

NATIONAL CAPITAL PLANNING COMMISSION

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COMMISSION MEETING

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OPEN SESSION

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THURSDAY,
JANUARY 8, 2009

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The meeting came to order at 12:30 p.m. in Suite 500 of the National Capital Planning Commission headquarters at 401 9th Street, N.W., Washington, D.C., John Cogbill, III, Chairman, presiding.

PRESENT:

- JOHN V. COGBILL, III Chairman
- PETER MAY, Department of the Interior
- JOHN M. HART, Presidential Appointee
- ROBERT E. MILLER, D.C. Government
- HARRIET TREGONING, Office of the Mayor of the District of Columbia
- JENNIFER STEINGASSER, NG, Office of the Mayor of the District of Columbia
- MICHAEL S. MCGILL, GSA
- STACIE S. TURNER, Mayoral Appointee
- HERBERT F. AMES, Presidential Appointee
- RALPH NEWTON, Department of Defense
- DEBORAH PARKINSON, U.S. Senate
- MARK STEPHENSON, U.S. House of Representatives

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NCPC STAFF:

MARCEL C. ACOSTA, Executive Director

LOIS J. SCHIFFER, General Counsel

DEBORAH B. YOUNG, Secretariat

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Transfer of jurisdiction of a portion of Fort
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Service to the District of Columbia
Government for recreation purposes

(Commission action requested: approval of
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U.S.C. 8124(a))

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Adjourn

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P-R-O-C-E-E-D-I-N-G-S

12:37 p.m.

CHAIRMAN COGBILL: Good afternoon.

Welcome to the National Capital Planning Commission's January 8, 2009 meeting. Would you all please stand and join me in the pledge of allegiance.

ALL: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

CHAIRMAN COGBILL: Thank you. Nothing the presence of a quorum I would like to call the meeting to order. If there is no objection, the open session agenda will be adopted as the order of business. Seeing and hearing none, the open session agenda is adopted.

[Insert - Commission Meeting Agenda]

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REPORT OF CHAIRMAN JOHN V. COGBILL, III

CHAIRMAN COGBILL: Agenda Item No. 1 is Report of the Chair. I would like to start this off by introducing to you John M. Hart who sits to the right of Mr. Miller.

Mr. Hart is a presidential appointee appointed by President Bush at the end of last year to represent the State of Maryland on the National Capital Planning Commission. Mr. Hart is an architect with RTKL Associates and is also a principle in RTKL Associates.

Mr. Hart, welcome. We are glad to have you with us.

COMMISSIONER HART: Thank you very much.

CHAIRMAN COGBILL: I also would like to acknowledge that joining us today will be Mr. Jim Williams who is the General Service Administrator and Commission member. We also have guests here from some of our other federal institutions. We look forward to

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hearing from them later and hearing your reports to us.

I would also like to let you know that I have received a letter from Chairman Towns from the Committee on Oversight and Government Reform designating his representatives to be sitting with us this year. Michael McCarthy is designated as the -- who is the Deputy Staff Director on the Committee will be here.

Mark Stephenson who has been with us before rejoins us. And Krista Boyd, a professional staff members, will be serving as potential alternates for the National Capital Planning Commission. Welcome to you all as well.

With that, that concludes the report of the Chairman and I'll turn it over to the Executive Director.

REPORT OF THE EXECUTIVE DIRECTOR

MR. ACOSTA: Thank you, Mr. Chairman, and good afternoon. Given our

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agenda today I'll forego giving a full report to the Commission. You will find a written report in your packets.

[Insert - Report of the Executive Director]

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MR. ACOSTA: However, I would like to introduce two new members of our staff. First we have Camille Lewis. Camille joined out Office of Administration as a Human Resource Assistant.

She joins us from the U.S. Department of Agriculture where we served as a staff assistant in their Headquarter Personnel Services Branch. She is also a graduate of the University of Maryland and brings over six years of experience in office administration and human resources.

We also have with us William Chin. William is an intern who will be with us during the month of January. Williams is studying planning and engineering at the Massachusetts Institute of Technology and will be working with staff on projects related to infrastructure in the monumental core. Welcome aboard.

With that, Mr. Chairman, that concludes my report.

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CHAIRMAN COGBILL: I do recommend to you the written report that has been provided to you at your place which is also available to the public on other activities by the Executive Director and the staff.

[Insert - National Institutes of Health]

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CHAIRMAN COGBILL: We'll move to Agenda Item No. 3 which is the Consent Calendar.

CONSENT CALENDAR

CHAIRMAN COGBILL: Are there any questions on the Consent Calendar? Hearing none I would entertain a motion.

COMMISSIONER AMES: I move the Consent Calendar be approved.

CHAIRMAN COGBILL: Okay. The motion has been made. Is there a second? Motion made and properly seconded. Further discussion? All those in favor of the motion please signify by saying aye.

ALL: Aye.

CHAIRMAN COGBILL: Opposed? Abstentions? Motion carries. Thank you.

[Insert - Consent Calendar:

U.S. Coast Guard Telecommunication and Information Systems Command]

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[Insert - Consent Calendar:

Fort Detrick U.S. Army Garrison - Forest

Glenn Section]

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ACTION ITEM**ST. ELIZABETHS MASTER PLAN**

CHAIRMAN COGBILL: We'll move now to Agenda Item No. 4. This is the Master Plan for the Department of Homeland Security Headquarters Consolidation at St. Elizabeths.

Ms. Goldkind.

MS. GOLDKIND: Good afternoon, Mr. Chairman, members of the Commission. The General Services Administration is requesting approval of the final master plan for the Department of Homeland Security Headquarters Consolidation at St. Elizabeths.

This is a rather lengthy presentation. I'll do my best to keep it moving but let me give you a little bit of the order that I'm going to present the material today.

I'm going to begin by briefly reviewing the prior Commission action for the draft master plan, comments that the Commission provided in November of 2007.

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Discuss GSA's proposal for their master plan which you saw briefly at an information presentation a few months ago by GSA.

Present our staff analysis including a conformance with NHPA, the National Historic Preservation Act, and the Comprehensive Plan. I'll provide a summary of the coordination that has occurred to date and ongoing and then present our Executive Director's recommendation for your action.

Before I begin I do want to acknowledge that this has been a very complex challenging project that has been going on for several years. It's been a major collaborative effort between the Federal Government, the District of Columbia, several federal agencies, local organizations, as well as the community around St. Elizabeths.

St. Elizabeths is located in South East Washington, D.C. east of the Anacostia River in Ward 8. It is surrounded primarily by the Congress Heights neighborhood on the

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north, east, and south. To the west of Bolling Air Force Base and the Naval Annex. Also to the south is the National Park Service Shepherd Parkway which is a wooded area. It's part of the National Register of Fort Circle Parks Trial.

The project includes the entire west campus and a portion of the east campus shaded here in yellow. Before I start, I do want to mention that the majority of today's presentation will focus on the west campus which has been fully developed and will also describe the progress to date on the east campus portion as well as transportation related improvements proposed as part of the master plan.

I-295 is the main interstate that provides regional access to the site. Martin Luther King, Jr. Avenue is on the west side of the west campus dividing the west and east campus. There are also two Metro stations, Congress Heights to the southeast, Anacostia

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to the north, both less than a mile from the St. Elizabeths campus.

So the building program has not changed since the draft master plan. It has been modified in several ways. It will still include consolidation of Department of Homeland Security headquarters including the Office of the Secretary as well as five component agencies, consolidating 14,000 of DHS's 26,000 regional employees.

There are three main components, the west campus portion, the east campus portion, and the related transportation improvements. I'll discuss it in more detail later but the east campus portion is a leased portion as part of the east campus redevelopment framework plan by the District of Columbia Office of Planning and the Deputy Mayor for Planning and Economic Development.

And the transportation related improvements have also involved the Federal Highway Administration and DDOT since they

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will have the final say as to the configuration and approval of those portions of the project.

The total program is 6 million square feet. It has been reduced by approximately half a million square feet from the draft master plan. That is a result of changes to the parking ratio that you requested with your comments.

The breakdown is roughly 5 million gross square feet on the west campus for building and parking and 1 million gross square feet of development on the east campus.

I will discuss that in greater detail in a moment.

I just want to remind you of the prior Commission action which included comments on two of the referred alternatives that were studied in the draft environmental impact statement, alternative 3 and alternative 4.

There were significant adverse

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impacts identified to the campus as a result of these two alternatives, especially with regard to view sheds and transportation as well as to the impacts on the topographic goal.

There was a fairly high level of demolition in one of the alternatives. Up to 18 historic structures were scheduled to be demolished. There was a parking ratio of one to three including accommodation of those vehicles in above-ground parking structures.

Commission action in November focused on five main areas that were reviewed including recommendations for ways to minimize impacts to the view sheds both within the campus and from regional locations within the topographical.

To minimize the impacts on the transportation system through development of a TMP and reduction of parking to meet the one-to-four comprehensive plan parking ratio. To work towards developing part of the program

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either on the east campus or offsite to encourage community development and provide other benefits to the neighborhood.

The Commission requested that additional historic preservation measures be undertaken for buildings and landscapes by reducing the density and altering the proposal of building footprints and heights. Also to incorporate environmental measures to reduce runoff and provide more green space.

The Commission also required GSA to include a 2.5 million gross square foot alternative in their final master plan. GSA did do that based on the Commission comments as well as a consensus document prepared by the consulting parties.

GSA prepared this alternative that you see here and did study it as part of the final master plan. It includes some important changes from the two alternatives. You saw the draft and I do want to go through them because this alternative served as the basis

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for the plan you are about to review today.

It identified the area on the west edge of the south lawn for the best location for the highest density of development, as well as on the western slope where the warehouse building was.

It included all underground parking. There was no above-grade parking. It limited access to Martin Luther King, Jr. Avenue and from First Sterling Avenue to the north.

I'm going to show you the site plan for the final master plan just so you can see the transition from this study to the proposed plan. Before I discuss it in detail, I just want to go back to review a little bit of the history of the site and the approach that GSA took when they started Section 106 consultation for the project.

The site is divided into five distinct landscape units that are based in part on physical characteristics as well as

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periods of construction. Landscape Unit 1, which is shown here, shows the original period of construction from 1852 to 1879 which includes the center building here.

It also includes what we refer to as the Allison Quad which was constructed from 1877 to 1899. Then the other major building area on the site is Unit 2 which I'll refer to as the Letter Buildings. Those were constructed between 1899 and 1903.

The cultural landscape report that was prepared since the draft master plan did identify landscapes Unit 1 and Unit 2 as having the most high level of integrity meaning that they retained the most significant and most intact of the historic resources, both buildings and landscapes.

As part of the master plan I just want to point out that everything shaded in red is considered a contributing element and there are 62 contributing buildings as part of the national historic landmark and 52 of those

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are slated for rehabilitation as part of the proposed master plan.

What you don't see are eight greenhouses on the northeast corner that are scheduled to be demolished and two small utility buildings in the ravine area that will also be demolished.

Also associated with these periods of construction are significant landscape elements equally important as the buildings. The landscape for the site has undergone a little more transformation.

I do want to point out a few of the intact landscape features that are identified in the cultural landscape report as areas of high level of integrity and it should not be modified.

That includes the south lawn west of the Letter Buildings here, the open space to the south of the Center Building as well as to the north, and what we refer to commonly as The Point which provides a meadow and a

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panoramic view over the downtown area of the District of Columbia.

Keeping in mind both the historic buildings and landscapes, GSA did prepare with their consultants preservation design and development guidelines that are part of the master plan. They provide both broad recommendations for treatments to the historic resources as well as parcel specific treatment recommendations.

