National Park Service
U.S. Department of the Interior

National Park Service
Anne Arundel County, Maryland

FINDING OF NO SIGNIFICANT IMPACT

MD 198 AT MD 295 (BALTIMORE-WASHINGTON PARKWAY) INTERCHANGE IMPROVEMENTS
NATIONAL CAPITAL PARKS EAST BALTIMORE-WASHINGTON PARKWAY

INTRODUCTION

The Maryland State Highway Administration (SHA) is proposing transportation improvements to the existing interchange of MD 198 and the Baltimore-Washington Parkway (MD 198 Parkway Interchange) as part of the MD 198: MD 295 to MD 32 Project Planning Study (MD 198 Planning Study). The Baltimore-Washington Parkway is owned by the United States of America and under the jurisdiction of the National Park Service (NPS), National Capital Parks-East. Construction activities tied to the proposed MD 198 Parkway Interchange improvements will require temporary occupancy of NPS lands through issuance of a Special Use Permit and easement. The project area is located in northwestern Anne Arundel County, Maryland, almost midway between Baltimore City and Washington, D.C.

The purpose of the actions SHA is pursuing at the MD 198 Parkway Interchange is to facilitate transportation improvements at the intersection of MD 198 and MD 295. The NPS purpose of the proposed action is to respond to the applicant's expressed need to increase roadway capacity. This action will increase roadway capacity to meet existing and projected travel demands on the MD 198 corridor, address safety concerns, and support planned development. The action is needed because the corridor currently experiences traffic congestion, and is projected to increase as more commercial and residential development occurs. MD 198 provides direct access to the Fort George G. Meade Military Reservation (Fort Meade) from MD 32, MD 295 and generally points south and west of the study area. The area around Ft. Meade is one of the fastest growing areas of Anne Arundel County.

In September 2011, the Federal Highway Administration (FHWA) and SHA released the Environmental Assessment (EA) & Draft Section 4(f) Evaluation document for MD 198 Project Planning Study. This document analyzed the environmental consequences for the recommended alternative.

In February 2015, the NPS and the SHA completed a MD 198 NPS EA of the proposed improvements and their associated impacts to the Baltimore-Washington Parkway. This EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), and amended its implementing regulations by the Council on Environmental Quality (CEQ), at 40 CFR 1500-1508, and NPS Director's Order #12, *Conservation Planning,*

Environmental Impact Analysis and Decision- Making, and accompanying Handbook (DO-12). Based on the analysis presented in the NPS EA, the Selected Alternative as described in the text that follows does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS).

SELECTED ALTERNATIVE

The NPS, through coordination with the SHA and the FHWA, and following the opportunity for public comment on the NPS EA, agreed that Alternative 4 Modified is the NPS Selected Alternative for the MD 198 Parkway Interchange project. This alternative was developed to address projected traffic demand for the year 2030. Traffic growth can be attributed to proposed development in the project area including on Fort George Meade and at the Arundel Gateway Property Development on MD 198.

Proposed Improvements

Within the Baltimore-Washington Parkway boundary (NPS property), the NPS Selected Alternative will add improvements to both MD 198 and the southbound entrance/egress ramps to the Baltimore-Washington Parkway. These improvements within the NPS property will enhance access to the Baltimore-Washington Parkway from Fort Meade, and would accommodate future transportation needs in the project area.

In the east-west direction on MD 198, the existing lanes on the bridges over the Baltimore-Washington Parkway will be restriped to include an additional turn lane with a new signal at the southbound entrance ramp to the Parkway. A shared use path will be added on the north side of MD 198, and a sidewalk will be added on the south side of MD 198 on the MD 198 existing bridges over the Baltimore-Washington Parkway.

An additional lane will be added to both ramps serving the southbound Baltimore-Washington Parkway. The existing lanes of these ramps will be resurfaced, and a curb and gutter included. To incorporate these improvements, an approximately 0.71 acres area of the Baltimore-Washington Parkway will be covered with fill soil that is needed to support the additional ramp lanes. The fill soil will return the slope to its previous condition, and will be re-seeded after construction.

