



Chesapeake & Ohio Canal Association

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The Chesapeake & Ohio Canal National Historical Park traces its ancestry to a famous walk lead by Justice William O. Douglas in 1954 to preserve the canal and the Potomac River for posterity for both historical and conservation of its natural beauty for future generations. At that time the threat was the building of a road over the canal. His walk demonstrated how beautiful and how valuable the canal was for protecting the River and providing a rare example of outdoor recreation that is not normally found in a major area such as ours. This culminated in 1972 with the creation of the park dedicated to Justice Douglas.

The park has withstood many difficulties over the years, but it has become a major tourist attraction for the Washington DC area with over 2 million visitors a year in the District of Columbia alone. It stands as an early monument to the preservation of the natural environment and helps make the Potomac River the beautiful river that the entire area can enjoy. Any nice day finds a host of hikers, runners and just walkers enjoying the scenery. This is exactly what was intended.. I have been fortunate to be able walk its entire length, most recently in honor of the 50th anniversary of Justice Douglas' walk. It is comparable to any park experience I have had and I was able to do so in my own back yard.

The National Park Service, NPS, has been entrusted as the guardian of this public space for all users, no matter in what form they enjoy the park. These users are much more than simply rowers. Yet from the time I became aware of the boathouse proposal, it has been striking as to how only rowers and some residents of Georgetown were considered in this matter and none to the entire, much larger community. Any consideration of this larger community was missing and not even asked for or kept fully informed. There was not one presentation the Chesapeake & Ohio Canal Association, a close partner of the Canal park and which was formed the day after Justice Douglas' walk to promote the formation and preservation of the park. The connection to the park was emphasized on May 19, 2003, when at the first day of hearings on the zoning application, the Association was granted party status.

From that time we have asked as to how all the users were going to benefit from the boathouse proposal and how their needs were going to be addresses. Sadly this request has never been answered. When we asked for an environmental review, we were given only statements that the Environmental Assessment, EA, of 1995 was necessary. It was only after we filed suit on the last day possible to avoid statute of limitations issues, that the current study was announced. Since then, we have never been consulted in any way, even though Georgetown University, GU,

has been. The resulting document that is now open for discussion reads as if the park and all its other users almost do not exist. It is about a boathouse and rowers and Georgetown Universities needs, and not the C&O Canal NHP and all of its users. Yet, this Environmental Assessment is actually and nominally about the park itself. It does not acknowledge the parks formation and mission and dedication. It is an affront to Justice Douglas' memory.

The Environmental Assessment for the Georgetown University Boathouse is a deeply flawed document that omits many potential significant impacts on the Chesapeake & Ohio Canal National Historical Park. In the text that follows some of these will be mentioned and following the wording on page IV-1, will be considered significant impacts as they have the potential to be so. Other items will point out errors that mask truly significant impacts and will also be cited. There are numbered headers to summarize each section. Since according to D)-12, any significant impact, no matter of what magnitude, on a cultural property such as the C&O Canal NHP, explicitly listed I the National Register, requires a subsequent complete Environmental Impact Statement, EIS. Since so many of these impacts involve just the localized building site, but rather the entire Georgetown waterfront, and since there is no current, acceptable study for it, this would require an EIS for this entire area.

Furthermore, since the National Capital District of NS has played such a large role in the promotion of this project, we request that they not be involved in any future NEPA action. DO-12 requires any EIS must preserve the appearance of im[partiality and this cannot be the case if they do. This conflict of interest was acknowledged at the zoning hearing and it has not vanished.

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CONTENTS

1. There is no reference to the C&O Canal NHP Advisory Commission, whICH strongly opposes the project, nor any group associated with the canal park.. 6

2. There is no reference to the Act establishing the C&O Canal NHP, which has restrictions on land swaps..... 7

3. There is no mention as to the purpose of the park or its development plan. 7

4. Public law requires that any activity outside the purpose of the Park needs Congressional Approval. 7

5. There is no consideration of the possible precedent or other potential problems from the use of a land swap. What is the public law that allows this to happen and why is a lease not considered. 7

10. There are no acceptable NEPA studies for the entire area..... 13

12. There is no traffic study given. The disappearance of the parking area currently downstream of Key Bridge will have a major impact. 15

13. There is no study of the impacts of construction, including vibration, on the Canal. 16

14. Everything that Georgetown University wants is taken at face value with no attempt to even justify the request. This land swap is supposed to be protecting the park, but that would imply that NPS would place some limits on Georgetown University’s desires. John Parsons has admitted that they could, but there is no evidence of this, nor could he supply one when directly asked.....17

15. Land swaps are supposed to be by value not acreage..... 19

16. The Boathouse on the upstream site should be used to set the scale for the swapped site.....20

17. The Boathouse zone in the Master plan is 1000 feet above Key Bridge, not 1100 feet as cited in the EA 21

18. Visual impacts are clearly present. This should require an EIS by DO-12 since the C&O Canal NHP is, by definition, a cultural property. 22

19. No Corps approval for the dock scheme..... 24

20. No discussion as to siltation or other effects of the pier..... 24

21. No discussion of water depth and how it affects the racing 24

22. The GUB is not to scale for Historic preservation criteria, whether older buildings were present or not..... 25

23. What are the maximum limits NPS could put on the development of the upstream site? The shown drawing uses part of the Capital Crescent Trail that has no easement, and it is not clear as to there could be emergency access or what other restrictions that COULD be placed on it in the name of preservation..... 26

24. I-1 the EA of 1995 did not address the presence of any build, admitted to under oath by Sally Blumenthal at the zoning hearing, did not consider any alternative sites, and is now more than 5 years old. This should not be used in the present review..... 27

