

## **APPENDIX I**

### **Comments Received after May 18<sup>th</sup> Deadline**

**Walter C. Clarke, City of Alexandria Chamber of Commerce (252)**

**Kathryn Papp (215)**

**Gavin Lutz (259)**

**Troy Creasy, CSX (258)**

**Kurt Flynn (260)**

**Kurt Flynn (261)**



## Appendix I: Comments Received after May 18<sup>th</sup> Deadline

*Walter C. Clarke, Alexandria Chamber of Commerce (252)*

Dear Mayor Euille:

As part of the Alexandria Chamber of Commerce's 2015 Legislative Agenda, the Chamber Board of Directors identified the Potomac Yard Metro as the primary focus item for this legislative term. To briefly review, the Chamber stated the following about the Metro:

"Alexandria's primary opportunity to realize economic development necessary to balance and grow our tax base lies within Potomac Yard Redevelopment of Potomac Yard will create a vibrant mixed use community of residences, hotels and office, retail and open space -- all with significant economic benefit to the City. It will enable the City to compete for existing and future federal and other large commercial users. Their presence in Alexandria will help rebalance our tax base. The Potomac Yard and Potomac Yard North Coordinated Development District plans contemplate and depend upon Metro service. Constructing a new Metro station at Potomac Yard, is critical to successful redevelopment."

The Alexandria Chamber of Commerce continues to be extremely committed to bringing metro to Potomac Yard and has been pleased with the progress the City has made to date. Given the Chamber's previous support, we formally endorse the City's professional staff recommended position of locating the new Potomac Yard Metro at Alternative B as soon as possible.

Robust commercial development of Potomac Yard is critical in order to responsibly meet the debt obligations the City will incur as a result of building the station. The City must maximize the potential for commercial development in this area in order to meet its projected revenue numbers. Recent reports have indicated that a staggering 86% of new commercial development in the Washington, DC region is occurring within ¼ mile of a Metro station. If Alexandria is to make itself competitive for significant future commercial real estate opportunities, building the Potomac Yard Metro and selecting Alternative B is the most logical course of action.

The Chamber would like to also applaud the City for identifying multiple funding sources in order to pay for the Potomac Yard Metro. We would like to endorse the current financing plan that has been proposed and would encourage you to continue to apply this financing strategy to future transportation projects around the City. We feel the common-sense financing strategy that has been developed for the Potomac Yard Metro should be the model for these types of revenue-generating infrastructure investments in the future.

In closing, we would like to congratulate the City for its efforts to date to bring the Potomac Yard Metro to reality. This Metro station, which is an historic investment for Alexandria, will play a vital role in keeping our city competitive for major commercial activity for years to come. We urge you to "build" the City staff recommended site of Alternative B as soon as possible and maintain the current financing strategy to pay for the station.

We would like to thank you for the opportunity to comment on the building of the Potomac Yard Metro and look forward to working with you, the Council and the City Administration on bringing this sought-after project to our city.

Sincerely,

William C. Clarke  
2015 Board Chairman  
Alexandria Chamber of Commerce

John T Long III  
President and CEO  
Alexandria Chamber of Commerce

***Kathryn Papp (215)***

Dear Peter:

I apologize for ducking on the Net Benefit Assessment issue. Here is my thinking, which comes from years of watching "offset" agreements being crafted internationally, mostly by extractive industries. Also, just fyi, my own background is private sector with an MBA in international business. This is augmented by twenty years in environmental issues, including three grants from the National Science Foundation.

What struck me about the Net Benefit Assessment as outlined in the NPS/Dept Int letter from Robert Vogel was the gross inequity between the "payout" to the public sector (NPS, etc) and that to the private sector. The only salient and relevant metric is square footage of land ... 3.8 million square feet for the increased density from Alternative B and 7,000 square feet for NPS. This is the only metric that crosses over and functions as the base measure of any "trade". Without it there would be NO Alternative B.

The 3.88 million square feet will operate for at least 30 years in paying both the developer and the city. It is secured by a number of standard mechanisms that reduce risk of nonpayment and produce fairly predictable revenue streams (for 30+ years) for both the developer/owners and the city (taxes). On the other hand, the 7,000 square feet traded off come with no assurance that "improvements" will be made, but only that \$12 million will be received as a one time payment ... this pales in the face of the payback over a 30 year period for the developer and the city. There is high risk that any real and equitable long term return will not be made. The letter outlines a number of "Plans" will be done for "improvements". This is rather a classic way to delay an uncomfortable or costly payout. Even the mention of height limits etc are subject to the politics of the time ... we all know how stable and predictable that is!

Finally, Daingerfield Island is in a FEMA designated floodplain with a new Executive Order coming out very shortly that will raise the base flood level by 2-3 feet. This makes any "improvement", short of a Dutch style solution, very costly and perhaps even undesirable. We all know the more filtration acres along the Potomac we have the better - for water quality and in the case of Alexandria, for storm water management compliance. So what exactly would "improvements" consist of? Again, it seems the answer is low cost, "no build", naturalization. So Daingerfield Island "improvement" plans seem worth \$12 million ... but only if the island reverts to wetlands. In other words, just take the \$12 million, but only as the least the tradeoff is worth.

It is important to tap into the 30 year payback revenue stream that this tradeoff is making possible - without this tradeoff there would be NO gain of 3.8 million additional square feet of usage (density) for the life of the loan on this project. In other words, the REAL value of the 7,000 square feet of wetlands is the 30 year financial performance of the "bonus" density.