This is the site plan which I'm going to use to illustrate the key points of the plan. The first thing is restoration of the existing masonry perimeter wall that runs Martin Luther King, Jr. Avenue. That is slated to be restored.

Gate 1 is also intended to be restored in place without any major modifications on the exterior, restoring Gatehouse 1 and making interior changes to provide underground parking for employees to the north. Gate 2, which is also an existing

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gate, will be enhanced for visitor access and screening and will have a dedicated parking garage from that entrance as well.

The entire site will be enclosed with a double fence to meet level 5 security requirements. On the north and east the fence follows the perimeter. It's a little hard to see but on the other sections it follows either the topography or some of the other features in this location. I'll talk about this little jog in a minute. It comes here inside what you'll see as a west access road.

There are significant open spaces identified in the cultural landscape report to remain open and those will remain open. The Point will also be accessible to the public, although the details for that have not yet been determined.

There is an eagle zone for endangered species that will not have any construction and new construction will be concentrated on the west edge of the south

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parcel of the site.

Then finally the largest building constructed on the site will be the United States Coast Guard Facility. I do want to mention that landscape units 1 and 2, which you see here, combine what we refer to as the plateau. It's a relatively flat piece of land. Then the site slopes down in all the directions from that plateau so the Coast Guard will kind of step down this hill with the topography.

What I didn't mention here is that buildings fronting the south lawn will have three stories above grade and the buildings below them will have six stores above grade. The Coast Guard will have two stories above grade. I should clarify that when I say grade, I refer to virtual grade and we'll discuss that a little later.

As I mentioned, about a million square feet is scheduled to be located on the east campus as part of the District east

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campus redevelopment framework plan. It will be a secure facility housing a single component of DHS as well as associated parking.

We'll have an underground connection and part of the proposal also includes widening Martin Luther King, Jr. Avenue, the portion adjacent to the west and east campus to meet the great streets initiative that the District of Columbia has defined which would include some wider sidewalks, landscaping and lighting to provide a more pedestrian friendly environment as well as a dedicated turn lane to reduce the traffic impacts for vehicles arriving to the west campus.

The other major transportation improvement would involve a modification to the Malcolm X Avenue I-295 interchange which is, I apologize, off the screen down here. That would lead to an access road that traverses the entire west edge of the St.

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Elizabeths site connecting First Sterling Avenue and running through the National Park Service at Shepherd Parkway.

That's to be a three-lane road with the potential for it being reduced to two lanes, inclusion of a bicycle and sidewalk. That is a determination that has yet to be finalized.

As part of that west access there are two gates being proposed Gate 4 being the primary vehicle access point for employees as well as for visitors to the cemetery which is located outside the secure perimeter and we'll have a surface parking lot to allow for public access at all times.

And a large parking structure that will in-fill part of the ravine and will service about 70 percent of the employee vehicles entering the site. Gate 5 is the last gate to be created and it will serve as a truck screening facility that is below grade in that hillside.

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So I don't have the same level of detail for the east campus. It has been an ongoing collaborative effort with the District of Columbia and GSA and DHA but the District did repair a redevelopment plan that was approved by the District Counsel on December 16th.

As part of that plan DHS would occupy a single secure building in what is referred to as the north campus of the east campus. This is the overall campus plan for the east campus.

This section here includes the majority of office space and some mixed uses as well as public uses along Martin Luther King, Jr. Avenue. It also has what most of you are familiar with as the unified communications center for the District of Columbia.

That north campus is seen as the ideal location on the east campus to house any secure facilities that might be needed.

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This section on the bottom shows that there will be a connection under Martin Luther King, Jr. Avenue.

One of the main discussions with regard to impacts to the historic landmark as well as to the viewsheds and the topographic bowl is the height of any new construction that would be proposed. There has been a significant reduction in the proposed building height from the draft master plan.

This section cuts through here through the south lawn and the center building and the proposed warehouse facility. This is all put together at the bottom if that gives you a point of reference.

There was a decision made during early consultation that no building should be higher in elevation than the center building as shown here. These two buildings fronting the south lawn framing that space will have the three stories and the buildings further west are proposed to be six stories above

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grade.

As part of the building height there was a density plan that was developed and it included trying to limit density based on the landscape unit, the integrity and the location keeping landscape units 1 and 2 largely intact with limited construction or very moderate density construction and then limiting the median density construction which, by the way, those are defined in the District elements of the comprehensive plan in case you're wondering.

Limiting that density to this edge of the site for two main reasons. One, it's the least visible site within the topographic bowl from a distance and it would also have less impacts than in-filling an of the significant open spaces.

I just want to point out that these appear low density, these two parking garages, this parking component and this warehouse facility, but these elements are completely

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below grade.

There was a lot of discussion at the draft master plan stage with regard to the United States Coast Guard building and its impacts on the western slope. The design team has worked to explore ways to provide -- to accommodate the program using below-grade construction or courtyards or other sort of siting to minimize those impacts.

I want to just take a minute to discuss what we refer to as virtual grade which is the grade where it is today if there were no buildings. That is how staff has asked GSA to calculate the above-grade versus below-grade square footage for the project.

I also want to point out that there is a calculation for that in the master plan at about 3.6 square feet. That calculation included all of the square footage that was open to natural light.

We did ask them to recalculate that or to give us a comparison and the resulting

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square footage number was just a hair over 3 million gross square feet of above-grade construction. In addition to a majority of the Coast Guard facility being underground, the warehouse site as well as a large part of the parking is also below grade.

Transportation management plan was included as part of the submission. I responded to a lot of the comments that this Commission provided at the draft master plan stage. It did reduce parking ratio from one car to every three vehicles to one car to every four vehicles as recommended by the comprehensive plan. Thank you. Sorry. With one small exception.

For 1,100 employees the ratio would be applied at one car to every three employees which is for 1,100 shift workers who might not have access to public transportation during off hours or might need to respond in an emergency situation. That is the same parking ratio that was applied to the unified

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communication center shift workers as well.

The total parking for employees included in this parking garage here, this one here, and the one on the east campus is approximately 3,500 parking spaces and 640 spaces for visitor parking.

30 percent of employees are scheduled to enter -- not employees but employee vehicles are scheduled to enter through Gate 1 as well as VIPs coming to the site. All visitors to the west or east campus are scheduled to use Gate 2 and Gate 4 is scheduled to accommodate 70 percent of employee vehicles. Gate 3 is an existing gate and it is currently programmed for emergency exit only.

A critical piece of the proposal is construction of a west access road since that is a primary means of accessing the site. I just want to talk a little bit about the process that is ongoing as part of this west access road. It's been studied fully in the

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final environmental impact statement that GSA has prepared.

Since it involves modification to an interstate as well as construction through a national register property which is the Shepherd Parkway and also will involve decisions by the Federal Highway Administration, the Federal Highway Administration has taken the lead on completing the analysis for the west access road and they have also prepared what we call a 4-F evaluation which is a section of the National Transportation Act of 1966 that requires the Federal Highway Administration to determine if there is no feasible alternative to accessing the site or making these proposed changes since it impacts public parkland.

The 4-F evaluation has been completed. It is out for public comment and we are expecting the record of decision from Federal Highway Administration to be issued in March of this year.

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I do want to note that there is extensive coordination and a need to continue that both with federal highway with the District Department of Transportation, GSA, DHS, as well as the National Park Service.

There is also from a design standpoint a significant grade change here which you can see in this section. And preliminary schemes that are included in the final master plan that include the use of stone faced retaining walls in order to provide this access road through the site and to these new entry points.

It's not shown on the map either but the Shepherd Parkway does go more towards this direction and the total acreage required for this portion of the project would be about 4.4 acres for permanent construction and 6 acres including staging for construction.

The Commission also requested that environmental measures be included as part of the final master plan. GSA has included a

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summary of the environmental approach that they plan to take. The goal is to meet a LEED silver certification rating at a minimum.

That is to have used some green roofs on any of the new construction which you see here, as well as some buyer attention swells in other areas where they can employ low-impact development techniques. The goal is not just to be green but to reduce any stormwater runoff into the Anacostia water rivershed.

So the site is -- there has been an identified need to create a Level 5 secure facility for the Department of Homeland Security and that will include several physical elements including the double perimeter fence which is shown in the double red line. Screening areas at each of the gates.

Setback areas which are shown in the dashed green line which they are either 50 or 100 feet based on adjacency and access. As

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well as the use of surveillance equipment.

I just want to discuss the section in the upper left which shows the double fence. There will be a decorative outer fence and a no-climb interior fence separated by a 20-foot clear zone which is also required to be 30 feet in height.

After anything above that height the tree canopy will be permitted to grow over that with a long-term goal of making that fence less impacting on the campus from a distance.

The Commission asked for additional viewshed studies both within the site as well as from regional points around St. Elizabeths.

If you look up here, you are familiar with this diagram which shows the topographic bowl.

This is the St. Elizabeths site and the view on the bottom is from Haines Point here.

You can see the existing warehouse building, Bolling Air Force Base. I just want to point out some of the buildings here are

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existing that are pointed out. This is the proposed U.S. Coast Guard facility and warehouse facility on that western slope.

I do have some other photo simulations. I'm going to run through them rather quickly but GSA did prepare them at our request and I think that they give a little more three dimensional view of what is being proposed.

This is the view down Martin Luther King, Jr. Avenue. This building is shadowed in here so you can kind of see what the existing development is supposed to look like including a small piece of the proposed new building.

These are the plateau areas showing Hitchcock Hall which is at the north end of that south lawn as well as some of the other open spaces. You can see the new construction in the distance.

The center building has the Secretary of the Department of Homeland

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Security has well as other headquarters operations. This is the view from The Point.

What you see here is modification to the hillside and that is where the warehouse facility is being proposed.

Then this is a view from the north side of the center building looking this way.

This is the Coast Guard facility in the distance. This is also the Coast Guard facility. This is the view down the west ravine with the parking garage and the U.S. Coast Guard facility.

The cemetery has been a very big topic at consulting party meetings and there was concern that the warehouse building is visible and that the Coast Guard building be studied. That's also to determine how visible it would be from the cemetery site.

Then, lastly, this is a view looking north on the west access road with the retaining walls to the right and a view from the South Capital Street Bridge which shows

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the center building here and the stacks in the distance to the left.

The phasing for the project is the same as it was generally speaking as the draft master plan. There will be three phases beginning in 2009 concluding in 2016 with some overlap between phases. Also somewhat dependent on funding.

Phase 1 is to include all of the perimeter security, a portion of rehabilitation of existing structures that are planned to be used for contractor and interim office space.

Construction of the Coast Guard facility and the portion of the west raven parking garage associated with the Coast Guard count for employees as well as Gate 4 including that gatehouse and screening facility. It will also include the cemetery and the surface lot to provide access.

The west access road will be constructed only from First Sterling Avenue

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south to Gate 4 as part of Phase 1. Phase 2 will see completion of the west access road from Gate 4 through the Shipper Parkway to modify Malcolm X Avenue interchange.

Construction of the underground parking areas for employees and visitors. It's hard to kind of tell that this is really part of it but it will include the majority of rehabilitation of existing structures as well as the development on the east campus.

Phase 3 will complete the project including the final piece of the west ravine parking garage, the moderate density development on the west edge of the south lawn, and the truck screening facility.

This is just a total snapshot of how the three phases fit together.

So staff has found that the master plan does present a very complete framework for development of the DHS headquarters consolidation. We want to note that it has been very responsive to the prior Commission

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comments.

We also want to acknowledge the many challenges that all the parties have faced as part of the consultation process in developing this master plan. There have been a number of significant improvements that we have analyzed and have shaped our recommendations for the plan. I'm just going to run through them.