25. There is no comprehensive EA/EIS for the waterfront as required. 27

26. There is no study of the impacts to the Capital Crescent Trail. 28

27. I-7 The EA accepts the idea that GU's desire to have a boathouse on a par with Princeton and Harvard (the only two schools that have a facility in the same class as the proposed one) is a need that NPS should not accommodate by making parkland available by uncritical acceptance. NPS is, by law committed to maximize protection of parkland from either inter or external impacts. Also, Princeton's is a dual facility and part of it is for the US Olympic team and not Princeton's. 30

28. GU's footprint would be larger than that of Princeton's building, which also houses the national team, and only slightly smaller than Harvard's two boathouses combined. 30

29. II-7 The parties are restricted only to no "regularly scheduled" ones with no limit as to number. GU admitted as much at the Carol Schwartz Roundtable with JP present and not dissenting. 31

30. II-24 The 1987 plan considered an 8,000 sq. ft. boathouse maximum. It has never been officially amended or superseded. 31

31. The boathouse zone was labeled as advisory only by John Parsons at the Carol Schwartz Roundtable. 31

32. No proper analysis of possible noise has been done..... 31

33. III-4 Draft plan of 2000 referenced many times in EA. It has no standing. 32

34. The EA has not answered flood potential to Canal structure in 4.4.1, only boathouses, despite scoping request even cited in EA summary. That the construction of the building has a substantial increase on the water flow behind the building - this will likely carve out the

embankment causing it to fail. The EA proves that one can't build there without a significant impact.....33

35. No discussion as to who would be responsible for flood damage 33

36. At an advisory Commission meeting, John Parsons of NPS admitted to using a misleading drawing in preliminary presentations. 34

37. What is the minimum size and minimum height structure required to provide public benefit derived by removing Georgetown University's shells from Thompson's Boat Center? .. 35

38. The DO-12 Handbook requires an EIS rather than an EA,..... 36

1. There is no reference to the C&O Canal NHP Advisory Commission, WHICH strongly opposes the project, nor any group associated with the canal park.

The Environmental Assessment makes no reference to any groups associated with the park. This includes not only the Chesapeake & Ohio Canal Association, but even the Chesapeake & Ohio National Historical Park Advisory Commission. Since this EA is a park issue in terms of the Federal action, this is a major omission. The Association was not notified at all and became involved through third party notification.

Following a transcript on Page 341 ff of the scoping notes, the Commission was given meager and misleading information as to the size and scope of the project. It has since filed an opinion rejecting the Boathouse project on the basis of being contrary to the goal and aims of the park and not in its best interests.

This lack of attention to parties outside of Georgetown University and its associated groups is striking and emphasized in Appendix L, where no Park based group is mentioned as a contributor, while rowing groups and concessionaires are. In particular, The Georgetown Waterfront Commission is cited as a major contributor, but it is neither public nor a commission, according to public statements made by Jon Parsons when asked. In contrast, not one presentation or other discussion was ever initiated with the C&O Canal Association, a party to the matter, despite its long record of cooperating with NPS and even initiating important programs to rehabilitate the Canal park, such as the Monocacy Aqueduct restoration.

Since this is a national park, not a local one, with a national interest, this is a major flaw in the entire process. By context, since issues of land use and policies require at least some representation of the Canal Park, this is a significant impact by NEPA. Since there is clearly an adversarial position developed, the entire procedure leading up to the EA is biased and can legitimately claim only Option D, the no build alternative with an opening for a complete EIS for the entire Georgetown waterfront. Any claim to a FONSI must definitely be considered biased and contrary to the directives in DO-12.

2. There is no reference to the Act establishing the C&O Canal NHP, which has restrictions on land swaps.
3. There is no mention as to the purpose of the park or its development plan.
4. Public law requires that any activity outside the purpose of the Park needs Congressional Approval.
5. There is no consideration of the possible precedent or other potential problems from the use of a land swap. What is the public law that allows this to happen and why is a lease not considered.

The entire EA is premised on a land exchange, which must be based on applicable Congressional law and related directives. In the scoping meeting, and in separate communications to Mr. Parsons, Director Mainella, and Secretary Norton, the authority was requested that permitted the land exchange. The Act creating the C&O Canal NHP has restrictions on any boundary changes, especially since the currently proposed exchange will actually decrease the land available to the park when it goes private. Similarly, NPS itself has restrictions.

No citations are supplied in the EA giving the legal basis of such an action, nor of the precedents for an exchange as proposed. Mr. Parsons has stated at public meetings that this is a “rare” event.

There is also no mention of any Congressional approvals in the document, which are required in the Act establishing the C&O Canal NHP.

The development plan for the Canal Park calls for no development above Key Bridge. The Washington Canoe Club is clearly exempt due to prior existence and its own historic character. However, anything new would be.

There is no discussion for the possible consequences to future development within the Canal park. The park boundaries currently have many private in holdings. There is no way for NPS to prevent sale of them to another party and these parcels used to bargain for other parcels that could have major impact on the park. This will be a precedent that will be hard to set aside. This entire issue has been ignored in the EA.

If any build alternative is enabled by a FONSI applied to this document, this would create an irreversible significant impact on the park, which is forbidden by DO-12 which requires an EIS for any significant impact on a cultural property. Therefore there is no acceptable build alternative so Option D is required. If an EIS is initiated, on the basis of this EA, then it would have to be one for the entire waterfront.

The Canal park also has much land that is privately held. Any land exchange can serve as a future precedent for further park degradation, simply by threatening some undesirable development. This is an impact not even considered in this EA and clearly is a major impact. Similarl the EA of 1995 considered a land exchange in isolation, despite the explicit purpose, is

should be not used. These are cumulative impacts completely in the spirit of Section 4 and require Option D and a full EIS

6. The master plan calls for a public boathouse inside the Park boundary, not a private one.
7. Appendix L has no standing, even though it is referenced many times as modifying the 1987 planning document. In particular, it is only a draft, never been review by the BPC CFA or other bodies and was never open for discussion. It has not been used until now in the zoning, Section 106 or other proceedings.