Be happy to talk more,

Kathryn

**Gavin Lutz (259)**

Greetings,

I'm a local resident. I know this is the EIS team but perhaps you can answer the one question I surprisingly can't find the answer to. When is the Potomac Yard Metro Station planned to be completed and operational? 2017? 2018? 2019? Thanks.

- Gavin

**Troy Creasy (258)**

CSXT has reviewed the Potomac Yard Metrorail Station Draft Environmental Impact Statement for the new in-fill station at Potomac Yard. CSXT understands the importance of this project to the neighborhood development, to the City, WMATA, and the greater DC area.

CSXT would like to offer a response to Build Alternative B-CSX Design Option, involving the relocation of the CSXT tracks and right of way (ROW) to the west of their existing alignment, to allow the City and WMATA to utilize the existing CSXT ROW to build the proposed station without affecting the National Park Service which borders WMATA to the east.

Please understand that although there may be a few minor improvements to CSXT property and assets as a part of the outcome of this project, CSXT strongly prefers that Build Alternative B-CSX Design

Option not be chosen. The disruption to Amtrak and VRE passenger operations, and CSXT freight operations for the duration of construction would be significant and expensive, far outweighing any potential benefits.

If Build Alternative B-CSX Design Option is chosen as a possible alternative for the new Potomac Yard Metro Station, CSXT has numerous conditions that must be met. Some of these conditions include the following:

-CSXT shall be reimbursed for all costs associated with this project including:

-Preliminary engineering plan reviews

-All necessary Track and Signal Work

-Construction Engineering and Inspection

-Full time flagman for duration of construction

-Amtrak/VRE Passenger Delays/Penalties

-CSXT acquires new ROW via Fee Simple

-At a minimum, maintain existing ROW width on new section and existing fencing requirements

-All Pedestrian crossings must be grade separated and span the entire new CSXT ROW.

-CSXT must keep the ability to maintain access to its ROW and access roads

Please be advised that the above items are not all inclusive, but a list of initial concerns. As the project progresses there will likely be additional issues that will need to be addressed as part of the normal project review progression.

CSXT looks forward to hearing what option is ultimately chosen and will continue to work with all affected agencies on completing this important project.

***Kurt Flynn (260)***

July 12, 2015

Kurt Flynn

Bob Vogel,  
Regional Director  
National Park Service

Melissa Barlow,  
DEIS Project Manager  
Federal Transit Administration

Dear Mr. Vogel and Ms. Bartlow,

On May 16, 2015 I submitted the attached comments on the Federal Transit Administration and National Park Service's Potomac Yard Metro Station Draft Environmental Impact Statement (DEIS).

While I look forward to your response to the comments, I would like to now take the opportunity to reiterate the need to supplement the DEIS because of the incorrect no action alternative. Specifically, the no action alternative, called the 'no build alternative, is describe as no station would be built. However, there is no doubt that if either or both FTA or NPS took no action, the City would construct the station anyway. This means that the DEIS's description of impacts of the no action alternative is completely wrong and the comparison of impacts between the no action and action alternatives, cited by CEQ as the "heart of the NEPA" is also completely wrong.

This is a serious blow to the NEPA compliance for both agencies and an FTA or NPS ROD based on the existing DEIS would be an arbitrary and capricious action.

Please do not hesitate to contact me if you would like to discuss further.

Sincerely,  
Kurt Flynn

cc:

Peter May, NPS; Tammy Stidham, NPS; Alexcy Romero, NPS

*Kurt Flynn (260)*

See copy of comment starting on following page

May 16, 2015

Kurt Flynn  
Much Concerned Citizen &  
NEPA Practitioner, Retired  
190 Sandpiper Rd  
Midway, GA 31320  
NEPA70@YMAIL.COM

Dear Federal Transit Administration and National Park Service,

The POTOMAC YARD METRORAIL STATION Draft Environmental Impact Statement (DEIS) fails to provide the full disclosure of the environmental consequences of the proposed Federal Transit Administration (FTA) and National Park Service (NPS) actions, as required by the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's (CEQ) NEPA Regulations.

Specific issues, as discussed in detail below include: omission of a proposed action making it impossible to understand how the purpose and need for the project or how the reasonable range of alternatives were developed; an incorrect no action alternative, making it impossible to compare the impacts of the action alternatives, and failure to identify and describe the impacts of the induced development, making it impossible to understand the and cumulative indirect impacts of the proposed action.

These issues are so fundamental to the NEPA that they cannot be addressed by simply modifying the DEIS to produce a Final EIS. Rather, to provide the public with the required opportunity to review and comment on the full disclosure of impacts and to ensure informed decisions by both FTA and NPS decision-makers, FTA and NPS must issue a supplemental DEIS.

Please email if you would like to discuss my comments.

Respectfully,

Kurt Flynn



POTOMAC YARD METRORAIL STATION  
Draft Environmental Impact Statement  
Comments and Questions

**PROPOSED ACTION**

On page 1-1, the DEIS states, “The Federal Transit Administration (FTA), as the lead Federal agency, and the City of Alexandria, as the project sponsor and joint lead agency, in cooperation with the Washington Metropolitan Area Transit Authority (WMATA), and the National Park Service (NPS), prepared this Draft Environmental Impact Statement (EIS), under the National Environmental Policy Act (NEPA), for the proposed Potomac Yard Metrorail Station (or “the project”)..... The project consists of construction of a new Metrorail station and ancillary facilities”. (Underline added)

The above statements make it appear that FTA along with a group of other entities is proposing the same thing, to approve construction of the proposed metro station. These statements are the closest the DEIS comes to describing FTA's proposed action and, the DEIS's reasonable alternatives and analysis of impacts, is based on FTA's approval of proposed construction. However, the DEIS indicates that FTA's proposed action is, to provide partial funding for construction of a metro station. Approving construction and providing funding are two different proposals and the DEIS analysis may differ depending upon which proposal is correct.

