

# **FINDING OF NO SIGNIFICANT IMPACT FOR OREGON AVENUE REHABILITATION WASHINGTON, DC**

The Federal Highway Administration (FHWA), in conjunction with the District Department of Transportation (DDOT) and in cooperation with the National Park Service (NPS), proposes the rehabilitation of the 1.7-mile segment of Oregon Avenue, NW, between Military Road and Western Avenue along the northwestern border of Rock Creek Park. In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council of Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and the FHWA's Environmental Impact and Related Procedures (23 CFR 771); the FHWA and DDOT prepared an Environmental Assessment (EA) which was released for agency and public review and comment on June 13, 2011. A public hearing was held on June 29, 2011. Subsequently, a Final EA was prepared to fully address all agency and public comments received.

The proposed action is to rehabilitate Oregon Avenue integrating context sensitive design, to satisfy operational, safety, and multi-modal transportation needs. The project needs are a culmination of infrastructure deficiencies, including deteriorating pavement, inadequate stormwater drainage, and aging and inadequate structures; safety concerns due to substandard roadway geometrics and the lack of separate facilities for pedestrians and bicycles; gaps in system linkage for pedestrians and bicyclists to parks, schools, and residential areas adjacent to Oregon Avenue and to the Rock Creek Park multi-use trail system; and local legislation: the District of Columbia's Priority Sidewalk Assurance Act of 2010.

## **PREFERRED ALTERNATIVE AND OPTIONS**

In accordance with the design objectives established to meet the project's purpose and need, multiple alternatives and options were developed. Four Oregon Avenue Rehabilitation alternatives, including the No Action Alternative, and four options for traffic calming, Nebraska Avenue intersection improvements, stormwater management systems, and the Pinehurst Run crossing were analyzed in detail in the EA.

Following the public comment period, DDOT identified a modified version of Alternative 3 that allowed a reduction in the footprint of Alternative 3, as the Preferred Alternative. The Preferred Alternative is described in detail in the Final EA. Alternative 3 was modified to reduce the typical cross-section for the Northern Section of the roadway in response to public comments regarding impacts on adjacent property owners and tree removal.

The Preferred Alternative consists of two cross-section widths. In the Southern Section, between Military Road and Nebraska Avenue, where most of the existing DDOT-owned right-of-way is only 33-feet wide, Oregon Avenue would be reconstructed, with two 10-foot travel lanes with curb and gutter and a 5-foot sidewalk on the west side and a curb on the east. In the

Northern Section, between Nebraska Avenue and Western Avenue, the Preferred Alternative would transition to a cross-section width of approximately 33 feet and would consist of two 10-foot travel lanes with curb and gutter, a 4-foot grass strip/tree buffer and a 6-foot sidewalk for pedestrians on the west side, and curbing only on the east side. The Preferred Alternative will not make any major changes to the existing vertical and horizontal alignment of the roadway and the existing roadway profile will be mostly followed. The grass strip/tree buffer and sidewalk will also follow the existing profile of the roadway and the natural topography to the extent possible.

The reduced overall width of the Preferred Alternative resulted in the reduction of the number and size of coping and retaining walls required. In the Southern Section, two locations on the west side of the roadway adjacent to the Saint John's High School College property will require 18-inch coping walls. On the east side of the Southern Section, two retaining walls will be built to prevent encroachment on to Rock Creek Park property. These walls are between 4 and 5 feet in height and extend approximately 1,000 feet in total length from opposite the school property to Moreland Place. In the northern segment, a single 2-foot high retaining wall will be required on the west side just south of Western Avenue. All of these walls will be designed with context sensitive materials to complement the setting of Rock Creek Park and the surrounding area. Wall length and height will be further analyzed in the final design to determine if the further reduction in wall length and height can be achieved.

Additionally, DDOT selected the following preferred options to be implemented in conjunction with the Preferred Alternative, in order to support the road rehabilitation:

#### PREFERRED STORMWATER MANAGEMENT SYSTEM OPTION

The Preferred Alternative will incorporate several stormwater management and drainage improvements. Existing roadway ponding would be controlled by the installation of an underground drainage system serving the full length of the project. The drainage system will include inlets connected to existing storm sewers. No new culverts are proposed. The drainage system for the northernmost outfall would incorporate features to prevent erosive sheet flow of waters into Rock Creek Park. The existing stormwater outfalls to the stream will also be rehabilitated. However, no new outfalls are proposed in this project. During the design phase DDOT may also investigate and use the 4-foot grass strip/tree buffer area for stormwater management by using Low Impact Development (LID) principles. Other locations such as the northern corner of Oregon Avenue and Nebraska Avenue intersection that are within DDOT right-of-way and some distance from residents may also be used by DDOT for stormwater management.

