

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Environmental Impact Statement for Proposed Land Acquisition at Washington Navy Yard (WNY), Washington, District of Columbia

AGENCY: Department of the Navy, Department of Defense

ACTION: Record of Decision

SUMMARY: The United States (U.S.) Department of the Navy (Navy), after carefully weighing the strategic, operational, and environmental consequences of the Proposed Action, announces its decision to select and implement Alternative 1A (Preferred Alternative) from the *Final Environmental Impact Statement for Proposed Land Acquisition at Washington Navy Yard, Washington, D.C.* (hereafter, Final EIS). The Navy will exchange certain underutilized properties (approximately 15 acres) within the Washington Navy Yard (WNY) Southeast Corner, via lease and/or transfer, with a private developer to obtain acquisition rights to the approximately 6-acre Southeast Federal Center (SEFC) E Parcels. The General Services Administration (GSA) will then transfer ownership of the SEFC E Parcels to the Navy via a federal-to-federal transfer. The Navy may enter into a lease agreement with a non-federal entity to relocate the existing National Museum of the U.S. Navy to the SEFC E Parcels. The land exchange of the SEFC E Parcels for the WNY Southeast Corner will require relocation of functions from the WNY Southeast Corner to other areas within the WNY. This alternative will also include future development on the WNY Southeast Corner and in-kind considerations, such as upgrades to the Riverwalk and piers, by the private developer. The Navy's action proponent for this proposed action is Naval District Washington (NDW).

The Navy's selected alternative adopts practicable means to avoid or minimize environmental harm. Specific provisions, best management practices (BMPs), and Navy commitments are discussed in this Record of Decision (ROD).

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A. SUPPLEMENTARY INFORMATION:

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code sections 4321 et seq.), Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] Parts 1500–1508), and Navy regulations (32 CFR Part 775), the Navy announces its decision to select Alternative 1A (Preferred Alternative), as described in the Final EIS. This alternative includes the exchange of the SEFC E Parcels for the WNY Southeast Corner, options for the developer to acquire private development on the WNY Southeast Corner, and in-kind considerations by the developer, as well as construction and operation of a relocated Navy Museum on the SEFC E Parcels. The Navy will exchange approximately 15 acres of certain underutilized properties (administrative areas and areas with buildings that are not being used to their full potential) within the WNY Southeast Corner with the private developer to obtain acquisition rights of the approximately 6-acre SEFC E Parcels. GSA will then transfer ownership of the SEFC E Parcels to the Navy via a federal-to-federal transfer. Land exchange of the SEFC E Parcels for the WNY Southeast Corner will require relocation of functions, including missions and tenants, from the WNY Southeast Corner to other areas on the WNY. In the

future, the Navy may enter into a lease agreement with a non-federal entity to relocate the existing National Museum of the U.S. Navy to the SEFC E Parcels.

B. BACKGROUND:

The WNY was established in 1799 and is the Navy's oldest shore establishment. George Washington set aside land along the Anacostia River for use by the federal government. The original boundaries, established in 1800 along 9th and M Streets SE, are still marked by a brick wall built in 1809. Until the 1850s, the WNY was a shipbuilding and repair facility. From the 1850s until 1961, the primary function of the WNY changed to ordnance production. In 1962, the WNY was divided into two sections, with the eastern section (77.9 acres) remaining under control of the Navy (the present WNY). In 1963, the western section (60.5 acres), known then as the Washington Navy Yard Annex, was transferred to GSA and renamed as the SEFC.

GSA originally planned to redevelop the SEFC. In 2000, the Southeast Federal Center Public-Private Development Act (Public Law 106-407) authorized GSA to consider transfer of the SEFC by sale and/or ground lease to a private developer for mixed-use development. Five master plans and associated studies were prepared resulting in GSA conveying 11 acres to U.S. Department of Transportation for construction of a new headquarters (completed in 2007). In 2005, GSA entered into an agreement with the developer for the phased development of the remaining approximately 40 acres. The development agreement ultimately provided for 3.2 million square feet of residential and 2 million square feet of commercial, retail, and cultural space; a 5-acre waterfront park with a promenade along the Anacostia River; and other public amenities. The private development of SEFC E Parcels, as allowed in the SEFC Master Plan, is inconsistent with the overall antiterrorism (AT) posture of the WNY and presents encroachment threats.

Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to improve the overall WNY AT posture (i.e., increase physical security and AT mitigation measures), as well as protect mission-critical activities from visual surveillance and acoustic and electronic eavesdropping of the WNY. The need for the Proposed Action is to protect the WNY from encroachment that will result from proposed private development located adjacent to the northwest perimeter of the WNY.

Alternatives Considered

The Navy evaluated potential alternatives that meet the purpose and need against the following screening factors:

- must improve overall AT posture of the WNY for existing and foreseeable missions and commands
- if a land exchange is contemplated, must be consistent with the terms of the Fiscal Year 2019 National Defense Authorization Act (NDAA), Section 2845
- if a land exchange is contemplated, shall only consider an exchange of the WNY assets that the Navy has determined are underutilized and that are viable for redevelopment, based on feasible access by private entities

Based on review of potential alternatives against the screening factors, the Navy considered the No Action Alternative and two action alternatives that meet the purpose and need for the Proposed Action. The two action alternatives are Alternative 1, Land Acquisition through Land Exchange, and Alternative

2, Direct Land Acquisition. Both action alternatives have the same three sub-alternatives that address reuse of the acquired property. The three sub-alternatives are (A) construct and operate a relocated National Museum of the U.S. Navy, (B) construct and operate Navy administrative facilities, and (C) bring property within the WNY fence line but leave the parcels in their current underdeveloped state. When combined with Alternatives 1 or 2, the sub-alternatives are referred to as Alternatives 1A, 1B, and 1C or Alternatives 2A, 2B, and 2C, respectively.

No Action Alternative, Private Development on the SEFC E Parcels. The Navy does not acquire or reuse the SEFC E Parcels. Instead, the private development on the SEFC E Parcels proceeds as planned. Private development of several multi-story buildings, up to approximately 110 feet in height, on the SEFC E Parcels has already been approved by the local government in accordance with zoning ordinances and was previously scheduled to begin construction as early as 2023. The No Action Alternative does not meet the purpose and need of the Proposed Action. In the EIS, the No Action Alternative acts as a baseline and is used as a comparative tool to evaluate the potential impacts of the action alternatives.

Alternative 1, Land Acquisition through Land Exchange (Preferred Alternative). The Navy obtains acquisition rights of the approximately 6-acre SEFC E Parcels. The Navy will exchange certain underutilized properties within the WNY Southeast Corner, along with other considerations as necessary, with the developer for the acquisition rights to the SEFC E Parcels. GSA transfers ownership of the SEFC E Parcels to the Navy via a federal-to-federal transfer. In exchange for acquisition rights, the Navy leases and/or transfers underutilized assets (approximately 15 acres) at the WNY Southeast Corner to the developer.

Alternative 1 includes the following elements:

- land exchange of SEFC E Parcels for the WNY Southeast Corner
- exchange option for two parcels on Joint Base Anacostia-Bolling (JBAB)
- relocation of functions from the WNY Southeast Corner to other areas on the WNY
- future development on the WNY Southeast Corner by the private developer
- in-kind considerations at the WNY to be provided by the developer
- three different sub-alternatives for the Navy's future use of the SEFC E Parcels referred to as Alternatives 1A, 1B, and 1C

Alternative 2, Direct Land Acquisition. The Navy acquires the rights to the SEFC E Parcels from the developer through purchase or condemnation and receives the SEFC E Parcels from GSA through a federal-to-federal transfer. No WNY property is transferred to the developer, and no missions or tenants are relocated. Alternative 2 includes the following elements:

- direct acquisition of all rights to the SEFC E Parcels and federal-to-federal transfer of the parcels
- three different sub-alternatives for the Navy's future use of the SEFC E Parcels referred to as Alternatives 2A, 2B, and 2C

Sub-alternatives for Both Alternative 1 and Alternative 2. The Navy identified three sub-alternatives for the future use of the SEFC E Parcels, if acquired:

- Sub-alternative A: Reuse of the SEFC E Parcels with Relocated Navy Museum

- Sub-alternative B: Reuse of the SEFC E Parcels with Navy Administrative Development
- Sub-alternative C: No Development on SEFC E Parcels

For the three sub-alternatives listed above, the proposed use of the SEFC E Parcels is the same for both Alternative 1 and Alternative 2. However, the analysis of impacts from each sub-alternative is different for Alternative 1 and Alternative 2, as described below:

- Alternative 1 and sub-alternatives include impacts from Navy reuse of the SEFC E Parcels in addition to private development on the WNY Southeast Corner and upgrades at the WNY provided by the developer as in-kind considerations (associated with land acquisition through land exchange).
- Alternative 2 and sub-alternatives only include impacts from Navy reuse of SEFC E Parcels (associated with direct land acquisition).

