

May 24, 2006

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RE: Comments on Georgetown University Boathouse EA

Please make these comments part of the public record of comments on the Environmental Assessment (EA) on the proposal for building the Georgetown University boathouse inside C&O Canal National Historical Park.

1. The obvious bias of this EA, paid for and possibly written by Georgetown University (GU), reflects poorly on the National Park Service (NPS) and Department of Interior, which are supposed to serve all citizens of the United States, not just one private interest.

NPS's federal mandate is to protect and preserve national parkland for public use. Yet in the "Purpose and Need" section (EA section 1.3 and 1.4), the agency arbitrarily dismisses the needs of park users from the DC region and across the nation and gives credence only to the needs of GU, a private and influential local entity. NPS ignores the public comments submitted by many citizens in scoping for the EA, by dismissing the majority of the impacts on the public that were raised during scoping as "minor" or even too insignificant to include in the EA.

NPS fails to adequately address the impact to the public of losing a prime, heavily used section of national parkland and completely ignores the public demand to consider alternative locations.

How can a NPEA process be objective if carried out by the entity that benefits from a favorable decision on the proposed action? How can NPS claim NEPA compliance when NPS has made that favorable decision in advance, and refuses to consider any alternatives (except minor differences in size)? A predetermined outcome is not what the authors of NEPA, and CEQ, had in mind.

If it true that GU paid for preparation of the EA by its own contractors, what policy or regulation gives GU the authority to evaluate the impact of a federal action on the human and natural environment, or at least to heavily influence that evaluation? Is it legal for GU to prepare and pay for preparation of the EA? Was there any Interior Department review whatsoever of the totally biased findings in the EA?

Since EA's, unlike EIS's, do not require review by EPA, there is little objective oversight evidenced here.

2. Why are there no alternative locations considered in the “Alternatives Considered” section (EA section 2.0) of the EA, despite the CEQ interpretation of NEPA that requires a federal agency to consider alternatives that are “reasonable and economically and technically feasible”?

The process of scoping for an EA or EIS invites the public to suggest such alternatives. At the public scoping meeting on this proposal in January 2005, and in the public scoping comment period, dozens of people submitted “reasonable and economically and technically feasible” alternative locations for the GU boathouse outside of C&O Canal National Historical Park. These sites are arbitrarily dismissed (EA section 2.5) without evidence that shows they are not reasonable and economically and technically feasible for meeting the public needs and the needs of NPS – the entities whose needs should be primary in an EA by a federal agency on a proposal affecting publicly owned land and resources. Instead, NPS considers only GU's needs.

Contrary to the NPS’s arbitrary and undocumented evaluation and dismissal of these sites, the comments submitted in scoping for the EA demonstrated with architectural drawings and statistics that these alternative locations outside the park offer GU a substantial increase in space over its current shared facilities at Thompson Boat Center, making them “reasonable and economically and technically feasible.” In fact, they may be preferable because they offer more space, more accessibility and parking, and fewer impacts on the human and natural environment (less habitat would be destroyed because there is little vegetation, and the public would not be denied use of a national park). They would not cost the taxpayers ownership of a historically significant, economically valuable, prime expanse of urban green space that gets heavy public use, in favor of a less valuable plot of land of dubious value for public use. And, with the alternative locations, an access road through the floodplain would not be necessary, so the existing floodplain inside C&O national park would retain the well-documented benefits of any riparian floodplain to absorb floodwaters before they reach the urban development downstream.

Georgetown University athletic coach Tony Johnson, at a public meeting on this boathouse proposal at Thompson Boat Center in summer of 2004, indicated that he would prefer a location downstream on K Street, which would have parking and accessibility for visitors. He indicated that alumni (donors?) wanted the proposed location in the park because of its proximity to the Georgetown University "skyline."

3. The "needs and purposes" section of this EA (1.0) is heavily biased in favor of the needs of one private interest, Georgetown University. The EA does not consider the cumulative needs of the entire rowing community, public and private, nor the cumulative needs of other local water-based athletics such as recreational canoeing and kayaking. The EA also fails to adequately address the cumulative needs of hikers, bikers, anglers, picnickers, and other users of this section of C&O national park for recreation.

4. The claim that NPS is interested in "protecting the 1.09 acre upstream parcel" with "sensitive natural resources" (EA section 1.1) is an attempt to blackmail the public into giving up the proposed boathouse site. If NPS wanted to obtain and protect the upstream

parcel, NPS could have sought to acquire that parcel earlier, and still can, by other means. NPS could purchase it or acquire it by eminent domain, as it is doing upstream in Maryland sections of C&O national park. GU could be asked to donate it as a good neighbor of several Washington-region national parks. Organizations such as The Nature Conservancy and Public Lands Trust exist solely for the purpose of obtaining such tracts and preserving them, or donating them to the public.

The NPS press release of May 9, 2006, announcing an Open House on this boathouse proposal, claims that under the "no action alternative," the upstream site owned by GU "would remain available for development by the University or sold for development by others." If the property is available for sale, then NPS has an opportunity to buy it, thereby meeting NPS's additional goal of protecting the upstream parcel.

