



Chesapeake & Ohio Canal Association

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The C&O Canal Association was formed immediately after the hike by Justice William O. Douglas to further the establishment and interests of what has become the C&O Canal National Historical Park. We are a 501c3 organization whose mission to continue to further the interests of the park. In that regard, at the DC zoning hearing of 2003, we were given party status by the Zoning Commission to represent the interests of the park in recognition that NPS has a conflicted role with respect to the boathouse.

General Scope

In our scoping letter of January 18, 2005, we had requested that the Environmental Assessment (EA), be broadened to include the entire Georgetown waterfront as there had been no proper NEPA study up to that time. Since then without any environmental review, there has been work on the waterfront park and many changes to the proposed projects in this area such as the proposed George Washington University, GWU, boathouse at 34th Street. These all are contiguous and interact with each other in terms of environmental impact and represent cumulative impacts in terms of NEPA. This is a requirement of NEPA that prohibits considering impacts in isolation.

The statement requesting comments on the scope of the proposed Environmental Impact Statement, EIS, again ignores this requirement, as did the original EA. Given the lack of precedent for the land swap inside the Chesapeake & Ohio National Historical Park, C&O NHP, the entire issue of public versus private development in the park that has even called into question existing uses that even predate the establishment of the park, considering the boathouse in isolation clearly violates all NEPA rules. Furthermore, we ask that the National Park Service, NPS, uphold its mandate to protect all public parkland by carrying out not only a full study, but also one that seeks to minimize the damage to one of the most visited parks in the entire system.

In this we must concur with Janine Blaelock, that selection criteria should not be dictated by GU and their desires. The entire land exchange is predicated by a claim to further the park, but NPS has consistently refused to review GU's desires as they affect the balance. It seems quite clear that a location shift from upstream with only 15 foot access rights to one just below the campus direct accessible from a city street is to GU's benefit. Giving GU whatever it desires with clear negative impacts for the public and more than they could achieve elsewhere should be sufficient. I doubt that GU, for example would locate an exercise room and rowing tank upstream, simply because of the access problem, not to mention utilities.

Participation

For the EA, we had asked that NPS, National Capital District in general, and John Parsons and Sally Blumenthal in particular, to recuse themselves from the process. Since our participation in 2003, we have observed that they were active advocates for the boathouse and had a conflict of interest with respect to the EA, and by extension, now the EIS. In 2003, at the zoning hearings, we asked and received party status as a result of this conflict and were granted that status.

In the course of that procedure Sally Blumenthal admitted under oath that the 1985 EA was not applicable, despite its representation at the hearing that it was, that they had the agreement of the C&O Canal NHP Advisory Commission, when they did not, used knowingly incorrect drawings then and at other times (admitted at an Advisory Commission meeting) and, in general, acted as clear facilitators for the boathouse. We had asked that they recuse themselves at that time, and while not visible were clearly active, as shown by the email sent to in response to a request by Sally Strain about errors in the announcement for this EIS. This time, we ask that they not participate in any capacity for any party to the action as they have retired and are forbidden to do so. We also ask that the entire process be evaluated by a group outside the National Capital District to ensure compliance with the law and regulations, including D)-12.

It must be pointed out that the actions of John Parsons and Sally Blumenthal have been clearly in favor of GU relative to the Park. They have at different times misstated the boathouse zone and even (JP) made the claim at a hearing before CDC Council Member Carole Schwartz, that the zone has no official standing. This latter claim, captured on a tape, would rule out rejection of alternatives solely on this basis.

They have also denied that there is a party room in the proposed boathouse, yet at the same Schwartz forum admitted that it could be used as such for groups affiliated with GU. When this project is evaluated with respect to preserving the public nature of the park, any space requirements for this purpose should be considered a negative impact.

Documentation

We also ask that claims to prior actions and documents be included. Until now there have been many claims as to the extent of the Boathouse zone, what is mentioned in planning documents and prior assessments that have never been displayed.

Also, in the recent EA of 2006, an Appendix L was included that is clearly marked draft. It is clearly intended to modify the plan of 1985, the only approved and adopted plan that we are aware of. However, it was never subject to public discussion and was written by a Georgetown Waterfront Commission that is not an official body. Such material should be excluded from any inclusion, as stated in DO-12.

We also have to question the inclusion of a drawing in the EA claiming to be a possible boathouse design for the current GU upstream site. This drawing was never made public prior to the EA, has no attribution and, furthermore is admissible as a possibility as it clearly violates space reserved to the Canal Park .that Gu has no claim on.. This was commented on during the comment period for the EA.

Alternatives

The EA of 2006 did not meet the requirement with respect to alternatives, even though they were requested at the scoping meeting and in writing. In particular, only two legitimate build alternatives were presented, both very large with significant impacts. The one upstream site was clearly impossible and a few others were summarily dismissed. All were discussed only from the viewpoint of what GU desired,

not what is desirable for the Park. Even under the best of circumstances there have to be tradeoffs, yet all the assessments were made in terms of the GU rowing program with complete neglect of the Park, There was no consideration anywhere, for example of possible damage to park structures, including the canal wall.

