



NATIONAL TRUST
for HISTORIC PRESERVATION®

June 15, 2006

Mr. Kevin Brandt, Superintendent
Chesapeake and Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21742

Re: Comments on Georgetown University Boathouse Environmental Assessment

Dear Mr. Brandt:

The National Trust for Historic Preservation appreciates the opportunity to comment on the National Park Service's Georgetown University Boathouse Environmental Assessment (EA). In addition, the National Trust requests the opportunity to participate as a "consulting party" in the Section 106 review process for the Georgetown University boathouse project, pursuant to 36 C.F.R. § 800.2(c)(5) and 800.3(f)(3).

Although the National Trust does not oppose the construction of a boathouse for Georgetown University's rowing program, we are concerned that the National Park Service (NPS) has failed to comply with the requirements of the National Environmental Policy Act (NEPA) and Sections 106 and 110(f) of the National Historic Preservation Act (NHPA). We believe the boathouse as proposed is far too large and inappropriate in scale for the planned site, and will adversely affect a number of highly significant historic places. Our comments below should be fully analyzed and resolved before the Georgetown boathouse project proceeds further.

Interests of the National Trust. The National Trust was chartered by Congress in 1949 as a private nonprofit organization to "facilitate public participation" in historic preservation, and to further the purposes of federal historic preservation laws. 16 U.S.C. §§ 461, 468. With the strong support of our 265,000 members around the country, including more than 30,500 members in the District of Columbia, Maryland, and Virginia, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. The National Trust has eight regional and field offices around the country, including our Southern Field Office, which is responsive to preservation concerns in the District of Columbia, Maryland, and Virginia.

I. The Proposed Boathouse is Much Larger Than Necessary.

Protecting the Irreplaceable



The boathouse proposed in each alternative does not comport with the purpose and need as defined within the EA. The lack of justification for the overly large boathouse, i.e., one much larger than necessary for a single university rowing team, is significant because a smaller boathouse would satisfy the requirements of the NHPA. These include the duty to minimize harm “to the maximum extent possible” for National Historic Landmarks, under Section 110(f) of the NHPA, as well as the duty to seek ways to “avoid, minimize, and mitigate” adverse impacts to historic properties, under Section 106 of the NHPA. *See* Section III Below.

As proposed, Georgetown’s boathouse would have a total gross area of 33,771 square feet, which NPS and Georgetown argue is necessary to meet the long-term needs of the University’s current and future programs and to “enable the program to successfully compete in National Collegiate Athletic Association (NCAA) rowing events.”¹ EA at 1.3. A 33,771-square-foot boathouse would give Georgetown the largest collegiate boathouse on the east coast. A survey of east coast university boathouse sizes illustrates that Georgetown’s boathouse would not only be the largest, but would dwarf boathouses of some of the most successful and recognized collegiate rowing programs in the United States.² Princeton University is the only boathouse of comparable size with a total area of 33,500 square feet. Although Princeton has one of the largest and most successful rowing programs in the country, it is important to note that the boathouse not only houses Princeton’s numerous rowing teams, but is also used as the training center of the United States National Rowing Team. Georgetown’s argument that it needs a boathouse of this size is not substantiated, considering the size of Princeton’s boathouse, which is able to sustain the U.S. National Rowing Team and one of the top collegiate programs. Georgetown simply does not “need” such a large boathouse.

Georgetown additionally claims that, like most similar crew programs, it needs a rowing tank located within the boathouse. However, of 15 colleges and universities we reviewed, only six have tanks located within or adjacent to their boathouses. Other schools with rowing tanks house them on campus, while a majority of collegiate rowing programs do not have tanks at all. Georgetown’s argument for the tank location is premised on the need to provide “efficiency and flexibility in training . . . and saving time which the crew would otherwise spend moving between multiple facilities during a session.” EA at 1.4. Rowing programs predominantly use tanks in the winter off-season and on rare occasions when extreme water conditions prevent crews from rowing on the water. Contrary to the argument in the EA, Georgetown would actually conserve practice

¹ The EA states that a larger boathouse is needed to allow the program to compete at NCAA rowing events. However, no NCAA competition or rowing event exists for men’s rowing. While women’s rowing is a recognized NCAA sport, men’s rowing is not. *See* www.ncaasports.com.

² We compared data from 15 colleges and universities, including the size of the boathouse, student body population, number of rowers in the program, and other factors. The universities included the following: Boston University, Brown, Cornell, Columbia, Dartmouth, Harvard, MIT, Northeastern, Princeton, Rutgers, Syracuse, University of Pennsylvania, Naval Academy, Wisconsin, and Yale. Data was compiled from school websites, onsite measurements, and architects or builders of record. (See Attachment A.)

time by locating the tanks on campus, because the rowers would avoid the time needed to travel down to the boathouse during the winter training season.

