Chesapeake & Ohio Canal Association

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May 19, 2003

Testimony on Case 02-30 request a Zoning Map Amendment and special exception.

We would like to request a period of time to respond to testimony that we feel needs challenging. Also we have been only able on June 18th to set up a visit to the Historic preservation archives and would like the record held open if additional relevant information can be found.

The Chesapeake & Ohio Canal Association (COCA) wishes to state its position that the special exception be denied because the proposed boathouse as currently designed will involve improper, unacceptable and adverse impacts to the Chesapeake & Ohio National Historical Park (C&O Canal NHP) and on land that is part of the park itself prior to the swap that are incompatible with the aims that led to the establishment of the park.

As the organization that celebrates its founding 50 years ago next April by Justice William O. Douglas to promote the creation of the C&O Canal NHP, we have remained a champion for the park to this day, most recently demonstrated by leading a successful campaign to win a $6 million stabilization project of the Monocacy Aqueduct across the Monocacy River that is now underway. This boathouse is not the anniversary present that Justice Douglas would have welcomed in a park dedicated to his memory.

ZONING COMMISSION
District of Columbia
Case 02-30
Exhibit 361
ZONING COMMISSION
District of Columbia
CASE NO.02-30
EXHIBIT NO.361

The C&O Canal NHP encompasses two very important and unique aspects that must be respected. One is stated in its official title, historical. The Park includes the only unbroken canal of the canal building boom of the first half of the 19th century when road travel was not easily done. The canal played an important role in the development of Georgetown, the Civil War and was in active use into the early 20th century. No other canal in the United States can make this claim. There are major engineering feats along its length and one of them, the Monocacy Aqueduct, which is now being stabilized, has engineering landmark status from the Society of American Civil Engineers and the entire Park and all its features are included in the National Register of Historic Places. In addition, the part in Georgetown is part of an Historic District While the inclusion is automatic by being an historical park, it was also done explicitly in 1979.[Statement attached, nomination form]

The boathouse that is proposed in the zoning application clearly conflicts with the historical aspects of the C&O Canal NHP. The site itself is historic and was very early recognized as a significant one visually. Attached are two photos, Figure 1 and Figure 2, one from the 1860's, the other around 1900, before Key bridge existed and an earlier structure, the Aqueduct Bridge did. Currently, even with the substitution of Key bridge and the buildings in Roslyn, the view is close to intact, Figure 3. With a roof line of up to 25 feet higher than the towpath in just the same area, the view is gone. The pictures submitted on the May 19, 2003 misrepresent just how historic and important this is.

The other aspect is that the Park is a very early example of land devoted to outdoor activity and preservation of the natural environment, before such considerations came into national prominence. This was recognized from the very beginning and is included in the nomination form establishing the C&O NHP as an Historic Place. In the nomination, reversion and acquisition is explicitly mentioned for the entire park to expand the original narrow boundaries. As a result, No other city besides Washington can claim the river and towpath in such a beautiful state starting from inside its boundaries and continuing on for most of its length. The park came into being on this basis, and next year marks the 50th anniversary of the famous walk by Justice William O. Douglas as a challenge to the Washington Post which was advocating a parkway for the land.

> The stretch of 185 miles of country from Washington, D.C., to Cumberland, Md. is one of the most fascinating and picturesque in the Nation. ..
> It is a refuge, a place of retreat, a long stretch of quiet and peace at the Capital's back door – a wilderness area where we can commune with God and with nature, a place not yet marred by the roar of wheels and the sound of horn.

It is a shame that the maintaining the natural state of the Potomac, starting in the District of Columbia, by the creation of the C&O NHP has been lost in the debate over the boathouse, as seen in the testimony of Richard Hall [Transcript 6/5, p. 115], where he does not understand why the Potomac looks the way it now does.

The towpath, for all the traffic at various locations, still retains its outdoor character once one is past Key Bridge, where it transforms from city to country, still within the boundaries of the District of Columbia. Anybody who has walked towards the city from Fletcher's Boathouse, and a large number do this every day, knows the thrilling sight of Key Bridge and the entrance to the city as shown from this location in Figure 3. Even the GUHOYAS web site acknowledges the beauty of the view.

> Go up the stairs to the Great Room with an amazing view of the Key Bridge and the Potomac - a perfect setting for future crew alumni and parent events.

For half the year, there are no trees and the view is as shown, Figure 3. Even in the summer, while not too easy to photograph, a walker can still see the bridge through the trees, as seen in Figure 4, which was taken on May 20th, 2003. This is a symbolic entrance to the city and Georgetown along the towpath and as it is approached from Fletcher's the sudden appearance of the bridge and city is breathtaking. The further up you start, the more imposing it is and for those who have taken part in the through hikes commemorating Justice Douglas' famous walk, as I have, unforgettable. It is a park experience the NPS should try to preserve rather than casually dismiss. A boathouse, Figure 5, Figure 6 and Figure 7, should not be allowed to destroy this view for the large public that passes through this area. Even if there were no view of Key bridge, the trees that could partially obscure the

view are in keeping with the spirit in which the C&O Canal NHP was founded and still maintain the impact. The backside of a roof most definitely does not.

COCA has no quarrel with Georgetown University to build a suitable boathouse. However, this should not be at the expense of public use on public lands on an important national park that contributes so much to the well-being of the District of Columbia. We realize that suitable locations involve difficulties, but nothing that has been done in promoting this project seems to acknowledge that it should be done in a compatible manner with all its surroundings, including a very special historical park in a section that is heavily used by so many people, including the students of Georgetown University. This is recognized by the National Park Service, which lists the C&O Canal NHP as Stop 6 on a tour of historical places, and noting that NPS lists the visitation of the C&O Canal NHP in the District of Columbia at over 2 million for 2002. There is almost total emphasis on the convenience of the boathouse such as by making 80 foot long bays [Transcript 5/19 p. 136] and nothing of minimizing impacts on its neighbors. In the entire presentation on May 19th, there was not one mention of impacts or even presence of the C&O Canal NHP.

Clearly there are uses intended for this building that go beyond a simple boathouse and help make it so big. Breaking up a roof line, [Transcript 5/19 p. 63], to make it look smaller still leaves it as big and still blocks the views. One use is an exercise room with a veranda, fireplace and 26 foot high ceiling claimed to be only that, despite the condition that exercise equipment would not be moved in season [Transcript 5/19 p. 113], not never and in the presentation the the Fine Arts Commission is considered to be dual use. Another is a rowing tank that is presented as scenery to a national park dedicated to natural and historic views of the Potomac [Transcript 5/19 p. 53]. Remove unneeded facilities that could be placed elsewhere to reduce building size. It could then fit elsewhere with little trouble and help preserve a park so important to the entire National Capital region, Georgetown and even Georgetown University and its students who use it regularly. If the C&O Canal NHP must lose some of its character, why should Georgetown University have to have everything? Certainly a new EA, preferably an EIS, and engineering study at the least should be done since the Capital Crescent Trail must be moved with a possible disturbance of the canal bank, which is quite fragile.

Therefore, since the zoning applications will allow the erection of a structure that strongly conflicts with the C&O Canal NHP and this was not considered, we request that the application be denied as it is faulty and does not properly address its interactions with its neighbors and the requirements of the W0 zone. If a W0 zone is granted, then the special exception for this proposed building be denied since it does not enhance the visual and recreational opportunities offered along the waterfront, certainly as seen from the C&O Canal NHP. Certainly any variances which allow any expansion over a W0 zone should be rejected. If a structure is granted use of this site, it certainly should be restricted in total height to be no higher than the towpath, which we believe to be 28 feet to protect the historic views and not extraneous uses such as social events, rowing tanks, [Rassmussen, Transcript 6/5, p. 103] and exercise rooms that could go elsewhere to minimize the impacts on the Capital Crescent Trail and the C&O Canal NHP. There has been ample testimony that social events are not intended in the boathouse and a restriction to such use should cause no problems.

We are not against a boathouse for Georgetown University, but this proposal is the wrong building in the wrong place. In particular, the oversized behemoth of a building dominates and imposes on a critical, heavily used part of the C&O Canal towpath, Figure 7, one of the major features of the 8th most visited National Park in the United States with an estimated 3.5 million visitors and a major contributor to the economy through heritage tourism and quality of life of the District of Columbia. Since all land use decisions must balance competing interests, as desirable as a boathouse may be, a private use such as this admitted on May 19th, cannot compare to the public needs that the C&O Canal NHP satisfies and should not cause degradation to them. The proposed boathouse will be the first modern construction outside of downtown Georgetown alongside the towpath since the park was established in 1971 for its entire length of 185 miles. Until now, all attempts to do so have been reversed as park policy and in conformance with inclusion in the Register of Historic Places, and, indeed, the opposite has actually been achieved with the removal of nonhistoric structures. The boathouse should not be the precedent that reverses the trend. It should not be a heavy imposition on a park that NPS claims it is saving.

The process that has led to tonight is so faulty that no architectural views were ever considered from the C&O Canal NHP [Transcript 5/19 p. 163] and those that showed background were "illustrative illustration" [Transcript 5/19 p. 160]. The entire testimony given on May 19th made no mention of the C&O Canal NHP as a neighbor and all the architectural discussions were as to the view from the river with no consideration as to how the boathouse's impact on the park would be minimized [Transcript 5/19 p. 163].The one figure that they had present that night, Figure 6 was never displayed and its existence even denied [Transcript 5/19 p. 162]. The letter from Arnold and Porter dated June 17 had attached statements that claim the site,

> Other than the WCC building, the site is surrounded on three sides by open space and water, providing no particular context for scale. There is no reason to overly minimize the size of the building. There is no reason to **overly** [emphasis added] minimize the size of the building, as it will pleasing for the public to look at.

Obviously this does not include the users of the C&O Canal NHP. The consideration of the canal seems to be that of total neglect. In fact, the size of the Washington Canoe Club, the width of the Capital Crescent Trail and the height of the C&O Canal Towpath do provide contexts for scale. It also conflicts with Ms. Blumenthal's testimony (Transcript 5/19, p. 149] where site restrictions are mentioned with that requirement in mind. I also call attention to the testimony of Mr. Schlesinger, [Transcript 6/5, p. 74] where he testified that good architecture must consider all four sides of a building and its neighbors and the stement of Mr. Muse [Transcript 5/19, p. 163] where he admitted that there was no consideration of building height with respect to the presence of the C&O Canal NHP [Transcript 5/19, p. 163].

There is one further point. There are statements that the proposed site is narrow and so everything had to be squeezed. Yet the upstream site is much less than half as wide and would prove to be a much more difficult challenge. Good architecture seems to dictate that the building fit the site rather than the other way, which seems to be the case in the arguments made for the current boathouse.

Outreach and Late Entry

The presentations on the boathouse prior to May 19, 2003 were so uninformative and provisional that it has not been clear on what basis this proposal moved forward, other than with provisional approvals. There was an admission on May 19th that there were many changes, including architects [Transcript 5/19 p. 98]. In order for COCA to evaluate its position, we had to go out and estimate building locations, heights and finally use graphics that were available only since April. There was no attempt for outreach for opinion from the C&O Canal NHP interest groups by any of the applicants.

To date there have been no fully dimensioned drawings presented and even ones that were requested such as a head on view from the towpath have not been furnished. All dimensions quoted in this testimony,and they are quite relevant, have been produced by opponent's work.

The only contact mentioned of a organization affiliated with the C&O Canal NHP was to the Chesapeake & Ohio NHP Advisory Commission, which was cited as being in approval [Transcript 5/19 p. 159]. This approval is not the case as the minutes of the Chesapeake & Ohio NHP Advisory Commission show that no vote ever taken since 1993 and at the March 2002 meeting a presentation was made again with no vote was solicited. [Transcript 5/19 p. 159, attachment] No other source of comment was solicited, certainly not our organization, which is easily found on the C&O Canal NHP website. Georgetown University should have been aware of us from our earlier testimony with respect to the access road from Canal Road. Even the formal procedure of an EIS or even an EA with this building included, which would be sufficient to trigger examination by COCA, was never done. [Transcript 5/19 p. 173].

Visual Impacts

There was a claim that visual impacts were considered, presumably in the EA [Transcript 5/19 p. 163]. The testimony from May 19th in response to our cross examination, the opinion was expressed that with a 185 mile park, the loss of view for a small piece of the towpath

is not that important [Transcript 5/19 p. 163]. Would NPS say the same thing if a building were proposed that would eliminate only one geyser from Yellowstone National Park?

This is in direct conflict of Sections 1.4 and 1.5, Appendix B, of the NPS 2001 Management Policies manual, a copy of which is attached to my written testimony submitted for the record, which charges NPS personnel to defend even visual impairments for all of its properties including those impairments that are located outside the immediate boundaries of the park. In any event, we vehemently disagree with this relativistic notion of adverse impacts. The District of Columbia portion of the C&O Canal NHP is very busy and one of the most important parts of this linear park. It is historic, being a terminus of the canal with the section below Key bridge being the only part in an urban area until one reaches Cumberland. The transition to a rural character is dramatic and happens quite suddenly above Key bridge. The section above Key Bridge is admittedly fragile with the noise, traffic and confined space so that any further adverse impacts should be avoided, or at the least, minimally disruptive. This was even acknowledged in the planning document of 1987 (Appendix A) for the Georgetown waterfront, where the land upstream from Key bridge and below the Georgetown campus should be subject to no development.

The land swap and design of the boathouse has not been done in an open manner and that this was accentuated in the Environmental Assessment where there is no consideration of the building, especially its size and its relation to the surroundings. Testimony was given that the EA was reviewed by the Corps of Engineers [Transcript 5/19 p. 69], who agreed that there were no wetland impacts, but this review presumably did not include any consideration of the impacts of the building on this area's important historical, natural, and recreation resources. [Transcript 5/19 p. 173] There is no mention in this document, either of any impact to the C & O Canal National Historic Park, despite the fact that this enormous structure will now block the view of the Potomac River from the Canal's towpath or the potential for having to cut into the fragile bank supporting the towpath. The viewshed of the Potomac River from the C & O Canal NHP is one of its most significant historic features as witnessed by many old photographs. One could not guess from that document that there would be a structure that is as much as 25 feet higher than the towpath, as shown in Figure 5 and Figure 6, in contrast to the existing Washington Canoe Club, which predates the park, as shown in Figure 8. This fact was confirmed in testimony on May 19th [Transcript 5/19 p. 163], when Sally

Blumenthal of NPS admitted that the only EA cited was only for the land swap and no building and Mr. Muse said that there was no consideration of building height [Transcript 5/19 p. 163].

Justification

The National Park Service, NPS, in its statements and actions, has not been attentive to the objectives that led to the establishment of the C&O Canal NHP and whose land is involved. In other locations along the Potomac River, scenic easements and similar preservation techniques have been sought to maintain the integrity of the Park, yet not in this case. We particularly call attention that no mention of any height requirements on the boathouse in order to be compatible with the public enjoying the C&O Canal NHP. The height restrict of 40 feet is so arbitrary, that we believe that in the testimony by Mr. Thompson [Transcript 6/5, p. 114], he mistakenly assumed that the actual height is the same of the zoning height, as indicated by his claim that the boathouse proposal is much lower than 49 feet, when, in fact, it is higher.

The swap is a benefit to Georgetown University, both with respect to location with its proximity to the campus, and its access and conformation. The current site has a proposed building 80 feet wide, yet if they attempted to use the swapped site, since there is no access easement north of the beginning of the property and the total width is 45 feet, it would require a building that could be no wider than 30 feet to allow access to the north end. Also the proximity to the main campus is clearly a positive step, and therefore, this is not a compromise, as claimed by Mr. Rassmussen [Transcript 6/5, p. 103]. Some scenic easements could have been sought that would not interfere too strongly with its stated use but this has not been done. Similarly there has been no attempt to regulate what can be done at the site to ensure compatibility with the Park and Capital Crescent Trail. This lack of concern should be compared to the recent actions of NPS opposing a nursing home at the entrance at Great Falls, far away from the towpath and a shipping container storage area in Williamsport that was just adjacent to the park. Both were on adjacent private property. It may be desirable to have picture windows in the boathouse so that rowers can be seen to foster the sport of rowing [Transcript 5/19 p. 51], but not in an important national park honoring the memory of William O. Douglas. Many more people use the park by biking, walking, picnicking or any other

outdoor activity, even just communing with nature, than there are rowers, and rowing should not come at the expense of the public use of public lands.

