



DC AUDUBON SOCIETY

October 27, 2016

Eric Feldman
Rhodeside & Harwell
510 King Street Suite 300
Alexandria, VA 22314

Re: National China Garden Draft Environmental Assessment

Dear Mr. Feldman-

The Audubon Society of the District of Columbia (DCAS) appreciates the opportunity to comment on this draft Environmental Assessment. DCAS is a non-profit organization promoting the appreciation and conservation of birds and their habitats in the District.

One of DCAS's most visible activities are free monthly (or bi-monthly) bird walks that we offer at sites around the District, attended by as many as 50 birders. The National Arboretum is a frequent destination for these walks, typically twice per year. We also lead additional bird walks upon request, including an Arboretum trip in June 2016 with more than 100 area Girl Scouts.

The National Arboretum is a popular destination for DCAS and for the city's birders because of the diversity of habitat found there. In particular, the Arboretum is known as the best - and only, really - place in the city to find large areas of meadow and unmowed grassland, and the specialty birds that are found in that habitat. DCAS believes that the draft EA does not comply with the requirements of the NEPA, DCAS noting deficiencies related to its analysis of the impacts of the National China Garden on grassland habitat in the District and to the lack of alternatives presented. We do not oppose the Chinese garden project per se, but do oppose the unstudied and unmitigated destruction of meadow habitat currently proposed, and thus support the No Action Alternative.

Grasslands in the District of Columbia

Meadow habitats are disappearing across the United States, and the District of Columbia is no exception. The 2015 Wildlife Action Plan reports that just 254.2 acres of "ruderal upland - old field" habitat remains in this City, characterized in the Action Plan as containing "[h]erbaceous or herb-shrub vegetation resulting from succession following virtually complete removal of native woody cover of an area, primarily on lands cleared for agriculture or pasture."¹ This is compared to more than 4,127 acres of Northeastern Upland Forest, more than 4,124 acres of Urban and Recreational (mowed) Grasslands, and more than 29,629 acres of Urban/Suburban Built landscape.²

¹ DC Wildlife Action Plan Chapter 3 - Habitats, http://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/04%202015%20WildlifeActionPlan%20Ch3%20Habitats.pdf at 53.

² Id. at 44.

Despite its rarity, DC's old field habitat supports a number of bird species - and plants and animals of other kinds - found in no other habitat. A number birds that either nest in meadows or rely on meadows for food are listed as District of Columbia Species of Greatest Conservation Need in the 2015 Wildlife Action Plan. These species include, but are not limited to:

- Grasshopper Sparrow (*Ammodramus savannarum*) - Tier 1
- Bobolink (*Dolichonyx oryzivorus*) - Tier 1
- American Kestrel (*Falco sparverius*) - Tier 1
- Field Sparrow (*Spizella pusilla*) - Tier 1
- Eastern Meadowlark (*Sturnella magna*) - Tier 1

DC Audubon has seen or sought each of these species in the meadows of the National Arboretum. According to the draft EA each of these species have been recorded in the project area, along with at least 35 additional DC Species of Greatest Conservation Need.³

The Draft Environmental Assessment

A. Lack of Consideration of Impacts of Meadow Removal

Despite the rarity and ecological importance of meadow habitat in the District of Columbia, the draft EA for the National China Garden project does not adequately consider the impacts of removing 12 acres of grassland, comprising nearly 5% of all remaining such habitat in the city. The entirety of consideration of the removal of this habitat is contained in one sentence in the EA: "Potential impacts to the existing meadow are acknowledged, and the plan determined that the preservation of other meadow habitat within the Arboretum would offset any adverse impacts resulting from the construction of the National China Garden."⁴ (Note that the EA is relying here on the 2006 Wildlife Action Plan, not the updated 2015 Plan.)

The explanation of these impacts simply does not make sense. The 2006 Wildlife Action Plan could not, as this EA claims, determine that impacts from the National China Garden would be offset, because the National China Garden was not proposed in 2006. No evidence of any "determination" is presented in the EA, and no explanation of "preservation of other meadow habitat within the Arboretum" is given.

Such little consideration given to the permanent destruction of 5% of a rare District habitat is a major flaw in this EA. The document identifies at least 40 DC Species of Greatest Conservation Need found in the project area, but does not provide any explanation of impacts to these species other than an admission that the site is important to pollinators protected by a 2014 Presidential Memorandum.⁵ There is no mention of mitigation in order to protect these threatened species, nor any discussion of how their status of Species of Greatest Conservation Need would be affected.

B. Lack of Consideration for Alternatives

Similarly, there is a lack of consideration for project alternatives that would achieve the project

³ Draft Environmental Assessment at 38.

⁴Id. at 37.

⁵ Id.

purpose while reducing the impacts to meadows. NEPA's implementing regulations require that an alternative analysis must, in part, "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."⁶ Three alternatives are presented in this draft EA: a Large Build, a Small Build, and No Action. Both of the Build alternatives would be constructed on the same meadow with little substantive difference in build area and associated impacts, and no alternatives are considered which would achieve the project purpose but not result in the destruction of meadow. DCAS believes this EA is insufficient without a more thorough examination of other siting possibilities.

Conclusion

The DC Audubon Society is dismayed that, once again, important meadow habitat in this city is being built upon without any effort at mitigation or adequate consideration for the important species that reside there. We believe that there must be options available that do not result in the loss of 5% of an entire habitat within the city, and harm to more than 40 species identified by City Government to be in dire conservation need.

We are happy to meet with project proponents to discuss our concerns, the species at risk, or possible mitigation measures. Until this EA can be revised to comply with the requirements of NEPA, we will continue to support the No Action Alternative.

Thank you for the opportunity to comment. We would be happy to meet and discuss these comments at any time. Please contact us at dcaudubonsociety@gmail.com.

Sincerely,

The DC Audubon Society Conservation and Advocacy Committee:

Sara Fuentes
Nicholas Lund
Joel Merriman
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⁶ 40 CFR 1502.14(a).