The proposed Georgetown boathouse is much larger than what is necessary to develop and maintain a nationally competitive university rowing program. A much smaller boathouse would fulfill the current and future needs of Georgetown's rowing program, while reducing the adverse effects on nationally significant historic resources.

II. The National Park Service has Failed to Comply with the National Historic Preservation Act.

The purpose of Section 106 of the NHPA is to provide a consultation process to "avoid, minimize, or mitigate" adverse impacts on historic properties. 36 C.F.R. § 800.1. Section 106 places a duty on federal agencies to assess the effect of any "undertaking" on historic properties, and to give the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the project. 16 U.S.C. § 470f; 36 C.F.R. Part 800. Without compliance with Section 106 of the NHPA, NPS approval of a new boathouse would be vulnerable to challenge.

A. The 1997 Memorandum of Agreement is no longer applicable.

NPS cannot rely on the 1997 Memorandum of Agreement (MOA) between the C&O Canal National Historical Park Superintendent, the D.C. State Historic Preservation Officer (SHPO), and the Executive Director of the ACHP for the transfer of land within the C&O Canal National Historical Park to Georgetown University to use as a non-motorized, recreational boathouse. For several reasons, this MOA does not satisfy the requirements of Section 106.

First, the MOA is no longer applicable because the Section 106 regulations have undergone major revisions since 1997. ACHP issued revised Section 106 regulations on December 20, 2000, which became effective on January 11, 2001. 65 Fed. Reg. 77,698 (Dec. 20, 2000). In our view, the nine-year-old MOA does not comport with the current Section 106 regulations.

Second, NPS failed to include the ACHP³ or the Virginia SHPO in the consultation process of the 1997 MOA. The federal agency has an obligation to identify the "appropriate SHPO or SHPOs to be involved in the Section 106 process." 36 C.F.R. § 800.3(c). In 1997, the Virginia SHPO did not sign the MOA, and does not appear to have been involved, even though the boathouse would be clearly visible in Virginia from across the Potomac River.

³ Even though the 1997 MOA is signed by the ACHP, the ACHP did not participate in the consultation process leading to the development of the MOA, and the ACHP was not even notified of the MOA until it was later asked to sign the agreement in October 1998, a full year after the MOA had been signed by the rest of the parties.

Finally, only one of the four alternatives described in the EA included boathouse size specifications that complied with the 1997 MOA conditions. The preferred Alternative C exceeds the restricted footprint size. We agree with the NPS acknowledgement that a “new MOA would be required to comply with NHPA Section 106” if Alternatives A or C are chosen. EA at ES-5. For all of these reasons, we believe the 1997 MOA cannot satisfy the requirements of Section 106 for the proposed boathouse project.

B. The Environmental Assessment does not satisfy the requirements of Section 106.

Pursuant to 36 C.F.R. § 800.8(c), NEPA documentation may only be used for Section 106 purposes only when the agency gives advance notice of its intention to do so both to the SHPO and the ACHP. No such advance notice was provided. Moreover, the Section 106 regulations require that the agency meet specific requirements outlined at 36 C.F.R. § 800.8(c) within the NEPA documentation itself. In this case, the EA fails to meet these requirements, and thus, NPS cannot rely on the EA to satisfy its Section 106 obligations.

First, the NPS failed to identify or invite consulting parties to participate in the Section 106 process pursuant to 36 C.F.R. § 800.3(f), as required by 36 C.F.R. § 800.8(c)(1)(i). As discussed above, the 1997 MOA did not involve all appropriate consulting parties, nor has the NPS identified appropriate consulting parties or asked them to participate in the Section 106 review for the revised boathouse proposal. Thus, NPS’ reliance on the 1997 MOA would be misplaced, especially since only one of the proposed build alternatives conforms to the specifications allowed in the 1997 MOA. EA at ES-5.

Second, the EA fails to assess the effects of the undertaking consistent with the standards and criteria in 36 C.F.R. §§ 800.4 and 800.5, as required by § 800.8(c)(1)(ii). The conclusions in the EA that the proposed boathouse would not adversely affect historic properties are fundamentally inconsistent with the applicable criteria of adverse effect in the Section 106 regulations. *Id.* § 800.5(a).