Furthermore all alternatives should be evaluated with respect to the NPS mission to protect all parkland. It is not NPS' responsibility to protect GU's interests. Therefore, since a land exchange is proposed, it must be evaluated in terms of an advantage to the park. This was clearly not done in the recent EA, even though requested.. if alternatives has some problems for GU, so do the two build alternatives present major problems for the Park.

The scoping statement for the EIS is no better and we do not believe meets legal requirements. None of the proposals for the EA from the public were given much consideration and dismissed out of hand on the basis of GU's desires.

THE DEMPSEY SITE

This location, presented by Robert Norris, is clearly well thought out. It is not the same as the one summarily dismissed in the EA. It is outside the C&O Park boundary, which is clearly favorable to the Park. It is adjacent to Water Street and requires no special access requirements. It is outside the viewshed of the towpath, one of the primary features of Park and its many visitors. It does not interfere with the Capital Crescent Trail. Any structures extending into the river are in a location where they are already present. It will not interfere with existing water uses and will not introduce a permanent pier into a portion of the river where there is none. It should have minimal impact on the existing park, including under flood conditions. It also is completely within the most conservative definition of the nonmotorized boathouse zone.

We would also state that any new walkways in this area should not be considered an impediment. They are of minor change to the land. Furthermore, they were undertaken without any NEPA review while this area was proposed as an alternate site. This was stated to NPs earlier.

JOINT USE ALTERNATIVES

In keeping with the recent demands that private uses are not in the best interests of the C&O Canal NHP, Alternatives #1 and #2 by Sally Strain the Defenders of Potomac Parkland for joint use boathouses at 34th Street or adjacent to Thompson's Boat Center. There is ample precedent for this and both Universities would save much cost in doing so. For these NPS could retain ownership to ensure the public uses are ensured, which is not the case for the proposed GU site. Aside from space limitations, this has worked in the past.

DIFFERENT LOCALES

There has been discussion as to the use of properties such as Anacostia or even Virginia. Since there has been adequate environmental study of the entire waterfront and much has changed since the Plan adopted in 1987, Potential sites are many and their suitability has changed. Until now none of these has been even explored in terms of boating.

For any site, the question for suitability should be what GU could possibly, legally create at their current, upstream site, not their desires which come at the expense of Parkland. Since at a minimum, a land exchange must be of comparable value, allowing GU a site that excessively impacts the C&O Canal NHP because of GU's desire should not be allowed.

CONDEMNATION OR ACQUISITION

This alternative would simply remove the upstream site as it is inside the defined Park boundary. This option would force a proper evaluation of the two properties, which has been yet to be done. While there is no approved appraisal, one that has yet to be refuted claims that the upstream site is not buildable. This would immediately foreclose an land exchange. Why this has not been done for the upstream site, given that the issue has been raised in many comments until now must be addressed.

It should be pointed out that the only demonstration ever presented to the public was in the EA, had no discussion, and was shown to be illegal, as it utilized park property and did not provide for any emergency access.

UPSTREAM SITE

The one in the EA was clearly defective and commented on. There should be no such proposals in the EIS. There should be no infringement on Park property above and beyond what is legally required. We believe, for example, that there is only about 100 feet of waterfront access for the entire length, the remainder of the shore still in the park.

ANNOUNCED BUILD ALTERNATIVES

The only build alternatives are either very large or larger. Neither is included with the only adopted master plan for the waterfront, that of 1987. Both are outside of any documentation we are aware of for the nonmotorized boathouse zone, despite representation to the contrary. The draft, Appendix L of the EA, has no legal weight and should be inadmissible.

There should be a review of what has been officially adopted for the site and there should also be an exploration of what has been proposed for this area. Any proposed build should be in terms of just what is required of a boathouse, what is not, such as a party area, any an exploration of the land being leased.

The proposals in the EA depended crucially on a permanent pier into the river. This pier was ignored in the EA. Since it is clearly part of the proposed builds, the consequences of this pier should be evaluated. This consideration has relevance to the evaluation of other alternatives, which might not need one, or are in less environmentally critical area, especially below Key Bridge.

There should be an exploration of smaller boathouses that are truly boathouses, placing activities not essential to the location elsewhere.

NO BUILD ALTERNATIVE

Would there now be more allowed public use if the section of the park is properly developed? The question of leases should be explored.

OTHER CONSIDERATIONS

During the processes leading up to this EIS, the model that was invoked for the boathouse was Boathouse Row in Philadelphia. This location is readily visible by train. It features many, adjacent boathouses, all of which are clearly smaller than GU's desired one. Given GWU's announced desire for a boathouse of its own nearby, the model of Boathouse Row would suggest that both boathouses be

adjacent. These boathouses could also serve as reasonable models as to just what is needed for a collegiate rowing program.