Preferred and Selected Alternative. As stated in the Final EIS, the Navy's Preferred Alternative is 1A, which includes all elements described under Alternative 1 above, as well as construction and operation of a relocated National Museum of the U.S. Navy on the SEFC E Parcels. Implementation of Alternative 1A will enable the Navy to improve the AT posture, protect adjacent mission-critical activities from encroachment, and otherwise meet the purpose and need of this action. Alternative 1 meets the requirements of Section 2845 of the 2019 NDAA, which specifically provides for the acquisition of the SEFC E Parcels via exchange of real property that the Navy considers appropriate to protect the interests of the United States. This grants the Navy discretion to leverage the Navy's existing, underutilized property rather than seeking an appropriation to purchase the acquisition rights from the developer.

Additionally, the Navy will acquire 6 acres of land in exchange for lease/transfer of 15 acres of federal land to a developer, which will become developable and taxable when leased, or leased with an option for fee simple transfer. The increase in taxable development will be a benefit to the local community. Alternative 1 also provides an opportunity for in-kind considerations from the developer, such as upgrades to the Riverwalk and piers, which will benefit the Navy and the local community.

Sub-alternative A (Navy Museum) is preferred over the other sub-alternatives because it allows the Navy to meet a long-term need of relocating the existing museum. Construction and operation of the relocated museum will benefit both the Navy and the surrounding community by addressing the limitations of the existing museum (including accessibility for public viewing of artifacts and artwork of significance to the Navy, per 10 United States Code section 8617), providing a location for a new, world-class museum for public enjoyment and bringing potential retail and commercial amenities to the local area.

Environmentally Preferred Alternative. Alternative 2C is the environmentally preferred alternative. This alternative does not include a land exchange or associated future development. As a result, there are only minor environmental impacts associated with the limited construction (e.g., moving the fence line) and maintenance of existing operational conditions. This alternative meets the purpose and need of the proposed action because it would prevent encroachment from private development of the SEFC E Parcels, thereby preserving the AT posture of the WNY in the northwest corner. However, this alternative does not provide an opportunity to relocate the National Museum of the U.S. Navy, nor

would it benefit the local community since the amount of taxable private development would decrease. In addition, this alternative would not include opportunities for upgrades to the Riverwalk and piers.

Alternatives Considered but Not Carried Forward for Detailed Analysis. The following alternatives were considered but not carried forward for detailed analysis in the EIS, as they did not meet the purpose and need for the Proposed Action:

- **Relocate missions and tenants off the WNY.** This alternative involves the relocation of sensitive Navy missions and tenants, located along the northwest perimeter of the WNY and close to the SEFC E Parcels, off of or elsewhere on the WNY. This alternative does not improve the overall AT posture of the WNY, because the commercial development proceeds on the SEFC E Parcels, creating an encroachment threat to the WNY fence line. In addition, any such wholesale relocation of Navy missions and tenants is exorbitantly expensive and could not be accomplished before private development of the SEFC E Parcels introduces the threat of visual surveillance and acoustic and electronic eavesdropping.
- **Acquire an easement on Tingey Street and/or a portion of the SEFC E Parcels.** Acquisition of an easement on Tingey Street alone does not improve the overall AT posture of the WNY nor provide a sufficient buffer between the proposed commercial development and the Navy missions and tenants adjacent to the SEFC E Parcels, to protect against physical threats, visual surveillance, and acoustic and electronic eavesdropping. There is no portion of the SEFC E Parcels less than the whole that satisfies the purpose and need of the Proposed Action; therefore, this is not a reasonable alternative.
- **Exchange only the Navy JBAB parcels for the SEFC E Parcels.** Due to the JBAB parcels' adjacency to certain sensitive missions and tenants on the joint base, there are constraints on the type and extent of development. The uncertainty associated with potential development on the JBAB parcels makes the valuation of the parcels too speculative to expect a successful exchange pursuant to Section 2845 of the 2019 NDAA. Therefore, this alternative is not considered reasonable.
- **Exchange both the WNY Northeast Corner and WNY Southeast Corner for the SEFC E Parcels.** Unlike the WNY Southeast Corner, the Navy has robust plans for additional future use of the WNY Northeast Corner. As such, this alternative does not meet the screening criteria, which states that the Navy can only consider an exchange of underutilized WNY assets. Therefore, this is not a reasonable alternative.
- **Harden buildings.** This alternative is not reasonable because, even with "hardened" buildings, enhanced construction, renovation, and retrofitting of the buildings alone does not improve the overall AT posture of the WNY nor will it remove the threat of visual surveillance and acoustic and electronic eavesdropping to the missions and tenants in the buildings adjacent to the SEFC E Parcels.