Including extensive rehabilitation of historic buildings and landscape features including rehabilitation of 52 of the 62 historic buildings which is the highest level of protection that we have seen to date in any of the proposals.

Reduction in the overall height of proposed new construction which ranges now from three to six stories at the west edge of the south lawn. An overall reduction in the program for the west campus by approximately 1.4 million gross square feet. That's due in part to reduction of the parking ratio from

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1.3 to 1.4 as well as shifting a million square feet of that program to the east campus.

We also want to note that locating a significant portion of the program below the virtual grade will hopefully work to minimize the visual impacts to the site both within the site and within the topographic bowl.

I didn't say it earlier but about 20 percent of the building program is below the virtual grade and about 60 percent of the parking program is also below the virtual grade which totals 3 million gross square feet above the virtual grade.

The preservation design and development guidelines that I referred to are very thorough and they do apply the Secretary of the Interior standards to treatments of historic properties as well as to professional qualifications for any professionals who will be working on the design or construction at the site.

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I want to acknowledge that this plan including programmatic agreement that was included as part of Section 106 consultation does include commitments by GSA and DHS to provide public access to The Point, Hitchcock Hall and the cemetery. That has not been worked out but there are commitments that are required as part of the ongoing proposals.

Lastly, in GSA and DHS' collaboration with the District of Columbia to provide not just a benefit to the west campus but also to the District of Columbia by leasing a million square feet of space on the east campus and aspiring the implementation of the east campus framework plan.

I also want to mention, and I haven't reinforced it enough, this is an ongoing process and only is the west campus portion developed to a level that will frame our recommendation for final approval. In the plan below I just want to reinforce the landscaping 1 and 2 have been given the

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highest level of consideration as part of the plan.

So although staff does feel that the master plan is sufficiently developed, there are six areas that we would like to note that we have identified that will require further detailed development as part of implementation of the plan as well as development of individual projects. I'm going to discuss each one briefly.

The final environmental impact statement does thoroughly analyze the west access road but, as I mentioned, there has been no record of decision for this portion of the plan. It requires about 4.4 acres of the National Park Service Shepherd Parkway and the National Park Service has expressed concern in written comments submitted to NCPC with regard to the impacts that this might have on that property.

GSA has acknowledged those impacts as has NCPC staff. We do strongly encourage

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ongoing coordination to see if that west access road can be developed in a way that is acceptable to all, especially in a way that will hopefully come to light through ongoing Section 106 and NEPA evaluations. The west access road will also require an amendment to the master plan since NEPA and Section 106 have not yet been completed for those portions.

Phased implementation we understand has been responsive to operational needs as well as funding that has been allocated for the project but staff concur with some of the consulting party concerns that have been expressed to us with the importance of insuring that phase 2 of the master plan and all the phases be carried out in large part as a way to protect the historic resource for the long term. As well as for providing the community benefits that are anticipated as part of moving part of the program to the east campus.

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NCPC will continue to participate as a consulting party for the ongoing Section 106 consultation that is expected both for short-term as well as the long-term. Each planned phase as well as individual projects will require follow-on consultation. We do encourage GSA to develop that schedule as soon as possible.

Staff wants to acknowledge that we do recognize the national significance and importance of this historic landmark and the desire to share this important site with the public.

We do acknowledge the need to maintain a level 5 secure environment but do plan to support the master plan commitments that have been made to develop a public access plan to provide the public regular access to The Point, the cemetery, and Hitchcock Hall at a minimum.

There are two design issues that I would like to discuss. The first one is the

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perimeter fence. More specifically the location of it at the cemetery site. There still remains to be a consensus for the location of the historic cemetery either within or outside of the historic -- of the fence which would either provide public access or segregate the historic boundary of the campus.

Staff does support the ongoing consultation that is required to make a final determination of how that should be accomplished. And, of course, the fence design on any area that is exposed to the public be it the east or north sides or along the roadways. We do just want to remind GSA that the design of that fence will be carefully scrutinized by this Commission.

The last design issue is the design of Gate 1 which has been the ceremonial entrance to the campus. Also provides one of the most significant spaces to experience the campus at the campus at the point of entry.

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We do recognize the plans proposal to preserve the exterior of the Gate 1 but some of the photo simulations that show modifications to the interior of the Gate 1 area provide some pause. We do remind GSA that the Commission requested that Gate 2 rather than Gate 1 be designated the primary entrance. Staff continues to support that recommendation.

Finally, the east campus master plan, although it was studied at the programmatic level, we do want to recognize that an amendment will be required as part of the master plan process including completion of compliance with environmental and historic preservation regulations.

Any related modifications to the transportation management plan that may arise from those evaluations. A viewshed analysis from Martin Luther King, Jr. Avenue, as well as the National Park Service Suitland Parkway which is hard to see but it's to the north of

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the site.

An identification of any shared uses that can be available to both employees and the general public on that federal parcel, as well as a construction staging plan to consider the effects that the east campus portion of the program might have on the local transportation system and the community.

So the proposed project does accomplish several of the broad goals of the comprehensive plan including retaining a major component of the federal work force within the District of Columbia. We think it will stimulate neighborhood development and growth and there has been a coordinated effort with the District of Columbia and other federal agencies to revitalize this significant historic resource, as well as to support other programs planned by the District and the local neighborhood.

On a more detailed level staff did review the plan against five of the federal

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elements. Most of the plan was found to be conforming but we do acknowledge that some of the individual policies and goals are not fully met, specifically the parks and open space element. The historic preservation and historic features element are two that are not fully met and should hopefully be the focus of ongoing consultation.

We do know that there will be viewshed impacts to the west slope and some loss of historic green space if the plan is implemented. We do feel that ongoing consultation has potential to more fully meet these goals as the project moves forward.

In addition to the comprehensive plan staff reviewed the master plan for conformance with both NEPA and the National Historic Preservation Act. GSA has met their responsibility for both with regard to the west campus portion of the plan.

They have stated their ongoing responsibilities and commitments still needed

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to complete those processes for the transportation improvements and the east campus portion of the plan. NCPC also has independent NEPA and Section 106 responsibilities for federal projects in the District of Columbia.

With regard to NEPA our Executive Director has adopted GSA's final EIS that was completed on November 7th which considers a broad range of building and transportation alternatives as well as identifying mitigation for each of those.

We will continue in the NEPA process that is required for the east campus portion of the plan and is scheduled to commence shortly with a goal of being completed by early 2010.

GSA initiated Section 106 consultations in 2005. NCPC has participated in that consultation since that time including identifying efforts to minimize harm to the national historic landmark as required by

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Section 110 of the National Historic Preservation Act.

Since NCPC has an independent responsibility to comply with the act, I do want to stress that it has been our principle objective to find ways or to work towards ways to minimize harm to the site and we will continue to use that same approach through all phases of the project.

When there are acknowledged impacts, which there are in this case, a programmatic agreement is considered one method to conclude Section 106 consultation. There was a programmatic agreement signed in December. There were several parties who signed the programmatic agreement and it included extensive mitigation.

I won't go through each of them but it does include several stipulations for ongoing Section 106 consultation as well as a large number of measures for public outreach including a citizens advisory panel.

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As I mentioned, this has been a very large coordination effort. The project was referred to 10 agencies by NCPC and it was fully coordinated with all of those agencies asterisked to indicate that we received written or verbal comments from those agencies.

Nine of them coordinated at the coordinating committee meeting on December 17th and the District Department of Transportation coordinated on the 18th following a meeting that was conducted here at NCPC with GSA, DHS, DDOT, and NCPC to discuss some of the transportation concerns and to just reinforce that District of Columbia and DDOT as well as Federal Highway Administration, as GSA has acknowledged, really have the final say in any of the transportation changes that are made to the local transportation network.

CFA, Commission of Fine Arts, also reviewed the master plan at their November

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meeting, November 8, 2008, and they did approve the master plan at that meeting.

With that it's the Executive Director's recommendation that the Commission approve the west campus portion and comment favorably on the transportation improvements in the east campus portion of the final master plan for the Department of Homeland Security Headquarters consolidation at St. Elizabeths subject to the conditions set forth below.

Notice that the final master plan is based on the preferred alternatives presented and analyzed in GSA's final environmental impact statement and includes mitigation outlined in GSA's record of decision.

The preferred alternatives include the west/east campus alternative 5, the interchange access road alternative I2, and the Martin Luther King, Jr. Avenue alternative 2. Approval of the final master plan is contingent upon GSA's ability to construct the

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west access road connecting First Sterling Avenue, S.E. to the modified Malcolm X Avenue I-295 interchange through the Shepherd Parkway.

That requires GSA to submit to NCPC for review and approval an amendment to the final master plan for the interchange and access road improvements that include the following:

An environmental document that complies with the National Environmental Policy Act including a record of decision by the Federal Highway Administration with regard to Malcolm X Avenue, I-295 interchange, and the National Historic Preservation Act that includes NCPC as a cooperating agency.

Any modifications to the transportation management plan resulting from ongoing analysis of the interchange in access road improvement. Any revisions to the concept design of the modified interchange or access road as a result of NEPA or Section 106

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consultation and requires that GSA take the following actions prior to commencement of construction to implement Phase 1 of the final master plan.

These actions are consistent with NCPC's comprehensive plan for the National Capital, GSA's missions and goals for this project, as well as GSA's programmatic agreement executed on December 9 to conclude Section 106 review for the final master plan.

The document that those portions of the Shepherd Parkway required for implementation of Phase 2 of the undertaking are available for use. In collaboration with DHS and the National Park Service initiate Section 106 consultation for roadway design in accordance with the stipulation set forth in the programmatic agreement.

Verify that it has submitted a Phase 2 perspective authorization and funding request to Congress consistent with federal requirements in accordance with stipulation

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1(b) and 1(c) of the programmatic agreement. Acknowledging that rehabilitation of historic buildings and landscapes in Phase 2 is essential to mitigate adverse effects to the national historic landmark.

Establish a schedule for ongoing Section 106 consultation with consulting parties addressing the east campus and any Phase 1 projects currently funded. Identify and implement in collaboration with signatories of the programmatic agreement opportunities and means for the public to have regular access to The Point, the cemetery, and Hitchcock Hall.

Collaborate with consulting parties and District of Columbia agencies to explore traffic, access, and design alternatives for the setting at Gate 1 including follow-on Section 106 consultation in accordance with stipulation 3(c) of the programmatic agreement.

Continue to explore alternatives

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that designate Gate 2 as the primary entrance to the west campus and conduct additional Section 106 consultation to evaluate the feasibility of placing the cemetery inside the secure perimeter of the west campus in accordance with stipulation 3(c) of the programmatic agreement and in response to access concerns expressed by consulting parties.

Also to require that GSA submit to NCPC for review and approval an amendment to the final master plan for the east campus portion of the DHS Headquarters consolidation that includes the following:

An environmental document that complies with NEPA and the National Historic Preservation Act and that includes NCPC as a cooperating agency. Evaluations shall include an assessment of the cumulative effects of the proposed plan in addition to other reasonably perceivable development for the site and adjacent neighborhood.

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Any modifications to the transportation management plan related to ongoing analysis of the east campus portion of the plan. A viewshed analysis of the impacts of east campus development including road widening on views to the east campus from Martin Luther King, Jr. Avenue and from the Suitland Parkway.

A summary of planned amenities describing shared use facilities that would be included in the east campus portion of the proposed federal development that would also be available to the general public and a construction staging plan that describes the timing, location, and impacts of construction staging areas on the east campus.