The shared use path and sidewalk will be constructed adjacent to MD 198 at the approaches to the bridge, and is considered a permanent impact. The shared use path and sidewalk within the bridge parapets, on the MD 198 bridge will be constructed under a temporary construction easement since it is reusing the width on the existing bridge. The stone facing on the exterior of the bridge parapet exterior will not change. The five-foot-wide sidewalk is 630 feet long (4,000 square feet); the ten-foot-wide shared use path is 691 feet long (6,035 square feet); the ramp widening is 2,400 feet long and varies in width from 1 – 12 feet (16,250 square feet). These improvements will add impervious surface to the Baltimore-Washington Parkway. In addition, there will be 2.3 acres of landscape planting and the potential for up to 0.4 acre of treeline impact (from construction of the sidewalk, shared use path and ramp widening) to the Baltimore-Washington Parkway property.

Collaboration between the SHA and the NPS, to minimize impacts to the Baltimore-Washington Parkway, has resulted in the removal of all environmental site design (ESD) facilities from NPS property to minimize permanent

impacts. The removal of ESD facilities, which treat storm water quality, from within the NPS property resulted in reduced forest buffer impacts and protected the parkway's viewshed. General roadway drainage features necessary to provide a safe driving surface, and that are consistent with existing drainage features already in use within the Baltimore-Washington Parkway, remain as part of the improvements, as they protect the integrity of the roadway and park features susceptible to damage by stormwater runoff. These improvements are not intended to treat roadway stormwater runoff for water quality purposes and are included in the roadway improvements within the existing impact area calculations.

The NPS Selected Alternative, includes all possible plans to minimize harm to the Baltimore-Washington Parkway by limiting the impacts to the Parkway from reconfiguring, and expanding the egress, and entry ramps, their intersection with the mainline, and the addition of a signal, pedestrian sidewalk, and a shared use path along MD 198. The inclusion of plantings within the Parkway will serve as mitigation for the additional impervious surface added to this historical transportation facility.

In accordance with the NPS permit, SHA has permission to access National Park Service property in support of mainline improvements. The ramp widening improvements will be maintained by SHA but the NPS maintains ownership rights for the ramps on the west side of the interchange to and from southbound MD 295. The ramps on the east side of the interchange, to and from northbound MD 295, are not on NPS property.

OTHER ALTERNATIVES CONSIDERED

In addition to the NPS Selected Alternative described above, the NPS EA analyzed a No Build Alternative and a Traffic Systems Management (TSM) alternative.

Alternative 1: No-Build

No major improvements were proposed under the No-Build Alternative. Minor short-term improvements would occur as part of routine maintenance and safety improvements. This alternative did not address the Purpose and Need for the project. However, it served as a baseline for comparing the impacts and benefits associated with the other alternatives.

Alternative 2: Transportation Systems Management (TSM)

This alternative involved the implementation of TSM strategies to optimize the existing transportation system by providing improvements with minimal capital cost. The TSM strategies considered within the NPS Boundary included improvements to the off-ramps from MD 295 to MD 198 within the Baltimore-Washington Parkway to alleviate confusion and increase merge distance.

While components of this alternative could be considered for the short-term, this alternative did not adequately meet the long-term Purpose and Need of the project, as it did not fully address improving the existing capacity and traffic operations. However, these improvements were incorporated into the NPS Selected Alternative.

FHWA/SHA Section 4(f) Evaluation - FHWA and SHA prepared a draft Section 4(f) Evaluation that evaluated the alternatives above as well as additional alternatives, including the No-Build within NPS boundary with Alternative 2 or with Alternative 4 Modified, to avoid or minimize permanent impacts to the Baltimore-Washington Parkway. Based on the alternatives analysis presented in the draft Section 4(f) Evaluation and a *de minimis* request, the NPS determined that the impact to the Baltimore-Washington Parkway was minor or *de minimis*. A Final Section 4(f) evaluation to document that there is no feasible and prudent avoidance alternative to the proposed use of the Baltimore-Washington Parkway, and that the NPS Selected Alternative is the alternative that causes the least overall harm to the Section 4(f) resources is no longer needed.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The NPS is required to identify the environmentally preferable alternative in its NEPA document for public review and comment. The NPS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM4.10) and the Council on Environmental Quality's (CEQ) *NEPA 's Forty Most Asked Questions,* defines the environmentally preferable alternative as the one that "causes the least damage to biological and physical environment." It is the alternative "which best protects, preserves, and enhances historic, cultural and natural resources" (Q6a).

The No-Build Alternative is the environmentally preferable alternative, as it would have minimal environmental impacts and there would be no impacts to soils, trees, vegetation and cultural resources. However, this alternative would not improve through roadway capacity and/or traffic operations, or increase vehicular and pedestrian safety along MD 198. The No-Build Alternative would contribute to a failing level of service as the projected volume increases caused further congestion on MD 198. Implementation of any action alternative would improve traffic conditions in the project area; however the impacts to soils, vegetation, and cultural resources within in the project area would far exceed those impacts that would occur under no action.