We also call attention to the claimed justification for the swap, issued by NPS, that this will help preserve the Potomac Palisades. Both locations are in the Palisades region, which ends further downstream at Wisconsin Avenue. Furthermore, the section at Key Bridge is a very critical area squeezed between Canal Road and the Potomac River, with much adjacent traffic. If any area needs protection to avoid further deterioration, it is this one as it is a key link along the towpath between Georgetown and its much more rural setting further upstream. Imposing a roof line that is up to 25 feet higher than the towpath would do just that. None of this situation is discussed anywhere, including with the Environmental Assessment from 1995. We also wish to point out that during the discussion of the Environmental Impact Statement for the access road to Georgetown University from Canal Road, these points played a large role in the testimony from NPS and the final design of the entrance. This is especially important as the road at issue was across from the towpath and not adjacent to it. It would be nice to have consistency.

Additional Comments on Other Submissions

The approval hearing on October 18, 2001 gave provisional approval to the boathouse In a letter directed to Mr. Parsons and CCed to Alan Brangman and Stephen Muse . In the letter of June 13, this was presented as full approval with minutes of the meeting attached. Nothing in the transcript mentions adjacent neighbors such as the C&O Canal NHP. The drawing presented at that time did not show the full building or proper scale.

The site in question involves the C&O Canal NHP and not the Georgetown Waterfront Park. Also Mr. Allen [Transcript 6/5 p. 122] agreed that park users in both have equal weight.

We have not been furnished any records supporting the claim that the C&O Canal NHP Advisory Commission gave approval to the boathouse.

In the letter of June 16th, the comment was made that to lower the height of the building they would have to go to a flat roof. Since the only views of the top would be from the towpath or Canal road, leaving the river views is much preferable and more historic to that of a roof. I am also sure that reducing the height of the 2nd floor, which has no programmatic relevance by the applicant's testimony, would further help in minimizing visual impacts to the C&O Canal NHP which is focused on river views. The applicants views as to desirability should not be deferred to in this matter and does not consider the mission statement and registration for the C&O Canal NHP. The GU boathouse, after all, is in no way historic.

The issue was raised as to why we did not appear before the Georgetown Waterfront Commission. We were not invited, as we should have been if there were outreach and I understand that the only meeting notices appear in the Georgetown Current which is much too limited in scope to be followed by anyone who is not a resident of Georgetown and is not a journal of record.

The comment that the C&O Canal Association would prefer no boathouse on th site is correct as we believe that this is in keeping with the goals that led to the establishment of the park. Failing that, we maintain that the boathouse minimize its impacts on the park, which it clearly did not consider in its design, as noted above. We do not oppose Georgetown University obtaining a boathouse in an appropriate manner. The towpath should not be sacrificed on the eve of the 50th anniversary of the Douglas hike so Georgetown University can have the largest boathouse in the east.

The comment that the great length of the C&O Canal will continue to be rural is not valid given Park Service Policy, as mandated by Congress, and the goals of the Park. One of these goals is maintaining the continuity of the towpath for its **entire** 185 miles and is still an ongoing project with the stabilization of the Monocacy Aqueduct and the new campaign, which has funding, at Widewater. There are no provisions for picking and choosing what to neglect. Also, contrary to the statement made in the letter of June 16, this particular piece historically did not have buildings, as shown by the photos from 1860 and 1900 that are included. Figure 1 and Figure 2.

Frederick I. Mopsik, Environmental Committee Co-Chair

Appendix A

(30) PRESERVE NATURAL SCENIC VALUES OF PALISADES

Above Key Bridge, west of the boundary of the designated boathouse area, the natural conditions of the palisades will be preserved. The Potomac River above Key Bridge is one of the main scenic treasures of the Nation's Capital, and no new development will be permitted in this area. In areas not now adequately protected, particularly the south edge of the Georgetown University campus, attempts will be made to acquire scenic easements and other devices to prevent intrusive developments.

Approved:
‹signed Manus J. Fish 1/29/87
Regional Director, National Capital Region

1.4 Park Management

1.4.1 The Laws Generally Governing Park Management

The most important statutory directive for the National Park Service is provided by interrelated provisions of the NPS Organic Act of 1916, and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978. The key management-related provision of the Organic Act is:

[The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified... by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (the "Redwood amendment," contained in a bill expanding Redwood National Park, which added the last two sentences in the following provision). The key part of that act, as amended, is:

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environ mental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consis-

 tent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC 1a-1)

This section 1.4 of Management Policies represents the agency's interpretation of these key statutory provisions.

1.4.2 "Impairment" and "Derogation": One Standard

Congress intended the language of the Redwood amendment

to the General Authorities Act to reiterate the provisions of the Organic Act, not create a substantively different management standard. The House committee report described the Redwood amendment as a "declaration by Congress" that the promotion and regulation of the national park system is to be consistent with the Organic Act. The Senate committee report stated that under the Redwood amendment, "The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system." So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording ("unimpaired" and "derogation") to describe what the National Park Service must avoid, they define a single standard for the management of the national park system—not two different standards. For simplicity, Management Policies uses "impairment," not both statutory phrases, to refer to that single standard.

1.4.3 The NPS Obligation to Conserve and Provide for Enjoyment of Park Resources and Values

The "fundamental purpose" of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values.

The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The "enjoyment" that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, not just those who visit parks, and so includes enjoyment both by people who directly experience parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act, in decisions that variously describe it as making "resource protection the primary goal" or "resource protection the overarching concern," or as establishing a "primary mission of resource conservation," a "conservation mandate," "an overriding preservation mandate," "an overarching goal of resource protection," or "but a single purpose, namely, conservation."

1.4.4 The Prohibition on Impairment of Park Resources and Values

While Congress has given the Service the management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement (enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired,

unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

1.4.5 What Constitutes Impairment of Park Resources and Values

The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact to any park resource or value may constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

_ Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;

_ Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or

_ Identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

Impairment may occur from visitor activities; NPS activities in the course of managing a park; or activities undertaken by concessioners, contractors, and others operating in the park.

1.4.6 What Constitutes Park Resources and Values

The "park resources and values" that are subject to the noimpairment standard include:

_ The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

_ Opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing any of them;

_ The park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and

_ Any additional attributes encompassed by the specific values and purposes for which it was established.

1.4.7 Decision-making Requirements to Avoid Impairments

Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decisionmaker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action may not be approved.

In making a determination of whether there would be an impairment, a National Park Service decision- maker must use his or her professional judgment. The decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); relevant scientific studies, and other sources of information; and public comments.

When an NPS decision-maker becomes aware that an ongoing activity might have led or might be leading to an impairment of park resources or values, he or she must investigate and determine if there is, or will be, an impairment. Whenever practicable, such an investigation and determination will be made as part of an appropriate park planning process undertaken for other purposes. If it determined that there is, or will be, such an impairment, the Director must take appropriate action, to the extent possible within the Service's authorities and available resources, to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts to park resources and values, as well as the requirements of NEPA, the Administrative Procedure Act, and other applicable law. *(See Levels of Park Planning 2.3;Evaluating Environmental Impacts 4.1.3; Planning 5.2; General 8.1; Visitor Use 8.2; General 9.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)*

1.5 External Threats and Opportunities

Strategies and actions beyond park boundaries have become increasingly necessary as the National Park Service strives to fulfill its mandate to preserve the natural and cultural resources of parks unimpaired for future generations. Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural sites, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly affect park programs, resources, and values. Conversely, Park Service activities may have impacts outside park boundaries. Recognizing that parks are integral parts of larger regional environments, the Service will work cooperatively with others to anticipate, avoid, and resolve potential conflicts; protect park resources and values; provide for visitor enjoyment; and address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resource and environmental protection. Such local and regional cooperation may involve other federal agencies; tribal, state, and local governments; neighboring landowners; non-governmental

organizations; and all other concerned parties.
The Service will use all available authorities to protect park resources and values from potentially harmful activities. Superintendents will monitor land use proposals and changes to adjacent lands, and their potential impacts on park resources and values. It is appropriate for superintendents to engage constructively with the broader community in the same way that any good neighbor would. Superintendents will encourage compatible adjacent land uses, and seek to mitigate potential adverse effects on park resources and values by actively participating in the planning and regulatory processes of other federal agencies, and tribal, state, and local governments, having jurisdiction over property affecting, or affected by, the park. When engaged in these activities, superintendents should promote better understanding and communication by documenting the park's concerns and sharing them with all who are interested, and by listening to the concerns of those who are affected by the park's actions.
(See Cooperative Planning 2.3.1.9; Addressing Threats from External Sources 3.4; Air Quality 4.7.1; Soundscape Management 4.9)



James Perry
06/05/2003 01:09 PM
EDT

To: fred.mopsik@verizon.net
cc: Tina Orcutt/CHOH/NPS@NPS
Subject: National Register of Historic Places and National Historic Landmarks Status of Chesapeake and Ohio Canal National Historical Park

Dear Mr. Mopsik:

The entire Chesapeake and Ohio Canal was placed on the National Register of Historic Places on October 10, 1966. This district includes structures and canal features such as the prism and towpath from the tide lock in Georgetown, District of Columbia to the western terminus 184.5 miles upstream in Cumberland, Maryland.

In addition, the historic features of the Chesapeake and Ohio Canal National Historical Park within Georgetown are contributing elements to the Georgetown Historic District. This area was designated by Act of Congress (Old Georgetown Act) September 22, 1950, and accorded National Historic Landmark status May 28, 1967.

In addition to the important cultural landscape of Georgetown along the canal, the park preserves 55 historic structures between the tide lock and Arizona Avenue Railroad Bridge.

Additionally, an Act of Congress on March 15, 1977, designated the entire canal and towpath as a memorial to Justice William O. Douglas.

James Perry
Historian
Chesapeake and Ohio Canal National Historical Park
National Park Service
(301) 714-2218