1. Please describe FTA's proposed action.
2. If FTA proposes to distribute funds, identify the applicant that has requested funds, the amount of funds requested, the date funds were requested, specific action(s) that are requested for funding, and the status of the requested funding.
3. Please provide a copy of the application submitted for FTA's proposed action.
4. If application for FTA action has not been submitted, please describe why FTA determined the DEIS was necessary.

On page 3-128 the DEIS states, “FTA will make a determination of effect for the project after the preferred alternative is selected by the City of Alexandria”. The City cannot select the preferred alternative. In accordance with CEQ NEPA Regulations, determining the NEPA preferred alternative is a Federal agency responsibility.

5. Please indicate if FTA and NPS would determine the preferred alternative.

On page 3-178, the DEIS indicates the City would need to comply with the Coastal Zone Management Act (CZMA).

6. Please indicate if FTA would be responsible for CZMA compliance and, if so, provide the status of FTA's compliance.

The description of potential NPS proposed actions is scattered in the DEIS, making it difficult to ensure a clear understanding of NPS's proposed actions for the project.

7. Please describe each NPS proposed action for this project, including the status of each action.

Each action alternative, with the exception of B-CSX Design, would have temporary and permanent impacts to jurisdictional wetlands, requiring application to the US Army Corps of Engineers (Corps) for a 404 Clean Water Act permit.

8. Please provide the status of Corp actions for this project and provide notification of public hearings or updates for future CORPs actions for this project.
9. Please describe the Corps' NEPA compliance process for the proposed approval of the 404 permit.
10. Please confirm that Federal approval would not be required for the relocation of the CSX track. If Federal approval would be required, describe the Federal action and describe the planned NEPA for the action.
11. Please describe the Washington Metropolitan Area Transit Authority (WMATA) and describe its role in the proposed project.
12. Please confirm no other Federal agency besides FTA, NPS, and the Corps action will be required to approve this project.

There are at least three potential Federal agencies with project approval authority (FTA, NPS, and the Corps) and there are five DEIS alternatives. It is not clear how the Federal approval process will be conducted. Each agency has its own mission and, it is possible that the same alternative may not be selected by all Federal agencies. NPS has already objected to Alternative B and, the B-CSX alternative was developed in response to NPS objections. The City appears to prefer Alternative B and FTA will likely select Alternative B. The Corps' 404 regulations do not allow approval of a non-water dependent action with wetland impacts, when an alternative with no wetland impacts exists. In this case, that would be B-CSX Design Alternative. In accordance with the regulations, the Corps would have no choice but to select the least environmentally damaging practicable alternative.

13. Please describe the project's planned review and approval process for the various Federal agencies.

On page 1-3 the DEIS states, "The purpose of the project is to improve local and regional transit accessibility to and from the Potomac Yard area adjacent to the U.S.

Route 1 corridor for current and future residents, employees, and businesses". This is a relatively focused purpose that appears to be more of a City purpose than an FTA or NPS purpose.

14. Please indicate if FTA and NPS concur with the DEIS project purpose. If not, provide the FTA and NPS purpose.

Section 2.2 of the DEIS describes the screening process for the development of the reasonable alternatives considered in the DEIS. The process appears to have been conducted by the City and there is no indication a screening process was conducted by FTA or NPS.

15. Please describe if, and if so how, the FTA and NPS participated in the screening process to develop the reasonable alternatives.

16. Page 1-1 of the DEIS mentions the Final Environmental Impact Statement, Metropolitan Washington Regional Rapid Rail Transit System. Please provide a brief description of the proposed action and describe the lead and cooperating Federal agencies for the FEIS.

One of the biggest problems with existing metro stations is the lack of parking or insufficient parking. Therefore it is surprising that additional parking is not included in the action alternatives

17. Please describe why additional parking is not included as part of each action alternative.

According to the DEIS (Chapter 5), FTA provided the City with a \$1 million grants to hire a private contractor to prepare the EIS and according to a subsequent email from FTA, WMATA retained the consultant to prepare the EIS. It is odd that a Federal agency would provide its applicant (at this time there is no documentation the City has applied for FTA action and it is assumed the City is an applicant) with funding to prepare an EIS that the FTA, not the City, is responsible for. It seems like it would have been easier and greater oversight would have been possible if FTA issued used the money to directly retain the contractor.

18. Please describe why FTA did not directly retain the EIS contractor.

Third-party agreements, where the Federal agency and the applicant arrange to hire a private contractor to conduct the NEPA, are not uncommon. There is no concern as long as FTA and NPS independently reviewed, analyzed, and judged that the EIS met the NEPA requirements. CEQ has issued direction regarding third-party EISs that must be documented.

19. Please provide documentation regarding the use of the NEPA contractor and compliance with 40 CFR 1506 and CEQ's 40 Questions (responses to question Nos. 16 and 17).

On page 2-1, the DEIS states, "Throughout the NEPA process, the City of Alexandria has consulted with the Federal Transit Administration (FTA) and the National Park Service (NPS), as well as other relevant Federal and state agencies, in an effort to ensure project compliance".