MITIGATION MEASURES OF THE ACTION ALTERNATIVE

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources, and the quality of the visitor experience, protective measures would be implemented as part of the NPS Selected Alternative action alternative. The following engineering refinements were investigated as methods to minimize impacts to the Baltimore-Washington Parkway:

- Narrowing the width of shoulder and lane width on the ramps
- Classification of construction special use permit as a temporary impact
- Exclusion of Stormwater Management (SWM) and Environmental Site Design (ESD) treatment facilities within Park property

The initial improvements to the ramps for Alternative 4 Modified were designed to have 12-foot travel lanes, 8- foot outside shoulders, and 4-foot inside shoulders. Impacts to the Baltimore-Washington Parkway were

minimized by reducing the travel lanes to 11 feet, eliminating shoulders, and providing a closed section with curb, and gutter.

Initial estimates of impacts to the Parkway were recalculated to assign all work completed under a construction special use permit as temporary impacts. This assignment fits the parkland protections in Section 4(f) of the Department of Transportation Act (23 CFR Part 774).

In addition, SWM/ESD facilities initially proposed within the boundary of the Baltimore-Washington Parkway under Alternative 4 Modified were relocated outside park property. Since the project has a deficit for the treatment of stormwater runoff from the addition of new lanes, removing the SWM/ESD facilities within the Parkway will require a waiver from the Maryland Department of the Environment (MDE).

No permanent acquisition of NPS property will be required by SHA. A Special Use Permit will be obtained from NPS to allow construction of the improvements to include: roadway resurfacing, restriping the existing ramps, resetting the slope, and mitigation.

Impacts from Alternative 4 Modified to the NPS included 0.9 acre of permanent impacts, 5.3 acres of temporary impacts, and 2.3 acres of landscaping with native plants, offered as mitigation, and up to 0.4 acre of direct treeline impact.

The final design process will take several years to complete before construction funds are allocated and ground breaking occurs. However, during the construction period, SHA will follow all applicable federal and state regulations to minimize adverse effects to the Baltimore-Washington Parkway including:

Soils

- Adherence to an erosion and sediment control plans completed in accordance with the MDE's *2011 Standards and Specifications for Soil Erosion and Sediment Control*, including stabilization of all exposed soil or fill material at the earliest practicable date.
- Proper application of Best Management Practices (BMPs) such as seeding, sodding, and stabilizing slopes as soon as possible, stabilizing ditches at the tops of cuts and at the bottoms of fill slopes before excavation, creating embankments, and using silt fences.
- Placement of excavated material on an upland site.

Vegetation/Wildlife Habitat

- Marking the vegetation clearing limits on construction documents and in the field to minimize the alteration of vegetation and wildlife habitat.
- Minimization of tree removal, whenever possible.
- Incorporation of native tree planting.
- Replacement of .4 acres of trees at a 1:1 ratio, with SHA responsible for their viability for three years. The landscaping plan, to restore affected areas, will be approved by NPS and the Maryland Historic Trust (MHT).
- Tree clearing/cutting (up to 0.4 acre of impact) construction activities limited to fall and winter months.
- Prior to construction, during design review, NPS will determine whether the Section 7 consultation is still valid or needs to be updated based on either new species listings or design changes. Additional consultation with USFWS and/or MDNR will be done as required.

Visitor Use and Experience

- Avoidance of construction during peak visitor use periods (i.e., weekday rush hour).

Transportation

- Development of a safety plan (for workers, park personnel, and park visitors) prior to the initiation of construction.
- Placement of construction fencing at the intersections of the construction area to discourage visitors from entering a construction site.
- A Maintenance of Traffic (MOT) Plan (traffic patterns, signing, etc.) prior to construction is being developed to maintain traffic and minimize impacts to commuters.