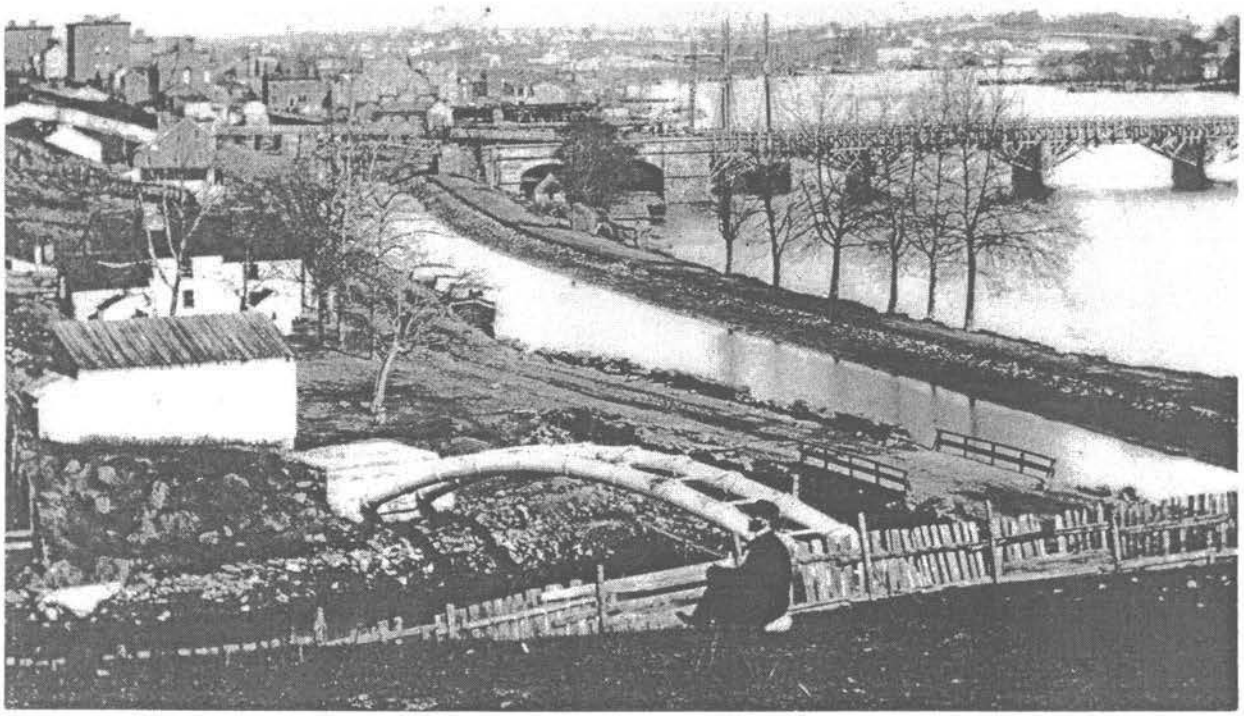


Figure 1 View of Aqueduct Bridge, 1860's



Figure 2 View of Aqueduct Bridge, around 1900

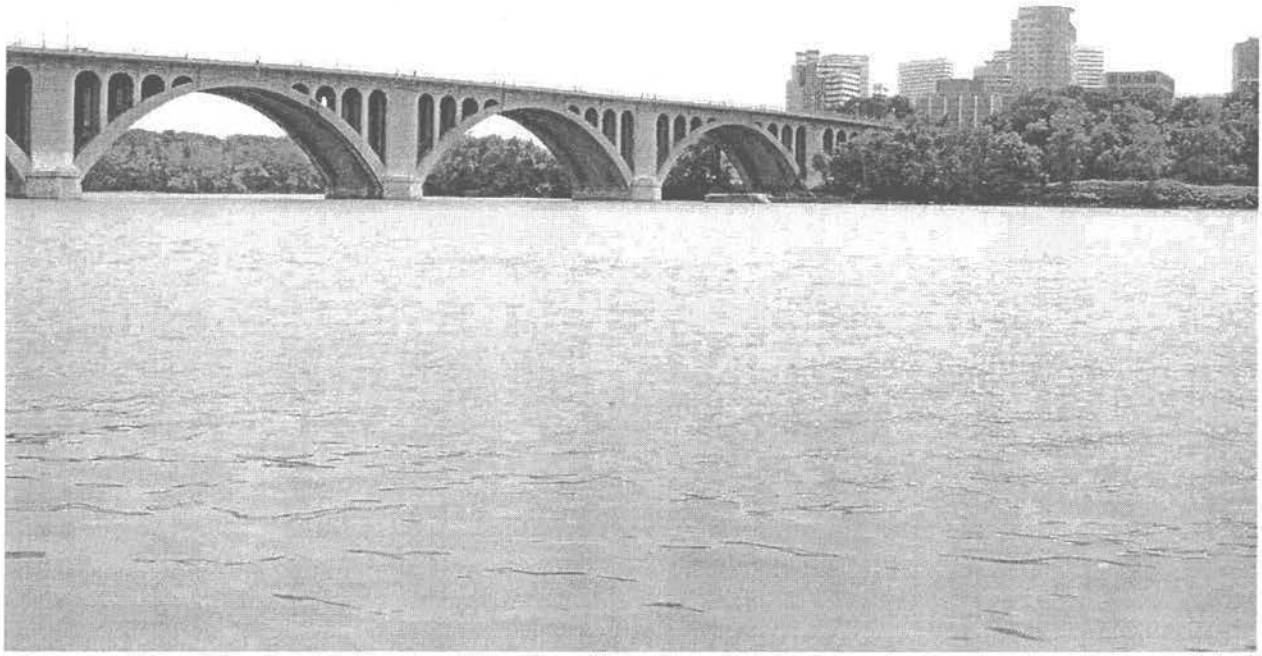


Figure 3 Key bridge



Figure 4 Key Bridge from towpath at boathouse site, Amy 2003

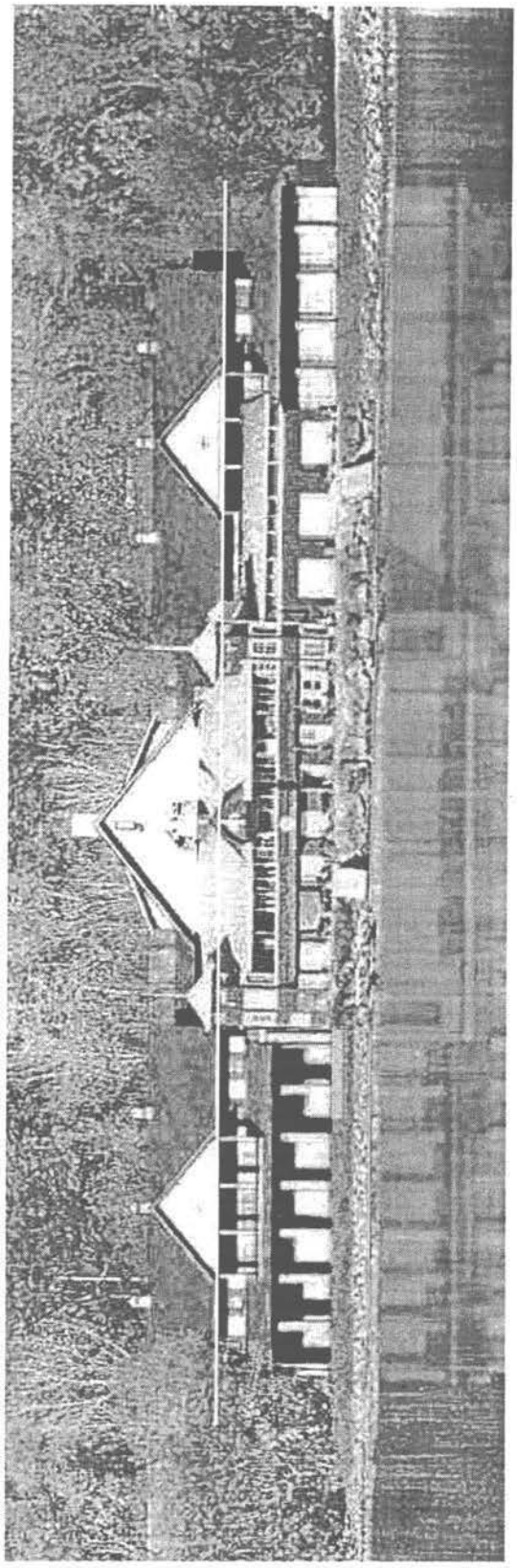
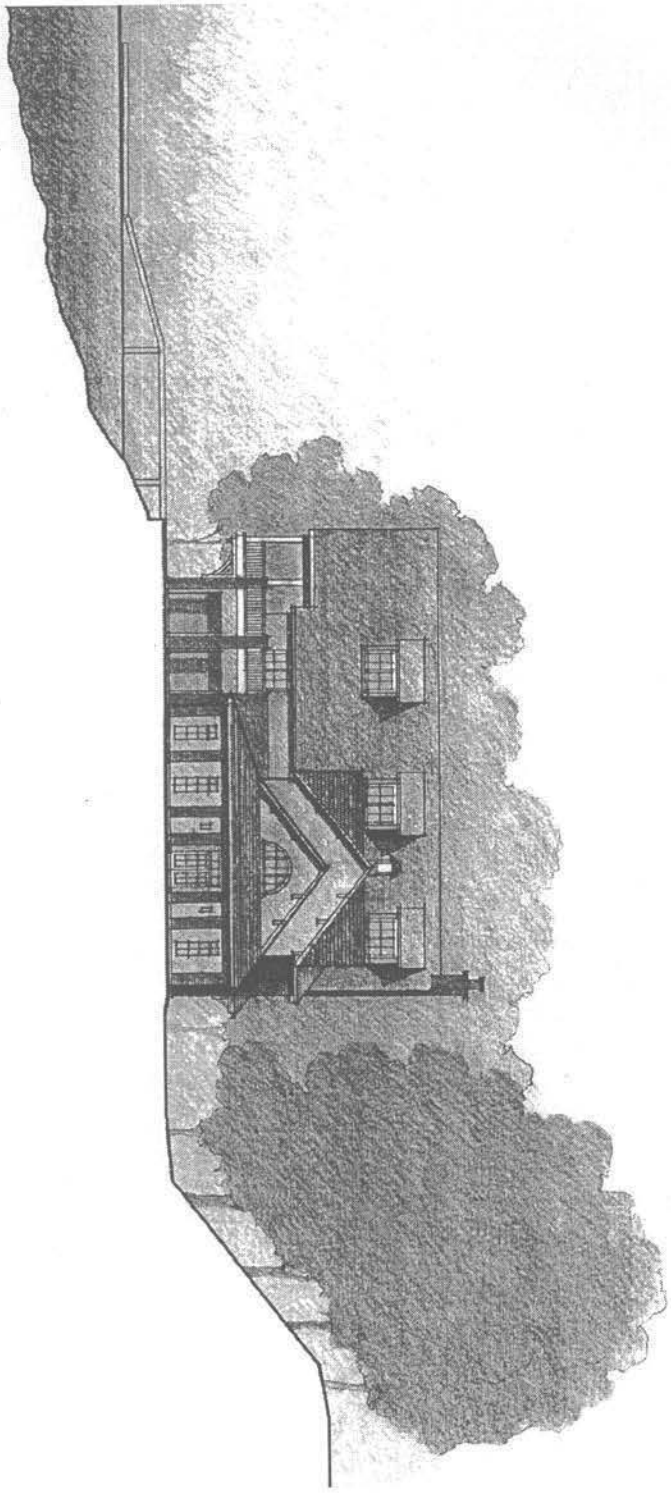


Figure 5 Proposed Georgetown University Boathose, composite view. The light line indicates the position of the towpath



G1	PROPOSED EAST ELEVATION SCALE: 1/16" = 1'-0"	GEORGETOWN UNIVERSITY NEW NON-MOTORIZED BOATHOUSE WATER STREET, N.W. WASHINGTON D.C.	MUSE ARCHITEC 5630 Connecticut Avenue NW Washington DC Phone 202.966.6266 Facsimile 202.9

Figure 6 Proposed Georgetown University Boathouse



Figure 7 Muse Architect rendering of boathouse from towpath

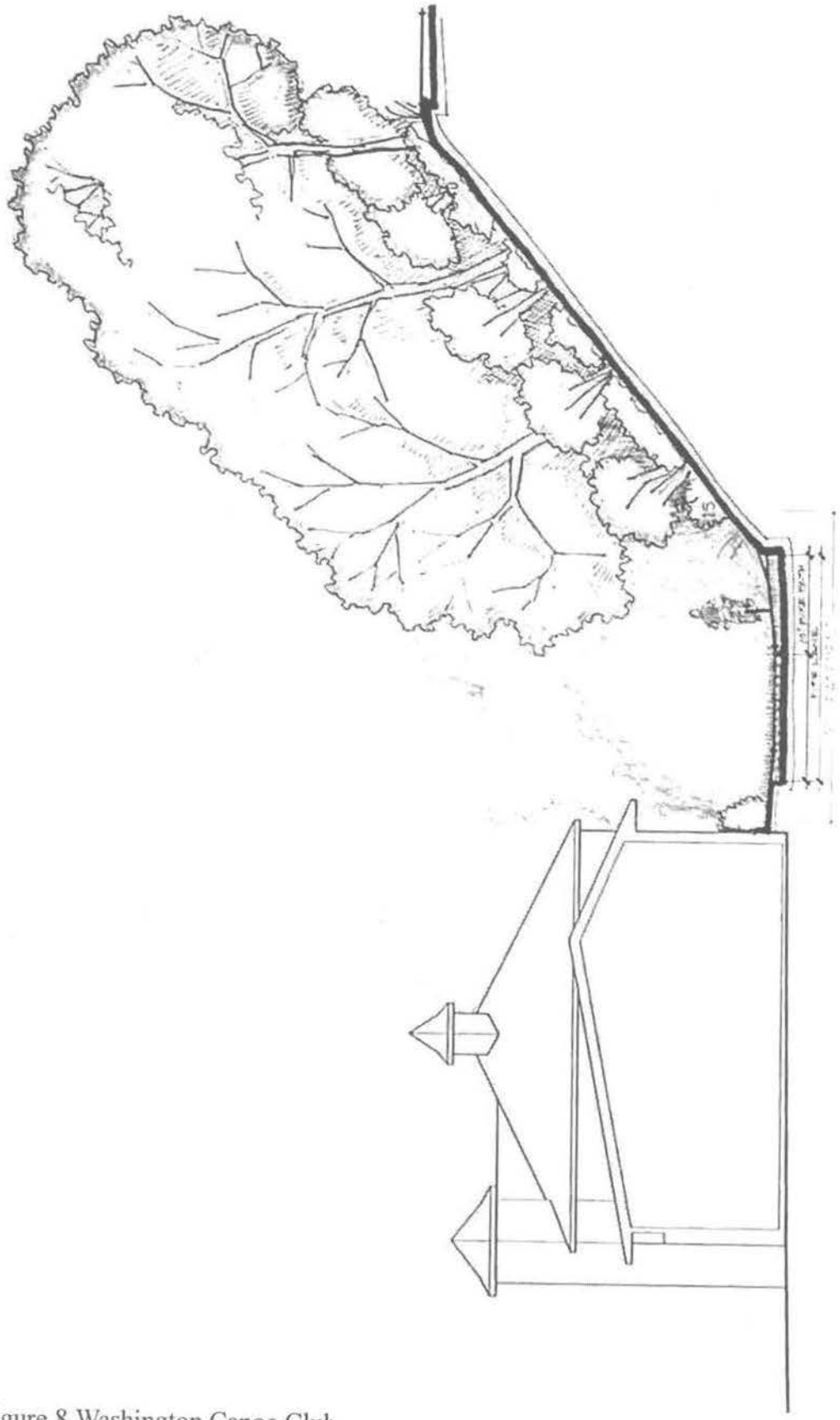


Figure 8 Washington Canoe Club

Corrections to the Record

1. "It is in the Georgetown Waterfront Park"....fact: it is in the C&O Canal National Historical Park.

2. "It is in the 1100 ft. upstream that we decided should be added for boathouses"...fact: it extends at least 1250 ft upstream and probably a bit more.

3. "We will build a boathouse upstream in our other parcel if we don't get this parcel"...fact: the other parcel is only 45 ft. wide with no surrounding easement so they could only build a building 30 ft. wide. They can't fit their boathouse into a site over 100 ft. wide, so the other parcel was never a factor.

4. "We have approval of the C&O Canal National Historical Park Advisory Commission"...fact: they do not.

5. "We have approval of the Army Corps of Engineers"...fact: they do not.

6. "We have done an Environmental Assessment and received a FONSI"...fact: The EA was never done on the proposed project, just on a land swap.

7. "There are no plans for social functions"...fact: until this past week their web site solicited funds from their alumni by touting the use of the great hall for social functions. fact: until Dec 02 their web site solicited funds for naming rights to the bar to be named after a deceased GU rower. Either they are misleading the Commission and public, or they have misled their donors.

8. "This is an average size for boathouses, comparable to Northwestern and Princeton" fact: Northwestern is much smaller and Princeton is a dual occupancy facility, shared with the National Olympic Training Center.

9. "We are doing this to benefit the high school rowers"...fact: there is ample room on the downstream and rear sides of Thompson's boathouse to accommodate high school rowers if they are displaced by the Swedish Embassy. Fact: St. Joseph's University which has a comparable or better rowing program has built a more modest boathouse and they share it with high school rowers, as does Potomac Boat Club. Fact: they could build their boathouse downstream outside the confines of the C&O National Historical Park and give the exact same benefit to high school rowers, if indeed that is where there concern lies. Fact: they have no plans to share their rowing facility with anyone.

10. "There will be no impact on the Capital Crescent Trail" ...fact: the Capital Crescent Trail will be moved, crowded into a berm or retaining wall, deprived of views. Fact: the C&O Canal towpath will be deprived of the same views.

11. "The public will be happy because they can look in through the windows at us in our splendid private boathouse instead of looking at grass, trees, the river and wild inhabitants"...fact: Not in the C&O Canal NHP.

Already on Register

orm No. 10-306 (Rev. 10-74)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

FOR FEDERAL PROPERTIES

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DATE ENTERED approved 8/9/79

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC
Chesapeake and Ohio Canal

AND/OR COMMON
Chesapeake and Ohio Canal National Historical Park

2 LOCATION

STREET & NUMBER The District of Columbia and Maryland bank of the Potomac River from Georgetown, D.C., to Cumberland, Maryland

__NOT FOR PUBLICATION

CITY, TOWN

__ VICINITY OF

CONGRESSIONAL DISTRICT
D.C.; 6th and 8th of Maryland

STATE
DC (11), MD (24)

CODE

COUNTY
D.C. (001), Montgomery (031), Frederick (021), Washington (043) Allegany (001)

CODE

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
X DISTRICT	__PUBLIC	X OCCUPIED	__AGRICULTURE	__MUSEUM
__BUILDING(S)	__PRIVATE	__UNOCCUPIED	__COMMERCIAL	X PARK
__STRUCTURE	X BOTH	__WORK IN PROGRESS	__EDUCATIONAL	__PRIVATE RESIDENCE
__SITE	**PUBLIC ACQUISITION**	**ACCESSIBLE**	__ENTERTAINMENT	__RELIGIOUS
__OBJECT	X IN PROCESS	__YES: RESTRICTED	__GOVERNMENT	__SCIENTIFIC
	__BEING CONSIDERED	X YES: UNRESTRICTED	__INDUSTRIAL	__TRANSPORTATION
		__NO	__MILITARY	__OTHER:

4 AGENCY

REGIONAL HEADQUARTERS: *(If applicable)*
National Park Service, National Capital Region

STREET & NUMBER
1100 Ohio Drive, S.W.

CITY, TOWN
Washington

__ VICINITY OF

STATE
D.C. 20242

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC. Land records in courthouses of above jurisdictions. C&O Canal Company records in Record Group 79, National Archives.

STREET & NUMBER

CITY, TOWN

STATE

6 REPRESENTATION IN EXISTING SURVEYS

TITLE Historic American Buildings Survey*
Historic American Engineering Record*
NPS List of Classified Structures**
Prentice-Hahn Survey**

DATE __FEDERAL __STATE __COUNTY __LOCAL

DEPOSITORY FOR SURVEY RECORDS Library of Congress* National Capital Region Headquarters**

CITY, TOWN
Washington

STATE
D.C.

(ARIE)

7 DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
__EXCELLENT	X_DETERIORATED	__UNALTERED	XORIGINAL SITE
XGOOD	X=RUINS	XALTERED	__MOVED DATE_____
XFAIR	__UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

This documentation of the historic resources of the Chesapeake and Ohio Canal National Historical Park is limited to the canal proper (including prism, locks, lockhouses, aqueducts, culverts, dams, weirs) and other visible historic features in the park contemporary with the period of the canal's operation. Because a comprehensive survey of prehistoric and historic archeological resources in the park has not yet been undertaken, such resources will be the subject of an addendum or separate nomination at a later date.

Built between 1828 and 1850, the canal ran 184.5 miles from Georgetown, D.C., to Cumberland, Maryland. During its active operation until 1924 it suffered periodic damage from floods, war, and other causes which, together with normal deterioration, required the repair and replacement of many structural components. Such periodic damage has continued to the present (the 1972 "Agnes" flood being the most notable recent contributor). Since the canal company property was acquired by the Federal Government in 1938, the National Park Service has repaired or rebuilt the towpath in many places to maintain its continuity for recreational purposes. The Service has also restored or stabilized many of the badly deteriorating locks, culverts, and other structures. The canal today thus reflects considerable reworking during and since its historic period (1828-1924) while retaining its essential element of continuity from Georgetown to Cumberland.

Accompanying sheets numbered 1 to 163 and photographs provide a detailed description of the historic and present appearance of the canal and related and contemporary historic structures and sites. Known park properties not covered in this documentation are not considered historic and do not contribute to the significance of the park for National Register purposes. It is possible that additional features of contributing value may be disclosed in future park investigations, at which times they may be documented in addenda to this submission.

All historic objects and documents original to or historically associated with the property described herein and in National Park Service ownership and control are also defined as components of this property for the National Register. Included are artifacts and specimens associated directly with the canal and associated structures, with other historic structures in the park, and with people and events connected with the history of the canal from 1828 to 1924. Such objects are listed and described in the park's museum catalog, maintained at the park headquarters at Sharpsburg, Maryland.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
__PREHISTORIC	__ARCHEOLOGY-PREHISTORIC	__COMMUNITY PLANNING	__LANDSCAPE ARCHITECTURE	__RELIGION	
__1400-1499	__ARCHEOLOGY-HISTORIC	X CONSERVATION	__LAW	__SCIENCE	
__1500-1599	__AGRICULTURE	__ECONOMICS	__LITERATURE	__SCULPTURE	
__1600-1699	X ARCHITECTURE	__EDUCATION	X MILITARY	__SOCIAL/HUMANITARIAN	
__1700-1799	__ART	X ENGINEERING	__MUSIC	__THEATER	
X 1800-1899	X COMMERCE	__EXPLORATION/SETTLEMENT	__PHILOSOPHY	X TRANSPORTATION	
X 1900-	__COMMUNICATIONS	__INDUSTRY	__POLITICS/GOVERNMENT	__OTHER (SPECIFY)	
		__INVENTION			

SPECIFIC DATES 1828-1924 BUILDER/ARCHITECT Benjamin Wright et al.

STATEMENT OF SIGNIFICANCE

The Chesapeake and Ohio Canal, today largely unwatered and overgrown and with most of its structural features in varying states of deterioration, is yet one of the most intact and impressive survivals of the American canal-building era. While recognizable segments of other early-19th-century canals exist and while a few other canals of the period have been rebuilt for modern shipping, the C&O Canal is unique in that it remains virtually unbroken and without substantial modification affecting its original character for its entire length of some 185 miles. Such physical changes as have occurred since the canal ceased operation in 1924 have been largely dictated by nature: a softening of prism contours, extensive vegetative overgrowth, widespread decay and collapse of wood and stone structures. Beyond the restored and rewatered 22-mile portion from Georgetown to Violet's Lock, much of the canal now has the character of a ruin. Yet the fact that the entire towpath to Cumberland may still be traveled and the survival--in whole or part--of most of the principal canal structures afford the many hikers and bicyclists who follow the route a fine opportunity to appreciate the magnitude of this historic engineering achievement.