#### PREFERRED PINEHURST RUN CROSSING OPTION

The existing crossing of Pinehurst Run would be replaced with a bottomless arch culvert or short bridge. Both crossing options would provide a natural stream bottom and adequate capacity to pass periodic flood waters.

The total cost of the Preferred Alternative and options will be approximately \$27.2 million. The duration of construction is anticipated to be 12 to 21 months. During the design and

construction process, DDOT will continue to coordinate with the community. A complete description of the Preferred Alternative and options is provided in Section 2.3 of the Final EA.

### **ALTERNATIVES CONSIDERED BUT NOT SELECTED**

In addition to evaluating the Preferred Alternative and options, the EA and Final EA considered the No Action Alternative (Alternative 1) and three Candidate Build Alternatives in conjunction with multiple options for traffic calming and Nebraska Avenue intersection improvements. Additionally, other alternatives and options were considered but not retained for detailed analysis.

Under the **No Action Alternative (Alternative 1)**, the improvements to Oregon Avenue would include short-term minor restoration activities (safety and routine maintenance) that maintain the continuing operation of the existing roadway.

**Candidate Build Alternative 2** consists of two 10-foot travel lanes with curb and gutter and a 5-foot sidewalk on the west side, and a curb on the east. This alternative has a cross-section width of approximately 27 feet and no additional right-of-way would be required for the entire length of the roadway. Some of the sections of roadway in the narrower Southern Section would require retaining walls estimated at 2 to 5 feet high in order to stay within the right-of-way.

**Candidate Build Alternative 3** consists of two cross-sections. In the Southern Section between Military Road and Nebraska Avenue, where most of the existing DDOT-owned right-of-way is only 33-feet wide, Oregon Avenue would be reconstructed similar to Candidate Build Alternative 2, with two 10-foot travel lanes with curb and gutter and a 5-foot sidewalk on the west side and a curb on the east.

In the Northern Section, between Nebraska Avenue and Western Avenue, Candidate Build Alternative 3 would transition to a cross-section width of approximately 43 feet and would consist of two 10-foot travel lanes with a 2-foot shoulder, a 10-foot vegetated swale and a 10-foot shared-use path for pedestrians and bicyclists on the west side, and mountable curbing only on the east side.

Some sections of roadway would require retaining walls estimated at 2 to 5 feet high in the Southern Section and up to 8 feet high in the Northern Section in order to stay within the right-of-way and preserve the use of the adjacent homes' front yards.

**Candidate Build Alternative 4** consists of two cross-section widths. In the Southern Section, where the existing right-of-way is 33 feet, Oregon Avenue would be reconstructed similar to Alternative 2, with two 10-foot travel lanes with curb and gutter and a 5-foot sidewalk on the west side, and a curb on the east.

In the Northern Section, between Nebraska Avenue and Western Avenue, Alternative 4 would have a cross-section width of 44 feet and include two 10-foot travel lanes, a 4-foot bike lane, 10-foot vegetated swale, and 5-foot sidewalk on the west side, and a 4-foot bike lane and mountable curbing on the east side.

Some sections of roadway would require retaining walls estimated at 2 to 5 feet high in the Southern Section and up to 8 feet high in the Northern Section in order to stay within the right-of-way and preserve the use of the adjacent homes' front yards.

#### TRAFFIC CALMING OPTIONS

Traffic calming measures were considered to manage travel speeds and improve safety. Possible measures included, but were not limited to, traffic circles and pavement markings to provide effective speed control.

#### NEBRASKA AVENUE INTERSECTION IMPROVEMENTS OPTIONS

Two options were explored for simplifying the intersection and reducing the overall footprint. One option would be to reconstruct the intersection to a conventional four-way stop-controlled intersection.

A second option would be to construct a traffic circle with an outside diameter of 90 to 100 feet. Speeds would be limited to approximately 15 mph through the circle. A rain garden in the circle could be used to help create the feeling of a more rural or park-like setting.

More detailed descriptions of the roadway alternatives and various options considered are provided in Sections 2.3 and 2.4 of the Final EA.

### **ANALYSIS OF SIGNIFICANT IMPACT**

As stated in 40 CFR 1508.27(a), the analysis of significance as used in NEPA requires consideration of both the context and intensity of an action:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
- The degree to which the proposed action affects public health or safety.
- 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.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.

- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- The 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.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Based on the impact analysis presented in Chapter 4 of the Final EA, the project would not result in significant impacts. Under the Preferred Alternative, there would be no or negligible impacts to farmland, groundwater, wetlands, navigable waters, wild and scenic rivers, coastal zones, rare, threatened and endangered species, paleontology, demographics, environmental justice, economics and development, joint development, Indian trust resources, American Indian sacred sites, hazardous waste sites, energy conservation, and utilities and infrastructure. The project would have an overall long-term beneficial impact to water resources, aquatic and terrestrial organisms, health and safety, emergency services, schools, parks and recreation areas, the bicycle and pedestrian network, and transit. In addition, the project would:

- Not use any new Section 4(f) properties;
- Not result in any appreciable increases in noise 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 right-of-way acquisition or an residential or business displacements; and
- Result in no adverse effect to historic properties, as concurred upon by the District of Columbia Historic Preservation Officer (DC HPO) on July 15, 2011.

The project would result in some minor impacts to the natural, cultural, socioeconomic and transportation environment, however, none of these impacts meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ. A summary of these impacts, and an evaluation of their significance per the CEQ guidance, is provided in the following paragraphs. A detailed analysis of these effects is provided in the Final EA.

***Natural Resources – Geology, Soils, and Topography:*** The Preferred Alternative would result in minor short-term and long-term impacts to geology, soils, and topography. Short-term impacts include redistributing previously graded areas. The Preferred Alternative would disturb approximately 2.62 additional acres for facility construction. The Preferred Alternative incorporates the open bottom arch culvert option for the replacement of the Pinehurst Run Crossing because it provides a continuous natural stream bottom that would reduce velocities and erosion potential thus minimizing impacts to geology, soils, and topography in the project area. The impacts to natural resources do not meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ.

***Natural Resources –Vegetation:*** The Preferred Alternative will keep the existing footprint of the travelway, however, it would expand the total width of the existing Oregon Avenue footprint by adding sidewalks and a grass strip/tree buffer. This will result in a minor long-term impact to vegetation. The footprint will be expanded in areas that are primarily urban and planted as lawn, which provides very little habitat for terrestrial animals. Although no work will be conducted on park land, construction may damage the root systems of large trees located in the park resulting in their ultimate loss. It is estimated that the Preferred Alternative would impact 65 trees with a diameter of six inches or greater. These impacts are conservatively estimated based on generalized design concepts. They represent the worst-case scenario and do not include avoidance measures or best management practices. As designs for the project are refined, opportunities to preserve trees will be actively pursued. The impacts to natural resources do not meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ.

***Cultural Resources – Archeology, Historic Resources, and Cultural Landscape:*** The footprint of the Preferred Alternative and options include two previously identified archaeology sites and areas of archaeological potential. Through consultation by FHWA with the DC State Historic Preservation Office (DC SHPO) under the Section 106 process, the DC SHPO provided concurrence (July 15, 2011) with FHWA’s finding of “no adverse effect” on historic properties. Temporary visual intrusions to historic structures, including contributing resources in the park and residences and Knollwood, on the west side of the roadway will likely occur during construction of the Preferred Alternative. Visual intrusions may include the presence of large machinery, excavated roadway and earth, spoil and fill piles, stockpiling of new construction material, and road blocks and detours. Temporary audible intrusions may include increased noise from construction activity such as jack-hammering; large vehicle movement, braking, and back-up signals; and construction crews. Temporary visual and audible intrusions to an element of the Rock Creek Park cultural landscape, Bike Trail #1, part of the Western Ridge Trail and the White Horse Trail, will likely occur during construction of the Preferred Alternative. The impacts to cultural resources do not meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ.

***Socioeconomic Resources – Aesthetics and Visual Quality:*** Although the Preferred Alternative would benefit preservation of the area, the new design would have temporary moderate impacts to the local aesthetics and visual quality of the Oregon Avenue corridor during

construction. The Preferred Alternative would result in minor long-term impacts by altering the setting of the corridor with the addition of a sidewalk, curbs and gutters, and a retaining wall in some places, creating a more urban atmosphere. The impacts to socio-economic resources do not meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ.

***Transportation – Roadway Network and Traffic:*** During reconstruction of the road and stormwater management infrastructure under the Preferred Alternative, short-term, temporary impacts would occur on the local streets due to truck traffic generated by construction activities. DDOT would prepare a maintenance of traffic plan that would identify routes to be used by the contractor to minimize traffic impacts and disruption to residential areas and parkland. Due to the limited right of way and narrow roadway, portions of Oregon Avenue may have to be closed to all but local and emergency vehicle traffic during construction. The impacts to transportation resources do not meet the CEQ criteria for either context or intensity; therefore, these impacts do not rise to a level of “significance” as defined by CEQ.

