

**AMENDMENT NUMBER 01  
TO AGREEMENT  
REGARDING WETLAND MITIGATION  
FOR THE POTOMAC YARD METRORAIL STATION  
Between the  
NATIONAL PARK SERVICE  
And  
THE CITY OF ALEXANDRIA**

**GENERAL:**

This Agreement is modified to change the wetland location where the City of Alexandria will be mitigating wetland impacts from the Potomac Yard Metro Station (PYMS).

During the planning phase of the PYMS, it was determined that the site contains about 4.37 acres of wetlands under the jurisdiction of the NPS. As a result, per DO 77-1, a wetlands statement of findings was prepared, which included a mitigation plan. The mitigation plan determined that the total temporary and permanent impacts would be compensated at no less than a 1:1 ratio at Dyke Marsh, and that the project sponsor for the PYMS, the City of Alexandria, would provide funds for the compensation up to \$1 million per impacted acre (up to \$4.37 million). Exact cost estimates for the restoration were not available at the time. These funds would be held in the NPS Impact Fund Account, which was established by the July 10, 2015, MOA between the National Park Service and The Conservation Fund. The funds were to be paid into this account and administered pursuant to the terms of that MOA, and were meant to go solely towards the restoration at Dyke Marsh.

Since executing the Agreement, design work for phase I of Dyke Marsh project has completed and is currently under construction. Phase II of the project, which included the restoration of the marsh, has not been approved at this time through the permitting process with the Virginia Marine Resources Commission (VMRC). Consultation with the NPS and VMRC continues and the results of such consultation will have a bearing on the final design for any proposed wetlands restoration work at Dyke Marsh. Due to the uncertainty of the phase II, Dyke Marsh is not a suitable site as mitigation for the PYMS project.

Since Dyke Marsh is no longer a suitable site, the NPS will evaluate wetlands within national parks in the National Capital Region and identify a location with similar wetlands types (emergent, forest wetlands) and sufficient acreage to carry out this mitigation. The restoration activities identified in the WRAP includes invasive species control; native plantings; restoration of natural hydrology; and exclusion fencing.

**MODIFICATION:**

1. **ARTICLE I – BACKGROUND AND OBJECTIVES**, is modified to change the following:

~~**REMOVE** - Dyke Marsh Wildlife Preserve (Dyke Marsh) is a large wetland area on the Potomac River south of Alexandria, Virginia, that is part of the GWMP. The marsh is one of the few remaining tidal freshwater marshes on the Potomac River and Congress has declared~~

~~in several pieces of legislation that the marsh is a valuable resource to the region, and should be preserved and restored, particularly in Public Law (P.L.) 93-251 in 1974, and most recently in the Water Resources Development Act of 2007.~~

**CHANGE** - The Preferred Alternative include the partial restoration at Dyke Marsh for permanent impacts and on-site restoration for temporary construction impacts. Temporal mitigation for temporary wetland impacts includes restoration of additional off-site wetlands in Dyke Marsh. Due to NPS's determination that restoration of wetlands at Dyke Marsh is no longer feasible as described above, it has been determined that wetland restoration will need to take place elsewhere in national parks within the National Capital Region to appropriately compensate the wetland impacts from the construction of the PYMS. NPS and the City agree to restoration of wetlands in national parks within the National Capital Region as described herein.

**CHANGE** - To comply with NPS wetlands protection and floodplain management procedures, a Statement of Findings (SOF) was prepared and was published with the Final EIS. Due to changes in the target wetlands, the NPS has prepared a Memo to File that outlines the replacement wetlands and their ~~The SOF proposed mitigation measures that would have~~ long-term beneficial impacts to the ~~Dyke Marsh~~ wetlands in national parks within the National Capital Region via improvements to flood protection, sediment and toxicant retention, nutrient removal, wildlife habitat, recreational value, scientific and educational value, and uniqueness/heritage which are consistent with the existing functions. Temporary impacts to wetland due to construction would be mitigated through on-site restoration of the existing functions and values (flood protection, sediment and toxicant retention, nutrient removal, and wildlife habitat).

**CHANGE** - A ~~total~~ area of approximately up to 4.37 acres of permanent wetland impacts will be compensated off-site at a 1: 1 ratio in ~~Dyke Marsh~~ national parks within the National Capital Region. A total area of 2.92 to 3.25 acres of temporary wetland impacts will be mitigated on-site within the Green Scenic Easement Area at a 1: 1 ratio to restore or reconstruct wetlands to return to as close to pre-construction conditions as possible or better. Compensation for and restoration of wetland areas impacted by the project will be funded by the City of Alexandria (project sponsor).

2. **ARTICLE IV – STATEMENT OF WORK**, is modified to change the following:

**A.1.** - Use the funds provided by COA solely for wetland restoration work on ~~Dyke Marsh~~ national parks within the National Capital Region and shall work with The Conservation Fund to complete the work.

Except as specifically amended herein, all other terms of the Agreement remain in full force and effect and are reaffirmed by the parties.

**SIGNATURES:**

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives.

For the CITY OF ALEXANDRIA:

\_\_\_\_\_  
Mark B. Jinks  
City Manager

\_\_\_\_\_  
Date

Approved as to Form: \_\_\_\_\_  
City Attorney

For the U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION:

\_\_\_\_\_  
Lisa A. Mendelson-Ielmini  
Acting Regional Director

\_\_\_\_\_  
Date