History

The Chesapeake and Ohio Canal Company was chartered in 1825 to construct a shipping canal connecting tidewater on the Potomac River in the District of Columbia with the headwaters of the Ohio River in western Pennsylvania, thereby providing an economical trade route between the eastern seaboard and the trans-Allegheny West. The company acquired the rights of the Potomac Company, formed by George Washington and associates after the Revolution to improve navigation on the Potomac. That venture had attempted to achieve its objective by deepening the channel and cutting skirting canals around impassable rapids, but the flow of the river proved too erratic to make these measures successful. This experience led the C&O Canal promoters to adopt plans for a separate canal paralleling the river.

The company began operations in 1828 with a subscribed capital of about $3.6 million. Among the stockholders were the Federal Government, the states of Maryland and Virginia, and the cities of Washington, Georgetown, and Alexandria, D.C. Estimates of the total cost of the eastern section of the canal from Georgetown to Cumberland, Maryland, ranged from $4.5 to $8 million. As engineers the board of directors selected men with experience on northern and foreign canals. Chief Engineer Benjamin Wright of New York had been actively involved with the Erie Canal and was then chief engineer on the Chesapeake and Delaware Canal. Other members of the board of engineers included John Martineau, a close associate of Wright, and Nathan S. Roberts,

(continued)

another noted New York engineer. Charles B. Fisk of Connecticut served as chief engineer from 1835 to 1852.

President John Quincy Adams turned the first spadeful of earth in ceremonies at Little Falls, Maryland, on July 4, 1828. On the same day, construction of the Baltimore and Ohio Railroad westward from Baltimore was begun--a move that would have significant implications for the ultimate fate of the canal and the canal era generally.

From the start, numerous difficulties retarded the progress of canal construction. An acute labor shortage forced the company to campaign for workers from other states and abroad. Numerous disputes arose with landowners who resisted efforts to purchase the right-of-way. A protracted legal controversy with the B&O Railroad involving the right-of-way between Point of Rocks and Harpers Ferry impeded construction of both the canal and the railroad there until 1832. Increased costs of labor, materials, and land during the inflationary period of the late 1820s and 1830s caused construction expenses to rise sharply and far exceed the original estimates. The State of Maryland came to the rescue of the financially troubled company in the mid-1830s by purchasing over $5 million more in stock, thus becoming the majority stockholder. But difficulties continued, augmented by labor unrest among the predominantly Irish workers and the financial Panic of 1837. Between 1842 and 1847 construction was at a standstill. The canal was finally completed to Cumberland in 1850, bringing the total cost of the project to over $11 million. The original plans to extend the waterway over the Alleghenies had long before been abandoned.

Boats began to appear on the canal soon after the first short section between Little Falls and Seneca was completed in 1831. As water was admitted to the upper divisions reaching out into western Maryland, trade on the waterway increased as cargos of flour, grain, building stone, and whiskey began to move down to Georgetown. Not until the canal reached Cumberland, however, did the tonnage transported reach an appreciable figure. Large quantities of coal from the rich mines of the Georges Creek region west of Cumberland then began to be transported to the tidewater. During the years following the Civil War the coal trade increased rapidly until in 1871, the peak year, some 850,000 tons were carried down the canal. In some years of this period the canal company made a considerable operating profit, which was quickly applied to improving the waterway and to the payment of back interest on the tremendous debt. During these few profitable years more than 500 boats were in frequent operation on the canal.

In the late 1870s the canal trade began to decline as many of the Allegheny coal operators began to ship over the B&O Railroad, the canal's greatest competitor. This development, together with the effects of the nationwide economic depression in the mid-1870s and major floods in 1877 and 1886, again put a severe strain on canal company finances. In 1889 an enormous flood forced the canal company into receivership, and the B&O

Railroad emerged as the majority owner of the company's bonds. In 1924, by which time the railroad had captured almost all of the carrying trade of the canal in addition to its ownership, another damaging flood struck. This time the repairs necessary to resume operation were not made, and the active era of the canal came to an end.

In 1938 the railroad, hurt by the Depression, sold the entire canal to the U.S. Government for approximately $2 million, which was applied to the railroad's debt to the Reconstruction Finance Corporation. The canal was placed under the National Park Service, and some restoration was carried out under Depression work relief programs. In 1961 President Eisenhower proclaimed it a national monument. An act of Congress in 1971 authorized the acquisition of additional land and establishment of the Chesapeake and Ohio Canal National Historical Park.

The principal areas of the canal's historical significance may be summarized as follows:

Architecture and Engineering. The canal survives as an excellent illustration of 19th-century canal-building technology. The magnitude of the engineering achievement is exemplified by the 184.5-mile length of the canal, its 74 lift locks to accommodate a rise of 605 feet, the 11 stone aqueducts spanning major Potomac tributaries, 7 dams supplying water to the canal, hundreds of culverts carrying roads and streams beneath the canal, and a 3,117-foot tunnel carrying the canal through a large shale rock formation. Many of the canal structures, notably the aqueducts, the tunnel portals, the culvert face walls, and the early lockhouses, were also architecturally treated with such aesthetic features as pilasters, belt courses, and variations in stone texture added for visual enhancement.

Commerce and Transportation. The canal served as the major commercial artery in the Potomac Valley above tidewater during the mid-19th century. Along it were conveyed significant quantities of the food, fuel, and building materials required by the growing National Capital. The canal influenced the creation and expansion of numerous businesses along it, many of which tapped the canal water as a power source as well as using the waterway for shipping.

Conservation. Although the builders of the canal could hardly have forseen it, their creation has led today to the preservation of a large portion of the Maryland bank of the Potomac in a relatively unspoiled state. Natural growth reclaimed much of the canal property after 1924, and the transfer of this land to the National Park Service in 1938 resulted in its conscious preservation for its historical, natural, and recreational values. The canal company land now serves as the nucleus of a still-expanding park enlarged by the acquisition of much additional land on both sides of the original right-of-way.

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Non-Canal Historic Resources

The Chesapeake and Ohio Canal National Historical Park includes a number of historic features that are not primarily canal-related. These have been treated along with the resources of the canal proper in the descriptive and photographic documentation accompanying Section 7. Virtually all of them are significant today as elements of the canal's historic scene, i.e., the cultural environment existing during the period of the canal's operation. In addition, some of them possess historic architectural, engineering, military, or commercial significance. Those features whose significance transcends their contribution to the canal's historic scene are covered below.

Fort Duncan and Associated Earthworks (mile 62.5). Fort Duncan and its associated batteries are significant as well preserved remnants of the Union defenses of Harpers Ferry during the Civil War.

The Union forces occupying Harpers Ferry in 1862 failed to erect more than elementary defenses, an omission contributing to the successful Confederate siege and assault leading to the surrender of 12,693 Federal soldiers on September 15, 1862. The Union Army of the Potomac soon reoccupied the town and the commanding heights across the Potomac and Shenandoah Rivers, and the Union high command decided to fortify the position to avoid repetition of the costly experience. Between October 1, 1862, and June 1863 Maryland Heights and Loudoun Heights were converted to fortresses of great strength.

The present documentation covers only those defensive works within the present Chesapeake and Ohio Canal National Historical Park. Others exist within the boundaries of Harpers Ferry National Historical Park and on private land.

Ferry Hill Plantation House (mile 72.82). This property is significant for its association with the early ferry across the Potomac River and as the boyhood home of Henry Kyd Douglas, a Confederate officer on Stonewall Jackson's staff.

The house was begun in 1812 by Henry Thomas Swearingen, of the family of Thomas Van Swearingen who began operation of the Potomac ferry to Shepherdstown in 1765. In 1816 the property was sold to John Blackford, who operated the ferry and the plantation until his death in 1839. His son Henry sold the property to Robert Douglas in 1848. Henry Kyd Douglas, son of Robert, spent his boyhood at Ferry Hill. In 1862 Federal troops occupied the house after the battle of Antietam and confined Robert because of his Confederate sympathies. During that battle the house had served as a small hospital for several Confederate officers, including the son of Robert E. Lee. The house was used by Confederate Major General Edward Johnson on his route to Pennsylvania

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in 1863.

The architectural significance of the house has been impaired by extensive alterations and modifications.

Burnside House (mile 89.21). The house is architecturally significant as a good surviving example of a mid-18th century house of unusual configuration. The property included a distillery in the 18th century, and it is likely that the three adjoining but unconnected portions of the structure housed distillery employees. An unconfirmed story that Lord Fairfax sent young George Washington here to purchase whiskey warrants further investigation.

Bollman Bridge, Williamsport (mile 99.65). Built in 1879, the Bollman Bridge at West Salisbury Street is a significant engineering resource because of its association with Wendell Bollman, one of the pioneers who ushered in the modern era of structural engineering by introducing iron as a primary structural material. As the first civil engineer to evolve a system of bridging in iron to be consistently used on an American railroad (the Baltimore and Ohio), Bollman made a significant contribution to the history of civil engineering.

Although Bollman used the iron Pratt bridging design in erecting the bridge at Williamsport rather than the iron truss system he had patented in 1852, the structure is significant as one of his few surviving works and as his only bridge over the canal.

Cushwa Warehouse, Williamsport (mile 99.72). The Cushwa Warehouse, dating from the early 19th century, is a significant historic commercial resource because of the role it played in trade on the canal and in the economic development of Williamsport. Operated by the principal firm wholesaling and retailing coal, flour, iron, cement, and plaster in Williamsport for more than a century, the warehouse business had an important impact on the regional development of commerce and transportation arteries in the Williamsport-Hagerstown vicinity and surrounding Washington County.

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Williamsport Power House (mile 99.75). The Williamsport Power House was built by the Hagerstown Railway Company in 1896 as the first power source for the new electric trolley line running from Williamsport to Hagerstown. It survives to represent the beginnings of a transportation era in Washington County lasting until 1954. Electricity generated here was also sold for lighting and other purposes, so that this first power house in the county also represents the beginnings of the electric utilities industry in the area.

With the rapid extension of the trolley lines, the Williamsport Power House soon became inadequate and was replaced around 1900 by a new facility in Hagerstown. In 1911 the abandoned structure was conveyed back to the Cushwa family, the original owner of the property, and was used thereafter for the storage of coal, sand, and other materials. The National Park Service acquired the property in 1974.

Adaptive Use of Buildings

The primary significance of virtually all buildings included in this documentation lies in their exterior appearance and their contribution to the historic scene. Continued or adaptive use of habitable or otherwise functional buildings has occurred without detriment to their primary values and is encouraged as a means to their preservation.

9 MAJOR BIBLIOGRAPHICAL REFERENCES

See accompanying continuation sheet. A comprehensive bibliography is on file in the office of Professional Services, National Capital Region.

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 20,239

UTM REFERENCES See continuation sheets.

	ZONE	EASTING	NORTHING		ZONE	EASTING	NORTHING
A				B			
C				D			

VERBAL BOUNDARY DESCRIPTION

The National Register boundary is that authorized for the Chesapeake and Ohio Canal National Historical Park by Public Law 91-664, which makes reference to five boundary map sheets numbered CHOH 91,000. Copies of the sheets accompany this documentation. The boundary has been carefully reproduced in larger scale on the accompanying U.S.G.S. quadrangles. The riverbank generally constitutes the southern edge of the park; the inland edge varies widely in distance from the canal prism.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
District of Columbia (11); Maryland (24)		counties of Montgomery (031), Frederick (021),	
STATE	CODE	COUNTY	CODE
Washington (043), Allegany (001).			

11 FORM PREPARED BY

NAME / TITLE

Philip S. Romigh, Architect, 12/76; Barry Mackintosh, Historian, 3/79

ORGANIZATION — DATE

National Capital Region, National Park Service — (202) 426-6660

STREET & NUMBER — TELEPHONE

1100 Ohio Drive, S.W.

CITY OR TOWN — STATE

Washington — D.C.

12 CERTIFICATION OF NOMINATION

(Park automatically listed in National Register upon authorization by Congress.)

STATE HISTORIC PRESERVATION OFFICER RECOMMENDATION

YES____ NO____ NONE____

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

In compliance with Executive Order 11593, I hereby nominate this property to the National Register, certifying that the State Historic Preservation Officer has been allowed 90 days in which to present the nomination to the State Review Board and to evaluate its significance. The evaluated level of significance is X National ____ State ____ Local

FEDERAL REPRESENTATIVE SIGNATURE J.L. Hallard Jr.

TITLE Asst. Dir., Cultural Resources DATE 6/1/79

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

Carl Shull DATE 8-9-79

~~DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION~~ ~~KEEPER OF THE NATIONAL REGISTER~~

ATTEST: Emma Jane Saye DATE 8-9-79

~~KEEPER OF THE NATIONAL REGISTER~~

Regional Coordinator

Form No. 10-300a
(Rev. 10-74)

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Major Bibliographical References

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*_____. "The Composite Locks." Chesapeake and Ohio Canal National Monument, Historic Structure Report, 1968.

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Form No. 10-300a
(Rev. 10-74)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

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CONTINUATION SHEET ITEM NUMBER 10 PAGE 1

UTM References

UTM references are keyed by numbers in parentheses. The numbered points run from Georgetown to Cumberland along the river side of the park and return along the inland side.

Point No.	UTM Reference	Quadrangle
(1)	18/321650/4307935	Washington West
(2)	18/321610/4307370	"
(3)	18/318190/4308380	"
(4)	18/314080/4314370	Falls Church
(5)	18/304880/4316660	"
(6)	18/305380/4322660	Rockville
(7)	18/297940/4326460	Seneca
(8)	18/289520/4326910	Sterling
(9)	18/281650/4334090	Waterford
(10)	18/282540/4338070	"
(11)	18/288100/4344370	Poolsville
(12)	18/285520/4347380	"
(13)	18/281050/4349180	Pt. of Rocks
(14)	18/278820/4352680	"
(15)	18/272520/4354350	Harpers Ferry
(16)	18/269430/4355830	"
(17)	18/265030/4335940	"
(18)	18/262100/4357840	"
(19)	18/263760/4360520	"
(20)	18/263020/4362700	Sheperdstown
(21)	18/264600/4363210	Keedysville
(22)	18/262900/4367760	Sheperdstown
(23)	18/258940/4368600	"
(24)	18/259540/4373910	"
(25)	18/261950/4374760	"
(26)	18/255000/4375420	"
(27)	18/256030/4377980	Williamsport
(28)	18/253900/4377600	"
(29)	18/251590/4382870	Hedgesville
(30)	18/256420/4383190	Williamsport
(31)	18/256720/4387560	"
(32)	18/252280/4388680	Hedgesville
(33)	18/252850/4386740	"
(34)	18/247840/4388250	Hedgesville
(35)	18/247520/4385530	"
(36)	17/756880/4387730	Big Pool
(37)	17/751520/4394400	Cherry Run
(38)	17/747710/4396430	"
(39)	17/742000/4397700	Hancock
(40)	17/738020/4390060	Bellegrove
(41)	17/734830/4388910	"
(42)	17/733140/4389040	"
(43)	17/729800/4390900	"
(44)	17/725190/4387250	Paw Paw
(45)	17/721060/4389100	"
(46)	17/724430/4383680	"
(47)	17/718360/4384900	"
(48)	17/721970/4380600	"
(49)	17/717480/4376920	"
(50)	17/709220/4377160	Oldtown
(51)	17/704380/4379030	"
(52)	17/700850/4378510	Patterson Creek
(53)	17/694510/4382220	"
(54)	17/691540/4385190	Cresaptown
(55)	17/694600/4387320	Patterson Creek
(56)	17/690540/4388150	Cresaptown
(57)	17/691840/4391050	Cumberland
(58)	17/692000/4390670	"
(59)	17/691140/4388170	Cresaptown
(60)	17/693040/4388730	Cumberland
(61)	17/696040/4387830	Patterson Creek
(62)	17/692370/4384530	Cresaptown
(63)	17/694740/4384400	Patterson Creek
(64)	17/695040/4382830	"
(65)	17/700620/4379240	"
(66)	17/703990/4379840	"

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Point No.	UTM Reference	Quadrangle
(67)	17/711540/4378040	Oldtown
(68)	17/717180/4377460	Paw Paw
(69)	17/718000/4385960	"
(70)	17/723140/4384700	"
(71)	17/719480/4387460	"
(72)	17/720410/4389540	"
(73)	17/722980/4388680	"
(74)	17/727780/4391780	Bellegrove
(75)	17/734120/4389120	"
(76)	17/737100/4395080	Hancock
(77)	17/741600/4398050	"
(78)	17/748000/4396720	Cherry Run
(79)	17/751980/4394400	"
(80)	18/243300/4388030	Hedgesville
(81)	18/246840/4389720	"
(82)	18/251730/4389270	"
(83)	18/257910/4387740	Williamsport
(84)	18/257120/4383010	"
(85)	18/252560/4381910	Hedgesville
(86)	18/257570/4379430	Williamsport
(87)	18/257490/4375990	"
(88)	18/262820/4376130	Williamsport
(89)	18/260820/4368580	Shepherdstown
(90)	18/264070/4367750	Keedysville
(91)	18/264900/4363550	"
(92)	18/264460/4356900	Harpers Ferry
(93)	18/269580/4356590	"
(94)	18/279260/4354090	Pt. of Rocks
(95)	18/281280/4350250	"
(96)	18/289440/4345180	Poolesville
(97)	18/285300/4337680	"
(98)	18/282890/4338140	Waterford
(99)	18/282730/4333540	"
(100)	18/286160/4332790	Sterling
(101)	18/287640/4328940	"
(102)	18/293240/4327000	"
(103)	18/297160/4328120	Seneca
(104)	18/300590/4326820	"
(105)	18/306770/4322160	Rockville
(106)	18/305680/4317630	Falls Church
(107)	18/314740/4315290	"
(108)	18/318960/4308380	Washington West

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C & O CANAL NATIONAL HISTORICAL PARK

MILEAGE

0.00 (0-1)* Tide Lock - (0-2) Dam - (0-3) Wastegate, and (0-4) Mole:

Completed by May 1831 , with rise of 6'-0" from Potomac River to Rock Creek. Located on the upriver side of the mouth of Rock Creek, at the juncture with the Potomac River. An extensive (0-4) mole was constructed adjacent to the up-river side of the lock with finished masonry on the Potomac side and on both banks of Rock Creek. At about mid-lock on the down-river side of the tide lock, a finished masonry (0-2) dam once extended perpendicular to the run of the lock walls for some 200', thus with mole and dam forming a tidal basin of some size where the barges unloaded their goods. The lock provided the entrance from the lower Potomac River to the elevated Rock Creek behind the dam. The upper portion of the wall was a tumbling dam to keep the water at a desired operating level. Due to floods and natural wear and tear the wall was repeatedly repaired and now all that remains is approximately 40' of battered concrete wall from mid lock perpendicular to the run of the lock.