Cultural Resources

- If during construction, archeological resources are discovered, all work in the immediate vicinity of the discovery would be halted until the resources can be identified and documented and an appropriate mitigation strategy developed. Consultation with NPS, and/or the NPS Regional Archeologist, and if necessary, with the Maryland Historic Preservation Officer, would be coordinated to ensure that the protection of resources is addressed. In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001) would be followed.
- This protocol is specifically designed for circumstances where human remains are encountered in the project Area of Potential Effect (APE):
- The Contractor will immediately notify the Resident Engineer of an unanticipated discovery.
- The Resident Engineer will direct a Stop Work order to the Contractor's site foreman to flag or fence off the archeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Resident Engineer has granted clearance.
- The Resident Engineer will indicate the location and date of the discovery on the project plans and will notify SHA.
- SHA will immediately notify the NPS cultural resources staff, the US Park Police (USPP), and the appropriate medical examiner's office.
- Local law enforcement and, if necessary, a representative of the medical examiner's office will inspect the site to determine whether the site constitutes a crime scene.
- If it is declared a criminal matter, cultural resources staff will have no further involvement and the decision to declare it a cleared site for construction will made be made by the appropriate legal authorities.
- If the find is determined not to be a criminal matter, the disinterment/reinternment plan will be will be employed and modified as appropriate for the find(s). The State Historic Preservation Officer (SHPO) and other relevant agencies will review and approve the modified plan prior to implementation.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As documented in the EA, the NPS has determined that Alternative 4 Modified can be implemented without significant adverse effects. As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS: Soils, vegetation/wildlife

habitat, visitor use and experience, water quality, and cultural resources will experience both beneficial, and adverse impacts as a result of implementing the NPS Selected Alternative. However, no significant impacts were identified that will require analysis in an EIS. Impacts to these resources were assessed for both the construction, and operational phases of this project.

Soils The Selected Alternative will add a sidewalk along MD 198 eastbound roadway, a shared use path along MD 198 westbound roadway (not NPS property) and add a lane to the ramps from southbound Baltimore-Washington Parkway. The added lane will be on NPS property, and to incorporate these improvements, approximately 0.71 acre of fill soil will be needed to tie the roadway improvements back into the existing ground.

Implementation of the NPS Selected Alternative will result in short and long term, adverse impacts to soils from the actions associated with the NPS Selected Alternative. A Sediment Erosion and Sediment Control (SE/SC) Plan, BMPs, and an approved landscaping plan will be utilized to ensure the long term stability of soils in the project area.

Vegetation/Wildlife Habitat Permanent impacts vegetation/wildlife habitat would involve the conversion of forested habitat to impervious road and associated infrastructure within the vicinity of the Baltimore-Washington Parkway. The worst case potential impact of 0.4 acre of treeline impact would occur within the Baltimore-Washington Parkway; however, the majority of impacts would occur to the existing forest edge and/or to narrow rows of trees next to the roadway.

The NPS Selected Alternative will result in short term negligible adverse impacts to vegetation. While the Selected Alternative minimizes impacts to woodland habitat along the Baltimore-Washington Parkway boundary from relocation of the ESD facilities and the addition of 2.3 acres of proposed mitigation, there will be long-term, minor, adverse impacts to grassy wildlife habitat within the project area from the proposed facility improvements.

Visitor Use and Experience The implementation of the NPS Selected Alternative will result in short-term minor adverse impacts to visitor use and experience due to construction activities. Following construction, the Selected Alternative will have long-term beneficial impacts to visitor use and experience by improving existing capacity and traffic operations, as well as increasing vehicular, and pedestrian safety along MD 198.

Water Quality No impacts to wetlands or streams would occur within the vicinity of the Baltimore-Washington Parkway. Therefore, impacts to water quality within project area resulting from the implementation of the NPS Selected Alternative will be negligible. Water quality will be protected by proper application of an approved SE/SC Plan and other BMPs.

Cultural Resources The NPS Selected Alternative would require 0.7 acre of permanent impact, 5.3 acres of temporary impact, 0.4 acre of treeline impact and include 2.3 acres of mitigation to the Baltimore – Washington Parkway. However, the Selected Alternative will protect the contributing scenic features of the Baltimore-

Washington Parkway, creating long-term beneficial impacts. Short term adverse impacts will occur from the Selected Alternative, but have no adverse effect under Section 106.

Degree of effect on public health or safety: The NPS Selected Alternative will not result in a potential safety or health hazard to the public. Adding the shared use path and sidewalk on MD 198 over the Baltimore-Washington Parkway will separate these uses from the vehicular traffic, thereby improving safety for users of this portion of the Parkway. Any construction along a roadway will require adequate signage and safety measures to protect the workers, and the traveling public. Transportation improvements will result in increased safety for travelers on MD 198 and the Baltimore-Washington Parkway.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas: Within the vicinity of the Baltimore-Washington Parkway, there are no prime farmlands, Soils of Statewide Importance, wetlands or streams, wild and scenic rivers, ecologically critical areas, or park lands other than the Baltimore-Washington Parkway.