Lastly, that the Commission commend the General Services Administration, the Department of Homeland Security, and the District of Columbia for their collaborative efforts to meet the housing needs of the federal government noting that the project has

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potential to provide financial benefits to the District as a result of federal leasing of approximately 1 million gross square feet of development on the east campus and to serve as a catalyst for development.

Mr. Chairman, that concludes my presentation. I know there are many people prepared to speak as well.

[Insert - St. Elizabeths, Master Plan for Department of Homeland Security Headquarters]

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CHAIRMAN COGBILL: Thank you very much for a very thorough presentation.

Are there any questions of Ms. Goldkind at this time from the Commission? Yes, sir.

COMMISSIONER MAY: I have a couple of kind of numerical questions, if you will. The first one is I'm a little confused by the virtual grade explanation. I mean, I look at what is above grade and what is below grade in the EIS. We thought it was 3.7 million above grade and you're telling me now it's 3.0. Is that based on your own sort of interpretation of the virtual grade or did something change and I missed it?

MS. GOLDKIND: No, it's -- sorry if I didn't explain that fully but the master plan does include a calculation of 3.67 approximately gross square feet above grade.

There is a note that includes any office or support space or any space that is exposed to natural light including space that

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might be below the virtual grade but open to a light well or a courtyard that is created below the virtual. Staff did request from GSA a revised or a supplemental calculation based on the virtual grade, not just exposure to natural light. That was 3.02.

COMMISSIONER MAY: The other thing that confused me by your description of virtual grade is that your drawing showed -- basically you insert the building and then you draw a line from the grade at the front and the grade at the back and that is the virtual grade.

But then you described it as if it's the existing grade before the building was built. Is it a line connecting point A and B or is it actually calculated based on the topography and everything else?

MS. GOLDKIND: In general --

COMMISSIONER MAY: The topography could vary quite a bit.

MS. GOLDKIND: The topography will

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vary but at the section that it was taken it was at the natural grade.

COMMISSIONER MAY: So --

MS. GOLDKIND: Considered where the natural topography and then if you insert --

COMMISSIONER MAY: Existing natural grade is what you're talking about.

MS. GOLDKIND: Yes.

COMMISSIONER MAY: Okay. The other sort of numerical clarification I was hoping for was the calculation on Shepherd Parkway and the amount of land that would be taken up by the roadway. You use a figure of four acres. We are still doing our own evaluation of 4(f) but we've done our own calculation and we actually come up with 14, almost 15 acres of land taken up by the roadway.

MS. GOLDKIND: I did use the number from the 4(f) evaluation so that was the only number that --

COMMISSIONER MAY: So you didn't do anything to kind of verify that. We did a

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pretty careful analysis of this and I don't believe that it is four acres that will be permanently taken. It's more like 14 acres and something like 20 percent of Shepherd Parkway, not 2 percent. I just wanted to note that.

The last thing is on the sections through the retaining wall that you show on Shepherd Parkway, it's too small for me to read what the heights of those walls are and I don't remember them from having seen the diagram.

MS. GOLDKIND: I don't remember them exactly off hand. I could ask GSA to clarify. I believe it ranges from about 23 to 30.

COMMISSIONER MAY: It is quite a substantial range.

MS. GOLDKIND: It is significant, yes.

COMMISSIONER MAY: I guess what I was wondering is what is shown in this diagram

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because it makes it seem like it's really just a tiny little thing and then it's taken at a point where, in fact, there is a significant depth of property. When you go a little bit further to the south, the wall is much more substantial particularly in relation to the rest of the slope.

MS. GOLDKIND: They are significant retaining walls. I will support your statement. That has been acknowledged and that is one of the things that would be fully explored through ongoing --

COMMISSIONER MAY: You don't by any chance happen to have one of those diagrams with you?

MS. GOLDKIND: No, I apologize.

COMMISSIONER MAY: I would just call that to everyone's attention that it is quite a bit more significant when you get further south. The Shepherd Parkway the way it works right now in sloping down 295 it does slope continuous all the way down in the

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narrower portions.

MS. GOLDKIND: Did the simulations and the viewshed images convey that any better? Did you want to look at those again?

COMMISSIONER MAY: In what you had, no.

MS. GOLDKIND: Okay.

COMMISSIONER MAY: No. I understand there is more that is being done but we don't have those yet.

MS. GOLDKIND: I mean, did you want to look at it again to --

COMMISSIONER MAY: I don't think that describes it. All right. I think that's it for my questions. Thank you.

CHAIRMAN COGBILL: Okay. Thank you. Other questions? If not, then what I'll do is bring this back and I believe the applicant of both GSA and DHS would like to add some additional comments. At this point I will just ask, Ellyn, will you be introducing our speakers?

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COMMISSIONER MCGILL: Mr. Chairman, I think we would prefer to go following the public testimony.

CHAIRMAN COGBILL: All right. That's fine. That would be fine to do it that way. Then I will go ahead and proceed to open this up for public comment. I would acknowledge to each of the Commission members or ask them to look at their place.

We do have a letter from Congresswoman Norton expressing her views to us on this particular project. Please note that is at your place and will be included as part of the official record.

Now, as to the public participation we have 11 individuals who signed up. Some will be speaking on behalf of organizations. They will be allocated five minutes to speak.

For those of you who have not participated with us before we do have a clock up here that will count down.

When you get to the end of the five

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minute period there is a fairly obnoxious noise. We would ask you to try to stay within the time limits that are set. We do this out of consideration of those who will be following you. Individuals representing themselves have three minutes to speak.

Again, we will be counting down the same way. I will call each person up in the order that I have them listed. When you do come to the podium, please be sure to introduce yourself and if you are speaking on behalf of an organization, indicate the name of that organization.

Our first speaker is Mr. James Bunn, Ward 8 Business Council.

MR. BUNN: First of all, let me say good afternoon to everyone.

CHAIRMAN COGBILL: Just introduce yourself for the record, if you will, Mr. Bunn.

MR. BUNN: My name is James Bunn. I'm the Executive Director of the Ward 8

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Business Council.

CHAIRMAN COGBILL: Thank you.

MR. BUNN: Good afternoon distinguished members of the National Capital Planning Commission. I am here today in support of the Department of Homeland Security and the U.S. Coast Guard -- please forgive my not proofreading and not spelling Coast Guard correctly -- moving to the west campus of St. Elizabeths Hospital.

My name is James Bunn. I'm the Executive Director of the Ward 8 Business Council. Council Member Marion Barry holds me responsible for ensuring the economic development in Ward 8 and that it yields job opportunities for our residents and contracts for small and local businesses.

We ave worked very closely with Thomas and Dyru of GSA. They have made concerted efforts to work closely with the community to ensure that they have meaningful engagement at the public participation level.

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We want to ensure that the employees of this site are encouraged to be neighborhood friendly and patronize the businesses on the Martin Luther King corridor.

We are also mindful of the burden of changing traffic patterns in the community, that is, a need of growth. It is our hope that in your effort you will ensure that there are no environmental justice issues that pop up regarding air qualifies and the health of the Ward 8 community.

Finally, the Ward 8 Business Council looks forward to working collaboratively with GSA and we want to make sure that the walls of St. Elizabeths does not become a barrier that separates us now or in the future.

I thank you and, again, we do in Ward 8 -- not only does the Ward 8 business council but the community as a whole supports this project and we look forward to NCPC making its judgment and moving this project

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forward. Thank you.

CHAIRMAN COGBILL: Thank you, Mr. Bunn. We do have a copy of your testimony here as well that was just handed to us.

MR. BUNN: Yes, sir.

CHAIRMAN COGBILL: Thank you.

CHAIRMAN COGBILL: Now I would like to call forward Rev. Anthony Motley, the Honorable Charles Moreland, and Nydria Humphries from the Green Earth Coalition.

REV. MOTLEY: Good afternoon members of the National Capital Planning Commission. I'm Rev. Anthony Motley. I'm representing the Green Earth Coalition. Charles Moreland and Nydria Humphries could not be here with us today.

We want to first of all acknowledge the fact that Ward 8 is a jewel. We are based in Ward 8. I live in Ward 8 and I am glad to see Mr. Bunn here. We are very supportive of development in our ward that benefits the community. We also are concerned about the

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environment.

We are concerned about the construction that will take place that could, in fact, harm trees and the other natural amenities that exist in this particular project. We would like to bring your attention to the fact that several things we want to highlight.

No. 1, we are aware that there are hazardous materials on the site. We want to work with you to make sure that the residents of Ward 8 and, in particular, the Shepherd Parkway area, are not harmed by the removal of those hazardous materials.

The second thing is that we have participated in a cleanup project in the Shepherd Parkway. Two Saturdays in a row in December we took 35 to 40 volunteers into the Shepherd Parkway, in particular the ravine of the Shepherd Parkway, and we pulled out an insurmountable amount of trash, tires, refrigerators, stoves.

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What we would like to see as part of the community benefit of any kind of activity that is going to create the Department of Homeland Security is that some resources be given to the National Park Service to assist in this major cleanup effort.

As a military person who served two terms in the Army, two tours in the Army, and going down in that ravine reminded me of a military operation. It's going to take a military type operation to get the Shepherd Parkway cleaned up in a way that will be representative of a world class city as our mayor has indicated.

We are willing to work with you to make sure that happens. I am glad to see Mr. May who has been very supportive of our efforts and we are going to be working with him to make sure this urban environment of Shepherd Parkway is representative of our Nation's Capital.

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Lastly, we encourage the green jobs initiative that has been proffered by our President elect, the new President coming in initiative to stimulate the economy. We are encouraged that green jobs will be made available to the hard to reach, the hard to employ, and the returning ex-offenders.

We want to work with the Park Service. We want to work with GSA. We want to work with Homeland Security and anyone else, developers, to make sure that our population is participating in the environmental cleanup and in the maintenance and rehabilitation of Shepherd Parkway and any other construction that is going on that will benefit the citizens of the District of Columbia.

On behalf of the Green Earth Coalition, we stand ready to participate and to be involved in what we consider to be the historic initiative to bring back St. Elizabeths Hospital, a place where I played as

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a child, watched my parents there, co-workers and neighbors who worked on St. Elizabeths, and remember the way that it was.

We are looking forward to it coming back to the place that it once was before. Thank you for the time. If you have any questions, I can answer them.

CHAIRMAN COGBILL: Thank you very much.

Next speaker is Mr. Richard Moe, the National Trust for Historic Preservation

MR. MOE: Thank you, Mr. Chairman, members of the Commission. My name is Richard Moe and I am the president of the National Trust for Historic Preservation. I appreciate this opportunity to come back to you on this issue.

The decision you are being asked to make today approving the proposed master plan for the consolidated headquarter of the Department of Homeland Security at St. Elizabeths is I believe one of the most

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monumental that you have ever been asked to make.

This would be the largest federal development in a generation. As proposed I believe it would irreparably harm, if not destroy, a national historic landmark. National historic landmarks are places whose importance transcend local and state significance. They have exceptional value to the nation as a whole.

The National Park Service which manages the manages the National Historic Landmark Program, has carefully reviewed the proposal for DHS consolidation and it has concluded that the proposed master plan is "wholly incompatible" with St. Elizabeths.

Not just because of the proposed damage to the site itself but also because DHS security will cordon off this magnificent place forever from the enjoyment from all Americans.

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preservation organizations including the National Trust have decried the destruction of the landmark and the lack of public benefit should this proposal move forward. In November 2007 you heard our concerns. I was at this same microphone.

You directed GSA to come forward with a plan which would show a maximum of 2.5 million gross square feet of above-ground development but that plan was never presented.

Unfortunately a viable lower density alternative has not been developed due to the rigid requirements of DHS.