5. The claim that NPS wants to eliminate Georgetown University's "right to drive vehicles along the Capital Crescent Trail to access the site" upstream (EA section 1.1) would only be relevant if Georgetown University intended to build its boathouse or another facility there. NPS claims (EA section 1.1) that the land exchange is intended to prevent the university from building there.

However, everyone agrees that there is no prospect of the university settling for a more constrained boathouse on a narrower, longer space with natural features that "pose some constraints to development and use" (EA section 2.5), and a mile away from the university and any acceptable foot or vehicular access for its guests. According to the EA, Georgetown University has "decided not to pursue a boathouse" on this tract (EA section 2.5), and NPS admits in the EA that the site has intrinsic environmental characteristics, the presence of historical features, and the need for a long access road, presumably eliminating it from the possibility of obtaining DC zoning and other required permits.

The NPS press release of May 9, 2006, announcing an Open House on this boathouse proposal, claims that under the "no action alternative," the upstream site owned by GU "would remain available for development by the University or sold for development by others." If the property is available for sale, then NPS has an opportunity to buy it, thereby meeting NPS's need of eliminating the access rights.

6. NPS claims (EA section 1.1) that one of its purposes in supporting the proposal is to eliminate "the university's right to drive vehicles along the Capital Crescent Trail to access the site" upstream. However, the access rights (which follow the historic railroad bed) very likely pre-date the rails-to-trails conversion of the railroad bed to a popular biking/hiking trail, the Capital Crescent Trail, used by hundreds, if not thousands, of people weekly. The EA says (section 4.1.1) that the exchange of land would "extinguish the right-of-way over the CCT." However, there is no information about the history of this easement, by what authority the right-of-way was granted or by what authority it would be extinguished, and what impact the rails-to-trails conversion had on the right-of-way. Did the rails-to-trails conversion diminish the potential that the university could ever use the right-of-way for motorized vehicles? Would the right-of-way be dependent

on permits that would likely not be granted because of the rails-to-trails conversion? The EA does not adequately address these issues, and therefore has not provided sufficient evidence to determine whether eliminating the right-of-way is a sufficient need for the public consider any of the alternatives presented in this EA.

7. NPS has consistently refused to provide, despite numerous requests from individuals during the zoning review, historical review, and EA scoping process, an appraisal comparing the economic value of the upstream parcel of land owned by Georgetown University with the obviously valuable downstream parcel proposed for exchange. Such an appraisal is missing from the EA, despite the NEPA requirement to consider economic impacts. NPS's consistent failure to provide to the public (owners of the downstream parcel) any accounting of the comparative values may be indicative of an attempt to keep this information hidden until after the land exchange goes through--perhaps because it would be damning to the NPS claim of a fair exchange of equivalent value.

8. The EA completely dismisses any section on economic impact (EA section 1.8) by claiming there would be no change in economic activity or loss of revenue. The EA neglects to mention the loss of value to the public of the proposed land exchange. The economic impact is conspicuous by its absence.

9. The environmental impacts of Georgetown University building on the upstream site have not been considered in the EA. Therefore, it is impossible to know whether that alternative is a "reasonable and economically and technically feasible" alternative. If it is, why isn't it considered in the EA? If it is not, then why in the EA does NPS claim (EA section 1.1) that the proposed land exchange is necessary to eliminate the university's right to drive vehicles along the Capital Crescent Trail to access that upstream site? Any alternative plans being considered by GU for a boathouse on the upstream site or elsewhere are conspicuous by their absence.

10. NPS dismisses every alternative location outside the park proposed in the EA scoping period (EA section 2.5), claiming that these locations do not meet the "needs" of the private entity that seeks to build inside the park. Why is NPS putting the needs of a private entity ahead of the public needs, when a federal action affecting publicly owned property is involved? Why doesn't this EA consider the public need for open urban green space and national parkland protected from private development? Why doesn't this EA consider the NPS "need" – in fact, its legislative mandate – to preserve the national park for public use?

Furthermore, how did NPS determine GU's need? What authority was granted to NPS by this private entity to make the claims presented in the EA, and is it a legal and appropriate authority for a federal agency that is mandated to serve the public? If such authority is legitimate, do all parties involved at Georgetown University agree with the statement of the EA that the "need" (as opposed to GU's "desire") can be met only by this particular parcel of land, inside a prominent and heavily used national park, with no parking or vehicular access for visitors?

One of the GU officials important to this project, Georgetown University rowing coach Tony Johnson, acknowledged at the meeting on this boathouse proposal at Thompson Boat Center in summer of 2004, that a location downstream on K Street would meet the university's needs better because of the availability of parking and accessibility for visitors. He indicated that alumni (donors?) wanted the proposed location near the Georgetown University "skyline."

11. The EA dismisses the alternative locations proposed by the public during scoping largely on the basis that those sites "aren't big enough" for GU.

Instead (EA section 2.0), NPS considers only one location, and multiple sizes on that location. However, each of those sizes is several times larger than the space now occupied by GU at Thompson Boat Center, and all of them are many times larger than the original proposal for GU's boathouse of 4,000 square feet. When GU decided it wanted something much larger, NPS gladly granted it. How is that consistent with the federal mandate of preserving national parkland?