Public Involvement

Notice of Intent and Scoping

The Navy published a Notice of Intent to prepare an EIS and to announce public engagement opportunities in the Federal Register on February 18, 2022 (87 *Federal Register* 9328). The Navy invited the public to participate in both the NEPA and the National Historic Preservation Act (NHPA) Section 106

processes. The Navy also notified the public through advertisements published in *The Washington Post* newspaper (February 18, 19, and 20, 2022), on the project website: <https://ndw.cnmc.navy.mil/WNY-Land-Acquisition/1/>, and via a stakeholder letter sent by U.S. Postal Service to 112 recipients (including agencies, non-government organizations, Area Neighborhood Commissions, and adjacent landowners).

The Navy solicited public and agency comments during a scoping period from February 18, 2022, through March 21, 2022. The Navy held virtual scoping meetings on March 8, 2022, from 6:00 p.m. to 8:00 p.m. and on March 9, 2022, from 1:00 p.m. to 3:00 p.m. The Navy received 14 comments. Respondents submitted their comments by U.S. Postal Service, verbally at the virtual public scoping meetings via a court reporter, and by email. The Navy considered comments received during the scoping period, including comments on alternatives, information, and analysis, during preparation of the EIS.

Draft EIS

The Navy prepared a Draft EIS to assess the potential environmental impacts associated with the Proposed Action and to allow the opportunity for public review and comment. The Draft EIS review period began on October 14, 2022, with a notice published in the *Federal Register* (87 *Federal Register* 62399). The Navy also placed ads in *The Washington Post* newspaper on October 14, 15, and 16, 2022, and sent 129 letters to stakeholders via U.S. Postal Service and email. The notice described the Proposed Action, solicited public comments on the Draft EIS and Section 106 of the NHPA, provided dates of the public comment period (October 14, 2022, to December 2, 2022) and of public meetings, and announced that a copy of the EIS was available for review on the project website (<https://ndw.cnmc.navy.mil/WNY-Land-Acquisition/1/>). The Navy held virtual public meetings on November 15, 2022, from 6:00 p.m. to 7:00 p.m. and on November 16, 2022, from 1:00 p.m. to 2:00 p.m. The public meetings included a presentation summarizing the environmental impacts of the Proposed Action and alternatives and an opportunity for the public to provide comments on the Draft EIS analysis and the NHPA Section 106 process. The Navy received a total of 79 individual comments by U.S. Postal Service, email, and virtual public meetings. The Navy considered the comments in preparation of the text of the Final EIS. The substantive comments and responses to those comments are provided in Appendix A of the Final EIS.

Final EIS

The Navy published the Notice of Availability for the Final EIS in the *Federal Register* on August 4, 2023 (88 *Federal Register* 51812). Concurrent with the publication in the *Federal Register*, the Navy uploaded the Final EIS to the project website for public access. The Navy notified the public of the publication of the Final EIS through the project website and advertisements in *The Washington Post* newspaper on August 4, 5, and 6, 2023. The Navy accepted comments by U.S. Postal Service and email during the 30-day wait period from August 4, 2023, through September 5, 2023. The Navy received one letter from the U.S. Environmental Protection Agency (USEPA) during the Final EIS wait period. These comments and the Navy's responses are provided later in this ROD.