The NPS Selected Alternative will be constructed within and adjacent to the boundaries of the Parkway which was listed on the National Register of Historic Places in May 1991 as a grand entrance to Washington, D.C. The Baltimore-Washington Parkway viewshed will be protected, and minimization techniques suggested by the NPS and MHT were included in the design of the Selected Alternative. Minimization techniques included moving the SWM/ESD facility locations of the Selected Alternative outside the Baltimore-Washington Parkway boundary and NPS and MHT review of the landscaping plan at the southbound ramp. The MHT concurred in November 2009, and again, based on updated information, in September 2014 that the project would have no adverse effect on the Baltimore-Washington Parkway.

Degree to which effects on the quality of the human environment are likely to be highly controversial: No highly controversial effects in terms of scientific uncertainties as a result of the NPS Selected Alternative were identified during the preparation of the EA, or by the public, during the public comment period.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks: No highly uncertain, unique, or unknown risks were identified during preparation of the EA, or through public comment.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: TheNPS Selected Alternative neither establishes a NPS precedent for future actions with significant effects, nor represents a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Implementation of the NPS Selected Alternative will have no significant cumulative impacts. Future actions and projects within the project area that could affect soils, visitor use and experience, water quality,

vegetation, wildlife and habitat include the Arundel Gateway Property Development and development within Fort Meade.

Construction activities and development on the sites adjacent to the project area could increase erosion, and permanently reduce, and/or eliminate soil productivity in the areas of development. The implementation of these projects, in combination with the short-term, adverse, and beneficial impacts from the NPS Selected Alternative, could result in long-term minor to moderate adverse cumulative impacts to soil resources.

The Indirect and Cumulative Effects (ICE) analysis for the MD 198 Parkway Interchange concluded that the NPS Selected Alternative is anticipated to only cause minor, indirect, or cumulative effects associated with natural resources, communities and businesses, recreational facilities, and historic structures in the ICE boundary. Future growth within the ICE boundary is anticipated to remain consistent with improvements outlined in the Anne Arundel County General Development Plan (GDP), the Jessup/Maryland City Small Area Plan, and the Howard County General Plan. Each of the currently planned developments within those documents is projected to occur, regardless of the MD 198 Project Planning Study improvements.

Direct impacts from the MD 198 Parkway Interchange may impact surface water, forest/terrestrial habitat, and recreational and historic structures. Development is expected to be concentrated primarily in residential, commercial, and industrial zoned areas, which will decrease the amount of impacts to environmentally sensitive resources outside the Baltimore-Washington Parkway. While the NPS Selected Alternative could contribute to adverse, cumulative effects to environmental features, the planned development, and population could potentially increase business, and result in beneficial cumulative effects to socioeconomic resources. Cumulative effects on historic sites and structures are expected to be minimal as a result of the appropriate application of established state, and federal regulatory procedures for resource identification, consultation, avoidance, minimization, and mitigation. In addition, established regulations, and continued consultation with the appropriate regulatory agencies would lessen the total impacts to resources.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: The Baltimore-Washington Parkway is a 29-mile scenic artery within the park and parkway system of the nation's capital, that extends from Baltimore to the eastern boundary of the District of Columbia. The NPS manages a 19-mile section of the Baltimore-Washington Parkway between MD 175, and the formal entrance to the District of Columbia. The Baltimore-Washington Parkway is listed as a historic district on the National Register of Historic Places. The NPS Selected Alternative would require 0.7 acre of permanent impact and 5.3 acres of temporary impact and 0.4 acre of treeline impact. In addition, 2.3 acres of mitigation would be included within the Baltimore – Washington Parkway boundary. There will be no adverse effects under Section 106 to the Baltimore-Washington Parkway.

Compliance with the National Historic Preservation Act of 1966 began when SHA initiated Section 106 Consultation with the MHT regarding the purpose and need on October 16, 2007. MHT concurred that none of

the build alternatives would have an adverse effect on historic properties on November 4, 2009, and concurred again on April 4, 2011 that impacts from Alterative 4 Modified would have no adverse effect on the Baltimore-Washington Parkway conditioned upon the implementation of an approved landscaping plan. MHT concurred that Alternative 4 Modified, with said landscaping plan, would have no adverse effect on the Parkway twice more in 2014: on May 8, due to the reduced forest buffer impacts, and on October 9, due to the removal of the ESDs and enlarged park boundary.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: The NPS Selected Alternative will not adversely affect the viability of endangered or threatened species or critical habitat within the Baltimore-Washington Parkway boundaries.