All of the sizes considered in the EA are taller than the C&O Canal and towpath, vastly altering the view from all sides. All of the sizes considered in the EA are many times larger in volume than the historic and newer boathouses already on the waterfront--including Washington Canoe Club, Potomac Boat Club, and Thompson Boat Center. Georgetown University, George Washington University, Olympic kayak teams, high schools, and the many other users of those existing facilities operate in a much less generous space than the enormous space NPS proposes to give away to GU.

At one time, a 4,000 square-foot boathouse was proposed for the university. That grew to 15,000 square feet in a 1997 Memorandum of Agreement between the National Park Service and DC State Historic Preservation Office. Was the public need considered in preparing that MOA, and was the public involved in the decision?

In a June 24, 2004 letter to NPS official Sally Blumenthal, Congressman Roscoe Bartlett (whose district encompasses a large section of C&O national park upstream) supported a "structure of 4,000 square feet and a roofline below the C&O Canal Towpath." In a July 21, 2004 letter to me from Congressman Jim Moran (whose district faces the C&O national park skyline and whose district is contemplating a public boathouse on national parkland) said that NPS's goal to secure the upstream property owned by GU "may have blinded the Park Service from taking an objective review of Georgetown's proposed boathouse structure." He continued: "It would be the second largest collegiate boathouse in the nation....I find it troubling that many of the objections the Park Service has raised over the years with its concerns about Arlington's proposed boathouse, a much smaller structure, have been dismissed by the Park Service when raised by outside groups about Georgetown's proposed boathouse."

No legitimate public need has been demonstrated in the EA to be met by the change from 4,000 square feet to a much larger facility. NPS continues to argue that alternative

locations outside the park are not "reasonable and economically and technically feasible" because they are not big enough for GU's needs, but offers no evidence.

In fact, the EA offers evidence that NPS and GU's claim of a need for a massive size is not legitimate. EA photograph 3-2 depicts boathouses along the Schuylkill River in Philadelphia and states that they offer sufficient space for social and community gatherings as well as boating activities. The EA conspicuously neglects to mention that these boathouses are much smaller than the GU proposal. Georgetown University's boathouse architect admitted, at the public meeting at Thompson Boat Center in summer 2004, that other boathouses they surveyed around the country were not as large as the proposed GU boathouse. (One in Wisconsin is larger, and is used by multiple teams for multiple sports.)

Section 3.2.1 also cites the former Columbia Boat House, and existing Potomac Boat Club, and Washington Canoe Club as sufficiently large for social as well as boating activities. The proposed sizes for the GU facility are as much as seven times larger in volume than those historic facilities. Two of those historic facilities manage, in a reasonably sized space, to operate and train world-class, award-winning athletes and Olympic champions and hold social and community activities.

NPS's selection of sizes to be considered for this exclusive, private building appears to be as arbitrary as NPS's arbitrary dismissal of all alternative locations outside the park. The public can only take away one message from NPS's continued dismissal of "reasonable and economically and technically feasible" alternatives: money talks.

12. The favoritism shown Washington Redskins' owner Dan Snyder, by lower level Interior Department official P. Daniel Smith allowing trees to be cut inside the park to give him a "private view," generated an Inspector General investigation and opinion that the National Park Service action had left the Park Service vulnerable to charges of favoritism (according to the Washington Post, in "Playing Favorites," page A-22, May 20). What criteria will be necessary for the Interior Department Inspector General to launch an investigation of the favoritism to GU and its influential supporters shown by this current proposal? Does the similarity of the Snyder deal to this sweetheart deal – an exclusive offer made by lower level officials John Parsons and Sally Blumenthal to Georgetown University's Athletic Department and its influential supporters, not available to any other university, high school, or members of the public, despite the same public interest in the same national park--meet the criteria? In both cases, the Park Service has made a land-use decision that favors a private interest over the public interest. In the case of both Snyder's denuded hill and GU's destroyed floodplain, the C&O Canal is threatened with erosion and flood damage, and a section of C&O Canal National Historical Park is spoiled for public enjoyment of a pastoral, wooded, urban green space, which is far too rare already. In both cases, powerful private interests get their "needs" put ahead of the public interest and need—by a government agency that is supposed to represent all taxpayers, not a select rich few. Both plans set a precedent for future land-use decisions in national parks.

It's the National Park Service's responsibility, not Dan Snyder's or Georgetown University's, to obey the National Environmental Policy Act. Just as in the Snyder case, the Park Service has flouted that law by refusing to acknowledge the impacts of the university plan and refusing to prepare an EIS. In the boathouse plan, the considerable public controversy alone (more than 20 local and national organizations have protested that the plan puts private interests ahead of public interests) should prompt a pressing investigation by the Inspector General. Is it too much to expect an investigation BEFORE the damage is done, this time?

-END OF COMMENTS-

Thank you for placing these comments in the record of public comments on the Georgetown Boathouse EA.

Sincerely,

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