The Master Plan of 1987 was formally adopted by the Department of Interior and the National Capital Planning Commission to cover the Georgetown waterfront. It has not been superseded nor modified officially, and it calls for a boathouse zone of up to 1000 feet above Key Bridge and a possible public boathouse of up to 4000 square feet. It is cited in this EA.

During the zoning hearings of 2003, claims were made of a line at 1100 feet and a footprint of 8000 square feet, but proper documentation was never supplied. The plan of 1987 has a 4000 square foot public boathouse and a 1000 foot limit to the boathouse zone and there are no known equivalent documents that modify this. During the discussions leading up to the current EA, including the zoning application, it was routinely cited this Plan as a justification for alternative A. [Appendix A]. The draft report in Appendix L of the EA has never been cited in this zoning action, even well after the apparent date of the draft report included in Appendix L. This is emphasized by the text on page II-24.

Also, either the boathouse zone has force or not. It cannot be claimed to rule out an alternative if it is only advisory, a statement made by Mr. Parsons at a Roundtable hosted by Del. Carole Schwartz, especially if it is ignored in the preferred alternative.

There is no attempt in this EA to show how all but Alternative D fits this plan by direct citation. There is also no mention of the master plan calling for no further development upstream from Key Bridge, where the plan calls for leaving open that part of the river bank along Canal Road. If the plan is to be ignored or changed, than any NEPA action associated with it would have to be redone, since it would be more than 5 years and something the size of the boathouse was clearly not foreseen or anticipated.

The inclusion of Appendix L, the Draft report of 2000, in the EA must be objected to. If it is intended to modify the Master Plan of 1987, it is clearly a draft that has never had any formal approval or process, as has been given to the original master plan. It has never been subject to public comment. It has never been used before, including procedures as the application for zoning and the attempt at a Section 106 two years ago. It has been written in part by the Georgetown Waterfront Commission, which has been pointed out to Director Mainella, would be a violation of FACA, since this commission was not registered.

Mr. Parsons clamed, at a meeting in Georgetown earlier this year, that this commission is only a private group with no standing. If so, it clearly was discriminatory, since no applicable affinity groups for the Canal Park were included all references and reasoning using this draft report should be removed from consideration. This change in paln constitutes a major impact under NEPA. The only alternative consistent with the Master Plan of 1987 is alternative D. To

proceed any further would require a full Environmental Impact statement for the entire waterfront.

8. There is no discussion of what are the alternatives to land swap to prevent Georgetown University from building on the upstream site.
9. There is no meaningful examination of other alternatives. There is no serious attention to the no build alternative.

The only reference to what could be done on the upstream site Tract 102-109 are a pair of drawings on page II-19. They reference a study by McKissick & McKissick . A FOIA request for this document returned with a reply that it was not in the possession of NPS, and is therefore unavailable for examination, which should be improper to include in an EA.

Examination of the drawings does show that the proposed structure could not be built as drawn. Georgetown University's easement ends at the downstream end of the Capital Crescent Trail. yet the drawing 2-10 shows access continuing along the towpath for hundreds of feet, which GU is not entitled to. Also, the access point upstream involves redoing a grade on the Trail land, which is also not permissible since all GU has is an access easement.. The only emergency access is from the towpath. The pier extends beyond the shoreline on the downstream end, obscuring whether the building is confined to the tract itself.

There are other problems, including the possibility of turning boats within the narrow strip of land, especially trying to access the building from Trail. Since this would be within park boundaries, there is no attempt to state what measures NPS could use to mitigate any such structure, especially as it impinges on possible historical artifacts.

What section 2.5 fails to show is a reasonable alternative that is not deeply flawed. In fact, the drawing shows that any structure of the size shown is not possible. Therefore this is not a proper rejection or alternative study.

The other alternatives are also summarily dismissed on the basis of what GU demands with no examination as to whether it is justified. It also claims construction below 34th Street in an area that has had no comprehensive study that is valid. The criteria used seem to imply that only the biggest is good.

Also missing is any consideration of smaller alternatives at the chosen site. The park should not be the victim of being the responsible for GU's needs or the need to go back for new approvals. This is park land and other interests are being adversely affected. Why cannot, for example GU share rowing tanks with George Washington University elsewhere? Other Universities do. Given the requested size of the building and the impacts on the park, the minimum requirement should be to have no more than what Georgetown University could do on tract 102-109. This has been requested in many venues and is not even mentioned in the EA.

In this regard, just a simple swap, with equal facilities would be in GU's favor due to proximity. This criterion, again mentioned many times by myself, has never been addressed.

There has been no serious study of alternatives since the land swap was proposed. The EA of 1995 studied no structures, as admitted to by Sally Blumenthal of NPS [May 19, 2003, p.

171] This is sworn testimony, that also stated that no alternatives even contemplated in that EA. Given its age, it cannot be cited for precedent.

These are major significant impacts that require a full Environmental Impact study for the entire waterfront. Only in this way can alternatives outside the exchanged land be considered impartially. This would also eliminate arbitrary rejections. Therefore, Option D is required.

10. There are no acceptable NEPA studies for the entire area.

There is a requirement that environmental studies not pick out pieces and ignore other known actions. Also, any NEPA Study more than 5 years old that did not consider proposed action cannot be used as a basis for action. Since the EA of 1995 admittedly did not consider a boathouse at all, in violation of NEPA requirements, since that was the original purpose, or any other waterfront study do likewise, a complete EIS of the Waterfront is required. {Zoning transcript Blumenthal of NPS [May 19, 2003, p. 171]}.