The Maryland Department of Natural Resources (DNR) Integrated Policy and Review Unit (IPRU) indicated that the white perch (*Morone Americana*), and herring (*Alosa sp.*), spawn in the Little Patuxent River, near the study area. The IPRU also indicated that the state threatened glassy darter (*Etheostoma vitreum*), and American brook lamprey (*Lampetra appendix*), are present where MD 198 crosses the Little Patuxent River. These fish species will be protected by the Use I in-stream work prohibition period (February 15th through June 30th, in any given year).

According to the DNR Wildlife and Heritage Service (WHS), there are records of the following rare, threatened, or endangered species documented downstream of the study area in the Little Patuxent River: Laura's clubtail (*Stylurus laurae*), Taper-tailed darner (*Gomphaeschna antilope*), Sable clubtail (*Gomphus rogersi*), Appalachian snaketail (*Ophiogomphus incurvatus incurvatus*), Southern sprite (*Nehalennia integricolis*), American brook lamprey (*Lampetra appendix*), and Glassy darter (*Etheostoma vitreum*). The WHS indicates that these dragonfly/damselfly and fish species are extremely vulnerable to the effects of siltation during their aquatic larval stages. There is no proposed in-stream work during this project.

The Northern Long-Eared bat, recently listed as a federally threatened species, was not found in the project area. However, since this project will not begin construction until 2018, prior to construction SHA and NPS will consult with USFWS to ensure the Section 7 consultation is still valid. Tree removal for the project will be limited to winter months (November 15th through March 31st) and the existing bridge structure will be inspected prior to construction. Therefore, the NPS Selected Alternative would not result in direct impacts to federally proposed, or listed threatened, or endangered species, or critical habitat.

Whether the action threatens a violation of federal, state, or local environmental protection law: The NPS Selected Alternative does not violate federal, state, or local environmental protection laws.

PUBLIC INVOVLEMENT

An Alternatives Public Workshop was held on June 24, 2008, to present the results of the preliminary planning study to the public. The purpose of the workshop was to provide an opportunity for area residents and community representatives to ask questions, and provide comments on the alternatives, and options

presented. Information for four mainline alternatives, and five MD 198/MD 32 Interchange options (including estimated cost, right-of-way requirements, displacements, number of properties impacted, and an estimation of natural environmental impacts) were also presented. Eighty-seven people attended this workshop, including local residents, community leaders, and county representatives. Most favorable responses supported Alternative 4 for the mainline and Option A for the interchange. Following the Alternatives Public Workshop, the SHA, in coordination with the FHWA, reviewed citizen and agency comments to determine which alternatives would be selected for study in further detail. More information on these workshops, and the corresponding public comment period, including responses to public comments, is available in Appendix B of the MD 198 EA (September 2011).

Following the completion of the MD 198 Project Planning Study EA & Draft Section 4(f) Evaluation (September 2011), the SHA held a Location/Design Public Hearing on November 17, 2011, at Meade Middle School. The purpose of the public hearing was to formally present the Alternatives Retained for Detailed Study, and the results of the detailed engineering, and environmental studies for the project. The hearing provided an opportunity for public participation in the planning, prior to having the Alternative selected. The SHA presented the alternatives under consideration for public comment to 48 attendees. There were no elected officials present at the hearing. The SHA received 14 written comments, two emails, four public testimonials, and two private testimonials through the public comment period, which closed on December 19, 2011.

The SHA received nine comments that identified preference for one of the alternatives analyzed. These preferences were evenly divided between the No-Build Alternative, Alternative 2, and Alternative 4 Modified. Comments on the Options indicated 55 percent of the commenter's' preferred Option A Flyover, 11 percent preferred Option D. No one preferred Option C.

The public expressed concern over current congestion and access at the MD 295/MD 198 Interchange. Although there was a common concern for bicycle and pedestrian safety, the public was divided over whether bicycle and pedestrian facilities should be included in the final design. Commenter's also noted that traffic along MD 32 and MD 295 is worse than traffic along the MD 198 corridor. Some residents were concerned over public access to properties in the study area and demonstrated support for the proposed new traffic signals. SHA also received opposition to the roundabouts and the two-lane roundabouts. Although minor comments were received concerning areas in the vicinity of the Baltimore-Washington Parkway, no specific comments were made regarding impacts to NPS property.

