



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

Rock Creek Park

3545 Williamsburg Lane, N.W.

Washington, DC 20008-1207

FEB 12 2009

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District of Columbia Zoning Commission

Anthony Hood, Chairman

One Judiciary Square

441 Fourth Street, NW, Suite 210S

Washington, D.C. 20001

RE: Zoning Commission Case Number 08-21 (Canal Parc) Consolidated Review of a Planned Development and Related Map Amendment @ Square 1356
4460 MacArthur Boulevard, NW

Dear Mr. Hood,

We would like to thank you for having representatives for the Applicant for the above mentioned zoning case make contact with the National Park Service (NPS) so that we could discuss the issues and concerns we have regarding wetland protection, storm water management, and protection of sensitive park resources downstream of the proposed project. National Park Service staff have been appraised of positive modifications to the original plan, especially with regard to the relocation and height reduction of the retaining wall bordering the stream and wetland that are present at the site. However, additional modifications may be required. In a recent D.C. zoning case, a homeowner's retaining wall abutting NPS property, was described as a "structure" which would indicate that the Applicant should modify the current plan to incorporate the required setback from the wetland which is required under D.C. code and by the U.S. Army Corps of Engineers.

The National Park Service also has concerns with regard to the protection and maintenance of two springs which are located within the delineated wetland on the west and southwest side of the property. Neither spring is identified or labeled on the plans although the drainage channel for the most southern spring is shown in conjunction with the discharge outlet of the sand filter. Both springs should both be labeled as such on the plans and identified as waters of the U.S. Both of these springs will be vulnerable to disturbance during site construction and during the installation of the retaining wall. Their flow patterns could be altered which could modify their direct connection and discharge to the existing stream and wetland. Both springs are important in recharging the perennial stream that runs through the property. The spring and drainage on the southern end of the property is especially vulnerable since it is located in the same location as the planned storm sewer and storm sewer outfall, yet there is no indication on the plans concerning the protection of this spring either during or after construction. No contingencies are being planned to insure that the flows from these springs will continue to discharge unimpaired into the existing wetland once construction has been completed.

ZONING COMMISSION
District of Columbia

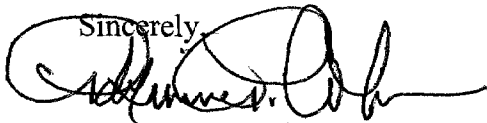
CASE NO. 08-21
EXHIBIT NO. 49

During our site visit, we were pleased to see that the Applicant had delineated the wetland with new stakes and flagging to mark the wetland boundary. However, during a subsequent site visit with Ms. Julie Moore, conservation biologist with the Fish and Wildlife Service with training and experience in wetland identification and mapping, it was pointed out that the wetland boundary should be modified and expanded slightly to include all of the obligate vegetation which is indicative of wetland status. During our earlier site visit with the Applicant, the Applicant agreed to install and maintain a continuous high visibility fence along the wetland boundary until project completion which will help everyone in identifying exactly where the wetland is. We would recommend that the Commission make this fencing a requirement and request that the Applicant use more substantial fencing such as snow fence. The Applicant also provided us with a number of the plans that we had requested but we still are awaiting copies of the Construction Management Plan and Grading Plan which will be very helpful in assessing additional impacts.

We have reviewed a copy of the District of Columbia, Department of the Environment's (DDOE) November 6, 2008 Memorandum to the District of Columbia Zoning Commission which states that any impacts to the wetland or stream "can be controlled and avoided on this site with appropriate site design measures." NPS strongly supports DDOE's request "that the Zoning Commission explicitly disallow any impacts on the wetlands or stream and allow minor changes to the site plan as necessary to avoid such impacts." We also support the DDOE statement that "the Applicant is responsible for ensuring-both during and post-construction-that the wetland and stream are not impacted." We also request that the Zoning Commission require the applicant to provide NPS, for our comment and review, any further details that will be required by DDOE "to ensure the protection of the wetland, stream, and any other protected environmental resources that may be impacted by the development of the site." We also support DDOE's plans which state that "a more detailed review of the proposal would be done if the PUD is approved" (November 21, 2008 Memorandum from Jennifer Steingasser to DC Zoning Commission).

We appreciate this opportunity to comment on the proposal and look forward to continuing our work with the Commission, DDOE, and the Applicant to protect sensitive resources on the site and to mitigate any impacts from the proposal on parkland.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrienne A. Coleman". The signature is fluid and cursive, with a large initial "A".

Adrienne A. Coleman
Superintendent, Rock Creek Park