Just as the City is not responsible for selecting the preferred alternative, the City is not responsible for ensuring NEPA compliance. The City is an applicant for Federal action. As DEIS co-lead, the City plays a large role in assisting FTA and NPS NEPA compliance however, FTA and NPS are the only party's that are responsible for ensuring NEPA compliance.

If the City has, or will request funds, the City has a vested financial interest in securing FTA funding. FTA has the responsibility to consider the City's request and in doing so, to ensure NEPA compliance. This is the line of responsibility that must be clear in the DEIS. And when an applicant is closely involved with the NEPA compliance, there is an additional need beyond the federally-prepared NEPA document, to show the Federal agency is directing the preparation of the DEIS. The DEIS's failure to describe the proposed Federal action, allowing the City to determine the preferred alternative, and the City's coordination to ensure Federal agency NEPA compliance, do not give the impression that NPS and FTA were directly involved with the DEIS preparation or that an independent review and analysis was conducted by FTA and NPS.

There is a concern the DEIS was unduly influenced to include Alternative B as a reasonable alternative. Specifically, it is not hard to understand why the City would want to include Alternative B due to its increased tax base as compared to the other alternatives. However, it appears Alternative B should have been eliminated from consideration and it is not clear why FTA and NPS included it as a reasonable alternative.

Alternative B would impact the George Washington Memorial Parkway and the Greens Scenic Area. NPS, as the manager of both areas, has repeatedly and strongly explained to the City and FTA that the project would not be allowed to impact these resources (Appendix H, letter dated May 1, 2012). Five alternatives were eliminated from further consideration for less reason than NPS objections to Alternative B. As described on page 2-6, these five alternatives were eliminated because they were not consistent with some development or land use plan. It appears inconsistent to eliminate these alternatives and keep Alternative B. NPS objections should have been given greater weight than inconsistency with general plans.

FTA and NPS had a responsibility under NEPA's full disclosure and transparency requirements to describe NPS objections in the DEIS, not just stick the objections found in the outskirts of an appendix. Even if NPS were not a cooperating agency, at a

minimum, in order to satisfy, the DEIS should have discussed the NPS objections. It is extraordinary to include a reasonable alternative that has been denied by the Federal land manager and denied by a cooperating agency, without any notice or discussion of the objections.

20. Please describe why the FTA and NPS included Alternative B as a reasonable alternative, despite NPS objections.
21. Please describe why the DEIS did not discuss NPS's objections.
22. Please describe why NPS's objections to Alternative B were only included in an appendix.
23. Please describe why the DEIS did not include mitigation for the impacts to these areas and provide the required mitigation.
24. Please provide any updates to the NPS objections that have occurred since the DEIS was issued in April 2015, including FTA's efforts to resolve the objections.
25. Please provide all correspondence between NPS, FTA, and the City regarding the use of Alternative B as a reasonable alternative.
26. Please describe NPS's planned NEPA compliance for the proposed project, including whether NPS plans to adopt the FTA EIS.
27. Please provide notification of public hearings or updates regarding future NPS actions.

## **INDIRECT & CUMULATIVE IMPACTS**

CEQ requires an EIS to describe the indirect impacts which include, "... growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate". (40 CFR 1508.8) Indirect impacts are called secondary impacts by the DEIS and are described as "...the project's potential to induce land development and travel demand". (Page 3-194) The DEIS is required to describe the indirect impacts of the alternatives, which would include the impacts from development induced by the alternatives and the DEIS is required to describe the cumulative impacts of the alternatives, which would consist of the incremental impact of the induced development in addition to the impact of the overall development in the area. The DEIS fails to analyze these direct and cumulative impacts.

The DEIS discusses how the population in "...Alexandria is expected to grow by 35 percent over the next 30 years, while the population of the Northern Virginia area as a whole is expected to grow by 41 percent [and] and the Potomac Yard area (City of Alexandria and Arlington County sections) is anticipated to see a 109 percent increase in population and a 138 percent increase in employment by the year 2040. The

population and employment growth within the analysis area are driven primarily by the redevelopment of Potomac Yard". (Page 3-38) The DEIS states, "The construction of a Metrorail station in Build Alternatives A, D, and B-CSX Design Option locations would each allow a total of 9.25 million square feet of development within Potomac Yard. Build [and] Alternative B would allow a total of 13.075 million square feet of development in Potomac Yard. (Page 3-196)

The development is discussed in general terms and although it is clear development is included, there needs to be a description of development that would be induced by the alternatives. The induced development needs to be described in order to understand the indirect impacts.

28. For each action alternative, please describe the development that would be induced and describe how FTA reached this determination.

Development is described in terms of 'millions of square feet' "including office, retail, residential, and hotels" (page 1-3). However, the DEIS does not describe the Area of Potential Impact for the development; how much land would be impacted by development, the resources that would be impacted, or the impacts to the resources.

29. For each action alternative, please describe the environment that would be affected by the induced development, including the size of the area affected and whether it would be located within an already disturbed area.

As shown by Table 3-1, secondary impacts for all the alternatives is the same, consisting of only "Additional traffic and visual effects from new development and the cumulative impacts are the same for the action alternatives consisting of "Cumulative traffic, visual, and floodplain effects from present and future development".

It is difficult to understand how indirect impacts of such a substantial amount of development would only include traffic and visual resources. Table 3-1 includes a list of resources that were analyzed for the station impacts and it appears likely that at least some of these resources would also be impacted by the development. As examples, "Neighborhoods, Utilities, Noise & Vibration, Air Quality, and Increased Impervious Surface" and other resources such as Infrastructure would also likely be impacted by induced development.