Third, the NPS has not consulted during the preparation of the EA with the SHPO, consulting parties, or ACHP regarding the effects of the undertaking on historic properties. *Id.* § 800.8(c)(1)(iii). To date, the NEPA process has been completed by NPS without consulting with any of the required parties, including the DC SHPO, Virginia SHPO, ACHP, or numerous other consulting parties with an interest in the possible effects of the proposed project. NPS has not even identified the consulting parties yet. The only consultation completed by NPS preceded the 1997 MOA, which occurred nine years before the EA.

Finally, the NPS has not developed alternatives and ways to “avoid, minimize, or mitigate any adverse effects of the undertaking on historic properties,” “in consultation with the identified consulting parties,” and described them in the EA. *Id.* § 800.8(c)(1)(v). The alternatives discussed in the EA were developed and analyzed without the involvement of consulting parties, and the

alternatives fail to avoid, minimize, or mitigate the adverse effects of the proposed project on historic properties.

C. The NPS has failed to comply with the stringent requirements applicable to National Historic Landmarks.

The NHPA places more stringent management obligations upon federal agencies with respect to historic resources designated as a National Historic Landmark (NHL). Section 110(f) of NHPA requires that prior to the approval of an undertaking that may directly and adversely affect a NHL, a federal agency undertake the necessary planning and actions to minimize harm to a NHL “to the maximum extent possible” and allow the ACHP to comment on the undertaking. 16 U.S.C. § 470h-2(f) (emphasis added). The Georgetown University boathouse will be entirely within the boundaries of a NHL District – the Georgetown Historic District. The boathouse may directly and adversely affect the Georgetown District NHL, which triggers the stringent standards of Section 110(f). In our opinion, NPS has not adequately demonstrated compliance with the obligation to “minimize harm” to the NHL District “to the maximum extent possible.”

III. The Environmental Assessment Does Not Adequately Evaluate Impacts on Historic Properties.

Section 106 requires federal agencies to assess any adverse effects an undertaking may have on historic properties. 36 C.F.R. § 800.5. The Section 106 regulations define adverse effects as when an undertaking would alter “directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” *Id.* § 800.5(a)(1). The EA substantially underestimates and omits significant adverse impacts on historic properties and districts.

Likewise, the EA fails to take a “hard look” at the direct, indirect, and cumulative impacts of each alternative on historic properties, as required by NEPA. 40 C.F.R. § 1502.16. Direct impacts are caused by the action within the same time and place, and indirect impacts are caused by the action, but occur later in time or farther removed in distance, although reasonably foreseeable. *Id.* § 1508.8. Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.” *Id.* § 1508.7.

A. The EA chronically understates and underestimates direct and indirect harm to a wide variety of historic properties.

The EA’s discussion of direct and indirect impacts to historic properties is greatly understated, underestimated, and too vague. The EA generalizes in the executive summary that the three alternatives would not adversely affect the historic setting of the C&O Canal National

Historical Park, would result in only a moderate impact on the Washington Canoe Club (WCC), and would have no impacts on any of the following historic resources: Old Georgetown Historic District, Potomac Gorge, Alexandria Aqueduct Bridge Abutment and Pier, Potomac Boat Club, Key Bridge, Old North, Healy Hall, or the Georgetown University Astronomical Observatory. EA at ES-5.

Specifically, the EA states that the boathouse would have only a “minor impact” on the C&O Canal National Historical Park because the boathouse is consistent with the “existing urban views of Georgetown already present along the canal.” EA at 4.2.1. The EA defines “minor impact” as occurring when the proposed action “is visible or present within the visual context of the resources without interfering with the historic setting of the resources.” *Id.* Construction of a boathouse within a National Historical Park is not only visible from the park, but directly impacts the park by using public park land. NPS incorrectly rationalizes the impacts on the C&O Canal in relation to the “existing urban views of Georgetown,” and the historical use of the land as a place for boathouses. *Id.* We believe the adverse impact on the C&O Canal is grossly underestimated.

Another underestimated adverse impact is the drastic widening of the Capital Crescent Trail (CCT) that would be needed to accommodate access to the boathouse for large vehicles. EA at 4.1.4. The EA includes misleading photographs depicting the new boathouse with the CCT shown at its current and un-widened width. EA at 4.2.2. The increased frequency of vehicle use along the CCT is also greatly underestimated. The EA accounts for only “occasional periods when movement is restricted due to a trailer, or service vehicle, turning into or out of the turnaround area.” EA at 4.1.2. The EA fails to consider the true impact of vehicle use on the CCT. For example, the EA suggests that “occasional periods” of restricted movement and access to the CCT would occur when Georgetown hosts duel races or regattas. However, Georgetown’s rowing team would restrict access to the CCT at least twice a week during both their fall and spring seasons.⁴ Georgetown must load trailers before leaving for out-of-town races, and then unload the trailers after returning from races. If the men’s and women’s teams are competing at different venues, the use of the CCT would increase. The impacts and frequency of the vehicle and trailer use of the CCT is understated. In addition, the EA fails to account for access along the CCT by large catering vehicles for numerous events anticipated to be held by the University in the boathouse.