GSA has done, I believe, a commendable job of applying some of our recommendations to its DHS consolidation plan.

The proposed development for the west campus alone remains at more than 5 million gross square feet. That is five times the existing density of the campus.

The footprint of the proposed Coast Guard building would be completely out of

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scale with the historic site. The cemetery would be virtually cut off from the landmark for the first time in its history.

We remain concerned about harm to historic buildings and landscapes due to security changes and underground construction.

The proposed parking garage in the ravine would be massive, out of scale, high visible from outside the site.

While we certainly support moving density out of the east campus, the east campus is also part of a national historic landmark and the impact on this portion of the NHL has not yet been evaluated.

We are also concerned about the acquisition of Shepherd Parkway which will be essential for the project but devastating for the national park. We certainly commend and support the National Park Service for its reluctance to sacrifice Shepherd Parkway to facilitate this project.

The plan is an improvement and we

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commend GSA, NCPC and the D.C. Government for the enormous effort that has led to those improvements. We should have done better. As a nation we could have done better.

The National Trust is profoundly disappointed by this plan in part because it could have been done so differently. We have endorsed the 2002 Urban Land Institute Study which concluded that a mixed use public/private development probably involving a federal agency as the anchor tenant made the most sense for St. Elizabeths.

Such an approach would bring much needed revitalization to the campus and surrounding community, preserve and reuse important historic buildings, create rehab jobs, and draw new residents and business activity to a neighborhood that needs them badly.

DHS clearly deserves a new headquarters but this master plan is premature and the security and density constraints

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imposed by DHS make this the wrong project at the wrong place.

The nation will transition soon to a new administration which may have different priorities for the agency. We have asked the Obama administration to explore options for new investment and sensitive development at St. Elizabeths.

At a minimum today this Commission should insist that outstanding issues including planning for the east campus and Shepherd Parkway be resolved prior to approval so that a complete master plan can be submitted and reviewed. If the plan moves forward, funding to rehabilitate the site's historic buildings and landscapes must be secured, not postponed until some later date.

The National Trust has worked very hard to influence the details of this plan because we care about the better ending, the better vision. We are proud of our role and we intend to continue to participate as the

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review process goes forward. But we are counting on the NCPC to be vigilant as well and to exert all of your power and influence to minimize harm to this important national historic landmark.

If you'll approve this plan today, you will still be in a position to ensure the conditions you are placing are enforced and you should look for every opportunity in the future to reduce the size of this project to move more square footage offsite to minimize harm. Thank you.

CHAIRMAN COGBILL: Thank you, Dick.

COMMISSIONER TREGONING: Is it possible to ask a question or would you like that to happen at the end?

CHAIRMAN COGBILL: It's up to you. If you would like to ask a question, Ms. Tregoning.

COMMISSIONER TREGONING: This microphone never liked me. Okay. I just wanted to comment on a couple of things that

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you've said and to ask a couple of questions.

I mean, I think that already what Mr. May -- Commissioner May has asked and what NCPD staff kind of clarified wasn't necessarily very prominent in this final master plan.

The Commission asked for very much at the National Trust urging, in fact, at the urging of the entire Historic Preservation community, which I would like to take the opportunity just to commend. I don't think we would be here today. We wouldn't have a plan that, at least, to my eyes looks very different than the plan that was presented November of last year without the tremendous advocacy of the preservation community.

What we asked the Department of Homeland Security and GSA to come back with was 2.5 million square feet above grade to reduce that program from nearly 5 million square feet above grade to 2.5 million.

Now, I concede they did not come back with 2.5 million. They came back with 3

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million so they went from almost 5 million to 3 million. They cut almost 2 million square feet of their program above grade in response to the comments that were made. They didn't get to 2.5 million but they went a really long way.

I think so much time was spent on the substantive mitigation, the changing of the grade, the redesign of the buildings that the actual calculation of those numbers was just not prominent in their submittal but when we did the calculations, I mean, those were the numbers so that, to me, was very comforting.

The other thing is we really love the ULI notion and we agree with you. We think that is a tremendous way to make the most of a federal anchor tenant. We think that by combining east and west campus you end up with a federal anchor tenant and then housing, office, retail, cultural facilities in a consolidated campus served by transient

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that basically is that ULI idea, something that admittedly we could never have done.

We weren't able to do entirely on the west campus or in the west campus in isolation. When we basically through in, again at the urging of the Preservation community, with the development on the east campus we ended up with a consolidated whole.

I guess it maybe wasn't so much of a question, Mr. Moe. I guess what I would ask is that, you know, and I appreciate your kind words about our efforts to try to get to the objective that you have identified. With this clarification to you -- I don't expect you to withdraw your objections but do you think we've made some considerable progress.

MR. MOE: I thought I had said that in my statement and I certainly would like to repeat that you have made great progress but there is still too much square footage of office space on the west campus for a national historic landmark in our view. The density is

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simply too great.

That's only half the issue. The other issue is that this west campus would be entirely closed off from the community. We have heard some talk today about the benefits to the community. I hope there are benefits to the community but it's very hard to imagine what those benefits are going to be if this is a walled fortress with almost no public access. That has not changed at all.

CHAIRMAN COGBILL: Mr. Ames.

COMMISSIONER AMES: Thank you for your comments today and your time and effort that you put into this. The thing I want to comment about what you said was several things. One, closing this west campus off to public use. Am I correct in saying there has not been any public use of the west campus forever anyway?

Another thing is a security issue whether it be Department of Homeland Services or whatever, the west campus, in my opinion,

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would never be open to the public because of the security issues of what it overlooks from the Air Force base to the site that it has over the Capitol itself.

If open to public access on a regular basis if it's not controlled I think it would create big problems for the sea itself. The issue of doing it better, we can always do things better. I do question the ability of public/private partnerships in this particular case of being able to do what needs to be done.

First, I commend the General Services Administration for the money they spent in years past to preserve what was there which had they not done that would have been lost which would not have satisfied you or me or anybody else. But without the initiatives that they have, I do not believe public/private would warrant in this particular situation, one, because of the cost of the infrastructure that would have to be

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there.

No. 2, because of the security issue of what you can put there and the access that you can allow. When we go to the cemetery part that has been mentioned by a couple of people, the cemetery itself today is not open for public view.

One thing that this does accomplish is the cemetery will be placed on the outside of the wall or fence, or whatever you want to call it, so the public can understand what's there.

I was able to go with this Commission on a field trip to visit this site and, I want to tell you, I've never been touched by something as much as I was that cemetery there. I look forward to the day that cemetery will be able to be viewed by the public in general. There is a lot of history there that none of us even realize is there.

The campus itself provides a lot of history and I believe without General Services

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Administration's efforts and what they are doing now with Homeland Security, that's a crown jewel that may have been lost forever. Thank you, sir.

MR. MOE: Well, I appreciate your comments. I'm not a security expert so I can't answer the question about how secure that place needs to be ultimately. It has been closed to the public because there are almost no uses, no functions going on at St. Elizabeths.

I can't imagine a more secure facility anywhere in the Washington area than the one that is proposed here. This is the Department of Homeland Security. They are about security. They are determined to be secure. That is understandable. I am convinced that this is going to be a walled off fortress.

There is going to be virtually no public access. Occasionally to the cemetery, right. Perhaps The Point but not to the

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facility as a whole and certainly not to the national historic landmark part of it.

I respectfully disagree with you about whether or not a public/private partnership could work here. You will be hearing from witnesses, I think, after me who will speak to that point but there are instances where this is work.

At the Presidio in San Francisco and elsewhere, a lot of decommissioned Army bases, public/private partnerships do work. As a matter of fact, they work better than almost anything else so I don't think there is any question that would have been a preferable alternative.

COMMISSIONER AMES: Let me make sure you understood what I said. I didn't say public/private partnerships don't work in general. I've been involved in them, I support them. My point was the cost of development in this particular situation would almost be prohibitive.

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Topography and a lot of different issues would almost be prohibitive for the private sector to be able to accomplish what needs to be accomplished. That is a personal opinion of mine but I want to make clear that I am a strong advocate of public/private partnership, sir.

MR. MOE: Thank you. The Urban Land Institute thought it could be done dealing with the infrastructure properly.

CHAIRMAN COGBILL: Thank you, sir.

MR. MOE: Thank you.

CHAIRMAN COGBILL: All right. We'll move on to the next speak, Mr. David Garrison.

MR. GARRISON: Mr. Chairman and members of the Commission, my name is David Garrison. I'm a Brookings senior fellow. In various guises I have been tracking the development plans for St. E's for 15 years or more and I'm glad to have this chance to share my thoughts.

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As a general matter I share the range of concerns about the GSA proposal that have been eloquently presented by those from the consulting parties that are going to be presenting here today, or have already done so.

I want to focus my brief remarks this afternoon on the lost opportunity for the city that the GSA proposal represents. As this Commission knows well, the west campus is a truly unique site not only because of its historic roots but also because of its redevelopment if done properly could bring substantial economic and fiscal strengths to the District.

Indeed, prior to the change of directions at GSA on the plans for this parcel some five years or so ago all of the discussions about the west campus assume that it would be part of a grand multi-use development for the entire St. E's footprint, east and west.

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The vision then was for an array of activities that would bring new offices, stores, residents, and cultural amenities to this beleaguered section of our town. Importantly this commercial, retail, and housing activity would also bring taxpayers, both business and residential, to the city. The District can only augment its fiscal coffers by increasing the number of taxpayers thanks for the congressional ban on our taxing nonresident income in our city.

The GSA proposal for the west campus would accomplish none of these goals. None. GSA wants to create a cordoned high-security development whose design almost guarantees that there will be little economic benefit to the city and the neighborhood.

Nearly all the jobs in the proposed DSS complex are now, or are likely to be continued to be held by non-D.C. residents and that means no income to tax. The large number of employees who drive to this new green zone

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will clog up an already filled route 295 and come and go from the campus in such a way that the employees will have no incentive to interact with the shops in the area.

Those employees will come to the DHS facility by Metro rail will surely be hustled back and forth between the Metro stop and the west campus by shuttle bus with their feet barely touching unsecured ground.

Those arriving and leaving by bus will no doubt be able to make their connections right outside the heavily fortified gate along MLK Avenue. The DHS employees might as well be working on the moon for all that their presence will benefit the city.

Now, in fairness, the District has negotiated to have a small portion of the DHS facility located on the east campus an improvement, however modest. It is, of course, true that the District continues to plan for the multi-use vision for the east

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campus. But the east campus prospects, while still important to the city, pale by comparison to what would have been had the whole works been available for development.

When you add to this gloomy assessment the promise that the GSA proposal will overwhelm the historic landmark and lock this scenic location with its breathtaking views away from all but the most limited of public access, it all adds up to a colossal missed opportunity.

I'm saddened by what is about to happen to St. E's and I'm deeply disappointed that our national leaders are about to impose this bad result on the District and that our local leaders have not been willing to take this impending disaster on frontally and instead, as it now appears, have been willing to settle for the relatively small crumb of having one DHS office located on its side of the road. We could have done so much better.

Thank you for your attention.

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CHAIRMAN COGBILL: Thank you.

Mr. George Vradenburg. I'm sorry, Ms. Rebecca Miller from the D.C. -- I skipped. I apologize. D.C. Preservation League. We do have a copy of your remarks at our place as well.

MS. MILLER: Thank you. Good afternoon. My name is Rebecca Miller. I am the Executive Director of the D.C. Preservation League. I testify today in opposition of the master plan for the consolidation of the Department of Homeland Security headquarters at St. Elizabeths Hospital.

Designated a national historic landmark in 1990 St. Elizabeths is one of Washington's preeminent historic districts with unmatched architecture, designed landscapes, and historic views.