Environmental Impacts

The Final EIS addressed the following resource areas: transportation, cultural resources, land use/zoning, hazardous materials and wastes, water resources, noise, air quality, socioeconomics, environmental justice, utilities and infrastructure, and cumulative effects. The following summary of impacts focuses on the selected alternative, Alternative 1A.

The Navy consulted with resource agencies in accordance with applicable statutes, and the results of those consultations are included in the *Agency Consultation and Coordination* section of this ROD. The Navy will implement mitigation measures as described in the *Mitigation Measures* section of this ROD. The Navy also identified potential mitigation measures that could be implemented, pending continuing consultation with District of Columbia (D.C.) Department of Transportation (DDOT) for transportation, Consulting Parties for cultural resources, and Van Ness Elementary for noise.

Transportation. Alternative 1A will not result in significant impacts to traffic based on the Level of Service (LOS) designation. LOS is a professional industry standard used to describe the operating conditions of a roadway segment or intersection. LOS E indicates the nearing of traffic breakdown conditions. LOS F indicates stop-and-go traffic conditions, represents unacceptable congestion and delay, and is considered a significant impact. Minor additional traffic impacts could occur during the morning and afternoon peaks. Notably, the intersection of 11th Street at the Interstate-695 on-ramp is the only intersection within the region of influence that ever reaches LOS E congestion level in the morning peak. This intersection also operates at LOS E under existing conditions. In the other time periods, all intersections operate at LOS D or better. The morning peak is the only time period in which the O Street entry gate (near 11th Street) generates occasional queue spillback to upstream signalized intersections. In the other time periods, the Navy does not anticipate any significant risks to roadways external to WNY as a result of queuing at the O Street Gate.

Cultural resources. The Navy determined that Alternative 1A may have potential effects to archaeological resources. Alternative 1A will have the following adverse effects on historic properties, which are listed in or eligible for listing in the National Register of Historic Places (NRHP): lease, and if the developer so elects, fee simple transfer of federal property out of federal control; physical destruction of all or part of Building 68C, Building 166, Pier 1, and Pier 2; alterations to Buildings 68A–B, 70, and 71 that are not consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties; change of character within the National Historic Landmark (NHL) and Eastern Extension Historic District from industrial and military to commercial and residential; introduction of visual elements in the form of new construction that diminish the integrity of the NHL and Eastern Extension Historic District; and potential impacts to archaeological resources associated with the WNY. Additional adverse effects may result from the ongoing design and implementation of projects associated with Alternative 1A. The full extent of the effects of Alternative 1A on the NHL and Washington Navy Yard Eastern Extension Historic District cannot be determined until plans for future construction on the WNY Southeast Corner are developed. Potential adverse effects will be identified, assessed, and resolved through adherence to the processes and stipulations of the Programmatic Agreement (PA) among the Navy, Advisory Council on Historic Preservation (ACHP), D.C. State Historic Preservation Officer (D.C. SHPO), National Capital Planning Commission (NCPC), and Consulting Parties regarding WNY Land Exchange, E and O Parcels (hereafter, PA). The executed PA, signed in July 2023, will be appended to the lease to the developer. The Navy acknowledges that there may be effects that have yet to be defined and that it will continue to develop and incorporate mitigation measures consistent with the PA and 36 CFR section 800.6.

The Navy consulted with the Delaware Nation and the Delaware Tribe to determine if there are properties of traditional, religious, or cultural significance to any Native American tribes present within the Area of Potential Effects. There was no response from the Delaware Nation. The Delaware Tribe responded that there are no known religious or culturally significant sites within the Area of Potential

Effect. They asked to be notified if any archaeological materials are found during ground disturbance, and the Navy will comply with this request.

Land use/zoning. Alternative 1A will be compatible with the WNY AT posture, the overall planning framework for the WNY, and with existing and planned land uses along the M Street SE corridor. Private development on the WNY Southeast Corner will require zoning changes if the developer converts the lease to a fee simple transfer.