The EA also underestimates the visual impact on Healy Hall, a National Historic Landmark located on Georgetown’s campus. The EA estimates “there is potential that the proposed boathouse would be visible from the building.” EA at 4.2.1. A more in-depth study is needed, which would account for winter foliage as well as the cumulative loss of vegetation resulting from other projects such as the widening of Canal Road. Unless and until studies show that the boathouse would not be seen from Healy Hall, we believe this would be an adverse visual effect.

⁴ Georgetown’s 2005 fall rowing season ran from September 24th to November 13th, and its 2006 spring season ran from March 18th to June 3rd. See www.guhoyas.com.

The EA similarly understates the adverse visual effect on George Washington (G.W.) Memorial Parkway. The EA acknowledges that the boathouse will be visible from the G.W. Memorial Parkway as part of a “visual environment that includes urban and natural features” and claims the visual contrast against the existing setting will be less than if the boathouse was located in only a natural setting. EA at 4.2.2. We believe the disproportionate size of the boathouse would have an adverse visual impact on the G.W. Memorial Parkway and would not just blend in with the visual environment.

Finally, the EA claims that the “one-for-one” land exchange “would result in no net loss of public open space” since the “size of both land tracts is approximately equal.” EA at 4.1.1. We strongly disagree that there will be “no net loss” of open space. Although the lands being exchanged are similar in size, the land transferred to Georgetown would not be held as open space, but rather, would be used as a boathouse site. Therefore, a net loss of public open space would result from the land exchange.

B. We strongly disagree with the statements in the EA that harm to historic properties will be negligible.

Overall, the EA claims that the boathouse will have only “minor to moderate impacts on historic resources” in the vicinity of the boathouse. EA at 4.2.1. The assessment of impacts on historic resources is flawed because the EA fails to analyze the impacts consistent with the criteria set forth in 36 C.F.R. § 800.5(a)(2), and instead, evaluates the impacts based on the NPS’s own criteria.⁵

Under the ACHP’s Section 106 regulations, “physical destruction of or damage to all or part of the property” is an adverse effect. 36 C.F.R. § 800.5(a)(2)(i). The boathouse will be constructed entirely within the boundaries of three historic districts, the C&O Canal National Historical Park, Old Georgetown Historic District (a National Historical Landmark District), and Potomac Gorge. Taking land for the boathouse is “physical destruction” of the property and should be considered an adverse impact.

Changing the character of a “property’s use or of physical features within the property’s setting that contribute to its historic significance” is also an adverse effect. *Id.* § 800.5(a)(2)(iv). The boathouse would significantly alter the character of all three historic districts in which the boathouse will be located by transforming open space into a disproportionately large boathouse. Further, the setting of the National Register-listed Washington Canoe Club (WCC) would be dramatically impacted by the construction of a much larger adjacent boathouse, which would dominate and loom over the WCC. The WCC would no longer be adjacent to open, public space.

⁵ The EA specifies criteria NPS used to determine the potential impacts on historic resources that would result from the boathouse by defining the following: no impact, minor impact, moderate impact, major impact, and positive impact. NPS makes conclusory statements about the impact to historic properties.

We believe an adverse impact would result from Georgetown's boathouse changing the character of physical features within several historic properties' settings.

Introduction of visual elements that "diminish the integrity of the property's significant historic features is an adverse effect. 36 C.F.R. § 800.5(a)(2)(v). The boathouse would be a highly visible new structure, disproportionate in size, scale, and mass from the adjacent historic structures, and would have an adverse effect on the historic districts, the WCC, the G.W. Memorial Parkway, and other historic resources from which the boathouse is visible.

An adverse effect also stems from the transfer of property out of federal ownership "without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance." 36 C.F.R. § 800.5(a)(2)(vii). The NPS proposes to hold a scenic easement over the land to be transferred to Georgetown "restricting its design and use in perpetuity." EA at 4.1.1. Such an easement, however, would not constitute an "adequate and legally enforceable" restriction as required under the Section 106 regulations, because the construction of the boathouse itself would severely damage the property's historic significance. As a result, an easement could not "ensure long-term preservation of the property's historic significance," as that significance would already have been degraded. 36 C.F.R. § 800.5(a)(2)(vii).