(0-3) Wastegate: On the down-river end of the 40' remaining concrete dam is a series of 6 wooden lift gates used to control the water level of Rock Creek basin. Gates and concrete dam probably replacements after major flood in 1889 severly damaged this area.

(0-1) The lock entrance, built by O.H. Dibble, contractor, finished in 1831, from the Potomac River to the Rock Creek basin was 15' in width with masonry walls of 11' on the up-river side and 12' on the down. This lock was a total of 143'-11" long between gate pockets with double gates at each end. The lock walls are in relatively good condition, but the lock itself is well silted over.

(0-4) The earth mole remains.

(0-1) The lock walls have been repaired many times and little remains of the original fabric.

(0-2) Nothing is left of the original dam.

* Designation number, in which 0 = Tide Lock LEVEL, and 1 = first structure at that level. Each lock becomes an additive to the LEVEL.

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0.01 (0-5) Rock Creek Basin: Within 60' after having passed through the tide lock, a 90° turn is made to enter Rock Creek Basin. The mole on the Rock Creek side was 842' in length by 160' wide except at the city (Georgetown), where it narrows to 80'. The interior of the boat basin on both sides was walled for a total length of 4,500' and enclosed an area of 8½ acres, thus, an enclosed portion of nearly ½ mile in length with a width of 100'. Little remains of the basin. Encroaching buildings have cut its width to little more than a narrow channel flowing along the mole side.

0.35 (0-6) Beginning of Towpath on Berm: The towpath wall now extends 24', but in mostly new work. It is believed it originally extended 10½' on the line of the lock, then turned 180° on a 5½ radius. The berm side towpath originally extended from Lock No. 1 to 34th Street, then later on to Alexandria Aqueduct.

0.38 (1-1) Lock No. 1, Georgetown: After following Rock Creek towards "M" Street, almost under the present Rock Creek freeway, the canal makes a 90° turn to the left, leaving the Rock Creek Channel, and the canal was dug for the remainder of its 184-mile length. A few hundred yards from this turn, Lock No. 1 was built. Lift 8', completed in 1830, built by contractor Dibble, Beaumont, and McCord. The lock measures 91'-4½" between gate pockets that are 16" deep and 10'-2½" wide. The lock continues approximately 10½' beyond each pocket. The lock is the normal 15' width. At the end of the extension of the lock, wall width is added by a 180° turn at a 5½' radius. The lock has been often repaired but some of the walls are intact. The lock is much silted over. Although originally planned for, no lock houses were built in the Georgetown area.

0.41 (1-2) Side Pond - (1-3) Boat Basin: The side pond on the immediate up-stream side of Lock No. 1 admitted water with a 15'-3" entrance, but with water of only 3' at entrance. Use unrecorded. The boat basin is approximately 100' by 46' in width. Walls are of native rubble stone on both sides from Lock No. 1 to No. 2. Though many times repaired, the walls are intact currently. The boat basin and side pond are well silted in. Unloading of the canal boats took place on the south side usually. Snubbing posts (wood posts for boat tie-up purposes) were along this wall and close to most lock entrances. Basin walls are in fair repair.

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MILEAGE

0.42 (1-4) Bridge over Lock No. 2 at 29th Street: (formerly Green Street). The 1830's bridge was originally a low arched stone bridge. Replaced in 1867 with a higher iron span, and in the early 1900's by concrete span with steel handrails. It was here that the towpath was continued on the berm side and the cross-over to the river side was just above the Alexandria Aqueduct.

Four Georgetown Locks Repaired by CCC in 1938-1939 Period of the Canal

0.42 (2-1) Lock No. 2: 8' lift, completed in 1830, built by contractor, Dibble, Beaumont, and McCord. 0.04 mile above Lock No. 1, and 0.97 mile below Lock No. 3, located between "K" & "M" Streets on 29th Street in Georgetown. Lock was 15' in width and 90' between gate pockets with 46' wide basin on up, (120' long), and down, (100' long), ends of Lock. Lock built of Aquia Creek Freestone, but many repair jobs have included from concrete to granite. Wood gates at up and down ends of Lock are attempted replicas of the originals. The lock walls are good condition with joint, excellently repointed probably by CCC workers in 1939.

0.49 (3-1) Lock No. 3 - (3-2) 30th Street Bridge: 8' lift, completed in 1830, built by contractor Dibble, Beaumont, and McCord. Construction similar to Lock No. 2, and with 90' between gate pockets. Built of aquia freestone. The four locks in Georgetown are approximately a city block apart. (3-2) The lower lock extension walls carry the abutments for the bridge over the lock at 39th Street. It was only this bridge that connected Georgetown directly to the mole wharf. The original low arched stone bridge became an iron span in 1867 replacement. There are boat basins above and below the locks with dry rubble walls, much repaired, in contrast to the carefully cut stone used in the locks.

0.54 (4-1) Lock No. 4 and (4-2) Bridge: 8' lift, completed in 1830, built by firm of Dibble, Beaumont, and McCord. Located 0.05 mile above Lock #3, and 4.48 miles below Lock No. 5 and under T. Jefferson Street, south of "M" and north of "K" Street. Width of Lock, 15' and 89'-10" between lock gate pockets. Construction, similar to previous locks, of carefully cut Aquia Creek Freestone walls, with wood timbers and T & G board bottom. Some bottom is intact and the walls, though repaired, are in fair condition. Bottom remains damp and is somewhat silted in. (4-2) The bridge is at the lower extension wall of the lock and was originally a 15' wide, stone arched bridge, similar to the

MILEAGE

previous bridge. Finished in 1831 by firm of D.B. & McCord. The top of the arch was so low that at time unloaded boats had difficulties in passing under. In 1867 the stone bridge was raised, abutments raised, and an iron bridge replacement was made. Lower portion of bridge abutments is original circa 1830 construction.

(4-2) The Jefferson Street Bridge: Single, low arch construction of stone, finished in 1830. Replaced with raised iron span in 1867. Portion of original abutments remain.

0.59 (4-3) Congress Street Bridge (31st Street): Originally built in 1830 by firm of Dibble, Beaumont, and McCord of cut stone, span of 40', low, stone arch over the canal. Replaced in 1867 with iron spans with a row of pipe piers mid-canal as a bridge support. Portions of original abutments remain. 1867 pier remains mid-canal, and is topped by 20th-century concrete bridge with open railing.

0.61 (4-4) Water Intake: About 80' above 31st Street bridge on berm side of canal, approximately 8' high by 7' width. Now blocked off by stone wall 30" back from canal face and topped off with thin concrete slab. Time of change is indefinite.

0.68 (4-5) Wisconsin Avenue Bridge: Built in 1831 and only intact bridge of the period in the Georgetown area. Built of finished Aquia Creek Freestone in a gentle arch approximately 20' high above towpath and spanning 54', towpath and canal. Contains inscribed keystone on both faces, listing U.S. President, Canal Comapny president, and other dignitaries. Keystones are badly deteriorated. Wrought iron, simple railing on upper sides of bridge. Repair is good, but needs careful cleaning and some repointing.

(4-6) Commemorative Marble Oblisk: Located at the level of the Wisconsin Street Bridge and at its northwest corner. Placed in 1850. Total monument is approximately 8' high, consisting of a 4' square base with inscription, and the remainder an oblisk. The inscription reads:

"Chesapeake and Ohio Canal
Commenced at Georgetown, July 4,
1828
Chief Engineer, Benjamin Wright
Completed to Cumberland
Oct'r 10th, 1850
Chief Engineer
Charles B. Fiske"

MILEAGE

0.80 (4-7) Potomac Street Bridge: early wood bridges carried traffic over East and West Potomac Streets. Only a post 1890 metal footbridge remains at East Potomac Street.

0.81 (4-8) Wilkins-Rogers Milling Company-Post 1900 Intake: Perpendicular to the Canal a trench was dug to divert some of the canal water to the mill for running the water wheels for power. Water was rented by the inch. This became a source of unfailing revenue to the Canal Company. Concrete faced intake remains, and in fair condition. Mill is extant.

0.84 (4-9) Footbridge at 33rd Street: A wooden bridge was built in 1831 to cross the Canal at the street whose name has been "Duck Lane", then "Market Street", now 33rd Street. The bridge spanned the canal and towpath. The steel span that exists today is circa 1870 replacement and is still only for pedestrians and cyclists.

(4-10) 34th Street Bridge: Originally a wooden bridge. Was there that the towpath crossed from berm to river side until 1856. In 1856 the towpath was continued on the berm side to the Alexandria Aqueduct. The existing steel bridge is a circa 1900 replacement.

0.98 (4-11) Wilkins-Rogers Milling Company Dual Water Intake: Adjacent intakes, separated by approximately 12" concrete pier on south bank of canal. Is immediately adjacent to the down stream side of the current F.S.Key Bridge. This mill is not represented in the Canal Company's annual report up to the 1900 report, so is post 1900 construction.

1.07 (4-12) Alexandria Aqueduct: Built between 1833 and 1843 to carry canal traffic over the Potomac to Alexandria, Virginia. During the Civil War, the canal was drained and the aqueduct became only a bridge. After the war, repair was made and the canal was reinstated. The Aqueduct was bought by the Federal Government in 1887 and was converted into a bridge. Continued in use until 1923. Only remaining original structure is the Georgetown abutment of 2 arches (and one of these was raised to accommodate trains, and although faced in probably original stone, the interior of the raised portion was of concrete) and a stone pier on the Virginia side. A small portion of cast iron fencing lines the down-stream side of the Georgetown Aqueduct abutment and with its supports, is original.

Large stone arches formed the abutments in Georgetown and on the Virginia side. Large stone piers in the Potomac

JUN '4 197

MILEAGE

carried a wood canal trunk and towpath. Was rebuilt several times and under government ownership, wood was replaced with iron bridge.

1.09 (4-13) Towpath Crossover Bridge: Circa 1856. The towpath originally had been on the berm side of the canal to the 34th Street Bridge, where a bridge crossed the canal and path continued on the river side. In 1856 the use of the 34th Street Bridge was discontinued and the towpath remained on the berm side to a new bridge built just up-canal from the Alexandria Aqueduct. This moved the tow animals to the river side from this point to Cumberland. A stone ramp remains on the berm side only and was probably the approach to the bridge. Nothing remains of the bridge on its river side approach.

1.48 (4-14) Foundry Branch Road Culvert: Built circa 1830. Stone faced outflow culvert with a 22' span and 10' rise. Built to serve as access road to Foxhall Foundry, whose ruins lie adjacent to the towpath in the immediate vicinity. Fair repair.

1.51 (4-15) Spillway and Footbridge at Foxhall Road: The towpath at this location was depressed to the top of the six foot level of water in the canal, allowing excess water in the canal a natural escape on the river side of the canal. A wood bridge was constructed at the outer edge of the towpath over the depression allowing pedestrians to cross dry shod while the animals on the canal side of the towpath walked often in the water. Built circa 1835. Spillway has been concreted over to hault erosion and existing wood bridge is one of many replacements.

1.52 (4-16) Wasteweirs No. 1, and (4-17) No. 2: No. 1 circa 1830, (4-17) No. 2 circa 1890. Just above the spillway is (4-16) Wasteweir No. 1, now filled in with earth; (4-17) Wasteweir No. 2 is approximately 100' above No. 1, and each of the three openings is equipt with a screw type lift gate. Both weirs are collected into a concrete culvert which passes under the circa 1900 railroad. Both weirs were constructed of stone with rectangular openings. Condition of each is fair.

2.26 (4-18) Georgetown Canal Incline: Finished in 1876. The early 1870 period of the canal was its peak of prosperity, and barge congestion in the lower end of the canal resulted. To relieve this congestion, an incline was built between the Canal and the Potomac, a distance of 600'+. This would allow the barges to discharge their goods on the

MINUTES
C&O CANAL NATIONAL HISTORICAL PARK COMMISSION
JANUARY 23, 1993
J. PAUL'S RESTAURANT
GEORGETOWN, WASHINGTON, D.C.

The C&O Canal National Historical Park Commission met on Saturday, January 23, 1993, at J. Paul's Restaurant in Georgetown with Chairman Sheila Rabb Weidenfeld presiding.

Mrs. Weidenfeld welcomed the members of the Commission. It was fortuitous that the meeting was postponed from the closing days of the last administration to the beginning of a new administration because we are beginning a new era, a new commission, the 5th C&O Canal Historic Commission. The specific purpose of this meeting is for background and orientation. Following meetings will get into issues and so forth.

Roll call was taken with the following members present: Sheila Rabb Weidenfeld, Charles Weir, Terry Hepburn, George Wykoff, Elise Heinz, Jo Ann Spevacek, Eli McCoy, Mary Elizabeth Woodward, Adam Foster, Barry Passett, Nancy Long, Jo Reynolds, Diane Ellis, Jim Gilford, Edward Miller, Sue Ann Sullivan, Anne Gormer, Brother James Kirkpatrick.

Self-introduction of the commissioners followed, with members giving background information on their occupations and their interests.

The BBC documentary on the history and legislation of the C&O Canal was presented.

The chairman introduced Carrie Johnson, former chairman of the commission who made the following remarks: "You who are new to this, notice that canal people never leave; they just hang on. So the new blood here is surrounded by older blood. I'm glad you didn't see the second half of that film in which I was interviewed about 20 years ago or you'd know how old my blood is. The film, which I hadn't seen in a long time, is sort of the second act; the third act, as most of you know, is that legislation finally was passed in 1971, primarily because the broader efforts stalled. The Potomac National River was not going to happen, at least in the lifetime and office of a number of people who were chief advocates

May 23 2003 12:37 HF CHSERVICE 3330 P.1

Adam Foster: May I point out that there was a distinguished graduate of Georgetown who may like to run on the towpath. Those who don't know it, Georgetown University still owns one piece of the riverfront. It has no access to it except across the canal.

Mr. Hobbs: That piece is being addressed. We're looking at the possibility of a land trade to move it down towards the Washington Canoe Club because the access would be the CCT. An access was guaranteed to Mr. Gould so they would be driving on the bicycle trail to get to the boathouse if they built a boathouse in that present area.

Adam Foster: If it was moved, it would be upstream from the canoe club?

Mr. Hobbs: Yes

Adam Foster: That violates our DCP, doesn't it. As I remember, we said firmly there would be no development of the shores of the river above it.

Carrie Johnson: The existing proposition is more violated because it is further upriver.

Mr. Hobbs: It is being processed right now at the highest levels.

Barry Passett: Back to the Georgetown question, I can't imagine there is any issue that is being dealt with at a higher level by Bob Stanton because there is nobody at a higher level than Bob Stanton. That is an extremely important issue. I think we probably have something useful to say about it to people who know nothing about it, who will be the incoming people who are at higher levels, both in the Department of the Interior and perhaps the Justice.