Hazardous materials and wastes. The Navy will follow federal and local regulations for handling and disposing of all hazardous wastes. The environmental remediation requirements that applied to GSA on the SEFC E Parcels will apply to the Navy. The Navy and the USEPA will sign an administrative order on consent to replace the existing administrative order on consent between GSA and USEPA. Beneficial impacts will include remediation of any hazardous materials in Buildings 74 and 202 and removal of contaminated soil.

In the WNY Southeast Corner, the Navy will remain responsible for adherence to long-term management requirements for any contaminated sites that are located within the lease/transfer areas. As a result, Alternative 1A will not pose significant impacts from hazardous materials and wastes.

Water resources. Alternative 1A will not significantly impact water resources with implementation of BMPs and permit conditions, with the exception of flood risks. The existing flood risk will remain; however, flood risks will be reduced with implementation of flood management measures during the design phase.

Noise. Alternative 1A will result in temporary noise impacts at noise-sensitive locations during construction, including pile driving, at the SEFC E Parcels and the WNY Southeast Corner. Upon completion of construction, there will be no permanent noise impacts at the SEFC E Parcels or the WNY Southeast Corner. The Navy will continue to communicate with Van Ness Elementary School and the Area Neighborhood Commissions on construction timing and to identify potential mitigation measures, if needed during construction.

Air quality. Alternative 1A will not significantly impact air quality, with both construction and operation emissions below applicable significance thresholds.

Socioeconomics. Alternative 1A will not significantly impact socioeconomics such as employment, wages, and tax revenue. Beneficial economic impacts will occur from construction and operation of the relocated Navy Museum on the SEFC E Parcels and private development on the WNY Southeast Corner. The Navy will lease the WNY Southeast corner to the developer for a period of time, and the developer may convert the lease to a fee simple land transfer(s) at a future date. Tax revenues on the WNY Southeast Corner collected by Washington, D.C., during the lease period will include taxes on the proposed structures but will not include property taxes on the land. Property taxes on the land will begin once the developer converts the lease to a fee simple transfer.

Environmental justice. Alternative 1A will not result in disproportionately high and adverse impacts on minority and low-income populations or present significant impacts to the health and safety of children.

Utilities and infrastructure. Alternative 1A will not significantly impact infrastructure capacities, with ample capacity available. There will be minor short-term impacts during installation of utility connections.

Agency Consultation and Coordination

The Navy coordinated or consulted with the U.S. Air Force; White House Communications Agency; USEPA; ACHP; National Park Service, National Capital Parks East; D.C. SHPO; DDOT; D.C. Department of Energy and Environment; D.C. Office of Planning; NCPC; U.S. Commission of Fine Arts; GSA; Advisory Neighborhood Commissions; Capitol Hill Restoration Society; Historic Anacostia Preservation Society; Capitol Riverfront Business Improvement District; and D.C. Preservation League.

The Navy's discussions with agencies and public involvement contributed to the development of the action alternatives and helped to identify potential environmental impact avoidance, minimization, and mitigation measures for the Proposed Action.

Section 106 of the National Historic Preservation Act. The Navy conducted the NHPA Section 106 process regarding the potential effects from the selected alternative and entered into a PA in July 2023 with the ACHP, D.C. SHPO, NCPC, and Consulting Parties to resolve the potential for direct and indirect adverse effects on historic properties through adherence to the stipulations therein. The complete and signed PA is attached to the Final EIS in Appendix C. Stipulations of the PA are summarized below under Mitigation Measures, some of which will require the negotiation of additional preservation agreements. For the SEFC E Parcels, the Navy will accept caretaker status of the buildings on the SEFC E Parcels until the time when a development action on the SEFC E Parcels moves forward. The Navy will open consultation with the Consulting Parties to negotiate a separate PA for future development of the SEFC E Parcels.

Mitigation Measures

Mitigation measures that the Navy will and could implement to reduce potential significant impacts to resources are listed below:

Transportation. The Navy and the developer will continue to coordinate with DDOT and other planning agencies to mitigate traffic impacts. The Final EIS included the following mitigation measures that the Navy and the developer may consider.

SEFC E Parcels

For the SEFC E Parcels, encourage museum guests to use alternative modes of transportation by posting and promoting Metro Rail/Metro Bus information on the museum website, provide directions to the museum on the website that avoid the interchange of 11th Street and Interstate 695, discourage vehicle use by charging for museum parking, and fund and install a bike-share station and short-term bicycle racks near the museum.