Sited at the confluence of the Potomac and Anacostia Rivers the site offers spectacular panoramic views of the federal

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city, Arlington and Alexandria. The site is one of the exceptional values to the citizens of both the District of Columbia and the nation.

From the start of the Section 106 consultation process over three years ago it was evident the General Services Administration's task of consolidating DHS at this site was flawed. Section 110 of the National Historic Preservation Act requires GSA to minimize harm to the NHL or, in other words, to choose the most sensitive course of action for the historic resource.

This was not done and instead GSA and DHS continually stated that the requirement was to relocate 14,000 employees to the state even though this action would cause irreparable harm to the NHL.

DCPL was thrilled that this Commission requested that GSA refine their proposal and return with a much reduced proposal of 2.5 million square feet including

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parking, yet their proposal was not submitted and it is decidedly not what you have seen today.

GSA and DHS have again stated their requirement to relocate 14,000 employees to St. Elizabeths and refine two alternatives, both double the size requirement by this Commission.

DCPL is pleased to note that through this Commission's recommendations the master plan proposed by GSA is less destructive than previously shown. GSA has shown some willingness to minimize the impact to the west campus by engaging the District of Columbia and potentially moving approximately 750,000 square feet of development plus parking to the east campus.

Unfortunately these efforts are not enough. The remaining development of 3.8 million square feet plus parking on the west campus plus a million on the east campus DCPL believes will still destroy the national

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historic landmark.

Most objectionable in the current proposal is the proposed siting en masse of the United States Coast Guard building on the wooded western slope, a character defining feature of the national historic landmark and the federal city.

The comprehensive plan of the city of Washington admonishes us all to maintain the prominence of the topographic bowl formed by lowland and rim features of the L-Enfant city and environs by controlling the urban and natural skylines of the Anacostia, Florida Avenue, and Arlington County portions of the bowl as follows: by preserving the green setting of the Anacostia Hills and integrate building masses that are subordinate to the natural topography.

At approximately 1.3 million square feet the U.S. Coast Guard headquarters will cut a swath in the hillside of approximately 10 acres and be glaringly visible from the

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District and Virginia.

The impacts of this master plan were analyzed by the Department of the Interior in a October 23, 2007, Section 213 report to the Advisory Council on Historic Preservation which stated, "The GSA proposed adaptive reuse of the west campus of St. Elizabeths Hospital poses serious permanent alterations and destruction of multiple character defining features of the NHL.

The cumulative effect of these changes would require that the facility in its entirety be considered for D designation as in NHL. In general, this proposal calls for a treatment of the landmark that is wholly incompatible with its most character defining features."

In a December 31, 2008 letter to the Advisory Council the Department of Interior stated. In a December 31, 208 letter to the Advisory Council the Department of Interior stated that alternative five does not

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offer a basis for any substantial revision of the 2007 Section 213 report. There is no precedent for this kind of transformation of a national historic landmark that can be considered respectful of the resource.

DCPL questions the rush to approve this master plan when so many unanswered questions still loom. No resolution to the transfer of Shepherd Parkway with the National Park Service has been reached, an essential transportation element to the success of this consolidation. Nor has an evaluation of the impacts on the east campus been evaluated.

Current funding is only for Phase 1 and there are no assurances that funding will become available for future phases which could result in a massive U.S. Coast Guard building compromising the integrity of the NHL and the topographic bowl and leaving the historic core of the campus vacant and mothballed.

There is no evidence that the DHS program as it currently stands will be

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supported by the new administration or Congress and is, therefore, far too premature to approve a plan whose initial actions will thoroughly damage the national historic landmark.

DCPL feels strongly that based on the information provided in DHS' programmatic requirements of a high security facility comprising of a minimum of 4.5 million gross square feet plus parking that this national historic landmark is a totally inappropriate location for DHS' consolidation.

DCPL believes that a public/private partnership with a mixed-use development allowing for extensive public access would serve the needs of the NHL far more successfully than the current proposal.

In closing, DCPL asks the National Capital Planning Commission not to approve this premature master plan submission, to insist the outstanding issues be resolved and to instruct GSA to further minimize the

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density on the west campus. Thank you very much.

CHAIRMAN COGBILL: Thank you. I will now ask Mr. Vradenburg to come forward from the Chesapeake Crescent Initiative. Before you begin, let me just note for the record that our Executive Director, Marcel Acosta, and the Director of Planning, Ms. Tregoning, both serve on the board of this organization but had no part in the position that you're taking today as I understand it. Is that correct?

MR. VRADENBURG: That's correct, Mr. Chairman. Thank you very much, Mr. Chairman, members of the Commission. My name is George Vradenburg. I am the Vice Chair of the Chesapeake Crescent Initiative. I'm a former senior executive at AOL and AOL Time Warner. My last position there was in 2003 when I served as strategic advisor to the company that was then named AOL Time Warner.

Since that time I have been engaged

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in civic pursuits in the city. One of them that has occupied a good deal of my attention is the Chesapeake Crescent Initiative where I serve as vice chair.

This is an initiative of the three states -- I say states including D.C. -- as well as the federal agencies as well as a number of private sector and civic leaders who have been brought together to try and drive regional innovation performance in this region.

We are here today to strongly support the approval of this plan in the belief that, in fact, it will trigger tremendous opportunity for innovation based to development around St. Elizabeths and in this area. In fact, the Chesapeake Crescent is a private/public initiative.

While none of my testimony has been proved by any of the states including the District of Columbia, we strongly believe that these innovation-based clusters have very

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powerful moving forces in terms of development, economic and community development in their area.

The co-location of potential contractors, universities including potentially a Homeland Security University or themed high schools offers the potential of adding major work force development activities that will not only support the DHS mission but also further educational opportunities for a lot of the people within this particular community.

The co-location of university facilities here. We've talked to the universities. We've based this testimony basically on a lot of consultation with universities, private companies that do business with DHS and that do not do business with DHS, and with developers as well about the potential that approval of this plan will trigger enormous innovation-based development in and around St. Elizabeths.

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I've heard the testimony of those who say this is a walled community and, therefore, it will not have an impact on the surrounding community. I beg to differ.

The failure to adopt this plan is going to represent a potential lost opportunity of historic dimensions because of the energy and the resource to the development not only of St. Elizabeths but the development that will be triggered by the presence of DHS on this facility in the surrounding community, both community and economic development.

Just like the Navy Yard is another very secure facility with a wall that, in fact, has stimulated a great deal of development within the District. You can also look at the Ballston corridor with heavily secure facilities there in the Department of Defense and other national agencies and the Ballston corridor has enjoyed enormous potential growth in that particular area.

You can also look to the Life

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Science Village in White Flint. You can look at the Biopark in the University of Maryland up in Baltimore and see that the tremendous stimulative effect of major anchor tenant, federal anchor tenant in a particular area will trigger development adjacent to that.

In discussions with the Department of Homeland Security as part of my role as an advisor to them in connection with the private sector, Senior Advisory Committee to the Department of Homeland Security, we have been concerned about the extent to which the Department of Homeland Security has consulted with the private sector in its development of security protocols and processes around the country.

It is clear that they are looking to this development to develop a community of collaboration and innovation around St. Elizabeths which will bring together the private sectors of this country involved everywhere from the infrastructure to

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universities and to other major private sector efforts that will drive their own mission performance.

Not only do we support the approval of this project but we would also suggest the failure to act or delay in acting is going to lose an enormous amount of momentum which can trigger and catalyze an enormous amount of economic and community development in the surrounding area both to the benefit of the community as well as to the benefit of the nation. Thank you very much for your time this afternoon.

CHAIRMAN COGBILL: Thank you, sir.

I now call Mr. George Oberlander on behalf of the National Coalition to Save our Mall.

MR. OBERLANDER: Good afternoon, Mr. Chairman and members of the Commission. As you have said, my name is George Oberlander representing the National Coalition to Save our Mall. It's a nonprofit citizen

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organization with contributors in about 40 states dedicated to protecting the integrity of the National Mall and the historic plans of the mall and the National Capital.

For those of you who may not know me, I am the vice chairman of that organization having retired from serving the National Capital Planning Commission for 31 years from 1965 to 1996 mainly as its Associate Executive Director of D.C. Affairs.

When the coalition seized a 46-page Executive Director's recommendation on the proposed master plan with at least 16 conditions, requirements and notes, all the issues spelled out on page 27, which were presented by the presenter, we became very suspicious that the master planning effort has not reached sufficient maturity for actual approval.

What assurance is there that the staff-determined critical issues will actually be resolved? Are there any penalties if GSA

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does not have the ability to construct the west access road? What enforcement mechanism is there?

In my knowledge of working with the Planning Commission there is no enforcement mechanism that you have other than disapproving a particular building plan. Approval gives GSA the direction to develop a specific building project for implementation of the program that is outlined in the master plan.

The Commission becomes obligated in future stages to only deal with the design aspects and the site arrangements for the various building plans of the plan. They are going to go to Congress to get the money to start the first phase based on NCPC's master plan approval. That is usually what the case has been over the years.

It has not been pointed out in the presentation that this large site is one of a few McMillian Commission historic designations

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and open space intent. The NCPC in the Enabling Legislation in 1952 charges the Commission to, and I quote, "Plan appropriate and orderly development and redevelopment of the National Capital," and I emphasize, "The conservation of the important natural and visual features thereof."

This is one of those instances where you are obligated really to conserve and preserve. We believe the Commission is obligated under the Enabling Legislation to conserve the St. Elizabeths site. The current level of development in the master plan does not conserve the important natural site and its visual features.

There are too many unresolved issues for approval at this time and I'll give you a few examples since I have a minute and 53 seconds left. Alternative programs studies are all straw men. They did not meet the Homeland Security building needs in the first place. We supported no more than 2.5 million

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square feet and a letter to that effect has been, I believe, passed out to you.

The public access to The Point is unresolved. Project analysis on page 26 through 30 of the EDR are weak and incomplete for approval because there is insufficient justification for what is being asked for.

The master plan has insufficient commitments that GSA will address all the outstanding issues to submit as an amended master plan when pages 28 and 29 lay out what needs to be done but when are those things going to be done. There is no time table and there is no penalty.

Pages 30 and 31, in our opinion, is very loose interpretation in conformance with the comprehensive plan for the National Capital. Page 32 language, and I quote, "As much as possible." Well, there hasn't been much possible.

This is not acceptable for the topographic bowl cardinal concept for the

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location and placement of the National Capital. The Ford Circle Park Trail is not accommodated within the site. It's not acceptable to say that it meets the comprehensive plan policy.

Since time is running out, throughout the consultation and the testimony before federal review agencies we have raised concerns about the magnitude of a preferred alternative. We know that four to six million square feet of construction will destroy the historic character and integrity of St. Elizabeths.

Filling in the ravine with garage facilities does not conserve and protect a historic site. We urge you not to approve the final master plan as recommended by your Executive Director. Thank you.

CHAIRMAN COGBILL: Thank you.

MR. OBERLANDER: I would be happy to answer any questions the Commission members might have.

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CHAIRMAN COGBILL: Any questions at this time? Thank you very much. I do note that we do at our place a letter dated August 20, 2008, addressed to Mr. Gerin, Assistant Commissioner of Construction Programs, U.S. General Services Administration, where you do make reference to the 2.5 million square feet.

CHAIRMAN COGBILL: At this point I'll call Ms. Judy Scott Feldman. Dr. Judy Scott Feldman. I apologize.

DR. FELDMAN: Good afternoon, Chairman Cogbill, Commissioners. Happy New Year. I speak today from personal experience.

