)
- **Aquatic Resources & Stormwater Management** (e.g., existing flooding issues; protection of receiving waters; conveyance of floodwaters and specific stormwater management system/culvert design; reduction of erosion and sediment control; control in upper reaches of watershed beyond the project area)
- **Historic Resources** (e.g., project impact on historic character and/or features of the area; replacement of historic features and/or materials to be used; protection of bridge and culvert work)
- **Hazardous Waste & Materials** (e.g., spill and pollution plan during construction for protection of resources)

- **Park Resources / Access** (e.g., right-of-way coordination with NPS; access to Rock Creek Park; improvements to access)
- **Vehicle Traffic** (e.g., speeding and/or speed limit reduction; cut-through traffic; safety and/or capacity improvements to intersecting/adjacent streets and neighborhoods)
- **Construction** (e.g., impact along proposed detour routes; phasing to minimize traffic impacts; safety along intersecting/adjacent streets and neighborhoods, including pedestrians; impacts to residential properties; impacts to natural and aquatic resources; use of specific materials)
- **Coordination and Schedule** (e.g., timeframe and/or process of right-of-way coordination with federal agencies; utility coordination, including improvements to overhead utilities; time lapse since previous public comment period; request(s) for follow-up and/or meetings with DDOT; schedule delay; project prioritization of design and construction; existing maintenance deficiencies; coordination with other projects in the city)

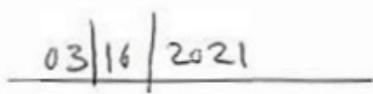
Any comments that required substantive changes, such as additional information or clarification text, were denoted in bold and italic font in the Final EA document and are noted as such in the Appendix R responses.

## CONCLUSION

The FHWA has determined that the Preferred Alternative for the Rehabilitation of Broad Branch Road NW project will not have a significant impact on the natural, human, or build environment as defined by CEQ. This FONSI is based on the findings of the attached EA and comments submitted during preparation of the EA, in accordance with Section 106 of the National Historic Preservation Act (NHPA), and Section 4(f) requirements. The Final EA has been evaluated by the FHWA and has been determined to adequately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required and that the proposed action is necessary and in the best interest of the public because it will improve the infrastructure deficiencies documented throughout the EA and will mitigate flooding and erosion problems that are currently experienced in the project area. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Final EA.

Approved:  \_\_\_\_\_

Joseph C. Lawson  
Division Administrator  
Federal Highway Administration  
District of Columbia Division

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Date