WNY Southeast Corner

For the WNY Southeast Corner, the Navy will coordinate with the developer and DDOT to improve the geometric design at the O Street Gate. The Navy could explore future actions to reduce average gate service times at the O Street Gate (and possibly at the N Street Gate), such as improved scanning methods for passenger cars, efficiency of truck inspection methods, or other

methods/policies/strategies. The developer will reserve space for a bike-share station near/within the development. Installation of a bike-share station will be coordinated with DDOT as a transportation demand management (TDM) strategy.

Measures to reduce traffic congestion

Other measures to reduce traffic congestion throughout the region of influence could include using dynamic lane channelization at two or three locations within the area to accommodate de-facto turn lane operations more efficiently, subject to DDOT approval (a dynamic message sign can help to implement dynamic lane channelization at intersections); and implementing Navy TDM strategies to reduce peak-hour demands for the WNY, including the SEFC E Parcels. TDM strategies could include promoting other travel modes besides single-occupancy vehicle use, Navy travel subsidies, and providing flexible work schedules and/or allowing increased telework for missions that can support personnel working from alternate locations. The Navy is currently updating its Transportation Management Plan to include proposed projects such as the potential land acquisition. The developer will coordinate TDM strategies with DDOT for the private development.

Cultural Resources. The Navy will adhere to the processes and stipulations contained in the PA, and summarized below. The PA will be appended to the lease with the developer.

General

The Navy will conduct the following:

- Consult with the D.C. SHPO during project planning if ground-disturbing activities are proposed in areas with archaeological sensitivity to determine and conduct the appropriate level of archaeological survey required to identify and evaluate archaeological resources.
- Consult with the Consulting Parties regarding alterations and construction of temporary and permanent fencing, security measures, and utilities.
- Follow the design review process for the built environment as specified in the PA. Conceptual and preliminary plans are to be provided to the Consulting Parties. For buildings in the NHL, pre-final designs will also be provided.
- Apply the Historic Preservation Design Guidelines (Exhibit 8 to the PA) to all future undertakings within the lease and transfer areas.
- If avoidance of adverse effects is not possible, the Consulting Parties will consult to resolve adverse effects and develop a Memorandum of Agreement, as appropriate. The mitigation measures will be commensurate with the nature and severity of the adverse effect, including any cumulative adverse effects that may result from related projects.

Lease Area within the NHL

The Navy will conduct the following:

- Maintain ownership of the land and responsibility for Section 106 consultation in the NHL lease area.
- Conduct caretaker maintenance of Buildings 68, 70, 71, 123, 154 and 241.

- Evaluate Building 241 to determine whether it contributes to the NHL and, if so, include effects on Building 241 in the assessment of effects.
- Prepare Historic Structure Reports for Buildings 68, 70, 71, 123, 154, and 241; Piers 1 and 2; and Structure 308 (Marine Railway).
- Conduct a Cultural Landscape Survey focused on the WNY waterfront.

In addition to the mitigation measures identified above, the PA also includes a list of potential mitigation measures for consideration, as the full range of adverse effects to historic properties is determined through continued consultation. These measures include, but are not limited to: 1) rehabilitate Building 123 as a Marine Railway interpretive center; 2) install interpretive displays within Buildings 68 and 70 highlighting the history of the Model Basin and related topics; 3) install an interpretive path along the waterfront highlighting significant events that took place there; 4) restore one or more physical elements within the NHL lease area; 5) reconstruct a historic feature within the NHL lease area; 6) prepare physical documentation of buildings and/or features within the NHL such as Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey documentation, laser scanning, or 3-D photography; 7) dock a display vessel at the WNY waterfront, preferably one that has a historical connection to the WNY, and install interpretive displays explaining the vessel's significance; and 8) conduct archaeological Phase III data recovery where adverse effects to archaeological resources cannot be avoided.

Eastern Extension Historic District

The Navy will conduct the following:

- Maintain ownership of the land and responsibility for Section 106 consultation in the Eastern Extension Historic District if and until the lease is converted to a fee simple transfer.
- Update the NRHP and D.C. Inventory of Historic Sites documentation for the multiple historic districts on the WNY and nominate the entirety to the NRHP.