30. For each action alternative, please describe the resources that would be affected by the induced development, including the construction of the development, and describe the impacts to the resources.

In regard to the direct impacts from traffic the DEIS states, "The three Build Alternatives and B-CSX Design Option would have no effect on overall intersection LOS in the study area when compared with the No Build condition". (Page 3-17) The DEIS also states, "The three Build Alternatives and B-CSX Design Option would have no adverse effect on any transportation resource, so no mitigation is proposed." (Page 3-19) The DEIS

indicates the alternative would have both indirect and cumulative impacts on traffic. However, the analysis of both types of impacts completely inadequate. On page 3-11, the DEIS states, "traffic that may be generated by potential induced development occurring as a result of a new Metrorail station is discussed in Section 3.23 Secondary and Cumulative Effects". This section describes the secondary traffic impacts, as in vague terms as a minor increase in "peak-period trips" (page 3-196) and the cumulative impacts on traffic "...would be improved mobility and accessibility to accommodate the City's projected growth".

In summary, the DEIS concludes that that the proposed action would not result in adverse direct or indirect impacts on traffic and there would be a beneficial cumulative impact on traffic. This analysis appears to be completely off base.

In the last 30 years the quality of life in the Northern VA and Alexandria area has suffered dramatically due to the rampant and uncontrolled development and the resulting increase in traffic. This is the 'affected traffic environment' that the DEIS needs to describe.

The DEIS describes how development is projected to increase in the near future and the DEIS describes how this proposed action will contribute to the development, further decreasing the quality of life in the area. The increase in traffic may be the most significant adverse impact of the proposed action on the local population and yet, the DEIS describes the net impact as beneficial? This assessment would be more believable if the proposed action was to construct a metro station that would not result in any new development to the area. However, the DEIS is clear that development is an integral part of the proposed action and therefore the impacts from development must be analyzed and described in the DEIS.

The traffic impacts on the quality of life are just the impacts that Congress and the President intended to be addressed when the NEPA became law, "...recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization,...and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.... fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; achieve a balance between population and

resource use which will permit high standards of living and a wide sharing of life's amenities". (National Environmental Policy Act of 1969)

FTA and NPS have a responsibility under the NEPA to describe the affected "traffic" environment and to describe the direct, indirect, and cumulative impacts of the project on traffic.

31. Please describe the affected environment for traffic and provide a meaningful description of the direct, indirect, and cumulative impacts of the project on traffic.

## **NO ACTION ALTERNATIVE**

The DEIS states the no action alternative ("no build alternative") would include the same amount of development as the 3 of the 4 action alternatives. It does not appear correct that development would be the same

32. Please confirm the amount of development that would occur under the no action alternative.

The DEIS does not include development as part of the description of the no action alternative in Chapter 2. On page 2-11, the no action alternative is described as, "...the existing transportation network, plus all of the committed projects within the study area". Table No. 2-1 indicates the no action alternative would consist of transit, roadway, and non-motorized infrastructure improvements, railroad improvements, and bus service.

The DEIS notes that several of the projects described in the no action alternative have been completed or would occur in the action alternatives (Page 3-197). Actions that have been completed or actions that will occur under the action alternatives should not be included as part of the no action. As required by CEQ guidance, the no action alternative must describe the actions that would occur if FTA took no action, not regardless of FTA action. (40 Questions, Response to No. 3) Actions that have already occurred or actions that would occur in the action alternatives should not be included in the no action alternative.

On page 2-11 the DEIS states, "The Draft EIS does not detail the impacts of projects included in the No Build Alternative. However, impacts of the No Build Alternative are considered collectively as part of the secondary and cumulative effects analysis found in Section 3.23". It is not clear what is meant by 'collective impact'. On page 3-192 the DEIS states, "Under the No Build Alternative, there would be no safety and security related impacts from the Potomac Yard Metrorail Station project. However, there could be impacts from the other improvements assumed under this alternative. Identification of these impacts would be the responsibility of the agencies and jurisdictions responsible for implementing the improvements". (Underline added)

CEQ NEPA Regulations are clear that an EIS is required to analyze the environmental impacts of the no action alternative. (40 CFR 1502.14). Not discussing or stating these



impacts are the responsibility of other agencies and jurisdictions is in violation of the Regulations. The impacts of the no action alternative must be afforded the same level of analysis as the impacts of the action alternatives in order to provide a proper baseline. The primary purpose of the no action alternative is to provide the baseline for comparison of the impacts of the action alternatives. The proper description of the no action alternative and its impacts is vital to an EIS's ability to provide the public and agency decision-maker with the required comparison of impacts. Failure to describe the impacts of the no action alternative is a violation of the CEQ Regulations.

33. Please ensure the correct actions are included in description of the no action alternative, including the development.
34. Please describe the environment that would be affected by the no action alternative including the size of the area affected and whether it would be located within an already disturbed area.
35. Please ensure that the direct and indirect impacts of the no action alternative are described and that these impacts are compared to the impacts of the action alternatives, as required by the CEQ NEPA Regulations.

The DEIS calls defines the No Build Alternative as, "The future condition of the study area in the absence of the proposed project". Without a description of the proposed FTA action or without any explanation regarding why the station would not be constructed, it is not possible to judge the no action alternative. However, the DEIS indicates the FTA proposed action is to provide limited partial funding for the project ("Because the project has the potential to utilize Federal funds, FTA is the lead Federal agency for the Project." (Page 1-1)). If the proposed action consists of FTA funding, according to Chapter 5 of the DEIS, FTA funding is not a funding source the City is depending on for the station. Therefore, it appears the City would construct the station if FTA took no action to fund the station.