This lack of NEPA review is made more acute by the decision of NPS to push forward ahead of the previously announced schedule of developing the waterfront park and well after this A was opened for study, it becomes even more important, with other facilities coming into view, all adjacent to each other and all having cumulative impacts from traffic, noise and viewshed, Even the study for the Arlington boathouse looked at more options and it did not directly affect park land. All these developments were not foreseen and rule out any old EA or EIS that did not.

Therefore since there are significant impacts to a cultural property, a true EIS for the entire waterfront is required and must be done. Any study restricted to just the boathouse could not be acceptable.

11. No detailed analysis of degradation of park resources under preferred alternative.

The boathouse is in a zone that was earlier marked as being very sensitive and needing careful preservation to avoid further degradation. This issue was at least partially addressed in the study for the access road onto GU's campus from Canal Road.

This work had much less impact on the Canal park, and yet was subject to a full EIS. The boathouse, with much bigger impacts to the Canal park with respect to noise, construction water flow, potential for physical damage demands at least as much. Given that NPS is joint applicant on the zoning with an inherent conflict of interest, this study, furthermore, should be done by an outside agency. For the purposes of the zoning hearing, for example this was recognized by naming the Chesapeake & Ohio Canal Association be the party to represent the canal park.

The history of the boathouse project is that much of the information put forward in favor of the project has been incorrect and not challenged by NPS. These items include:

The initial drawings [Scoping report p 341 ff, Zoning Transcript 5/19/03 p. 160], the long fight over the height of the towpath that was only resolved by a balloon demonstration by Defenders of the Potomac Parkland, the claim at the zoning hearing that the C&O Canal NHP Advisory Commission approved the project [May 19, 2003 p. 159]

Since DO-12 requires that any Environmental Impact Statement has a complete appearance of impartiality, not only should there be a complete waterfront EIS, but it should be done outside of NPS and not financed by Georgetown University. Option D is the only possible choice.

12. There is no traffic study given. The disappearance of the parking area currently downstream of Key Bridge will have a major impact.

There is no serious study of traffic affecting the park and its Capital Crescent Trail. Dismissing it by saying that no cars will come to the boathouse ignores many issues, including impacts during regattas and other events at the boathouse, including the admitted parties, not only to the trail but the immediate surroundings, including the area on the other side of Aqueduct Bridge.

When the zoning hearing took place a sketch was produced with a fuller proposal to be made later. This has never been produced and it is nowhere in this EA. There is no clue as to traffic control, especially in adjoining areas and the Capital Crescent Trail.

This EA was advertised as being of EIS quality, yet traffic, noise and air pollution are important components of an EIS and are simply ignored in this EA.

Further, since these effects are not local to just the proposed Boathouse site and are significant, an environmental study must include the entire surroundings as they are all affected,

Therefore, in the absence of proper environmental considerations Option D must be preferred.

13. There is no study of the impacts of construction, including vibration, on the Canal.

The canal embankments are old and very fragile. This played very strongly in the discussions surrounding the access road from Canal Road to the GU campus.

There is no analysis of what can be expected as an impact on the canal embankment during construction. There will be many heavy trucks going in and out, and hours of operation are immaterial. There is the potential for accidents and possible major damage to the historic wall. None of this has been considered.

There is a potential for a breach and the consequences have not been studied. There is no mention as to who would be responsible for the cost of restoration.

There is no mention of closures to the CCT and even possibly the towpath. For the duration, there will be severe visual degradation.

All of these are significant impacts and are avoided by option D. These are issues that must be addressed in a full, impartial and proper EIS is even more important.

14. Everything that Georgetown University wants is taken at face value with no attempt to even justify the request. This land swap is supposed to be protecting the park, but that would imply that NPS would place some limits on Georgetown University's desires. John Parsons has admitted that they could, but there is no evidence of this, nor could he supply one when directly asked.

There is no critical assessment of all the Georgetown University asks for, nor any indication, other than roofline, that measures was taken to reduce the impacts on the Canal Park and Capital crescent Trail. This has been asked for repeatedly the C&O Canal Association and has never been responded to.

One of the more obvious examples is the exercise room/party room. This issue was raised at the zoning hearing and there was at that time a denial that there would be parties. Since then there has been a restriction to *ad hoc* parties that are not regularly scheduled, but with no number specified nor any numerical limit. Alumni could hold weddings there for example. And the consequences for alcoholic beverages have not been addressed, not to mention traffic, and noise. Surely the building volume could have been reduced if there was smaller exercise room, which would limit party uses.. Also, since the machines are moveable, there could have been placed elsewhere. In addition what is the justification for so many?

This is still inside a public park, and Georgetown University should not be usurping a famous public view for its own private purposes with a party room that has a balcony.

The question of rowing tanks is very troubling, since by now the sole argument for them being in the park is for the University's convenience. NPS could have helped GU find a better location that would minimize the size of the building, but has not done so. When the access road was built, there was concern for the hillside, yet some of that land would have lesser impacts on the Canal park than the current proposed site and greatly reduce the volume of the building. This is another example of alternatives not examined.

There is also a question as to how much space does it need to store a boat and how many boats can be stored in the given space. NPS has accepted at face value GU's assertion, yet no example of what is done either in Jacks or the Potomac boat club, or other Universities is cited. From numbers that I have seen presented at the zoning hearing, the number could be much higher. At a minimum there should be comparative data, again so that park exposure is minimized.

There is also a question of how many boats is need. All the EA has is an assertion by GU that they need 40 boats. However, at the zoning hearing [May 19, 2003, p. 134 ff] GU had only 20 shells with no clear indication as to why they would need more. The number 40 is arbitrary and should not be used to gauge the size of a building, and that with a low packing density for the shells.