## **MITIGATION MEASURES**

The following mitigation measures would be implemented to mitigate or minimize impacts of the Preferred Alternative and options:

- Use Context Sensitive Design principles to ensure that the treatment of sidewalks fits with the context of the project area.
- Use of Context Sensitive Design principles to ensure that the treatment of retaining/coping walls fits with the context of the project area. During the design phase DDOT will evaluate opportunities to reduce the size and lengths of retaining walls wherever possible.
- Treatment and re-vegetation of front yards within DDOT right-of-way that are disturbed during construction.
- Grass strip/tree buffer area between the travelway and sidewalk as described in the Preferred Alternative.
- Continued coordination with the community during design and construction.
- The implementation of context sensitive design principles and erosion and sedimentation best management practices (BMPs) would minimize soil lost as a result of erosion during project construction.
- Measures would be implemented, to the extent practical, to avoid impacts to larger tree specimens both inside and outside of the existing DDOT right-of-way, in particular to avoid removal of mature healthy trees. Such protection may include the installation of tree protection fencing at the outer drip line of trees to be saved, staging construction equipment to avoid damaging trees and their root systems, and avoiding collision of equipment with trees and other vegetation. Landscape plans would be developed in coordination with the NPS and DDOT’s Urban Forestry Administration. The landscape plans may include planting, grading, erosion control, and irrigation systems. Where

possible, landscaping may be utilized to improve storm water management features following the concept and objectives of Low Impact Development (LID). Areas replanted following construction would be monitored to ensure successful establishment.

- The compaction and disturbance of soils within the project area as a result of construction activities would be remediated after completion through soil stabilization methods and re-vegetation.
- DC SHPO will be provided an opportunity to review and comment on the design of the replacement culvert over Pinehurst Branch in order to ensure it is compatible with its setting adjacent to the Rock Creek Park Historic District. The “Arch Culvert” or “Bridge” options appear to be more appropriate for this setting than the “Box Culvert”;
- DC SHPO will also be provided an opportunity to review and comment on any alterations proposed for the stone and concrete outfall south of Bingham Drive if it is determined to be a contributing element of the Rock Creek Park Historic District.
- DDOT shall ensure that the stone boundary monuments that mark the border of Rock Creek Park will not be altered or damaged in any way; and
- In consultation with DC SHPO, DDOT shall conduct a Phase IA archaeological survey including geoarchaeological consultation if the LOD [Limits of Disturbance] to determine if any locations warrant testing for the presence of potentially significant archaeological resources.
- DDOT would prepare a *Maintenance of Traffic Plan* that would identify routes to be used by the contractors to minimize traffic impacts and disruption to residential areas and parkland during construction.

## AGENCY CONSULTATION

As part of the planning process for the Oregon Avenue Rehabilitation EA, DDOT and FHWA conducted agency coordination as detailed in Chapter 5 of the Final EA. Coordination included project scoping, consultation with resource agencies in accordance with Section 7 of the Endangered Species Act of 1973, consultation with the DC HPO in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), and individual meetings with NPS, the cooperating agency.

DDOT and FHWA held several inter-agency meetings throughout the project that included scoping meeting, alternatives meetings and update meetings. These meetings included attendees from NPS, DC Water, District Department of the Environment (DDOE), DC Office of Planning (DCOP), DC SHPO, CFA, and the National Capital Planning Commission (NCPC). Early coordination was also conducted with the U.S. Army Corps of Engineers (COE).

In accordance with Section 7 of the of the Endangered Species Act, the US Fish and Wildlife Service (USFWS) was consulted and has confirmed that no proposed or federally listed endangered or threatened species are known to exist within the project area. Therefore, as



determined by USFWS in the letter dated January 26 2011, no further consultation with USFWS under Section 7 of the Endangered Species Act is required.

The Section 106 process of the National Historic Preservation Act was initiated with the DC SHPO on August 11, 2010. DDOT and FHWA consulted with DC SHPO and other agencies throughout the project. Following the consultation process, DC SHPO concurred with FHWA's determination of "no adverse effect" as included in the letters dated July 15, 2011 and August 17, 2011.

During the course of project planning and NEPA evaluations, DDOT and FHWA conducted a series of regularly scheduled meetings with the NPS and DDOE 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.

Agency letters and comments received in response to circulation of the EA are included in Appendix F of the Final EA, along with responses from DDOT.