The DEIS's first sentence lumps FTA in with a group, including the City, that jointly 'propose to construct a station'. This gives the false impression that all parties have the same proposed action. The failure to distinguish FTA's proposed action from the City's 'proposed action' at the start of the DEIS effects the entire DEIS. However, the concern may be most relevant in the description of the no action alternative. The no action alternative is the antithesis of the proposed action. If the FTA (not the City's) proposed action is to approve construction, then the DEIS's existing no action alternative is proper. However, if the proposed action is for FTA to provide partial funds and the City would construct the station if the funds were not approved, then the DEIS's no action alternative and its impacts is not proper as is much of the DEIS.

36. Please describe the basis used by FTA to develop the DEIS'S no action alternative.

37. If no action alternative is based on statements made by the City, please provide copies of documentation from the City that it would not construct the station under no action alternative.

38. Please ensure a proper review of the DEIS no action alternative. If FTA determines the City would construct the station if FTA took no action, please describe the correct no action alternative and its impacts.

If the station would be constructed in the absence of FTA's proposed action, then the no action alternative would meet the project purpose, "... to improve local and regional transit accessibility to and from the Potomac Yard area adjacent to the U.S. Route 1 corridor for current and future residents, employees, and businesses".

39. If the purpose of the project would be met without FTA funding, please describe why FTA would proposed the action to fund the station.

40. If the purpose of the project would be met without FTA funding and Federal taxpayers' assistance would not be required to meet the purpose, please describe why the FTA decision-maker would consider approving the proposed action.

The DEIS does a good job analyzing the impacts of the various station alternatives. However, there are too many unknowns in the DEIS regarding the proposed action, the action alternatives, the no action alternative, and the impacts from induced development. And, in taking considerable personal time to read the many words in the DEIS and gather my thoughts and comments, I am reminded of Chris Cooley's recent review, where RG3's performance was so poor Cooley could not assess the Redskins' offense. Or the Ancient Mariner's lament,

*Water, water, everywhere,  
And all the boards did shrink;  
Water, water, everywhere,  
Nor any drop to drink.*

The unknowns in the DEIS prevent FTA and NPS from meeting the requirement to provide the public with a full disclosure of the impacts of the proposed actions and a supplemental DEIS is required to ensure compliance with NEPA and CEQ NEPA Regulations.

## **APPENDIX J**

### **Other Agency Letters**

**U.S. Department of Interior, Office of the Secretary, Office of Environmental Policy and Compliance, May 14, 2015**

**U.S. Army Corps of Engineers-Norfolk District, Northern Virginia Regulatory Section, May 19, 2015**

(These letters will be addressed in the Final Environmental Impact Statement.)





IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904

May 14, 2015

9043.1  
ER 15/0216

Melissa Barlow  
Federal Transit Administration  
1990 K Street NW, Suite 510  
Washington, DC 20006-1178

Dear Ms. Barlow:

The Department of the Interior (Department) has reviewed the Potomac Yard Metrorail Station Draft Environmental Impact Statement (DEIS) and draft Section 4(f) Evaluation and submits the following comments in accordance with provisions of the National Transportation Act of 1966, as amended 23 U.S.C. 138 and 49 U.S.C. 303, referred to as Section 4(f), and the applicable regulations at 23 C.F.R. 774, and other regulations and guidance.

The Department understands that the Federal Transit Administration (FTA) and the City of Alexandria (COA), in cooperation with the Washington Metropolitan Area Transit Authority (WMATA) and the National Park Service (NPS) has released the DEIS and draft Section 4(f) for the proposed Potomac Yard Metrorail Station. The Project includes a new Metrorail station along the existing Metrorail Blue and Yellow Lines between the Ronald Reagan Washington National Airport Metrorail Station and the Braddock Road Metrorail Station, associated track improvements, and pedestrian bridges at Potomac Yard within Alexandria, Virginia. The NPS is a cooperating agency because of the Project's potential to impact the natural and cultural resources of the George Washington Memorial Parkway (GWMP).

The GWMP was developed as a scenic parkway to help preserve the Potomac River Gorge and shoreline while serving as a memorial to the first president of the United States, George Washington. The first section, called the Mount Vernon Memorial Highway (MVMH), authorized by legislation signed by President Calvin Coolidge on May 23, 1928, was completed in 1932 to commemorate the bicentennial of George Washington's birth on February 22, 1932. The MVMH, was listed on the National Register of Historic Places (NRHP) in 1981 under criterion B for its commemoration of George Washington and under criterion C for landscape architecture. The MVMH was designed and landscaped to maximize scenic, esthetic and commemorative qualities.

As the MVMH was being completed, President Herbert Hoover signed what became known as the Capper-Cramton Act (Public Law 71-284) on May 29, 1930. This Act authorized appropriations for the GWMP, which was "to include the shores of the Potomac, and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side," including the MVMH, and proposed the protection of the northern and southern shores of the Potomac. The

GWMP was designated a National Park Unit in 1933. The GWMP was listed in the NRHP in 1995 under criterion B for its commemoration of George Washington and under criterion C for landscape architecture.