The Navy and the developer will conduct the following:

- Continue consultation on the integration of the north wing facades of Building 166 into the new construction. The preliminary submission will include the proposed demolition methods for the Building 166 interior, stabilization of the Building 166 façade, renovation of historic porches, in-kind replacement of significantly deteriorated elements, and reconstruction of any missing elements.

In addition to the mitigation measures identified above, the PA also includes a list of potential mitigation measures for consideration, as the full range of adverse effects to historic properties is determined through continued consultation. These measures include, but are not limited to: 1) incorporate the history and role of the Seamen Gunners' School into the interpretive path along the waterfront and on interpretive signage immediately adjacent to the building, 2) incorporate the history and role of the World War II-era Receiving Station at the WNY into the interpretive path along the waterfront, 3) incorporate the history and role of the WNY Deep Sea Diving School into the interpretive path along the waterfront, 4) restore one or more physical elements within the NHL lease area, 5) reconstruct a historic feature within the NHL lease area, and 6) conduct archaeological Phase III data recovery where adverse effects cannot be avoided.

SEFC E Parcels

The Navy will conduct separate consultation pursuant to Section 106 of the NHPA for design and construction of the relocated Navy Museum or for implementation of the other alternatives on the SEFC E Parcels should development of the relocated Navy Museum not proceed. Prior to implementation of the selected alternative, the Navy will conduct the following:

- Request funds via Navy budgeting process to maintain Building 74, Building 202, and the Navy Yard Boundary Wall in caretaker status.
- Undertake an immediate building stabilization and a long-term maintenance program for Building 74, Building 202, and the Navy Yard Boundary Wall.
- Award a contract to professional structural and civil engineers to conduct additional investigations of Buildings 74 and 202 and the Navy Yard Boundary Wall, and recommend additional repair and stabilization measures. Request funds via Navy budgeting process or through other financial means to implement the recommended repairs.
- Initiate consultation with the Consulting Parties to develop a separate PA in order to implement Alternative 1A that anticipates future development of the SEFC E Parcels.

Responses to Comments Received on the Final EIS

The Navy reviewed and considered all comments that were received during the 30-day public review and wait period following the issuance of the Notice of Availability of the Final EIS. The Navy received one comment letter on the Final EIS from the USEPA via email. The letter stated three main points: 1) the Navy addressed the USEPA's comments on the Draft EIS; 2) the EIS has been updated and improved to address coordination regarding noise and the local community, impacts to historic properties, coordination with tribes, and the use of EJ screen to identify communities with environmental justice concerns; and 3) supports the environmental stewardship goals of the WNY including the continued coordinating with USEPA regarding site remediation and Leadership in Energy and Environmental Design (LEED) through design strategies and best management practices. All of these comments were observations that do not require responses.


C. CONCLUSION:

After careful consideration of the purpose and need for the Proposed Action; the analysis of the reasonably foreseeable environmental effects in the Final EIS; relevant federal and local statutes and regulations; relevant Department of Defense and Navy policies; existing and proposed mitigation measures; and comments received during the NEPA and NHPA Section 106 processes; I have determined Alternative 1A (Preferred Alternative) best meets the needs of the Navy and selected it from the Final EIS for implementation. As presented in the ROD, significant environmental impacts associated with Alternative 1A will be managed and mitigated. The Navy recognizes that additional environmental analysis and NEPA planning may be necessary once all mission and/or tenant relocations are identified and sufficient information is available to assess whether NEPA applies or is otherwise fulfilled.

I certify that the Navy has considered all of the alternatives, information, analyses, and objections submitted by federal agencies, local government, and public commenters for consideration by the Navy in developing the Final EIS.

Implementation of Alternative 1A will enable the Navy to improve the AT posture and protect adjacent mission-critical activities from encroachment and otherwise meet the purpose and need of this action. By applying BMPs and mitigation measures identified in the Final EIS, consultation documents, and in this ROD, the Navy has adopted the practicable means to avoid or minimize environmental harm from the selected alternative.

9/11/23
Date


Meredith Berger
Assistant Secretary of the Navy
(Energy, Installations and Environment)