The MD 198 NPS EA was posted for public comment from March 10, 2015 to April 10, 2015 on the SHA project website. Approximately 120 citizens, who had previously expressed an interest in the project, were also notified. No comments were received. The NPS, in coordination with the SHA and the FHWA, considered all testimonial and written comments and determined that Alternative 4 Modified addressed the public's concerns.

CONCLUSION

The NPS has agreed with SHA's selected alternative and will allow the Mainline Alternative 4 Modified to move forward for implementation. In light of the impacts described in the EA and with guidance from NPS *Management Policies 2006*, natural and cultural resources information, professional judgment, and consideration of agency and public comments, the impacts that will result from the Selected Alternative will not impair any NPS property resources and values. The Selected Alternative does not constitute an action that will require the preparation of an EIS. The Selected Alternative will not have a significant effect on the human environment. Long-term, adverse environmental impacts that will occur are negligible to moderate in intensity. There are no significant impacts on soils, water quality, wetlands, vegetation, wildlife and wildlife habitat, cultural resources, aesthetics, land use, human health and safety, and visitor/resident use and experience. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS Selected Alternative will not violate any federal, state, or local environmental protection law. Based on the foregoing understanding, an EIS is not required for this action and thus will not be prepared. This is a finding of no significant impact.

Recommended: _____ March 1, 2016

Superintendent — Date

Approved: _____ 3-22-16

Robert A. Vogel — Date
Regional Director
National Park Service, National Capital Region

NON-IMPAIRMENT DETERMINATION

The determination on non-impairment has been prepared for the NPS Selected Alternative. An impairment determination is not made for visitor use and experience, human health and safety, or neighborhoods because impairment findings relate back to park resources and values. These impact areas are not generally considered to be park resources and values, according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

The NPS uses the *Park Road Standards 1984* to define the purpose of their roadways. The Baltimore-Washington-Parkway is defined as a Class VII Urban Parkway meaning, "these facilities serve high volumes of park and non-park related traffic and are restricted, limited-access facilities in an urban area. This category of roads primarily encompasses the major parkways which serve as gateways to our nations' capital. They serve as attractive, landscaped gateways, and share many of the high-speed, high-volume traffic characteristics of expressways of the state, and federal highway network. Traffic safety must also be considered as well as the protection, and enhancement of landscape, aesthetic, environmental, and cultural characteristics. These parkways are intended to blend high-volume traffic safety with the values of the NPS."

The NPS has determined that the implementation of the Preferred Alternative will not constitute impairment to the resources or values of the Baltimore-Washington Parkway. This conclusion is based on consideration of the thorough analysis of the environmental impacts described in the EA, relevant scientific studies, the opportunity provided to the public for comment, and the professional judgment of the decision-maker, guided by the NPS *Management Policies 2006.* As described in the MD 198 NPS EA, implementation of the NPS Selected Alternative will not result in impairment of park resources or values whose conservation is (1) necessary to fulfill specific purposes identified in the park's establishing legislation, (2) key to the natural or cultural integrity of the park, or to opportunities for enjoyment of the park, or (3) identified in the park's management plan, or other relevant NPS planning documents as being of significance.

While the purpose of the NPS Selected Alternative is to protect both cultural and natural resources of the Baltimore-Washington Parkway from the impacts of future development on adjoining properties, there will be short-term to long-term negligible to minor adverse impacts on some of the park's resources (soils, vegetation/wildlife habitat, water quality, or cultural resources). Adverse impacts will be mitigated to the greatest extent possible and do not reach the standard for impairment for the proposed roadway improvement. Those impacts that cannot be fully mitigated, however, are not key to the overall natural or cultural resources of the park, will not hinder opportunities to enjoy the park. In addition, the NPS Selected Alternative will not adversely affect park resources identified in park management documents as being significant.

Soils

The NPS Selected Alternative will add a sidewalk along MD 198 eastbound roadway, a shared use path along MD 198 westbound roadway, and add a lane to the ramps from southbound MD 295. To incorporate these improvements, approximately 0.71 acre of additional fill soil will be needed to tie back into the existing roadway. The existing topography of the slopes between the ramp lanes and MD 295 will be reset and reseeded after construction.

Construction activities will require the preparation of a SE/SC plan in accordance with MDE's *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.* BMPs will be utilized to minimize soil erosion and an approved landscaping plan will be utilized to ensure the long term stability of soils in the project area.