Mr. Hobbs: It was at the Secretary's level and it did stop to some degree. I am not a player in that particular piece at this time. We are talking concept versus reality.

Sheila Weidenfeld: So we're talking about the head of Georgetown University talking to the Secretary of the Interior, as has happened on numerous occasions and we knew nothing about.

May 23 2003 12:38 HP LASERJET 3330 P.2

Superintendent: It was conveyed to Bob who left it up to John to look at it and start dealing with alternatives and options. That's where it is now.

Barry Passett: It would be a useful thing that we can do for the new Secretary of Interior, to provide him some advice before he is committed. That is often our problem. We react to deals that have already been made. This is a perfect situation where we can provide some useful advice before the deal is made. So let's do it.

Mr. Hobbs: Let me get the best information I can gather for the next meeting. If there's not enough time, I will alert everyone and we'll do another angle.

The acquisition of Canal House on Thomas Jefferson Street: 1059 was purchased and 1057, the other side, which is identical, is in negotiation. An offer has been made to the owner who wants more money. I do not know if it will go through or not.

In Hancock, Fleetwood, Inc., a trailer industry, needs to expand its facility. We have them landlocked on the upstream side at Fort Tonoloway. That is why the park has 11 acres inside the legislative boundary which carries some heavy duty requirements on our part to talk about land exchanges, sales, etc.

The situation is that if Fleetwood is unable to expand, they need to move their facility somewhere else. Williamsport and Morgan County were mentioned. This response to Mayor Myers was primarily for the record, of the type of things we must go through to relinquish that piece of land or help them out. Once the surveys are completed, I would doubt that this would happen. There are the remains of an historic house, a cemetery with 33 interments.

Terry Hepburn: The Park Service ground is not continuous to the state owned. It's supposed to be, but it is not.

Superintendent: Our maps show that it is.

Terry Hepburn: In reality of survey, it's not. I do have the survey map for that. Fairview Orchards owns between them. In reality, if you take the regional survey that was done from an aerial shot down to do the survey, actually plot that on the ground, it's not continuous. It might not be continuous to the C&O Canal section because there might be a strip of ground between the

May 23 2003 12:38 HP CHESAPEAKE 3330 p.3

C&O CANAL NATIONAL HISTORICAL PARK COMMISSION
MINUTES OF MARCH 12, 1994, MEETING
HANCOCK MAINTENANCE OFFICE

The C&O Canal National Historical Park Commission met Saturday, March 12, 1994, at the Hancock Maintenance Office, Hancock, Maryland, at 1:00 p.m. with Chairman Sheila Rabb Weidenfeld presiding.

Members of the Commission present were Mrs. Weidenfeld, Terry Hepburn, George Wykoff, Jr., Elise Heinz, Adam Foster, Nancy Long, Jo Reynolds, James Gilford, Edward Miller, Sue Ann Sullivan, Anne Gormer, and Brother James Kirkpatrick.

Park staff attending were Superintendent Tom Hobbs, Terrie Savering, Keith Whisenant, Sam May, Christine Streng, Kevin FitzGerald, Pat Toops, Ron Bricker, and Gloria Keller.

A motion was made by Adam Foster to move public comment from the end of the meeting so that visitors would be able to comment during the various presentations. Motion was seconded and passed.

Pat Toops, Chief of Natural Resources, summarized the problem of vegetation at Locks 69 and 70 at Oldtown. Water milfoil, which grows very rapidly because of fertilizers and nutrients from the land, has choked out both lock areas, even though they are full of water. These plants have completely hindered the Fishing Rodeo which is held in Oldtown during the summer. The Park is hesitant to use pesticides because they cannot be contained and would be flowing into the Potomac River. Before pesticide use begins, a complete assessment needs to be done. All alternatives are being considered. Mechanical control of the plant will probably have to be done this year since the freezing season is about over.

Elise Heinz asked if the mechanical means were more effective. Pat Toops stated that the system used in the park is a cutting mechanism attached to a Jon boat, floating along the surface and cutting to a certain depth.

Sam May stated that Eco-Science, the harvesting company, has been contacted and an earlier schedule is being arranged this year. The Oldtown area will be done prior to the Fishing Rodeo. It is hoped that the severe winter weather this year has stunted the growth of the plant.

May 23 2003 12:38 HP LASERJET 3330 P.4

Shirley Youngblood of Oldtown spoke about the problems of the water milfoil in the Oldtown area from Lock 68 to Lock 71, a distance of about 2-1/2 miles. About 400-500 people have signed a petition regarding their concern with this problem. The area is accessible to the handicapped and is very popular with people from all over Allegany County. The petitions reflect names from different areas even though they were only circulated in the Oldtown area. The Fishing Rodeo is threatened by this plant growth. The number of participants has dropped considerably over the past few years. In 1988, 1,832 children attended and in 1992, there were only 500 children. In 1993 there were only 300 participants. The Rodeo has been held at this location since 1948. The concern exists for this function as well as other fishing during the entire season.

Letters have been written by Delegate Betty Workman to Senator Sarbanes, Senator Mikulski, and Regional Director Stanton. Mr. Stanton's letter to Mrs. Workman on November 26, 1993, indicated that a study was being made of possible ways to deal with this problem. The Maryland Department of Environment issued a permit in 1992 for the use of Aqua-shade to treat this plant in the Oldtown area. The people in Western Maryland want the canal waters rid of this plant life but not at the expense of harming the environment. She asked that the park seriously reconsider the current policy about herbicides and pesticides and allow the use of those that are proven to be safe. Aqua-Shade may be the answer and deserves to be researched further. The cutting by machinery is only a temporary solution but it is better than nothing at all. All the citizens ask is that the matter be given fair attention. (All letters attached as part of the file)

Pat Toops stated there will eventually be a solution. Communications between agencies is not always clear. The permit Mrs. Youngblood spoke about was issued in 1992 for work at Oldtown but the process did not go thorough NPS procedures. The Departments of the Environment and Water Quality were not contacted to see if there were concerns about the water and its entry into the Potomac. The permit also specified that the chemical had to be contained for a minimum of two weeks before being released. Mill Run, a continuously flowing stream, flows into the canal. The flow of that stream would have to be diverted through another water course to entrap the water.

Jim Gilford stated that there may not be an effective solution to the problem. A discharge permit will be required from the State of Maryland if pesticides are used and that will be difficult to do because of the importance of the vegetation in the River and the potential impact of any pesticide moving down into the bay area. Pesticide use will have to be done yearly. It may be prohibitive due to maintenance costs. Reduction of nutrients in the area to curtail growth of the plant would be a consideration.

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Pat Toops remarked that if an aquatic mower/harvester were purchased, it could be used in the entire park. The cost in 1993 for purchasing a harvester and all related equipment was $92,000. The cost for rental of equipment for the Georgetown area was about $6,000. In 1992, the cost was $12,000 to $13,000 for service in Georgetown and Oldtown.

Mrs. Youngblood suggested that the Commission hold a meeting in the Oldtown area so they can view the site and see all the activity that goes on at that end of the canal. The Commission decided that the June meeting would be in the Oldtown area.

Pat Toops gave an overview of the lands program of the park. There are over 1,478 separate tracts in the park. As part of the acquisition process in the 70's in the development of C&O Canal, many lands were purchased "in fee" where the land was totally titled to the National Park Service. There were options to landowners as well as renters or tenants. Some of the parties involved had options to sell out at a particular time and receive a full fee of the appraisal of the property at that time. They had an option to select Use and Occupancy. That meant they were given the right to remain on the land for a particular period of time. This entitled the landowner or tenant to use and occupancy, to stay on the land, and to use it as their own with certain conditions to protect the land. Landowners also had the option to select life estate to the original landowner or tenant. There are now about 200 use and occupancy or retention rights remaining. Each deed specifies whether there are salvage rights or other real property attached to the land. If there are not, the park may salvage the structure and return the tract back to its natural state or manage it according to the cultural history.

There are about 125 Use and Occupancy permits coming up for expiration. There were some Use and Occupancy landholders who had rights of use for two years and a few with 10 years. The policies of the NPS changed in 1986. Prior to 1981, these issues came to the management of the park and people asked to stay longer. At that time, the decision was made to continue some of the Use and Occupancies under Special Use Permits. A special use permit has certain conditions and criteria.

In 1981, a policy was established stating that only the original landowners, not tenants or third parties, could have an extension. In 1986, NPS-53 stated that a party conveying land to another may, with the consent of the other, reserve certain interests to itself. For example, in acquisitions by the National Park Service the landowner may reserve right of use and occupancy (either for a fixed term or for life), the right to salvage improvements, and rights to cross the conveyed land. Reservations may be in perpetuity or specified terms. Reservations are <u>not</u> alterable or extendable. <u>Reservations must never be referred to as leasebacks. Special use permits shall not be used to extend reservations</u>.

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Upon reviewing these regulations, the park found it was violating its own policies by extending people under special use permit. There are presently 22 people concerned about continuing their leases and there are 103 due by June of 2001.

The Solicitor has determined that no superintendent or manager of any park has authority to extend land uses under special use permits. It is very clearly stated in NPS-53 and also in a directive issued in 1988 as a re-affirmation of those responsibilities.

Nancy Long stated that the Briefing Statement seems to suggest that there was something irregular about the policy that was promulgated in 1981. Did the policy described in the briefing statement come into effect in 1986? Pat Toops replied that this was true; that research shows that the original NPS-53, Release 1, was completed in 1986. It was understood that NPS-53 was in effect in 1981 when the briefing statement was done but it was not. This is based on information from the Lands Office.

Pat Toops said that the current policies are not to extend Special Use Permits. To do it legally and allow people to stay longer, the people concerned should have all the options. The park does not have the information from the Philadelphia Land Office. It may require a review and changes in the General Management Plan. The park is concerned because it has been operating outside national policies.

Ed Miller stated that the government goes through the real estate law called due process. At any time when land was taken from the inholders, did they lose title in fee? If they own title in fee, it is outside the management of the park. If they do not own title in fee, and it was bought from them for a given dollar, and then leased back, the first contract is what stands. They do not have title because they got their money, they have leased the land for a great number of years, and now they want to stay. They have actually entered into a real estate contract in fee and that means that everything in writing of the original contract is what will hold.

Pat Toops indicated lands in question are not in fee. We have the fee, they have the rights of use and occupancy retention.

Terry Hepburn asked if it is better for the park if the tenants are forced to leave. Mr. Hobbs stated that the park would have to determine a process of dealing with the natural and cultural scene which was one of the objectives when the park was established. The General Plan established that for the betterment of the park, leases would be eliminated over a period of time, probably a maximum of 25 years. According to the law establishing the park, access across the park to the river for utilities and community type activities must be allowed.

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Mr. Hobbs remarked that the Solicitor's Office has ruled that compliance must be met and extensions or Special Use Permits cannot be issued. This is basically a 20 year problem and the park is seeking ways to mitigate if there are any alternatives. All options go back to two things: the General Management Plan and the seven Development Concept Plans need to be redone and the law must be changed. These things are necessary to address the extension of the tenure. It would probably not be uniform throughout the park and would identify the park under special regulations.

Pat Toops remarked that when this issue was brought to attention, the option of leaseback was discussed. The Solicitor advised that this act forbids the use of lease back/sell-back authority in National Parks or National Monuments. Mr. Toops feels all information and details should be gathered before the park states the available options. Under NPS-53, we have the obligation to provide permit holders with the available options.

Jim Gilford stated that in past years many people moved from the canal because they had to, not because they wanted to. In view of those actions, he does not feel discussion should be held on extending leases or giving options. It was the intent of the Plan to have individual owners off the canal and have the land available for the public. To redo the General Management Plan to accommodate issues is wrong.

Nancy Long asked if farms were on a leaseback. Pat Toops said most of the agriculture leases in the park are full ownership. An agriculture management plan needs to be done to determine what the farm uses should be. Use and Occupancy permits have been issued for grazing of cattle. They need to be reviewed prior to expiration.

Some structures in the park would be classified and identified as historic structures. There are processes to rent these houses under the historic leasing plan. Pat Toops stated that permittees can refurbish the interior of the buildings, but only with prior approval of the Historical Architect and through the XXX procedure.

Mr. Alfred Kazmierczak gave a presentation on behalf of former property owners on the canal near Mile Post 101 who have retention rights which will expire in the spring of 1994, 1995 and some in 2000 or 20001 and by law cannot be renewed. (copy attached as part of these minutes) It is the feeling of many of those residents that there is a discriminatory practice since other land owners, specifically the Potomac Fish and Game Club have not sold their property to the Park Service and have probably not been approached to sell. Mr. Kazmierczak asked for the help of the park and the commission in having the leases renewed. He asked Superintendent Hobbs how the policy can be changed. What does it take to have this done? Mr. Kazmireczak stated he repeatedly asked, when negotiating for the sale of his property, if the Fish & Game Club

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was being treated the same as the other property owners and was told that it was.

Superintendent Hobbs stated that the Secretary of the Interior would make any decision, based on the intent of the law which established the park.

Ed Miller asked the authority of the Commission in this particular instance. The law can only be changed by Congress. He thought the only thing the Commission could do would be to make a recommendation. Mr. Hobbs indicated that it was the responsibility of the Commission to hear the matter, make sure it is understood, and make recommendations.

Adam Foster asked about the Memorandum of Agreement with the Potomac Fish and Game Club was as referred to by Mr. Kazmierczak and how recent it was. Mr. Hobbs indicated it was a renewal of the original agreement signed at the time the Fish & Game Club gave the Park Service the scenic easement. The park owns the north side of the canal with the agreement stipulating that if the Club does not change its present activities in any great way, they would have access over the canal to their property.

Replying to a question about the remains of a burnt out residence still standing, Pat Toops indicated that the owner had died and salvage rights were still available. A decision was made to not touch the structure until the lease expired. It is not the park's property until expiration of the lease. Salvage rights are still there for the owner and that is the legal reason for not touching the property. Once the structures are gone, the Park Service usually allows the trees and vegetation to grow back and reclaim the flood plain.

Jim Gilford stated that he had been on the commission since it was established and it was the clear intent that there would be no one staying for a very long time. The assumption was that most people would not stay for 25 years During the hearing process and the development plan there were no provisions intended for anyone to get special privileges. He was surprised that the Fish & Game Club had received what they did. It is considerably unfair that the Fish & Game Club gave land and then got other land.

Mrs. French asked about Special Use Permits. It was her understanding that when they sold the property, they were offered the option to lease back. This was a verbal and unwritten option. Despite the fact that the permit was not intended to extend leases, it appears that the precedent has been set because it has been done in the past for others and it should not be offered to these permittees.

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Mr. Hobbs stated that at this point there would be a six to twelve month moratorium to deal with the various questions. A letter will be sent to those whose retentions expire, advising them of this moratorium.

Jim Gilford made a motion to advise the Secretary to permit the Superintendent up to one year to finalize a resolution to the problem of how to handle leasing. The motion was passed on voice vote.

Mr. Kazmierczak stated that when leases were signed years ago, they were told that they would extend leases beyond 25 years if the property was not required for future park development. That may help the Superintendent in trying to negotiate.

Jim Gilford reviewed the special meeting of January 23 which concerned the draft EIS on the Cumberland Parkway. It was the consensus of the members present to inform the Secretary that the Commission did not wish to oppose either Alternative 3 or Alternative 4 at this time. However, there were contingencies placed in the statement. Some issues needed to be improved from the draft EIS. Before the NPS approved the final choice of highway system, the money for rewatering the canal and doing other things needed to be in hand, not promised or speculated. They felt there should be things in the EIS which would allow the general public to better interpret some of the mitigation policies for wetlands, noise, etc. The budgetary item anticipated for the Cumberland area and the budget increase should not impact the rest of the canal and activities on the canal. Money requested for this area was about 20% of the total park budget. It was also indicated that a specific site development plan needed to be approved before any action was taken and approval given. The final reminder was that the Commission continues to be especially concerned about the Monocacy Aqueduct.

Jim thanked those who volunteered to serve on the committee to review the draft EIS and make comments to the entire commission. The EIS was reviewed with no prejudices or biases on the issues by any member of the committee.

Nancy Long asked if minutes were available of the special meeting. Jim Gilford stated that it was the consensus of the group that he prepare a statement of what the committee had agreed to and get it to the Superintendent immediately. It would then be sent to other commission members for comment and any major changes. The meeting was tape-recorded but has not been transcribed. A short summary sheet, attached to the committee statement, will be prepared for the June meeting.

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The Superintendent reviewed the streamlining policy of the National Park Service. This policy will eliminate 1,337 jobs over a period of five years. This cut-back will begin in the regional offices and should not adversely affect the parks.