Just how wasteful this building is shown on page II-13 ff, where for a floor space of 33,771 square feet, only 88,706 square feet is used for boat storage, or less than 26%. There is

absolutely no analysis of this and to how it compares to other facilities. The building is obviously much more than the public boathouse envisaged in the Master Plan of 1987.

There is no simple remediation for this bloated size and NPS has not made any apparent effort to deny design increase. This is illustrated by the original MOA of 15,000 square feet increasing to the current size based on arbitrary numbers.

This is a National Historical park, and some effort should have been made to make the impact on the Park and Potomac River less. Certainly, some of Georgetown University's desires could have been tempered a little to help shrink the size, but there is no indication of this since the original zoning application. This is supposed to be an exchange, not a gift.

The building is so big that it depends on a pier into the river, without prior Corps of Engineers approval, a reduction in width, including the shoulders, of the Capital Crescent Trail and a variance from the very zoning ordinance that was created for it.

There is no consideration in the entire EA for the general public and the needs of the park, for which NPS has fiduciary responsibility. Aside from a generally vague argument about trees, there is no needs analysis for the park, especially in an area that the master plan acknowledged is in need for special protection. For a park dedicated to Justice William O. Douglas and conservation, this is a major omission

This size represents a major impact relative to what could possibly been constructed upstream. It is also much bigger than almost any structure along the entire canal upstream from Key Bridge. All three build alternatives suffer from excessive size and failure to fit in with the plans for this area and its plans, and therefore only Option D is acceptable. If an EIS is done for this, then it should be comprehensive for the entire area, to allow better alternatives that could help make Georgetown University a better neighbor.

15. Land swaps are supposed to be by value not acreage.

The EA mentions that the land areas involved in the swap are of equal size. However, land swaps, by law, must be of at least equal Value to the government. While it is understood that land values can change prior to consummation, it is clearly the intent that at the start this be true. Otherwise, the land transfer can become a sale and this would violate many statutes, including the one establishing the C&O Canal NHP.

No appraisal data are given in the EA, but through the FOIA process, we have learned that the initial swap, in which the downstream site was smaller, was equal, and then when it was enlarged to allow for a growing building, a new appraisal was ordered which claimed that tract 102-109 was unbuildable. This appraisal was ejected by NPS.

There is therefore no appraisal of record for the transfer, which is a violation, at least of intent. The first appraisal, for reference, implied that on an equal area basis the upstream location is less valuable. In fact, the only data available suggests that they swap is of unequal value to start, which would be a violation.

Since the process has begun, the downstream site should have become more valuable as private property due to new development, further casting into doubt the financial basis for the transfer. None of this is in the EA as it must.

This exchange has the appearance of a sale which is improper. Since the EA of 1994 was for a smaller parcel downstream and piece meal, a full EIS should be made including the land exchange..

There the only viable decisions are Option D or a total reevaluation of the entire waterfront through a complete EIS, given the new developments.

16. The Boathouse on the upstream site should be used to set the scale for the swapped site,

The rationale proposed for the landswap is that the loss of some trees is more important and that visually, for the park that could override the loss of a historical view. This argument requires that the structures be at least comparable. At the zoning hearing testimony it was acknowledged that at the least the upstream site is “difficult”. As mentioned in earlier points, there still has not been shown any possible structure that could actually be placed on the upstream site. Therefore there is no basis for equivalent **building** impacts.

This is an important issue, since it concerns NPS’ acquiescence to GU’s demands and forms the basis of selecting alternatives, including the summarily rejected ones.

For example, it is not clear from the zoning testimony how rowing tanks could be placed there or whether they would be, given the obvious access problems. There probably need not be a “party” room either. It is not even clear as to how usable the Potomac River is for the sport of rowing. All these are in addition to restrictions that NPS has failed to identify that would restrict its use.

Since the EA of 1995 specifically did not consider a building, and also considered a smaller downstream site, it cannot be used to justify the transfer. The only alternative that could meet this problem is Option D pending a full review including an EIS of the entire waterfront to allow for proper alternatives.

This clearly meets the requirement of a significant impact.

17. The Boathouse zone in the Master plan is 1000 feet above Key Bridge, not 1100 feet as cited in the EA

This error colors many assessments as all build alternatives extend well past this limit. Any such extension must represent a significant impact in terms of the EA. No document has ever been put forward by NPS, to document this change, except for simply stating this. The RA keeps repeating this error.

Given that no development was to be made upstream of this zone and the upstream land was to remain undeveloped. All build alternatives must be considered a major visual impact. This leads to only Option D as a viable alternative and also, by terms of DO-12, requires a full EIS.

18. Visual impacts are clearly present. This should require an EIS by DO-12 since the C&O Canal NHP is, by definition, a cultural property.

The visual analysis section, by itself, is sufficient to show a significant impact, despite flaws in its execution. By itself, this should be sufficient to preclude a Finding of No Significant Impact, or FONSI.

In previous comments on projects surrounding the C&O Canal NHP, any change to the visual viewshed has been opposed as being significant to the park. Items such as these include telephony towers near the American Legion Bridge, a container storage facility at Williamsport and a nursing home facility at the entrance to the park at Great Falls. NPS should be at least as vigilant in the area of the proposed boathouse, as the master plan of 1987 acknowledges its need for preservation.

The visual analysis of the viewshed from the Capital Crescent Trail, which is part of the Canal Park is clearly severe by the reports own criteria, yet this is one section where they do not characterize the impact. In other sections, the report clearly does. By any criterion used in the past, this is definitely a significant impact.

The section on visual impacts from the Canal towpath, 4.2.2 suffer from several procedural problems, many of these addressed in the past with respect to the Zoning Hearing,

The park and towpath is highly used throughout the year, not just the summer. None of the vegetation is evergreen at the site, and furthermore is quite a thin layer as the canal bank falls away very quickly from the towpath. Just as one could not claim night time as a defense of not being visible, vegetation that exists only part of the time during the period of significant park use should not be either.

