



## Western Lands Project

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Kevin Brandt, Superintendent  
C&O Canal NHP  
1850 Dual Highway, Suite 100  
Hagerstown, MD 21742

June 13, 2006

### **SUBJECT: Comments on GU Boathouse Environmental Assessment**

Dear Superintendent Brandt:

The Western Lands Project is a non-profit, public-interest organization that works to keep public lands public. We scrutinize both administrative and congressional land exchange and sale proposals. While our work is concentrated mainly in the West, we are interested in virtually any proposal that would relinquish public lands. We do not oppose any and all land trades and sales, but work to make sure that these projects adhere to laws and regulations and serve the public interest. We are also dedicated to supporting citizens' involvement in these projects through the National Environmental Policy Act (NEPA).

#### **Only "no-action" is supportable**

Because of the glaring inadequacies of the analyses for the land exchange and associated boathouse development, and the significant, adverse impact of all of the proposed action alternatives, it is not possible to support any alternative but No-Action.

#### **Land exchanges merit real analysis**

A critical part of any land exchange proposal is the analysis, disclosure, and public involvement process provided under the National Environmental Policy Act (NEPA). The public involvement and impact analysis requirements in NEPA are too often shortchanged in land sales and exchanges, which the land agencies have tended to treat as mere realty transactions that do not merit public input or meaningful analysis.

Over the past several years, the two main land agencies doing land exchanges—the Bureau of Land Management and Forest Service—have been forced to improve their implementation of the projects due to internal government audits, media exposure, and increasing citizen involvement. They have also recognized that these deals don't just happen on paper but have real consequences on the ground.

This appears not to be the case with the Park Service, as evidenced by the dubious path your agency has taken through the NEPA process for this proposal and the almost total failure to acknowledge that the boathouse would be built on what is now undeveloped public land.

#### **Impact would be significant**

I visited the C&O Canal last year for the first time—in fact, I came upon the towpath unexpectedly while I was staying near Georgetown on a work-related trip. I had already

been aware of the land exchange and boathouse proposal, but didn't realize I would be staying near the site. I can say with all sincerity—and as someone who works on public land issues every day—that the experience of the C&O Canal park was a revelation to me. Over the several days that I was staying in the area, I spent virtually all of my meager free time walking the towpath or sitting along the canal—a balm to this otherwise over-stimulated visitor. It truly gave me a new perspective on the value of public space.

It is hard to fathom how the Park Service could come to any conclusion but that the land exchange and boathouse proposal would have a significant impact. In the boathouse EA, much is made of the fact that the proposed boathouse site and environs have historically been “an area of bustling activity,” and the urban, developed features of the area are strongly emphasized throughout the document. My own experience was that the less-developed pockets of relative calm and quiet made a much stronger impression, and any loss in those qualities would be significant.

### **Serious flaws in NEPA analysis**

The bifurcation of the land exchange and boathouse proposals—with analyses issued 11 years apart and each residing in a vacuum—is a classic case of piece-mealing under NEPA.

It is necessary first to address the appalling inadequacies of the 1995 land exchange EA, since that analysis (and more) should have been combined with the boathouse analysis in an EIS.

The 1995 EA dismisses the possibility of environmental impact by avoiding altogether any discussion of the actual development that would occur as a result of the trade. The 1995 EA states that the Park Service was not even required to do an EA.

The project should have been categorically excluded from NEPA, the EA claims, because the exchange would not lead to significant changes in land use on the trade parcel. But with no discussion of the boathouse design, size, function, etc., there was no way for the public or decision makers to determine whether the land use changes would in fact be significant. It is useless to do an EA for a land exchange without offering any specific information on development that would occur after the trade.

If the Park Service did not have such information, you should have refrained from doing the land exchange EA (and signing off on a preliminary agreement) until more was known about the boathouse design and its potential impacts.

By issuing a document only on the exchange and emphasizing the acquisition of the GU parcel rather than relinquishment of the public parcel, the Park Service glossed over the significance of this project. In addition, whether intended to do so or not, the existence of a preliminary land exchange agreement creates the impression that the land exchange is essentially completed (or inevitable).

This impression is reinforced by the structure and content of the boathouse EA—which barely mentions the land exchange as though it were a minor technicality. The current EA is so boathouse-centric that it would be possible to read the whole document and forget by the end that GU is proposing to build its boathouse on what is now public land.

The boathouse EA does state that if the development is not approved, the land exchange won't be completed—but the converse is also true. Because all the action alternatives for the boathouse are inextricably linked to completion of the land exchange, these actions must be analyzed together.

Your agency should have acknowledged the connection between the exchange and boathouse development in the context of NEPA and issued an EIS encompassing both these actions. Given the inadequacy of both EAs, the Park Service must now undertake an EIS to correct the deficiencies and fully comply with NEPA.

The EIS should consider a new range of alternatives for location of the boathouse. The boathouse EA dismisses several alternatives from consideration because they would not meet the preferences of the GU rowing program. It is unlikely that the Park Service can compel GU to accept a boathouse location it doesn't like, but it is fundamental that any proposal involving public land must serve the public interest. The National Park System was not created to hold land unless or until someone wants to develop it.

Should your agency decide to proceed with the current proposal, one aspect of the land exchange that must be examined is impact of privatization in the project area. It is striking how consistently the current EA treats the boathouse as though it were proposed for private land. While there is substantial discussion of the parcel's relationship to other land uses in the area and to various overlapping land use plans, there is no discussion of the parcel as a piece of public land that is part of a larger area of public land.

The EIS should include a detailed map of and discussion regarding the ownership configuration in the project area. How many private inholdings does the NHP encompass, and where are they located? How much private land lies within the boathouse zone? Are there long-term plans to trade all public land in the boathouse zone for private land elsewhere? How many, if any, actions that privatized public land have occurred within the boathouse zone since its designation and within the NHP since its creation? What other exchanges are planned in the project area in the future?

The EIS should discuss the potential public interest of retaining the trade parcel in public ownership. It should also provide a substantive discussion of the actual potential for the GU parcel to be developed, since forestalling such development was declared to be a main impetus for the exchange.

The current EA mentions that George Washington University plans to build a boathouse on what is now Park Service property within the boathouse zone, but no details are offered about the timing of that project or the cumulative impact of the GWU boathouse in conjunction with the GU boathouse. This is a reasonably foreseeable project that needs to be part of a cumulative impact analysis. GWU has already purchased two buildings it plans to trade to the Park Service, which suggests that some planning must have been done for the project. Yet even without detailed design information, the Park Service can and should analyze the cumulative land use and land ownership impacts of the GWU project combined with the GU project.

We look forward to reviewing an EIS for this project that corrects the deficiencies in the NEPA analysis and examines alternatives that would better serve the public interest.

Sincerely,



Janine Blaeloch  
Director