The park now has an authorized budget of 5.05 million and has recently been allotted $150,000. to repair the Georgetown wall which recently collapsed at 33rd Street.

[redacted]r reminded the Commission that Georgetown University still owns a piece of parkland. Mr. Hobbs remarked that periodically he receives a call from one of the University's lawyers about a key for the gate for the bicycle trail. There is a land negotiation going on for a land swap for that particular parcel of ground near the Washington Canoe Club. The area involved is less than one acre.

A decision should be made in early April on the Cumberland EIS with comments by the Commission a part of said EIS.

The Cumberland Canal Place development is moving along with requests already being received to hold activities in the plaza. Hancock and Williamsport rewatering projects are progressing. A dedication will be held at Williamsport during C&O Canal Days in August.

No decision has been made on the request for ISTEA money for the Conococheague Aqueduct. The matter is still being discussed.

Dam #4 repair work will begin September 12 by the SeaBees Underwater Construction Team #1 which did the repairs at Dam #5. Restrictions have now been lifted on the Dam #5 area.

Four parks received a PEW Grant and support funding from the National Park Foundation in the amount of $100,000. A Park as Classrooms program is being developed with Shepherd College, Antietam NBP, Harpers Ferry NHP, Monocacy NBP, and C&O Canal. This will involve fifth and sixth grade students in the tri-state area.

In the Brunswick area, the Department of Environment and CSX are monitoring wells on the canal contamination site.

Work in the Great Falls Tavern area will be completed this year with the beautifying of the grounds by planting grass, placing walkways and trails and some restoration work on the structure.

The Capital Crescent Trail will have a bike patrol, with United States Park Police patrolling the area.

Kevin FitzGerald advised he had asked Tom Nash to pursue the idea of a bike patrol operation at Great Falls for the rangers. The reason for this many city departments are using bike patrol in an effective manner.

Montgomery County awarded a contract on February 7 for their portion of the Capital Crescent Trail from Little Falls Parkway to the D. C. line. The groundbreaking for this Montgomery County section will be held March 30.

Kevin FitzGerald stated that to avoid problems and controversy when the CCT becomes a reality, signing the towpath and trying to get people to conform to the desired use should be started early. The area should be assessed and then regulated accordingly.

Adam Foster asked about the wall on Canal Street which is in need of repair and which he understands is the responsibility of the District of Columbia. Mr. Hobbs stated that the Director wrote to the District government about three years ago and news releases have been received stating that something would be done during 1994.

Under new business, the Western Bypass question was brought up by Adam Foster. This project would involve crossing the canal in some area. Minny Pohlmann advised that the Virginia Department of Transportation in their August 15, 1993, report stated that Route 15 in Virginia, north of Leesburg, in Loudoun County, would cross the Potomac River at Point of Rocks. However, this may change because of the election of a new governor and appointment of a new Secretary of Transportation.

Minny Pohlmann announced that on April 9 at St. Mary's Catholic Church pavilion in Barnesville, at Routes 109 and 117, from 9:30 - 12:00, the Virginia Department of Transportation and the By-Pass Alternative Review Committee (BARC) will have a meeting. The Department of Transportation has had a great deal of pressure to have a bridge cross the Potomac River and hook onto the proposed intercounty connector in Montgomery County. The State of Maryland and Frederick and Montgomery Counties have all stood firm that no bridge crossing or new highway should come into Frederick or Montgomery County lands. The State is standing firm because Route 15 has been improved to the Pennsylvania state line. They are waiting for Virginia to designate the point of access or to re-do the whole bridge structure. Washington National and Dulles Airports have also joined forces with Loudoun County to have a new bypass.

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Adam Foster advised that this is the 40th anniversary of the Justice Douglas Hike. The hike will start with a dinner on April 16 to which the Secretary of the Interior has been invited to speak. On Sunday morning, the 17th, the hike will begin at the Western Maryland Station. Donald Graham, publisher of the Washington Post, has also been invited to attend the activities because the Post was crucial in establishment of the park. The hike will end on April 30th, followed by a dinner at Pier 7 restaurant in southwest Washington. Congresswoman Connie Morella, a former member of the commission, has been invited to speak at this dinner.

Mr. Hobbs announced that Susan Winter, Chief of Cultural Resources, and David Trail, Compliance Officer, will be married on April 9th.

With no further business the meeting was adjourned until ~~March~~ June 11 in the Oldtown area. Anne Gormer will obtain a location for the meeting.

I certify that these minutes are true and correct.

Sheila Rabb Weidenfeld
Sheila Rabb Weidenfeld, Chairman

April 23, 94
Date

United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
P.O. Box 4
Sharpsburg, MD 21782

IN REPLY REFER TO:

C&O CANAL NATIONAL HISTORICAL PARK COMMISSION
MINUTES OF DECEMBER 10, 1994 MEETING
PATAGONIA, GEORGETOWN, D.C.

The C&O Canal National Historical Park Commission met at the Patagonia in Georgetown on December 10, 1994.

The meeting was called to order by the Chairman, Sheila Rabb Weidenfeld. Other members present were Barry Passett, Charles Weir, Terry Hepburn, Rockwood Foster, Nancy Long, James Gilford, Edward Miller, Sue Ann Sullivan, and Brother James Kirkpatrick.

Staff members present were Doug Faris, Terrie Savering, Keith Whisenant, Bob Hartman, Chris Streng, Susan Trail, Pat Toops, Bill Spinrad, Clyde Bell, and Gloria Keller.

Charles Weir made a motion that the minutes of the September meeting be approved as presented. Motion was seconded and passed.

Jim Gilford suggested that handout materials be sent to members of the commission who are absent from meetings. He also suggested that commission members in the various jurisdictions be made aware of any activity in their particular county so they can advise citizens who make an inquiry.

It was suggested that minutes be sent to the County Commissioners of Allegany, Washington, and Frederick counties.

The chairman introduced Superintendent Doug Faris who said he was glad to be at C&O Canal and that he has been visiting various areas of the park since his arrival. He is very impressed with the staff and finds them very supportive. He also is very impressed with the commission and will be calling on them for their advice and support.

Terrie Savering said that Commissioner Eli McCoy had called her several months ago and advised that he would be resigning from the Commission because of a job change.

May 23 2003 12:42 HP LASERJET 3330 p.19

Old Business

Retentions: Pat Toops said that there are 125 extensions which will expire by the year 2001. Twenty-two are now under Special Use Permit (SUP). Letters were mailed to 19 people and about 16 have vacated the properties. It is hoped that these structures will be removed by spring and native plantings started. There are 17 more coming up which expired in 1993 and 1994. These sites are presently being examined.

Terrie Savering said that members of Congressman Bartlett's staff told her that he intends to initiate legislation in January to extend retentions beyond the year 2000. The park will appreciate any support the commissioners can give on this matter.

Pennyfield House: Superintendent Faris and Susan Trail will meet with staff from the State Historic Preservation Office after Christmas in regard to removal of Pennyfield House. Nancy Long said that the house was a summer home and is probably of interest because it is within the park boundary and not because of any historical significance. Superintendent Faris stated that many buildings and structures are disappearing in the park because of lack of money and personnel to preserve and maintain them. It is the desire and goal of the NPS to maintain these cultural resources but it is going to be a very difficult task.

Prison labor: Bob Hartman reported that the NPS has a cooperative agreement to work with the Bureau of Federal Prisons. The federal prison in the Mexico Farms area of the park is a medium/minimum security facility. A meeting will be scheduled with prison staff to work out an agreement on the use of prisoners in the park. It will be the responsibility of the prison system to provide supervision while the park would provide logistics for the project.

Restructuring the National Park Service: Superintendent Faris said that with the change in leadership in the recent elections, the NPS will be dealing with a lot of stress and a lot of change. Some of this process began with the Vail Agenda looking at new ways of managing resources and the various needs of park staff for such things as decent housing. Some things to be considered in the restructuring process are more money going back to parks from fee collections and raising fees that concessioners pay to the parks.

In the proposed restructuring of the NPS, there will be seven field directors instead of ten regional offices. The regional offices will become systems offices. Systems offices and support offices will be smaller. The NPS will lose 1325 positions in the central offices. More responsibility will be given to park superintendents and park staffs. Buy-out programs will allow some people to retire early. The buyouts will take place within the next few months.

MAY 23 2003 12:43 HP LASERJET 3330 p.13

In response to a question about dealing with commissions, Superintendent Faris stated that he has dealt with commissions in the past with much success and hopes that his dealings with the C&O Commission will be just as successful.

Security and Crime in Georgetown area: The Superintendent introduced Captain Mike Fogarty of the Park Police who spoke about their activities in the Georgetown area. Captain Fogarty reported that enforcement visibility has doubled in the past year and that there are different problems facing law enforcement by day and by night. Horse patrols have been increased and scooter and bike patrols by plain clothes officers are effective. There are about ten campsites used by homeless people who move from one site to another when law enforcement forces them out of a site.

There is a lot of graffiti which is done mostly by young adults who are very skilled and very proud of their work. Some arrests have been made in regard to this problem.

One of the most common crimes is that of attacking cyclists and stealing their very expensive bicycles. However, with the increased visibility of Park Police and law enforcement rangers, crime is on the decrease.

Williamsport rewatering: Bob Hartman reported that the canal at Level 34 at Williamsport has been reshaped and excellent progress is being made. Silt has been removed and pipes have been installed. It is hoped that a test of the pump can be conducted this week. The consultants have looked at the wood foundation of Lock 44 and found it in sound condition. A soil boring will be made to see if it can support the weight of the lock. The reconstruction of Lock 44 should begin in the spring. A bypass at Lock 44 with 15 inch pipes will be installed to keep the water fresh and flowing.

Superintendent Faris said that with the completion of the rewatering project, there will be an excellent opportunity for interpretative and educational programs in Williamsport which need to be addressed by the park.

Georgetown University Entrance: Bob Hartman reported that the Federal Highway Administration, the National Park Service, and Georgetown University are working very closely on the Environmental Impact Statement (EIS) for the Georgetown University entrance. The solution for the University is a traffic light. John Parsons stated that the first 35 feet up the hill toward the University belongs to the NPS.

May 23 2003 12:43 HP CHSECKJE1 3330 P.16

Tidelock: Terrie Savering reported that the National Park Foundation has funds for restoration of Tidelock. The money which is not enough to restore the Tidelock could possibly be used for planning. However, in recent months, the park has been looking at stabilization rather than restoration. Susan Trail will be working on this endeavor.

Francis Scott Key Memorial: This matter is still in the Surveyor's Office and they have one year to make the land exchange with the Park Service. Since the memorial has not been transferred to the park, the Metropolitan Police are responsible for law enforcement. However, information is relayed to Metro police by the Park Police. There has been a lot of vandalism in the area. Once the transfer is made, the Park Police will be the primary law enforcement officers.

Big Slackwater: In early spring, work will begin on the towpath in the Big Slackwater area. The primary concern is to get it open so that walkers can get through. Upon restoration, bikers will be able to pass through with minimum difficulty.

In regard to a question from Nancy Long about boat docks in the Slackwater area, Pat Toops advised that staff is reviewing deeds of those in that area to see who has docking rights. Keith Whisenant said that there were approximately 76 docks in Frederick and Washington counties and all but five people have some type of county or state permit for docking.

Geographic Information System (GIS): The park has purchased a very high-tech computer system and will implement the GIS program in the near future. The Global Positioning System (GPS) will have a bay station at headquarters and two in the field. This will permit location of both natural and cultural resources in the park. Bill Spinrad who will be instrumental in the operation of these systems gave a brief explanation of their function. We will be able to work with other governmental agencies. The commission would like a demonstration of the system at a future meeting.

Brunswick rewatering: Keith Whisenant said that the Brunswick rewatering project is on hold until contamination at the site is dealt with. A lot of work needs to be done to determine the extent of contamination. In 1993, the CSX Railroad, at the park's request, did soil samplings in the area adjacent to the railroad yard which does not completely include the area which is contaminated. Based on those samplings, the Corps of Engineers would not issue a permit needed for rewatering. At that time, park staff, regional office personnel, and the solicitor's office, gave the test results to the State who worked with CSX on testing. Four wells were drilled, three at the silver tank and one at the roundhouse. The wells near the tank tested positive of petroleum and the one at the roundhouse was negative. This report was completed in July.

May 23 2003 12:44 HP LASERJET 3330 P.17

In October, the state requested two additional wells be drilled on CSX property and two on park property. The park issued a permit for testing from the lock at the boat ramp to the city water plant.

On December 7, CSX responded that they rewrote the permit where they would do two wells. We will seek NPS funds for the necessary testing. It will be years before any rewatering project can be started in Brunswick because of contamination above and below the clay liner of the canal.

In regard to the foot bridge at Sandy Hook, on the advice of the Solicitor's Office, the bridge was removed.

Canal Place project - Cumberland: John Parsons, Associate Regional Director, Lands, National Capital Region, reviewed the Canal Place project plans and said that one wall is 2450 feet long and 35 feet high. The walls will be poured concrete with face stone. The final EIS has been delayed for almost a year while the NPS is working with CSX and the State Highway Administration on mitigation. A Landscape Plan has not been done. The NPS feels that the point has been reached where they can allow the EIS to be finalized with concurrence of the Commission. Jim Gilford stated that the Commission had other concerns when they agreed to the EIS. One was a firm commitment from the state for money for required, additional work. John stated that the road construction would not get underway until 1996 or 1997 and would take at least two years to finish.

The highway study indicates that rewatering is feasible and the Corps of Engineers concurs with this statement. All that needs to be done is to remove the 7-16 feet of fill from the canal. Three hundred thousand dollars was appropriated this year to study the last 2000 feet near the terminus . The Corps of Engineers has been asked to look at this site and determine 1) can we build a stop lock at this location?; 2) can a dike be built?; 3) can we restore inlet locks?; 4) can a dam be placed in Will's Creek?; 5) can the pumps be reversed to bring water from the river into the canal?

Sally Blumenthal spoke about the Jennings Randolph reservoir which runs down to Cumberland. There is a tri-state study about flood control in Pennsylvania, West Virginia, and Maryland. They are just beginning to contact state, local, and federal officials and the public to determine what needs to be accomplished with the flood control project, such as habitat restoration. The NPS is asking the Corps if there could be an inflatable dam across Wills Creek.

May 23 2003 12:45 HP LASERJET 3330 P.18

Great Falls Tavern: Susan Trail reported that park staff has been determining what needs to be done to preserve and maintain the Tavern and the long term plans for this work. Things that have been done are the cleaning of the cedar shake roof which has mold on it, testing of paint for lead content, evaluation of the electric system which is barely adequate, investigation of the basement for termites and beetles. The maintenance staff has done downspout and gutter work, are working on an underground drainage system, and determining what trees around the Tavern need to be removed since some roots have intruded into the bypass flume causing leaks. Much of the moisture in the Tavern is coming in through the basement. Different types of ventilation are being investigated. Information is being gathered from various sources to correct these major problems. The question was asked if a flood protection plan would be put in place. At this time, the park depends on the Weather Service for reports of high water. If water is high at Lockhouse 6, sandbagging begins.

Nancy Long indicated she would like to be involved when park staff goes out to determine which trees need to be cut. She suggests that signs be placed stating why the trees are being cut so that the park does not receive calls and letters regarding the cuttings.

Future of the Commission: Future activities of the park will include development and exploration of partnerships with other government agencies, the private sector, and individual groups. Partnerships will become crucial for the survival of an effective park service.

C&O is a unique park and the educational and interpretative programs, while good, need to be enhanced. With all the activity that goes on in the park, the historic stories need to be told to the public. There will be a lot of difficult decisions in the future for resource management.

More interaction is needed with the media and county and state governments to boost park visibility.

It is hoped that a strategic plan for the park will be developed within the next six to eight months, to determine where and how to spend time, effort, and energy during the next five years.

The Superintendent indicated that beyond the advice and support given by the Commission, he sees an opportunity to involve them in a partnership activity to get assistance for things that will be difficult to fund. Revenue generation is the big item. The Monocacy Aqueduct is high on the list of NPS priority projects for stabilization or rehab. It would cost about 25 million dollars for this work. Help and ideas in getting something started on this through real money, matching funds, or congressional money is requested from all commissioners. Subcommittees could be formed within the Commission to address some of the issues.

MAY 23 2003 12:43 NF CHSERVICE 3350 P.13

Mr. Faris understands that the commission has met four times a year in the past but feels that if subcommittees were developed within the group fewer, but longer and more intensive, meetings could be held.

Jim Gilford felt that because of the high price for restoration of the Monocacy Aqueduct, it has been left in the background. The Commission has spent a lot of time on discussion of various projects which are not the major thrust of the canal. Most of the things that have been done promote the towns along the canal. He was concerned that the money that could have gone toward the Aqueduct was spent elsewhere on the canal. He felt no other project should be undertaken until the Monocacy Aqueduct issue is settled.