The Greens Scenic Area Easement (GSE) was acquired by the federal government in 2000 and was in keeping with the historic purpose of the GWMP as a presidential memorial and a national park. The GSE area serves to protect the values of the GWMP by preserving the natural vegetation, topography, habitat and features within the area. By providing a visual buffer from the Potomac Greens development, it allows those using the Parkway to enjoy the scenic and aesthetic qualities for which the Parkway is valued. In March 2015, the GSE was determined to be eligible for listing in the NRHP as a parcel of land which contributes to the historic scenic qualities of the MVMH.

As part of this DEIS and draft Section 4(f) screening process, 36 initial alternatives were evaluated and screened to select those that met the Project's purpose and need, were consistent with land use and development plans, and technically feasible. The DEIS and draft Section 4(f) analyzes three build alternatives, one design option, and a no-action alternative.

**Build Alternative A:** This alternative is located along the existing Metrorail tracks between the CSX Transportation (CSXT) railroad tracks and the north end of the Potomac Greens neighborhood, generally with the "Metrorail Reservation." This alternative would provide 24-hour pedestrian/bicycle access between Potomac Yard and Potomac Greens via one of its two pedestrian bridges. Two options for construction access and staging were analyzed: one option was from GWMP, Potomac Greens Drive and the Rail Park, with limited access from Potomac Yard and the other from Potomac Greens Drive and the Rail Park, with limited construction access from Potomac Yard.

**Build Alternative B:** This alternative is located between GWMP and the CSXT railroad tracks north of the Potomac Greens neighborhood, and east of the existing Potomac Yard Shopping Center. Portions of Build Alternative B would be located within the GSE, administered by the NPS. This alternative would provide 24-hour pedestrian/bicycle access between Potomac Yard and Potomac Greens via one of its two pedestrian bridges. Two options for construction access and staging were analyzed: one option was from GWMP, Potomac Greens Drive and the Rail Park, with limited access from Potomac Yard and the other from Potomac Greens Drive and the Rail Park, with limited construction access from Potomac Yard.

**B-CSX Design Option:** This design option is located east of the existing Potomac Yard movie theater on land currently occupied by the CSXT railroad tracks. This design option of Alternative B would require relocation of the CSXT tracks to the west, providing the room necessary for the station and realigned Metrorail track to avoid GWMP property and the GSE. A separate pedestrian/bicycle bridge will provide 24-hour access between Potomac Yard and Potomac Greens. Construction access would be provided from the Rail Park and Potomac Yard.

**Build Alternative D:** This alternative is located west of the CSXT railroad tracks near the existing Potomac Yard Shopping Center. The alternative would require elevated tracks starting north of Four Mile Run, crossing over the CSXT tracks into Potomac Yard, and then crossing over the CSXT tracks again to reconnect to the existing Metrorail line behind Potomac Greens. A separate pedestrian/bicycle bridge will provide 24-hour access between Potomac Yard and Potomac Greens. Construction access would be provided from GWMP, Potomac Greens Drive, the Rail Park and Potomac Yard.

Of the three build alternatives and one design option being considered, none was identified as being a preferred alternative in either the DEIS or draft Section 4(f). On April 27, 2015, the City of Alexandria announced that their staff recommendation for the locally preferred alternative to City Council was Alternative B. The City Council is scheduled to vote on the locally preferred alternative on May 20, 2015, two days after the public comment period closes.

The Department recognizes that there will be impacts to GWMP, the degree of which depends on the alternative selected. Impacts to GWMP include the permanent transfer of NPS lands to WMATA, temporary construction impacts, and impacts that would result in a change in the features and attributes of GWMP. The proposed Build Alternatives B and D would require the permanent transfer of approximately .16 acre and 1.43 acres, respectively, from NPS to WMATA.

In addition, NPS land would be impacted by temporary construction activities that would span approximately two years. Build Alternative A, Option 1 would require .30 acres of land, .25 acre of the GSE and .35 acre of NPS-regulated wetlands. Option 2 would require .13 acre of the GSE and impact .01 acre of NPS-regulated wetlands. Build Alternative B, Option 1 would require .78 acres of land, 3.09 acre of the GSE and 3.68 acre of NPS-regulated wetlands. Option 2 would require .55 acres of land, 3.09 acres of the GSE and impact 3.57 acres of NPS-regulated wetlands. Build Alternative D would require 2.40 acres of land, .02 acre of the GSE and .48 acre of NPS-regulated wetlands. Activities in the affected areas would encompass staging areas, areas for grading and drainage, the resurfacing and reconstruction of the approach roadways, and areas for re-vegetation.

Construction access from GWMP is contemplated under Option 1 for Build Alternatives A and B and are being analyzed because of potential impacts to residential communities should GWMP not be used for access. Commercial vehicles are prohibited from GWMP, with limited exceptions, under NPS Management Policies 2006 (9.2.1.2.1) and Federal Regulations (36 CFR 5.6). Access from GWMP for Build Alternatives A and B would impact two archeological sites if avoidance measures are not possible. Build Alternative D would require construction access from two locations along the GWMP and would impact one archeological site. The Department supports previous statements by the NPS that, based on impact to resources, the NPS would not provide a permit for access from the GWMP for construction purposed.

The Department understands that more information is needed regarding the exact locations of construction staging areas for Build Alternatives A, B and D and expects that more detail regarding construction staging, including avoidance and mitigation strategies, will be included in the Final Environmental Impact Statement (FEIS). The Department expects that every effort will be made to avoid or minimize the use of GWMP and the GSE for construction staging.