## **PUBLIC INVOLVEMENT**

DDOT held two public meetings and a public hearing to help inform as well as solicit input from the general public on the proposed project. In addition to public meetings, DDOT provided a project website that detailed the project history and current activities associated with the proposed Oregon Avenue Rehabilitation Project. This website invited the public to provide comments via e-mail.

A Public Scoping Meeting at the Chevy Chase Community Center, 5601 Connecticut Avenue, NW in Washington, DC was held on October 28, 2010. The purpose of the public meeting was to introduce the project and to provide all interested persons the opportunity to provide comments regarding the project. Forty-four (44) citizens signed-in at the meeting.

DDOT held a Public Meeting at the same location on December 2, 2010. The purpose of this second public meeting was to provide an update on study activities and to afford interested persons an opportunity to provide input towards the development of improvements 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.

Prior to the release of the EA, a notice of availability and notice of public hearing was distributed through a variety of outlets. Following circulation of the May 2011 EA, DDOT held a Public Hearing at the Chevy Chase Community Center on June 29, 2011. The purpose of the public hearing was to provide information and receive comments about the proposed project and the May 2011 EA. Fifty-seven (57) individuals signed-in at the meeting. Both oral (via public testimony) and written statements were taken at the public hearing. A verbatim reporter documented public testimony from twenty-seven (27) meeting attendees. Written comments were submitted by five (5) agencies; eight (8) organizations; and 370 individuals or couples at

the meeting and during the designated comment period. The original 30-day comment period was scheduled to end on July 9, 2011, however, was extended twice based on public requests. As a result, the comment period was extended to over 75 days. Due to these extensions, the formal public comment ended on August 29, 2011. Copies of all public comments received and responses to those comments are contained in Appendices G through I of the Final EA.

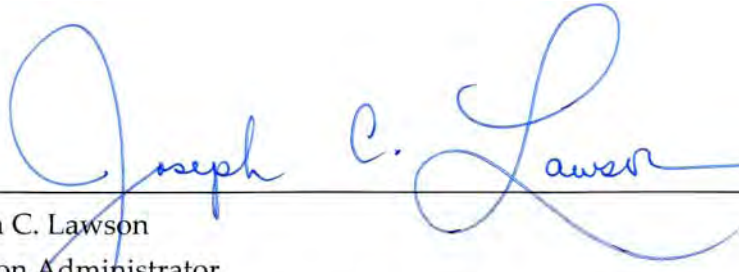
The following is a summary of the written and oral comments by general topic received throughout the formal comment period. For each topic, examples of the types of comments are presented.

- **Project Design** (e.g., do not create an Urban Thoroughfare; do not move, straighten or flatten the road; do not widen the road; maintain current road footprint; do not increase impervious surfaces; bury the overhead utility lines)
- **Stormwater Issues** (e.g., do not construct a drainage swale; address uphill drainage runoff; install curb and gutters; do not install curb and gutters)
- **Traffic Calming** (e.g., reduce the speed of traffic; do not construct speed bumps; add stop signs; do not add stop signs)
- **Pinehurst Run Bridge** (e.g., repair or replace the bridge)
- **Sidewalks** (e.g., provide sidewalks; do not provide sidewalks; do not meander sidewalks around existing trees; construct sidewalks with pervious materials)
- **Bike Lanes** (e.g., provide bike lanes; do not provide bike lanes)
- **Safety** (e.g. provide crosswalks; how to prevent deer/vehicle crashes)
- **Trees** (e.g., do not remove trees; do not remove mature trees;)
- **Retaining Walls** (e.g., do not add retaining walls, minimize retaining walls)
- **Lighting** (e.g., do not upgrade existing lighting; do not change the rural ambience with bright lights)
- **Use of DDOT owned right-of-way** (e.g., provide off street parking along roadway; do not remove vegetation from right-of-way; do not remove portions of driveways in right-of-way)
- **Public Outreach** (e.g., provide additional time for review of the EA; provide an opportunity for public input on road design)
- **Project Disruption** (e.g., re-routing buses during construction will be disruptive to the neighborhood; detours during road construction will be disruptive to the neighborhood)

## CONCLUSION

The FHWA has determined that the Preferred Alternative and options will not have a significant impact on the natural, human or built environment. This Finding of No Significant Impact (FONSI) is based on the findings of the proposed project's Final EA, and comments submitted during preparation of the EA. The Final EA has been evaluated by the FHWA and

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. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

Approved:  **DEC 18 2012**  
Date

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