LEGAL BASIS

We have requested that there be a review of the project in terms of the enabling legislation. Included should be how the project fits the purpose of both the park and NPS. There are strictures written into the legislation establishing the park and they call into question the legality of any land exchange. We have not yet seen such an analysis.

There has been an admission that this exchange is unprecedented. There should be a consideration of just what will become allowable as a result of this precedent and its consequences for all National Parks.

There has been no appraisal put forward, yet at least one, obtained by FOIA, shows an unbuildable opinion for the upstream site. This has been also stated in public forums. If this is true, there is no legal basis for any land exchange. This must be considered.

CUMULATIVE IMPACTS

With the intention of GWU to build a boathouse nearby at 34th Street, the waterfront park and other activities, the entire contiguous area is clearly subject to cumulative impacts. The requirement of NEPA that projects cannot be considered piecemeal requires a comprehensive EIS for the entire waterfront. Until now these projects have not had any review at all, despite a requirement to do so. This announced EIS must be considered a violation of NEPA requirements, as emphasized in DO-12.

HISTORICAL REVIEW

The park is in the Federal Register and any proposals must have a proper review. The only one that was performed was in 1997 and is more than 10 years old and, given the changes in the area, not applicable for any build alternative. In addition, interested parties were not given an opportunity to participate in the process of 1987, including the C&O Canal association or parties from Virginia.

Furthermore, the review of 1997 was probably done with admittedly incorrect drawings and the EA of 1995 was admitted to not include any building. Both build proposals above Key Bridge are clearly much larger than anything that was ever present along the waterfront in this area. A new complete historical review should be required.

IMPACTS

SEWERS

The proposed build options are both over the Potomac Interceptor. Also we understand that there is another sewer adjacent to the Capital Crescent Trail that is even more sensitive and would be affected by any moving of the Capital Crescent Trail.

CAPITAL CRESCENT TRAIL

At times, the Trail was described as being enlivened by this project. This is a casual, unsubstantiated comment. Our observations show that it is currently heavily used. The impacts of the

proposed build alternatives are a negative impact and need proper review, including the loss of the shoulders needed to fulfill trail standards.

VISUAL

The EA tried to claim that there were minimal visual impacts by averaging with respect to the campus at the top of the hill. Since this is a concern of the park and one that is dedicated to protecting the visual environment of the Potomac River, this is incorrect and misleading. It is also not the standard that NPS uses when ANY project along the river becomes visible from the Canal Park. This is not a changeable standard depending on the desirability of the project.

HABITAT

There is an unsubstantiated representation that the land exchange benefits the park environment with respect to flora and fauna. There has been no inventory in both locations so a proper comparison can be made. There is no assessment of just what changes would occur. This are all part of a proper EIS

HYDROLOGY

What little data was presented in the EA showed that there was a large increase in flow around the proposed boathouse. This was dismissed but the dismissal is improper. Any upstream building that is as large as the ones proposed creates damage potential for the canal berm, which is known to be fragile and quite old..

A proper evaluation is therefore needed for the periodic floods that have been known to occur along the river. This must include not only acute impacts from any given flood event, but also the accumulative effect of many. There is also a question as to who bears responsibility for the repair of the canal wall if it fails and the consequences downstream of such failure. None of these issues were addressed in the EA.

There are also the effects of the permanent pier into the river. In other contexts and reviews, issues of flow and siltation were used to deny these projects, yet there was no analysis made in the EA.

PIER

A permanent pier extending well into the river was required for both build options in the EA. The impacts of the permanent pier in the Potomac must be reviewed with respect not only to the environment, but also other river uses. In the EA, the pier was not even addressed. It should be noted in commenting on other alternatives, that the impacts of hydrology and the pier are not present in downstream sites.

SOCIAL

The Canal towpath becomes quite rural immediately above the Washington Canoe Club. This is in keeping within its charter. Not only will the building intrude above Key Bridge, but also will the activities. These must be assessed. We note that despite protests to the contrary by NPS, the building can hold frequent parties and this was alluded to in the presentation before Carole Schwartz. These activities must be assessed not only with respect to the towpath, but also the Capital Crescent Trail. These activities could be much more extensive than those when there is a rowing event.

TRAFFIC

There is no proper accounting for traffic, both leading up to Key Bride, and along the Capital Crescent Trail. This lack of accounting includes not only parking in the street but along the trail. The parking solution was promised in 2003 at the zoning hearing. It has yet to be produced. The trail usage has relies on vague, nonbinding statements about vehicular traffic. There was also no acknowledgement of the possibility of parties, how guests would arrive and other issues that would become obviously binding. As was revealed in the session before Carole Schwartz, no regularly scheduled parties does not mean no parties, or even how many.

CONSISTENCY OF EVALUATION

All alternatives should be treated alike. We are sure that each has problems, but they must be judged evenly. If some are not quite so convenient for GU, we demand, in keeping with the mandate of NPS, that they be balanced by the needs of the Canal Park. To date this has not been done. We also would like to repeat that all evaluations o alternatives be ranked with respect to the Canal Park, in whose name this study is being done.

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