In our view, the proposed boathouse would have an adverse physical effect on the Georgetown Historic District, the C&O Canal National Historical Park, and the Potomac Gorge/Potomac Palisades; and also an adverse visual effect on the Alexandria Aqueduct, the Washington Canoe Club, Key Bridge, the George Washington Memorial Parkway, and Healy Hall, in addition to the three historic districts.

C. The EA Fails to Adequately Assess Cumulative Impacts.

Both NEPA and Section 106 of the NHPA require federal agencies to assess the cumulative impacts, the "reasonably foreseeable effects," an undertaking would have on historic properties. NEPA instructs the federal agency to take a "hard look" at the cumulative impacts, "which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. . . [and] can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. The Section 106 regulations state that adverse effects "may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative." 36 C.F.R. § 800.5(a)(1). Here, the EA fails to consider the cumulative effects of the future construction of the George Washington University (GWU) boathouse, an NPS boathouse, the widening of Canal Road at the entrance to Georgetown, and the cumulative loss of vegetation.

NPS acknowledges the plans for the future construction of boathouses for both GWU and the NPS itself along the Potomac River on sites that were rejected as Georgetown boathouse

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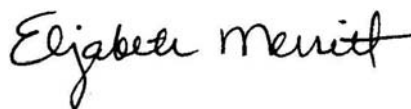
alternatives. GWU plans to build its boathouse at a site south of Key Bridge. EA at 3.1.4. Currently, GWU owns two of three townhouses on the Jack's Boathouse site and plans to exchange the townhouse property for a site where its own boathouse would be located. NPS would then use the Jack's Boathouse site to construct its own boathouse. *Id.* The EA acknowledges the future construction of these boathouses, but fails to address the cumulative impacts they would have together with the proposed Georgetown boathouse, since these boathouses are "still in the planning stages," or because "there is no set time-frame for constructing the boathouse[s]." EA at 3.1.4. NPS is required to address the effects of these boathouses in combination with the Georgetown boathouse because they are reasonably foreseeable future actions that together will have a significant adverse impact on historic resources.

Conclusion

In sum, we appreciate the opportunity to comment on the issues regarding the Georgetown University Boathouse Environmental Assessment. However, consultation and review is clearly needed under Section 106 of the NHPA regarding the adverse effects of the boathouse. Because of the Trust's knowledge and concern about historic properties potentially affected by the project, we believe we can provide important information and a valuable perspective as a consulting party under Section 106. Please include the National Trust for Historic Preservation in your distribution list for public notices of any meetings, and for the circulation of any other documents for comment.

We look forward to participating as the review and consultation process moves forward for the Georgetown University boathouse.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

Cc: David Maloney, Acting DC SHPO
Kathleen Kilpatrick, VA SHPO
Martha Catlin, ACHP
Kelly Yasaitis, ACHP
Barbara Zartman, Comm. Of 100 on the Federal City
George Clark, DC Federation of Civic Associations
Sally Strain, DC Coordinator, Defenders of Potomac River Parkland
DC Preservation League

Attachment A

		<u>Year Built or Renovated</u>	<u>Student Body</u>	<u># of Rowers in Program</u>	<u>Total Square Footage</u>	<u>Boathouse Holding Capacity</u>	<u>Includes Tanks</u>
Georgetown's Proposal			6418	107	33,771	60	Yes
Boston Univ.	DeWolfe	1999	17,819	94	20,000	68	
Brown	Marston	1966 1994	6,029		25,000		Yes
Cornell	Collyer	1957 & 1970s	8,381		21,000		
Columbia	Class of 1929	2001	6,623		10,000		
Dartmouth	Friends	1986	4,047		11,400		
Harvard	Newell	1900	9,884		19,000		Yes
Harvard	Weld	1906	9,884		20,000		
MIT	Pierce	1958	4,258		17,100		Yes
Northeastern	Henderson	1990	19,588	91	18,000	5 bays	
Princeton	Shea	1887 & 2001	4,663	182	33,500	7 bays	Yes
Rutgers	Class of 1914	1961	3,717		10,000		
Syracuse	Ten Eyck	1937 & 1988	12,386		15,000		
Univ. of Penn	Penn	1876	11,686	99	12,000		
USNA	Fisher	1930	4,172		17,600		Yes
Wisconsin	Crewhouse	2003	29,697		52,000		Yes
Yale	Gilder	1999	5,286	133	22,400	84	