Although there will be short and long term adverse impacts to soils, the majority of impacted soils were previously altered for the construction of MD 295 and MD 198. The implementation of a SE/EC plan, utilization of BMPs, and re-vegetation to ensure the long-term stability of soils will ensure the long-term

viability of MD 295 to serve as a Class VII Urban Parkway as defined in the NPS *1984 Park Road Standards.* Therefore, the impacts of the NPS Selected Alternative will not constitute impairment to soils.

Vegetation/wildlife habitat

Permanent impacts to forests would involve the conversion of forested habitat to impervious road and associated infrastructure, and forest fragmentation where new roads would bisect existing habitat. However, because the NPS Selected Alternative and the interchange option are generally along the existing alignment, the majority of these impacts would occur to the existing forest edge and/or to narrow rows of trees next to the roadway. Worst-case permanent forest impacts includes the worse case potential impact of 0.4 acre of treeline impact within the Baltimore-Washington Parkway.

The NPS Selected Alternative will temporarily impact wildlife habitat due to construction related disturbances. These disturbances could cause species to relocate to similar suitable habitat in the area. Re-vegetation, in accordance with a landscape plan, will provide for the re-establishment of some species within the project area.

The project would comply with applicable laws and regulations regarding forest impacts. Per Natural Resources Article 5-103, the "Reforestation Law," adopted 1989, amended 1990 and 1991, requires the replacement, on public land, for removed wooded areas or contribution to the State Reforestation Law Fund. These mitigation measures are required on an acre-for-acre (1:1) basis for impacts to one acre or more of forest. SHA will replace the trees impacted on NPS land at a 1:1 ratio with three years of maintenance to ensure survivability.

Although there will be short and long term impacts to vegetation and wildlife habitat, adherence to the Reforestation Law and implementation of a landscape plan will protect and enhance the landscape and aesthetic characteristics of the Baltimore-Washington Parkway within the project area. Reduced forest impacts implemented in the design phase protected the Baltimore-Washington Parkway's viewshed, ensuring the long-term ability of the Parkway to serve as an attractive, landscape gateway Therefore, the impacts of the NPS Selected Alternative will not constitute impairment to vegetation/wildlife habitat.

Water Quality

Impacts to water quality within project area resulting from the implementation of the NPS Selected Alternative will be negligible. Water quality will be protected by proper application of an approved SE/SC Plan and other BMPs. Therefore, the impacts of the NPS Selected Alternative will not constitute impairment to water quality.

Cultural Resources

There is 0.7 acre of permanent impact to the NPS-owned Baltimore-Washington Parkway property associated with construction of the Selected Alternative. Temporary roadway and bridge impacts, including resurfacing existing pavement, restriping the lanes and resetting the slope, would result in the 5.3 acres of temporary impacts, with up to 0.4 acre of tree replacement and 2.3 acre of landscaping within the Baltimore-Washington Parkway boundary.

SHA's coordination with MHT in October 2007 confirmed that the Baltimore-Washington Parkway was eligible for listing in the National Register of Historic Places and that the project would have *no adverse effect* on historic standing structures. The NPS concurred with the determination of no adverse effects to the Baltimore-Washington Parkway in April 2011, with a NPS and MHT approved landscaping plan. Additional coordination was provided to MHT in 2014 regarding changes to the type and location of stormwater facilities for Alternative 4 Modified. In May 2014, and again in September 2014 MHT concurred with the SHA coordination, that this project continued to have no adverse effects to historic properties.

All minimization techniques suggested by the NPS, MHT and USFWS were included in the design of the SHA NPS Selected Alternative. Minimization techniques included moving the SWM/ESD facility locations of Alternative 4 Modified outside the Baltimore-Washington Parkway boundary and including NPS and MHT review of the landscaping plan at the southbound ramp (planting plan will mitigate at a 1:1 ratio with native

species for the viewshed impacts from the additional lane). Landscaping goals are to maintain the overall quantity of vegetation, including screening of adjacent commercial development from the Baltimore-Washington Parkway, and to use native plants. SHA will continue to coordinate with NPS and MHT in the review of the landscaping plans and the MD 198 roadway improvements within the Baltimore-Washington Parkway.

The NPS Selected Alternative will result in a long-term adverse impact to the Baltimore-Washington Parkway; however, the proposed landscaping will negate the effect to the cultural characteristics of the Parkway. Therefore, the impacts of the NPS Selected Alternative will not constitute impairment to cultural resources.