A motion was made by Jim Gilford that the Commission recommend to the Interior Department that they not fund any more major projects until the Monocacy Aqueduct issue is settled--issue meaning where is funding coming from and how will the project be approached. The motion was seconded by Charles Weir. Motion passed - 6 for, 3 against.

A committee to focus on the Monocacy Aqueduct will be chaired by Jim Gilford. Nancy Long will head a committee to study meeting procedures.

Barry Passett announced that the next meeting will be March 11, in the Sharpsburg area. Other scheduled meetings are June 10, September 9, and December 9.

With no further business, the meeting was adjourned until March 11.

I certify that these minutes are true and correct.

Sheila Rabb Weidenfeld Feb. 24, 95

Sheila Rabb Weidenfeld, Chairman Date

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About 20 years ago, the FHA did temporary stabilizing work on the aqueduct. With the advent of bridge inspections in the park, the structure will be inspected on a regular basis.

Georgetown Access Road: Keith Whisenant gave an overview of the Georgetown University/Canal Road Access Road project which has been under discussion since 1976. In 1987 funding by the Federal Highway Administration (FHA) got the project going again. The University is trying to get school traffic out of the neighborhood. Entrance can now be made off Canal Road only from the east. They are trying to get the entrance just off Canal Road. Two years ago, Jeff Knoedler of NCA Lands Office and members of the FHA planning team gave a presentation to the Commission which had ten alternatives. Public meetings were held to get input and the alternatives have been narrowed to five. They range from no action, with the intersection continuing as is, to having a traffic light on Canal Road with traffic exiting the University. The three primary alternatives are the traffic light, an elevated west-bound road, and depression of Canal Road to keep traffic moving non-stop with those turning, crossing over the sunken roadway. Effects on the park from any of these three alternatives would be visual only with a minimal increase in noise.

Barry Passett made a motion that Alternatives 1, 2, and 2A were the only alternatives acceptable to the Advisory Commission since they present the least impact to the park. The motion was seconded by Adam Foster and passed by the members.

9/95 The park will relay the Commission's stand on the Georgetown Draft Environmental Impact Statement to the System Support Office.

[redacted]: The Georgetown University land exchange issue has been around for a long time. When the NPS acquired the railroad property which is now the Capital Crescent Trail (CCT), Georgetown University retained 1.09 acres to build a boathouse. This area is about one mile up the CCT from the Washington Canoe Club. They have right of access to drive the CCT to get to their property if they decide to develop. The NCA Land Use Office and the Solicitor's Office are working on a proposal to grant the land exchange. They would be trading the 1.09 acres of land for a similar area adjacent to and upstream of the Washington Canoe Club. This would be a land swap of equal value, allowing the University to build a boathouse, compatible in design with the WCC. It would strictly be for non-motorized boating which is consistent with the NPS non-motorized boat study of the '80s and there would be no parking facilities. This went for public comment and received none. It was presented to the DC Planning Commission and the land exchange was approved. There needs to be an agreement with the University stipulating how vehicles will get into the area, the frequency and time and the fact that parking will not be allowed.

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Nancy Long questioned the language on page 2, paragraph 2, that this proposal does not "contemplate" the marina and asked what kind of assurance will be written in the agreement that there will not be a marina or other boathouses? Keith said that this was a valid issue and the park needs to be certain that the phrase is in the agreement. Otherwise, it would be inconsistent with other Park Service planning. The park's major concern in this matter is that of safety and until a written agreement is reached with the University, the land exchange will not be made.

Superintendent Faris said historic leasing and management of resources in the park has helped focus attention on a Cultural Resource Management Plan and a Natural Resource Management Plan which are both nearly complete in draft at this time. The Cultural Resource Management Plan has segments dealing with historic structures and how to put them into use at a minimum cost to the park. The Historic Leasing Program provides an important tool to help implement the goals of the plan.

Susan Trail gave a slide presentation about some of the structures which are under consideration for historic leasing. The primary reason for attempting to put some structures out for leasing is because funding resources are limited. Unless some of these structures are leased out, it will be impossible to take care of them.

Pennyfield House is the park's highest priority for leasing. The park has been working with the State Historic Preservation Office and the Advisory Council for a Memorandum of Agreement concerning the future of the structure. The park had requested that the building be torn down but the State and the Advisory Council insisted that another effort be made in leasing it out before that was done.

On September 30 at 10 a.m., there will be an Open House at Pennyfield House. We have a prospectus, a lease and preservation guideline which is being reviewed by the legal staff. When the proposals are received, we will negotiate the leases. The preservation guideline will become part of the lease and will vary for every structure, according to the property condition.

Other houses being considered for leasing are the Anthony House located at lock 56 at Pearre, constructed about 1870. The Meyers house located below Fort Duncan was constructed in the 1840's by Christian Smith. It needs a lot of work but appears structurally sound. The Maggio house was constructed about 1890 and is a log house covered with German siding and is in pretty bad condition. Antietam Grocery, in the village of Antietam, was constructed in 1880, and was the wheelwright shop for the Antietam Ironworks. On Canal Road, the Long/Crampton property, settled in the 1820's. is also under consideration.

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[redacted] - Keith Whisenant reported that the Georgetown University has 1.09 acre of land, right off the Capital Crescent Trail (CCT), with the right to use the CCT access for the purpose of building a boathouse. This was prior to the NPS obtaining the land. The National Park Service was approached about exchanging the land for a tract upstream, adjacent to the Washington Canoe Club. An environmental assessment was done. The land exchange was supported by the National Capital Planning Commission with stipulations that the shoreline be retained and the boathouse design enhance the appearance of the waterfront. At this time, a land exchange agreement is being negotiated with Georgetown University that would allow the NPS to do testing and studies to see if the land would accommodate a boathouse.

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Elise Heinz asked if this would be another private boathouse. Keith said that it would be for university use only but the public would have access along the waterfront. The boathouse design will need approval by the NPS and the National Capital Planning Commission.

Steve Kline reported on the status of several projects.

Conococheague Aqueduct - The aqueduct was inspected by the FHWA after the January flood. Over the years, it has sustained damage but is structurally sound. On March 22 a condition assessment will be made of the existing aqueduct. Schematic design proposals will be presented after the assessment is completed. Four strategies will be considered; preservation of structure, preservation and stabilization, reconstruction of the aqueduct structure, and rewatering and use by canal boats.

Jim Gilford said he had a problem with anything other than stabilization of the Conococheague Aqueduct being done before anything is done to the Monocacy Aqueduct. He thinks it would be a serious mistake to do anything more than the stabilization.

The Superintendent said that the Monocacy Aqueduct continues to be the park's highest preservation priority. The Conococheague is an aqueduct that could be rewatered, and to have an aqueduct rewatered has many advantages. Once the information is available from both studies, park priorities will be further evaluated.

Tidelock - Stabilization work will be done by the Williamsport Preservation Training Center and will be done in two phases. A condition assessment will be made and should be finished by the end of June with work possibly beginning in July.

In response to a question from Adam Foster about water undermining Thompson's Boathouse, the superintendent said that he had no idea whether those rumors were true. He hopes to make the area around Tidelock as inviting and pleasant as possible.

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C&O CANAL NATIONAL HISTORICAL PARK
ADVISORY COMMISSION
MEETING OF MARCH 22, 2002
PARK HEADQUARTERS, HAGERSTOWN, MARYLAND

The C&O Canal National Historical Park Advisory Commission met at 10 a.m. on March 22 at the new park headquarters at 1850 Dual Highway, Hagerstown, Maryland. Sheila Rabb Weidenfeld, chairman, called the meeting to order. Other members present were Adam Foster, Nancy Long, Jim Gilford, Donna Printz, Charles Weir, and Emmie Woodward. Park staff attending were Doug Faris, Bob Hartman, Gloria Keller, Diane Ingram, Bill Justice, John Noel, Nancy Poe, Tina Orcutt, Sonny Sanders, Mike Seibert, Dan Copenhaver, and Keith Whisenant. John Parsons and Sally Blumenthal from the National Capital Regional office attended. Others in attendance were George Lewis, Carl Linden, Minny Pohlmann, Stephanie Flack, Doug Samson, Mrs. Charles Weir, Bill Kirwan, Janice Artemel, and Alan Brangeman.

The minutes of the December 10, 2001, meeting were amended by Commissioner Nancy Long, stating that Phil Barringer, Jack and Carolyn Reeder were not in attendance at the meeting, but were mentioned by Superintendent Faris as nominees for the commission made by the Potomac Appalachian Trail Club. The minutes were approved as amended.

Superintendent Faris welcomed everyone to the new C&O Canal headquarters, stating that there was 17,500 square feet of office space and said that the National Park Service had signed a 10-year lease on the space. Superintendent Faris reported a 30 percent increase in park visitation since last year, recording 4,181 million visitors to the park. He also mentioned the park had an excellent safety record and had received the region's 2001 Safety Award. The park's Risk Management Plan helps address and reduce visitor and employee injuries and accidents.

Status – C&O Canal Advisory Commission

Superintendent Faris reported that the new advisory commission should be reconstituted before the next scheduled commission meeting. The C&O Canal Advisory Commission was re-established for an additional ten years on January 8, 2001, by an Act of Congress. Nominees who are selected will receive a letter from the Secretary of the Interior.

Potomac Gorge Site Conservation Plan

Through a grant funded by the Natural Resources Protection Program, the National Park Service and the Nature Conservancy have partnered to complete a study to protect and conserve the Potomac Gorge. The Potomac Gorge is a well-known scenic area that runs from Great Falls to the Key Bridge in the Georgetown area and contains approximately 10,000 acres. Superintendent Faris introduced Diane Ingram from the park, and Stephanie Flack and Doug Samson, from the Maryland Chapter of the Nature Conservancy, as project coordinators. Doug Samson thanked the NPS for financial assistance and for the enthusiasm and cooperation in completing the Potomac Gorge site conservation plan. Stephanie Flack presented a program explaining the project and the complexities of administering the Potomac Gorge study in urban/rural communities covering so many jurisdictions. She described the Potomac Gorge as an

area containing very significant biodiversity, rare plants, and interesting hydrogeology. With the Potomac Gorge Site Conversation Plan completed, it is hoped that a coordinator can be hired to organize strategies for conservation in the Potomac Gorge, working with the NPS and the Nature Conservancy. Funding for this coordinator position may be secured through another Natural Resources Protection Program grant. Superintendent Faris complimented Diane Ingram and the Nature Conservancy staff for a job well done.

Duke Energy

Superintendent Faris reported on the right-of-way application for the Duke Energy Power Plant project near Point of Rocks, Maryland. The NPS needs to consider the application under Public Law 184 and Public Law 91-664 listed on the briefing statement dated February 27, 2002. An environmental review must be completed to determine and protect from any impacts on C&O Canal park resources. The Duke Power Plant project has generated much interest and public controversy. Many agencies are involved with this project, including federal, state, and local groups. Superintendent Faris stressed that the NPS is striving to be objective and fair to all parties while fulfilling the legal obligations for issuing right-of-way permits. It is well documented that local citizenry, environmental groups, and the Frederick County Commissioners are in opposition to the power plant project. The State of Maryland wants to complete a Comprehensive Resource Review that was to be provided to Duke Energy by March 30, 2002. However, a 30-day extension has been issued until April 22, 2002. The Maryland State Power Plant Commission is responsible for providing a license for the energy plant. Duke Energy has agreed to provide funding for the environmental study, document preparation, and other cost recovery activities. Superintendent Faris reported that the environmental study would be completed by an outside contractor and paid for by Duke Energy. Possible right-of-way options are being considered examining sensitive agricultural areas, low-flow water problems, an existing eagle's nest, and trying to determine the least impact on the area.

George Lewis questioned the hiring of a contractor by Duke Energy to complete the environmental review. Superintendent Faris responded to Mr. Lewis, relating there were many issues involved and that the State of Maryland is very credible in the process of examining environmental reviews and protecting public resources. Superintendent Faris reported the NPS would provide a list of appropriate and capable contractors to Duke Energy to complete the environmental review on the water intake right-of-way options.

After much discussion, Commissioner Nancy Long made a motion that the National Park Service role should be to assess the impact of the Duke Energy power plant operations on the C&O Canal National Historical Park. Charles Weir seconded the motion. A vote was taken with all commissioners in favor of the motion.

Potomac Heritage Partnership

Janice Artemel, Director of the Potomac Heritage Partnership, addressed the Commission and outlined the primary focus of the organization. She explained the Potomac Heritage group is a

non-profit organization interested in promoting heritage, both culturally and educationally, in the Potomac Watershed. The Partnership is working with the C&O Canal to mark the towpath as part of the Potomac Heritage Scenic Trail. The Potomac Heritage group wants to develop a significant heritage tourism initiative to promote responsible tourism that does not result in negative impact on resources. The Potomac Heritage Partnership is a developing organization supported by federal and private donations.

2002 C&O Canal Special Events

Superintendent Faris introduced Bill Justice, Chief of Interpretation for the park. Bill listed upcoming events, highlighting the C&O CanalFest in Cumberland on May 18 and 19.

Nancy Poe and John Noel presented a program outlining the special events and the marketing campaign for the March for Parks program. Nancy mentioned a significant donation of $100,000 had been received from a Potomac, Maryland resident through the C&O Canal Association. Many events are planned for the March for Parks, including partnering with local outdoor stores, etc. The focus of the March for Parks event is to raise monies to fix the Widewater area of the canal towpath. The C&O Canal Association donated funds to pay for ads for the March for Parks event. Carl Linden, from the C&O Canal Association, introduced a towpath badge program to raise monies by the park. Badges can be purchased from Association members or at park visitor centers.

John Noel, Volunteer Coordinator for the park, reported on volunteer projects including a new bequest of $130,000 from Public Land Corps Grants. In 2001, $92,361 was received from the Public Land Corps Grants. John reported that in 2001 over 30,000 volunteer hours were recorded and that the goal is to increase volunteer hours, particularly in the western end of the park. Currently, Student Conservation Association member Christine Droske is developing a volunteer brochure, targeting middle and high school students.

Park-Wide Interpretation Plan

Bill Justice explained that the park is preparing a long-range comprehensive interpretation plan that includes:

(1) Vision of the future for 5-10 years
(2) Annual long-term plan
(3) Interpretative data base

He estimates it will take 18 to 24 months to complete the long-range plan. Superintendent Faris indicated that the plan would be a valuable programming tool.

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Superintendent Faris introduced John Parsons and Sally Blumenthal from the National Park Service Land Planning and Design office in the regional office. John Parsons has assisted with C&O Canal planning for the Georgetown Boathouse location and the formation of a new Georgetown waterfront park. The District of Columbia has transferred land ownership to the National Park Service between Key Bridge and the Washington Harbor to create the Georgetown Waterfront Park. A committee for fundraising has been formed to raise monies for the park. A tentative agreement has been reached between Georgetown University and the National Park Service to exchange land to build the Georgetown University Boathouse. Alan Brangeman and other officials from Georgetown University offered details concerning boathouse design, site preparation, and construction. Bill Kirwan from Muse Architects outlined the boathouse design and presented architectural drawings. Superintendent Faris stressed the Capital Crescent Trail cannot be closed or access interrupted due to construction of the Georgetown Boathouse. He also stressed the need to have the trail separated from access to the boathouse. Bill Kirwan acknowledged the possible construction vehicle problems and indicated more discussion on these areas needed to be considered.

Outfalls Dalecarlia Aqueduct

Superintendent Faris stated that the EPA was issuing a permit for five years to allow discharge from the Dalecarlia Reservoir Water Treatment Plant. Commission members viewed a video taken above the Key Bridge of black sludge being released into the Potomac River. There has been much controversy over this pollution, and lawsuits have been filed to prevent this sludge discharge. See Briefing Statement dated February 19, 2002.

Line Item Construction Program

Superintendent Faris introduced Dan Copenhaver, Park Engineer and project manager for the Monocacy Aqueduct repair and construction project. Dan reported a $6.4 million appropriation with $150,000 from the C&O Canal Association. He hopes to have the bidding process completed in July with construction to begin in September 2002. Dan indicated this would be a very significant civil engineering project.

Superintendent Faris introduced Mike Seibert, Park Preservation Specialist, who will be working on the Georgetown Walls stabilization project. Mike reported that the Georgetown walls had been severely damaged from the two floods of 1996. After the bidding process, construction is scheduled for late summer or fall of 2002. Project costs are approximately $1.6 million. This funding was appropriated in FY 2002.

Rehabilitation Great Falls Tavern

Bob Hartman reported on repair of the Great Falls Tavern, including window and roof replacement, and painting being undertaken this summer. Bob also reported on a project in cooperation with the NPS and the Maryland Dept. of Transportation at the Great Falls Tavern parking areas, including re-design of the parking lots and roadways bringing historic landscape

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