Furthermore, the photographs used to demonstrate screening of buffer suffer from a lack of defined viewpoint on the canal. This problem was demonstrated in testimony at the zoning hearing both by photo evidence and by a diagrammatic illustration. The documents are attached as Appendix C. The towpath is used by many hikers and walkers throughout the year, and they do not necessarily stay in the middle of the path. As one moves closer to the edge, by simple geometry, the angle of view past obstructions becomes greater, making the objects behind them more visible. The proper exploration would be to try to show the maximum view, rather than the minimum.

Furthermore, the human eye can pick up on things that are transient and then focus on them. As a hiker who has traversed the entire towpath three times, the view at the site of the proposed boathouse is quite spectacular and important as a park experience at all times of the year. Not only is Key Bridge immediately apparent in the height of summer, but so would the proposed boathouse. There is not that much vegetation that can obscure it completely at any time and in the fall to spring, nothing. The proposed boathouse, just from its size would be immediately apparent and therefore would have to be considered a severe impact. This point is emphasized by observing that the Washington Canoe Club, a much smaller and lower structure is always noticeable.

A further point is that all vegetation is temporary and must be considered so relative to any structure. This is actually emphasized by the simulations shown on pages IV-32, 33. In

addition, the canal bank should ideally be kept clear, as it was historically. Tree roots can lead to undermining of the structure, and has led to blowouts in many places. If maintenance funds were available the site would be quite clear and this can occur in the future. Therefore, the vegetative cover argument should not be applied to this visual analysis.

Another issue is that the park is devoted to both the canal and the views of the river, not just the opposite shore. Any obscuration of the river must be considered major. This criterion of the shore is arbitrary, contrary to the purpose of the park, and inconsistent with other actions of NPS to preserve views from the towpath, especially in an area that has been designated by the master plan to be kept undeveloped.

The claim is also made that to qualify for moderate impact there must be buildings of similar mass and scale. The only building that this would have to be the Washington Canoe Club, which at 23 feet of height except for a small cupola that raises to 32 feet, clearly much lower by about 50% than the GU boathouse. It is also only $\frac{1}{4}$ the total mass. In addition there never has been a historic structure in this area that is even close to this size and the claimed original Georgetown University boathouse, was not only much smaller but also at 32d Street.

Therefore all three build options represent major changes in the viewshed and remain a major visual impact. There has never been any structure of this size at this location and the proposed boathouse is clearly much larger than the existing Washington Canoe Club building which is about 50 % lower and only $\frac{1}{4}$ the volume. That building only obscures the river at one spot with its cupola, not for the entire length of a much longer building, as do all build alternatives.

Yet another point of consideration is that the center section of all the build alternatives clearly obscures the opposite shore. By NPS own previous actions in other matters, this is, even in the weakened terms of this EA, a major impact.

In the terms of DO-12, an impact only has to be significant, not even major to require a full Environmental Impact Statement for a cultural property. All the build alternatives are as they are clearly changing and moving upstream a built up area which is now natural and according to the terms of the establishment of the Park, meant to stay that way. The builds are well beyond the master plan boathouse zone and are clearly much larger than anything nearby, either currently or historically. A simple examination of the photos on IV-32, 33 show this relative to the no build option.

Unaddressed, but clearly there, is the proposed pier, which will certainly affect the views of the river in a new manner.

Therefore this is a clear call for a major EIS of the entire waterfront by the terms of DO-12. The only option that avoids this impact is Option D, which is also consistent with the master plans.

19. No Corps approval for the dock scheme
20. No discussion as to siltation or other effects of the pier.
21. No discussion of water depth and how it affects the racing

The plan for the proposed boathouse relies on the creation of a pier into the river and that requires Corps of Engineers approval. This has not been done.

We request that any pier into the river have proper approval prior to it passing any environmental review. Furthermore, we request that any approval be obtained only after an open meeting and consultation with all interested parties, including the Washington Canoe Club, The Coalition for the Capital Crescent Trail, and the Chesapeake & Ohio Canal Association. These are interested parties and have been granted proper standing since the application for zoning.

We insist that Georgetown University not be given any “emergency” approval after construction for this pier, since it has been shown as need since the zoning application and cannot qualify in any way as an emergency. Furthermore, there are serious questions as to silting and other river impacts so that proper consultation should be made with all interested parties.

We also call attention to the lack of any detail on water depth and how it affects river usage. There is a mention that other users will have to accommodate somewhat, but there is absolutely no consideration as to whether this is even feasible. At the zoning hearing in 2003, there was testimony given to the contrary, but it does not appear.

As for siltation, this has been used in other contexts in this area of the waterfront to rule out other projects. Clyde’s Restaurant was denied a pier on this basis and it is in close enough proximity to the proposed boathouse to indicate a problem there. This is a major impact and one, despite having been raised earlier, has not been addressed.

Given these serious concerns and impacts, only the no build option, option D can be considered as being allowable at this time. Also, any environmental review must be wide enough to consider the river through this area, including the entire Georgetown waterfront. In the past siltation has been used to deny construction below the boathouse area. The issue cannot be made to disappear just upstream.

22. The GUB is not to scale for Historic preservation criteria, whether older buildings were present or not.

There has been a complete denial of consultation in the historical review process, even though it has been formally requested [Appendix D].

A review of historical documents was made prior to the July 5, 2004 historical review meeting and there was nothing in the records at that time that indicated there was any structure in the boathouse area that could be considered a historical precedent for the proposed boathouse. Any building at this site that could even come close in height was much smaller and only transiently present. An oral query to Mr. Denee of DCSHPO indicated that this was correct.

Any consideration by NEPA since then has been in private and not open to the public for comment or an opportunity to learn of relevant material. This is despite a request to do so, included in Appendix D.