Having grown up across the river in southeast on Westover Drive another of the hills meets near St. E's with expansive use of Washington.

The popular perception from Newspapers and people that have no knowledge or memory is that area across the river is a scary place and probably always was.

Truth is we had neighborhood streets full of people playing, children

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playing, supermarkets, pizza parlors, movie theaters, all elements of a lively urban environment.

I can't speak for residents today.

I left for college in 1970 and only came back sporadically when I came back in 1993 and started teaching Washington architecture and helped create the National Coalition to Save our Mall.

I do speak with a special affection for this part of the city and my sense that while it has suffered through some tough times, it will in coming years and decades emerge a better lively part of the city.

I'm astonished and alarmed at what is being proposed for the site for permanently walling off this area and believe the NCPD should not vote in favor of a final approval at this time. In today's Washington Post Richard Moe makes a critical observation of the preservation case.

Today I would like to second Moe's

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comments and pick up on his call to President Elect Obama and this Commission to rethink the project. What I would like to ask you to do today is imagine what could be if this site were once again thrown open to consideration.

I have two points and they come from talking with local planners and historians with decades of experience in Washington.

One, revitalizing the historic resource. We could build an historic St. Elizabeths tradition and once again make this place a model project of American ingenuity, social responsibility, urban planning. It serves a public need and purpose.

First, we could take down some of the walls surrounding the campus opening it up to the surrounding neighborhood and creating a great welcoming public space. Possible use, 10 years ago the Friends of St. Elizabeths proposed a Rehoboth Village, a residential community and work community for disabled and mentally handicapped.

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Former Mayor Williams proposed a campus for UDC. Or what if we think ahead?

Where would the National Park Service move after vacating Poplar Point? Why not St. E's?

Historic resource, a park-like setting which would also become a site for future monuments.

My second point. The need for a visionary plan for the 21st century city and for projects such as this. The L'Enfant plan and McMillian Commission envisioned a symbolic city with public buildings and spaces that expressed the structure and the spirit of American government and democracy.

Now, instead planning is being done by federal agencies or private developers, Old Solders Home, McMillian Reservoir, St. E's, with planning agencies often left only to react after key decisions are made.

We need a vision for the 21st Century, not only for the mall but for the whole city that will give a master framework to help guide further development but also to

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stop to give you something that can help you stop development that is inappropriate.

In the booklet I've handed out to you, Rethinking the National Mall, we call for such a commission. The commission holds true also for the Nation's Capital.

Creating a new visionary plan for D.C. also now would be an expression of our hopes for the future for Anacostia, for the city, for the nation, and for Washington, D.C. as a symbol of the American spirit. We hope NCPC will help lead the way. Thank you.

CHAIRMAN COGBILL: Thank you. All right. Now I call Ms. Joy Oakes from the National Parks Conservation Association.

MS. OAKES: Good afternoon. My name is Joy Oakes. I'm the Senior Regional Director of the Nonpartisan National Parks Conservation Association. We are the only national conservation organization dedicated to protecting, preserving and enhancing America's national parks for this and future

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generations. I appreciate the opportunity to address you here this afternoon.

This is the first time NPCA has weighed in on this issue, although we have been following it through our friends who have been engaged and the issues are not new to you. I would like to emphasize what we see to be two of the major problems here.

First, as has been referenced already, is the impact on the Shepherd Parkway. Notwithstanding its name, the Shepherd Parkway, as most of you know, or probably all of you know, is not a parkway. It's actually a forested ridge. At a couple of hundred acres it's pretty nice wildlife habitat.

In fact, one of the things that brought my attention to this proposal and encouraged me to come down here today is learning that the District of Columbia's only nesting eagle is in this tribe. There has been discussion, I know, as this plan has been

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reviewed about the eagle, the next, all of that.

Attached to my testimony is not only the bulls eye that shows the protective area around the next, but also eagle have got to perch. Eagles have to sit somewhere and check out where their next meal is coming from. These areas also need protecting.

In my testimony there is some language from the U.S. Fish and Wildlife Service that speaks to the importance of this perching habitat. I bring your attention to that.

Someone earlier spoke about the significance of the Fort Circle Parks. They have been envisioned for more than a century as part of a regional park system. An earlier speaker spoke to how the Park Service hasn't had the funding it needs over the years to do the job that Congress and the public expect them to do in terms of taking care of some of these properties.

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He mentioned the trash. Trash comes and goes but loss of habitat is forever.

I really encourage you to seriously consider that the habitat of this bald eagle, our nation's symbol, the first eagle to nest here I'm told by area birders, since President's Truman's administration.

That's a long time ago. None of us were alive when President Truman was president, I'm sure. That's pretty significant that now here we've got a nesting bald eagle back here in D.C.

Finally, Shepherd Parkway is managed by the National Park Service and they have been very eloquent in raising their concerns about using the Parkway for the west access road. To approve this plan today with this still being an outstanding question with the 4(f) plan still being out for public comment will be premature.

I would encourage you not to make that decision today. It's very troubling here

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in D.C. as well as across the country. Sometimes people look at green places on the map and see that land as land that is available for use for a better purpose. I believe the NCPC was founded on the principle that our parklands, in fact, are the highest and best use of these lands.

We have lost a lot of parkland already in D.C. We have lost a lot of open space. I encourage you to ask GSA and Homeland Security to go back and try to figure out how to do this without taking up national park land. Thank you very much.

CHAIRMAN COGBILL: Thank you. We now have Genevieve Hanson. Ms. Genevieve Hanson, on behalf of the Office -- representing the Office of the Deputy Mayor for Planning and Economic Development.

MS. HANSON: Good afternoon, Commission members. Deputy Mayor Neil Albert regrets that he is not able to attend today so I am reading a letter of support that he

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provided to the Commission. I hope you have a copy of that.

MS. HANSON: I'm speaking in Deputy Mayor Albert's voice. "I'm writing to affirm my support for the consolidation of the Department of Homeland Security Headquarters to the west and east campus of St. Elizabeths.

As ascribed in the DHS National Capital region housing master plan, Department of Homeland Security has a programmatic need for secure headquarters, consolidated operations to house approximately 14,000 employees and no less than 4.5 million gross square feet of office space plus parking.

This programmatic requirement includes transferring approximately 750,000 square feet of office space plus parking to the northern portion of the east campus, what we are calling the federal east parcel.

I recognize that the Department of Homeland Security requires a unified secure campus which will allow DHS employees to move

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freely between the east and west campus without additional security screening.

As you know, the Office of Planning worked diligently to prepare the St. Elizabeths redevelopment framework plan with input from the deputy mayor's office, members of DHS, General Services Administration.

The aim was to development a concept for the east campus that meets both the District and federal government programmatic needs and economic objectives. One of the District's goals for development projects is to maximize economic benefit such as creating jobs and business opportunities in retail office and other commercial capacities.

Also expanding office space which could be potentially leased by Department of Homeland Security contractors increasing District revenue base and also promoting sustainable development.

The Deputy Mayor believes that the proposed master plan not only will help meet

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these programmatic requirements but also aligns with the District of Columbia's development goals.

As most of you should know, on November 23rd of 2008 Deputy Mayor's office, GSA, and Department of Homeland Security signed a memorandum of understanding and this memorandum of understanding stated that the parties would work together to figure out the proper and necessary provision for office and parking space on the east campus.

In addition, on December 16, 2008 the redevelopment framework plan was approved by D.C. Council and this approval pays the way for the execution of a mutually agreeable agreement for disposition, design, and construction of the federal use parcel.

The Deputy Mayor encourages NCPC to approve the master plan for the development of consolidation of the Department of Homeland Security Headquarters at St. Elizabeths. Thank you.

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CHAIRMAN COGBILL: Thank you very much.

I'll now call Mr. Joseph Alexander.

MR. ALEXANDER: Good afternoon. Thanks to the Commission and Mr. Chairman for your time. My name is Joe Alexander. I'm the President of the Alexander Company. We are a Madison, Wisconsin based real estate development firm.

I'm going to try and represent the sometimes elusive private partner that has been mentioned this afternoon. The National Trust asked me to speak to the fact that the Department of Homeland Security consolidation is not the only possible development option for St. Elizabeths so I am here today to discuss my experience with successful public/private partnerships as a means to develop large historic properties in a way that responds to the needs of the surrounding community.

My company is a real estate

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development firm specializing in mixed-use master development frequently involving the adaptive reuse of historic structures. Over the last 25 years the Alexander Company has developed tens of thousands of residential units and several million square feet of commercial space throughout the eastern United States.

Historic preservation is an established priority of federal, state, and local governments as well as the communities they serve. For more than 200 years government has funded and constructed many of the most significant structures in our nation's urban centers anchoring community development or creating a sense of place in our great cities.

The passing of time and evolution of technology and government needs many such structures no longer meet their original function and prove difficult and expensive for reuse for government purposes.

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An excellent example is the National Park Seminary in Silver Spring, Maryland. Originally a girl's boarding school NPS served as an annex to the Walter Reed Medical Center from World War II until the mid-1980s. It was declared government surplus in the mid-1980s and then suffered two decades of -- two decades of demolition by neglect.

In 2003 the property was turned over to Montgomery County and the Alexander Company was selected to redevelop the site. Today we have transformed it into 50 historic condominiums, 66 multi-family homes including work force housing, and 150 new construction townhomes.

Too often when faced when an obsolete facility or challenging reuse of important community assets government suffers from indecision with regard to how to proceed and the false choice between demolition or a new use with what is called a government investor. That in the face of a common

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perception that the private sector cannot burden the financial cost of such a development.

Such is the dilemma facing St. Elizabeths. Today you face a fundamental choice. St. Elizabeths can be reused as a federal facility at disproportionate cost and separated from the neighborhood that surrounds it.

The alternative is public/private partnership could adapt the site for economic development for new housing and infrastructure and support of new businesses. Thank you for your time.

COMMISSIONER MCGILL: Mr. Chairman, could I ask the witness a question?

CHAIRMAN COGBILL: Sure.

COMMISSIONER MCGILL: I just want to get a sense of proportion in terms of size of project. You mentioned large historic properties. What is the size of the National Park Seminary?

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MR. ALEXANDER: The existing historic square footage there is 500,000 square feet.

COMMISSIONER MCGILL: And how many acres of land?

MR. ALEXANDER: Thirty-three.

COMMISSIONER MCGILL: Okay. Then about half of that is developable and half is wooded or something like that. Right?

MR. ALEXANDER: Thirteen acres is historic land that we are required to preserve.

COMMISSIONER MCGILL: Okay. Thank you.

CHAIRMAN COGBILL: Did you have more, Mr. Alexander, that you were trying to tell us?

MR. ALEXANDER: I was -- I had five minutes worth but I pared it down and I did my best so I'll leave it at that.

CHAIRMAN COGBILL: All right. I just want to be sure. Thank you very much.

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All right. That concludes the public portion, public participation in this portion of our discussion. I now will bring it back. I understand, I think, Mr. McGill, that you will be introducing our speakers from DHS and GSA.

COMMISSIONER MCGILL: Thank you, Mr. Chairman. I would like to introduce Mr. James Williams who is the administrator of the General Services Administration.

MR. WILLIAMS: Good afternoon, Mr. Chairman, members of the Commission. Thank you for allowing me to come here and speak today. I believe today you have the opportunity to do something truly great and important and that is to approve the final master plan for the DHS consolidated headquarters at St. Elizabeths.

Why I say this is something great I believe we have a great need. The Department of Homeland Security is a cabinet level agency that you can place on this location.