Visual resources and archeological resources will be impacted under Build Alternatives A, B and D. The Department agrees with FTA's preliminary determination of an adverse effect for Build Alternatives A and B on viewsheds and the cultural landscape due to the vegetation removal. The Department agrees with FTA's preliminary determination of an adverse effect for construction access Option 1 for Alternatives A and B because of the impact on two archeological resources which may be eligible for listing in the NRHP. The Department agrees with FTA's preliminary determination of an adverse effect for Build Alternative D on viewsheds and the cultural landscape due to the vegetation removal, and because of adverse effect on one archeological resource which may be eligible for listing in the NRHP.

The Department has yet to determine whether it agrees with FTA's preliminary determination of an adverse effect for B-CSX Design Option. The FTA came to this preliminary determination because of the addition of non-historic elements that would impact the views from GWMP/MVMH. However, the need for additional visual analysis to use a single source of renderings was identified in the DEIS and will be completed as part of the Final EIS. Once this additional analysis is added, the Department can determine whether it agrees with the final FTA determination.

A number of Section 4(f) resources administered by the NPS would be affected as a result of the proposal, including GWMP, MVMH, the GSE and three archeological sites. The Department understands that additional information is needed for Section 4(f) Evaluation determination of least overall harm analysis conclusion, and that will be presented in the FEIS. Therefore the Department defers concurrence until such time that adequate information for the analysis of least overall harm has been provided.

The FEIS and the final Section 4(f) should both include more detailed information regarding construction staging and visual analysis, using a single source of renderings. Appendix G in the DEIS does not reflect that the GSE was determined eligible as a contributing property for the NRHP in March 2015 and that should be reflected in the FEIS. In addition, there is a discrepancy in acres of the GSE easement between the DEIS and Appendix G which should be resolved in the FEIS. The Department is hopeful that there will be sufficient information in the FEIS to determine the full impact of this proposal on the GWMP.

Finally, the Department understands that FTA, COA, WMATA, and NPS have collaborated very closely throughout the entirety of this project, and is appreciative of how receptive the agencies have been to the input the NPS has provide in this process. For continued coordination with NPS, please contact Tammy Stidham, Chief of Planning, Compliance & GIS, National Capital Region. Ms. Stidham can be reached by phone at 202-619-7474 or email at [tammy\\_stidham@nps.gov](mailto:tammy_stidham@nps.gov).

The Department appreciates the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lindy Nelson', with a stylized flourish at the end.

Lindy Nelson  
Regional Environmental Officer

cc:

City of Alexandria, 301 King St., Room 2300, Alexandria, VA  
Potomac Yard, Metrorail Station EIS, P.O. Box 16531, Alexandria, VA 22302  
WMATA, 600 Fifth Street, NW, Washington, DC 20001





Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1096

May 19, 2015

Northern Virginia Regulatory Section  
NAO 2012-02012 (Potomac River)

Ms. Melissa Barlow  
Environmental Protection Specialist  
Federal Transit Administration  
1990 K Street NW, Suite 510  
Washington, DC 20006-1178

Ms. Lee Farmer, AICP  
Potomac Yard Projects Manager  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Dear Ms. Barlow and Ms. Farmer:

This letter is in response to recent April 2015 Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the proposed Potomac Yard Metrorail station. The Washington Metropolitan Area Transit Authority (WMATA) is evaluating construction for the Potomac Yard Metrorail station adjacent to Mount Vernon Memorial Highway and George Washington Parkway in Alexandria, Virginia. In accordance with the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) is being prepared with the Federal Transit Administration (FTA) as the lead federal agency to include WMATA and the National Park Service serving as cooperating agencies. Comments are being solicited regarding the scope of the project.

On May 14, 2015, Regena Bronson of the Corps met with Mr. James Ashe to discuss the potential alternative for the proposed Metrorail station. As discussed, our regulations require that we consider a full range of public interest factors and conduct an alternatives analysis in order to identify the least environmentally damaging practicable alternative (LEDPA), which is the only alternative we can authorize. Avoidance and minimization of impacts to aquatic resources will be an important consideration in our evaluation of the alternatives.

In addition, this project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966.

According to 36 CFR 800.2(a)(2):

*“...If more than one Federal agency is involved in an undertaking, some or all [of] the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.”*

Pursuant to the above provision, the FTA (Virginia Division) is hereby designated as the lead federal agency to fulfill the collective Federal responsibilities under Section 106 for the following undertaking, which FTA has determined will have an adverse effect on historic resources:

Mount Vernon Memorial Highway and the George Washington Parkway in Alexandria,  
Virginia

The Corps authorizes FHWA to conduct Section 106 coordination on its behalf. Any Memorandum of Agreement prepared by FHWA under 36 CFR 800.6 should include the following clause in the introductory text:

*“WHEREAS, pursuant to Section 404 of the Clean Water Act, a Department of the Army permit will likely be required from the Corps of Engineers for this project, and the Corps has designated FTA as the lead federal agency to fulfill federal responsibilities under Section 106; and*

In addition, the Corps hereby authorizes FTA to conduct coordination on its behalf for the Potomac Yard Metrorail Station project in accordance with Section 7 of the Endangered Species Act.

Should you have any questions, you may contact Regena Bronson at 540-548-2838 or [regena.d.bronson@usace.army.mil](mailto:regena.d.bronson@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tucker Smith', with a stylized flourish at the end.

Tucker Smith  
Chief, Northern Virginia  
Regulatory Section

Copies Furnished:  
Virginia Department of Historic Resources, Richmond  
National Park Service, McLean