Therefore, the proposed boathouse does not meet historic review criteria and represents a significant new impact, and only Option D does not. It is not clear that proper procedure has been followed either.

This again demands a more complete investigation that only a full EIS on the entire waterfront can provide.

23. What are the maximum limits NPS could put on the development of the upstream site? The shown drawing uses part of the Capital Crescent Trail that has no easement, and it is not clear as to there could be emergency access or what other restrictions that COULD be placed on it in the name of preservation.

There is no discussion as to what NPS can require to m limit Georgetown University's ability to build. Mr. Parsons had indicated that they could, but there is no discussion of this.

Since the mere size of the building is an impact, this is significant and forces option D. as well as a full EIS.

24. I-1 the EA of 1995 did not address the presence of any build, admitted to under oath by Sally Blumenthal at the zoning hearing, did not consider any alternative sites, and is now more than 5 years old. This should not be used in the present review.

25. There is no comprehensive EA/EIS for the waterfront as required.

Under cross examination at the zoning hearing of May 19, 2003, Sally Blumenthal of NPS admitted under oath [p. 171] that the ERA of 1995 did not consider any building. Also at that time, Ms Blumenthal stated that the Canal Park did not need any special protection because it is 185 miles long a small piece does not matter [p. 163]. It also did not address the displacement of the Capital Crescent Trail [p. 174]. It also applied to a somewhat different land swap as the downstream parcel was enlarged after that.

In addition, the EA is now more than 5 years old and by NEPA, because there are significant changes since then, the boathouse in particular, that it cannot be used as any basis in any current NEPA action. Furthermore NEPA forbids segmenting an environmental review.

There is actually no valid environmental study for the entire Georgetown waterfront and any that were made earlier are clearly obsolete, since none of the current proposals from boathouses to parks to changes in parking and even the removal of the Whitehurst Freeway could not be foreseen.

This is emphasized by observing that in this draft EA, alternatives are rejected by changes that are themselves not part of a proper review.

We also like to point out that the actions of NPS, in the persona of Mr. Parsons and Ms Blumenthal have been prejudicial to the best interest of the C&O Canal NHP, or at the least are not impartial or at least do not appear impartial. The comment cited above is one example. Another involved a long argument as to the height of the towpath, in the course of which the email in Appendix F was sent incorrectly stating the height, yet NPS had in its possession a Class 1 aerial survey accurate to less than one inch that showed a height of less than 39 ft above sea level. It was only an independent balloon demonstration in which we took part in that the issue was resolved.

Still another on the part of Mr. Parsons is his admission on pp 341 ff in the scoping record that the drawing used to present the boathouse to the C&O Canal NHP Advisory Commission and the CFA was "misleading". This comment was not made until the drawing's validity was repeatedly questioned.

Therefore on the basis of this EA we ask for Option D and request that a full EIS on the entire waterfront be made so that many of the issues that will not be addressed if it were more restricted. Further we also ask that NPS, especially the National Capital District be removed from its implementation so that the appearance of impartiality is maintained as put forward in DO-12. We also note that as a joint applicant in the zoning process, where the C&O Canal Association was given party status because of the conflict that in any NEPA action is carried forward in a nonconflicted manner.

26. There is no study of the impacts to the Capital Crescent Trail.

The Capital Crescent Trail, CCT, as part of the C&O Canal NHP is impacted by more than visual elements. In the zoning hearing of May 19, 2003, there are changes to the CCT outlined that change its width and location. Also, nowhere is a discussion of any effects of traffic, not necessarily vehicular, on the functioning of the CCT.

The CCT requires shoulders that will be eliminated as it will be immediately adjacent to the Canal wall. Currently it meets a standard biker's trail definition, yet there is no discussion of this either.

In addition there will be impacts from construction for an unstated length of time. There is no discussion of crowd impacts during races.

Bikers, both on the towpath and on the CCT are an important user of the park in this area and the proposed boathouse and yet impacts to this group of users is not addressed anywhere in this EA.

This is a significant error that can only be addressed by a full EIS of the entire area. This supports, on this basis, Option D.

Section Specific Errors Numbers preceding headers are specific page references

27. I-7 The EA accepts the idea that GU's desire to have a boathouse on a par with Princeton and Harvard (the only two schools that have a facility in the same class as the proposed one) is a need that NPS should not accommodate by making parkland available by uncritical acceptance. NPS is, by law committed to maximize protection of parkland from either inter or external impacts. Also, Princeton's is a dual facility and part of it is for the US Olympic team and not Princeton's.
28. GU's footprint would be larger than that of Princeton's building, which also houses the national team, and only slightly smaller than Harvard's two boathouses combined.

The proposed boathouse is to occupy a site that Georgetown University itself, admits is small and tight. The EA draws comparison to the Princeton and Harvard, and does not consider what other University's employ, even those with quite successful programs. Princeton's, however, is only partially for the use of Princeton, and neither has to contend with public land.

The Boathouse Row of Philadelphia that is constantly referred to in this project again avoids the public land problem and they are all much smaller than this one.

Given the fight for space in Georgetown and the fact that this EA makes no space analysis for a successful program, it is clearly inadequate. The figures in the EA show that Option C uses less than 26% of its floor space for boat storage, numbers that cannot be compared to others as they are not given. Neither is there a comparison with other boathouses as to how densely shells can be stored. There is no correlation shown between size and success in this EA, which would be useful for evaluating all the build options.

During the zoning application, Tract 109-114 was called a difficult site by GU. There is no discussion as to how the building was scaled back to meet this difficulty; the history suggests expansion in stead. This has resulted in a narrowing of the Capital Crescent Trail a large variance and an unapproved pier in the water.

Given NPS' mission to minimize impacts to its parklands, this section shows no effort to do so. Therefore we again reiterate Option D and a full EIS.

29. II-7 The parties are restricted only to no “regularly scheduled“ ones with no limit as to number. GU admitted as much at the Carol Schwartz Roundtable with JP present and not dissenting.
30. II-24 The 1987 plan considered an 8,000 sq. ft. boathouse maximum. It has never been officially amended or superseded.
31. The boathouse zone was labeled as advisory only by John Parsons at the Carol Schwartz Roundtable.
32. No proper analysis of possible noise has been done.

There has been an inconsistency in the terms used to favor or reject alternatives. In particular, either the “boathouse zone” has meaning or not. It is claimed both ways, and its original intent was to restrict where boathouses can go, including upstream to minimize impacts to the park. By allowing Georgetown University to go beyond the upstream limit it is in conflict with the plan.

Similarly, the size clearly exceeds anything included in any officially adapted plan, statements to the contrary. The consequences for these have not been assessed.

The party issue addresses both traffic and noise. Parties can clearly have a major noise impact. Even if vehicles are not allowed past Aqueduct Bridge, there still can be major impacts. With no limit on the number of parties, open to anybody with a GU association, this could potentially lead to severe noise problems. Likewise even major foot traffic could be in conflict with the CCT. Depending on the party, there could also be vehicular traffic just outside the boathouse, again a significant impact

Given the lack of consideration of key elements, Option D is proposed with a major and full EIS.

33. III-4 Draft plan of 2000 referenced many times in EA. It has no standing.

This draft plan has no standing and its consideration colors the entire EA.

Option D remedies it and since the Draft plan, Appendix L of the EA, has never been formally adapted, as the plan of 1987 has, and furthermore, the use of the Georgetown Waterfront Commission played a large, and therefore prejudicial role in its writing, and since it has never, in previous filings been referenced, it is inadmissible.

Mr. Parsons also has stated in public that this is not a true commission but an informal citizens group, to avoid conflict with FACA. If true, then draft plan represents an extremely biased representation, omitting many users of the Canal Park.

A full waterfront EIS should be performed and it should properly represent, in a verifiable manner official documents.

34. The EA has not answered flood potential to Canal structure in 4.4.1, only boathouses, despite scoping request even cited in EA summary. That the construction of the building has a substantial increase on the water flow behind the building - this will likely carve out the embankment causing it to fail. The EA proves that one can't build there without a significant impact.
35. No discussion as to who would be responsible for flood damage

There has been no assessment of the potential for flood damage to the Canal bank Appendix P shows significant rises in water velocity, but they have not been analyzed, but just indicative of possibility. Appendix F cites section 4.4.1, but that section mentions only the Washington Canoe Club and not the canal. Furthermore, Appendix P is incomplete.

At the public meeting, a representative of Edaw admitted that no study has been made of this factor, despite repeated demands. Still an examination of the data that is submitted indicates a doubling of velocity at the upstream ends of the boathouse on both sides indicating that there is a strong possibility for a major impact on the Canal bank. This is clearly a significant impact on a cultural resource and all the build alternatives display this.

Table 3 of Appendix P shows velocities much higher at the corners of the building, which is to be expected as a result of flow restriction by the boathouse. This rise indicates a potential increase in stress at the Canal wall but does not seem to have been studied.

Given the repeated demands for such an analysis, the potential damage to a fragile, historical canal bank and no discussion of responsibility for repair, Option D is the only satisfactory option. A full EIS should discuss this important issue and also state who would bear responsibility.

36. At an advisory Commission meeting, John Parsons of NPS admitted to using a misleading drawing in preliminary presentations.

The testimony was given at a C&O Canal NHP advisory Commission meeting and is given on pp 341ff of the Scoping report.

This drawing was also used to obtain preliminary approval at the Commission of Fine Arts for preliminary approval and at the application for zoning. At that hearing, there were no accurate drawings present, as Georgetown University used incorrect heights for the towpath and even used deceptive backgrounds to obscure the impact to the Canal Park, claiming that they were “illustrative illustrations. [p.160, May 19, 2003].

These are major and significant impacts, especially given the lack of formal review through the EIS process, as defined in section 4.0 of the EA.

This therefore demands Option D, and a full EIS for the entire waterfront since so many elements are affected outside the immediate location of the boathouse.

37. What is the minimum size and minimum height structure required to provide public benefit derived by removing Georgetown University's shells from Thompson's Boat Center?

One of the unanswered questions for assessing the impacts of the boathouse is how much space is freed up at Thompson's Boat Center as a result of Georgetown University removing its shells to the new building. This is a public facility and this removal has been used to justify, in part, the construction of the proposed boathouse. GU has in fact asked all the high school rowers to support the new structure for their own benefit.

An unanswered question is just what amount of space is made available to the high school rowers by construction of the boathouse, and how big a public facility would be required to give them their own space, of at least as much as is being freed up.

This would be indeed another alternative and the present proposal relative to this one is a very significant impact. This should be considered as an additional item in noticing that no significant structure has been yet shown that is possible at Tract 102-109, so its presence still cannot be asserted.

This is a significant impact in an indirect manner and therefore requires a full EIS, including the entire waterfront, which is affected. Also it forces Option D.

38. The DO-12 Handbook requires an EIS rather than an EA,

By being an historical park, the C&O Canal National Historical Park qualifies as a cultural property under the terms laid out in DO-12. Since there are clearly many significant impacts, not even just one, which would be sufficient, this EA must point to a full EIS. Furthermore, since the impacts go well beyond the confines of Tracts 102-109 and 114, and even in many ways impact the entire waterfront, the EIS must consider the entire waterfront.

This is shown not only by consideration of noise, traffic, flood, but viewshed, proper land use, implications for the future of the park, needs of it many different users and conformity with mandated requirements.