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The Department of Homeland Security, of which I'm a founding member, I spent three years there, first three years of its existence, is an organization that was created to better coordinate its mission, the mission of countering and detecting terrorist attacks, preparing and responding to man-made and natural disasters, and other key parts of their mission, and bringing together these 22 agencies and coordinating them into one integrated mission will be greatly facilitated by the consolidation of their headquarters and key components at St. Elizabeths.

This is also a great site. I have toured this site and I believe that this is a great site. It has great historic parts of it. GSA also has a great track record of doing historic preservation. I don't think there is another real estate organization in the world that has a better track record of historic preservation than GSA, I believe, given our experience, not only as an

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organization but already on this site.

We have already spent 28 million to stabilize, evaluate, and assess the buildings, the landscape, and the archaeological features of the west campus. Touring that place with our historic preservation specialists, who are here today, I am convinced we have the right people and the right philosophy to develop this land, develop this site in a way that meets the needs of DHS, this critical great need of our country, but also develop in a way that will preserve what is there that is important to our history and preserve it in a way that I believe that when you come back there you will be very proud of the decision that you make today.

I also believe that this has great benefits to the District of Columbia and Ward 8. The 28,000, 26,000 direct jobs that will be created will be manifested by the \$3 billion plus investment. We anticipate many of those jobs coming right from the District

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of Columbia.

In fact, when I talked about the stabilization of the existing structures, the money that was spent on stabilization all of that money, all of that money spent for stabilization was spent with small and disadvantaged minority firms and 40 percent of those firms are located in the District of Columbia.

We are going to encourage our construction firms to develop apprentice programs. We want to be, and will be, with DHS a great partner and a great neighbor. Having been involved in government agencies over the past 30 years, I know, as the gentleman before us said, there will be extensive development. Contractors always want to locate close to their customer so I think this will be a great benefit to Ward 8.

I think in terms of historical preservation we are already looking at rehabilitating and reusing 52 of the 62

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historic buildings on this site. I believe this is a truly historic moment. The years of decay and neglect that have gone on at St. Elizabeths will only be perpetuated if this is not a positive vote today.

You have the opportunity to make history today to help out one of our most important federal agencies involved in protecting the homeland of this country. Help out Ward 8, the District of Columbia, and we will provide not only those jobs, the economic benefits, but the environmental energy benefits as well as preserving the history that is there that we can and should preserve.

I just want to thank people for mentioning and commending GSA for the collaboration. The collaboration that has been done to date I think has led us to this point. It is going to continue. It is how we do our jobs.

I also want to thank all of the parties here today. DHS, our great customer,

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one of my favorite agencies. I very much love working there; Eleanor Holmes Norton for her support; the mayor's office; the National Capital Planning Commission; all of the consulting parties to the programmatic agreement; both the House and Senate for their support, Chairman Lieberman; as well as Ward 8.

It has been a pleasure working with them. We believe this is something that, again, is a truly great decision for the nation. Thanks for your support.

CHAIRMAN COGBILL: Mr. Williams, can you say again what that figure is that you all have spent on this project? I missed that.

MR. WILLIAMS: For just stabilization, evaluation, and assessment of the buildings, the landscape features, and the archaeological features of that property, of the west campus, it's \$28 million just for that part of it. And the stabilization is the

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part where all of that has gone to 8A contractors. Forty percent of those are in the District of Columbia.

CHAIRMAN COGBILL: Thank you very much.

MR. WILLIAMS: Sure.

CHAIRMAN COGBILL: Are there other questions? All right. I would like to next introduce Ms. Elaine Duke, the Under Secretary for Management for the Department of Homeland Security.

MS. DUKE: Thank you, Mr. Chairman and members of the Committee. I appreciate being here. I am Elaine Duke, the Under Secretary for Management for the Department of Homeland Security.

As you all know, because our mission is near and dear to each one of us, our primary responsibility in DHS is to prevent and detect terrorist attacks, protect against and respond to threats and hazards to our nation, ensure safe and secure borders,

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welcome lawful immigrants and visitors, and promote the free flow of commerce.

DHS was established by the Homeland Security Act of 2002 and brought together 22 different agencies with a current total of about 218,000 employees. DHS is in dire need of a consolidated headquarters. Right now DHS and its component headquarters are scattered in more than 40 locations in 70 buildings throughout the National Capital region. These numbers are increasing.

This really causes inefficiency in our daily operations, problems that are magnified considerably at the most important moments when the Department must act as a nimble and quick and integrated team responding to natural disasters or terrorist threats.

In development our requirement we have very closely looked at which of the 218,000 DHS employees need to be consolidated in the headquarters and have finally honed our

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requirement to the 14,000 employees that are shown in the current proposed master plan.

I would like to thank everyone who has cooperated with us. We have received tremendous support from Congresswoman Eleanor Holmes Norton and the District of Columbia government on this project, in addition to the Ward 8 leadership and citizens.

The breakthrough in this master plan development was the opportunity to synchronize the east campus and the west campus developments for the benefit of both Homeland Security and the D.C. government.

Relocating a portion of our program to the east campus allows us to attain our minimum need of 4.5 million square feet of office space. It helps address the density concerns of the west campus and provides a campus that can function as a single unified headquarters, key to the successful execution of DHS' mission.

It will also further enhance our

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interaction with the community and serve as a catalyst for retain and commercial development on the east campus. For the past three-and-a-half years we have worked closely with the General Services Administration, the consulting parties combined with the interest of St. Elizabeths to develop this master plan for the consolidation of the DHS headquarters.

Some folks have raised concerns that we are creating a walled compound that will have no interaction with the community. Although I understand these concerns it should be noted that historically the campus has always been physically separated from the community.

The historic wall along Martin Luther King, Jr. Avenue protected patients' privacy and provided a physical barrier between the public and the patients. Although historic preservation necessitated that the wall remains, we are confident that we will have interaction with the community.

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As Mr. Vradenburg mentioned in his comments, I think the Navy at the Washington Navy Yard at M Street is an excellent example of that that should counteract any fears we have.

Additionally, there has been some talk about the risk of the change of administration. I want to echo Mr. Williams' comments that we have received tremendous support from both Chambers of Congress and both parties within Congress in support of keeping DHS' cabinet level headquarters in the District of Columbia in support in terms of funding and in terms of verbal support of the headquarters at the St. Elizabeths campus.

The final plan before the Commission today is a result of extensive analysis and a vigorous public process. We understand totally that this is not the end of the consultation process but rather the end of the beginning.

As the development progresses we

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look forward to continuing the dialogue with the consulting parties and returning to this Commission with individual building projects for your review and approval.

The St. Elizabeths campus offers us all a tremendous opportunity to create a secure state-of-the-art headquarters focusing on achieving our core mission objectives, protecting our homeland.

I do thank you for considering this plan and look forward to your vote. Thank you.

CHAIRMAN COGBILL: Thank you.

MS. DUKE: Any questions?

CHAIRMAN COGBILL: Questions? Ms. Tregoning.

COMMISSIONER TREGONING: Thank you, Mr. Chairman.

My questions might -- I'm not sure if they are DHS questions or GSA questions but there were a couple of issues that were raised in previous testimony that I just wanted some

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clarity about.

I very much appreciate your comments in particular about your interests in making this situation at St. Elizabeths very much analogous to the Navy Yard situation on M Street. We saw a tremendous amount of development associated and economic opportunity associated with the physical proximity of Navy contractors in that M Street corridor.

What I'm hoping is that some expression of your willingness to work with us in the preconstruction phase of this to plan for local economic development opportunities that are associated with the construction, but also with your ongoing operation at this site, as well as perhaps some procurement preferences for geographic proximity to the Department of Homeland Security's new headquarters.

MS. DUKE: I can address the economic development and GSA would be doing

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our contracting so they can address the economic preference. In terms of the economic development we are not only concerned about our support contractors and the proximity because of the importance of our mission, but also our employees.

We feel that using the Navy as an example again, the other piece beyond office space for related mission support is the shopping and the lunch that we would see for employees which is critical for the continued morale of the employees. I'll let Mr. Williams address the contracting issue.

MR. WILLIAMS: I would just like to echo what Ms. Duke has said about contractors.

Both of us have spent a lot of our careers with contractors. I guarantee you there will be contractors who want to locate as close as possible to St. Elizabeths. I have seen it my whole career. Anytime there is a new operation moving somewhere. It is considered a great advantage by contractors to be

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physically close to their customer.

In terms of giving preferences to local businesses, we do have to follow the federal acquisition regulation. We can look at that and we do have to follow what is already the laws on the books.

COMMISSIONER TREGONING: Just to clarify, is it possible to make a geographic proximity -- I can think of mission critical reasons for that -- at least a factor in the procurement process either for construction or for DHS in terms of services?

MR. WILLIAMS: You can do that if you can justify it as a requirement, as a need. You just simply have to look at first what is a requirement and then what is that proximity justification.

COMMISSIONER TREGONING: I understand that. All I would ask is the commitment that you do look at that for us.

MR. WILLIAMS: Absolutely. We will.

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CHAIRMAN COGBILL: Other questions?

Thank you both. That does bring it back to the Commission and concludes input from the public and from the applicant. We'll bring it back to the Commission.

COMMISSIONER HART: Mr. Chairman, as you may be aware, RTKL has been involved in east campus small area plan as we are close to the District of Columbia out of my office. We are currently short-listed for design work on the west campus. In light of that I would like to recuse myself from action on this item.

CHAIRMAN COGBILL: Thank you. This is not a conflict but simply just to avoid any appearance of impropriety.

COMMISSIONER HART: That's correct.

CHAIRMAN COGBILL: I would be happy to entertain a motion and then we can have discussion.

COMMISSIONER AMES: For discussion purposes I would like to place a motion that

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we accept the Executive Director's report.

CHAIRMAN COGBILL:

COMMISSIONER PARKINSON: Second.

CHAIRMAN COGBILL: Okay. There is a motion made and properly seconded. Now we'll open it up for discussion.

Mr. May.

COMMISSIONER MAY: Yeah. I have a short statement that I would like to read to make sure that everybody clear on what the Park Service position is since a lot of people have been quoting the Park Service and I want to make sure. I haven't found anybody saying anything incorrect but I just want to make sure that we speak for ourselves or actually speak for the Department of the Interior.

The proposed redevelopment of the St. Elizabeths to house the headquarters of the Department of Homeland Security has been carefully considered by the National Park Service and the Department of the Interior over the last several years with a particular

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intense effort over the last year.

At this time I am not prepared to vote in favor of approval of the master plan for two principle reasons. First, the proposed master plan far exceeds the level of development that the Department has concluded is appropriate for the historic campus.

Second, the master plan calls for building an access road through Shepherd Parkway that will result in unacceptable adverse impacts on this adjacent national parkland.

The total density of the proposed -
- excuse me. The total density proposed for St. Elizabeths' campus is over 6 million gross square feet for all above and below-grade buildings and parking between the two campuses east and west.

The Department had anticipated a more thorough examination of the 2.5 million gross square foot alternative as it constituted a level of development that would

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be consistent with the historic structures and landscapes of the site.

I would also note that the 2.5 million gross square foot alternative that we were thinking of was what came out of the consensus report. I don't recall the exact number but I think there was an allowance for some below-grade construction but it was more along the lines of half a million square feet, not 2 million square feet.

The Department continues to suggest that GSA either reduce the density of St. Elizabeths by housing fewer DHS employees or use the site for a different lower security tenant. We note that GSA has projected DHS' need for space to expand and the total requirement will ultimately exceed 8 million gross square feet of office space over the next several years.

Even if GSA proceeds with the development of alternative 4 or 5 at St. Elizabeths, a large portion of DHS employees

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requiring more than 3 million gross square feet of additional space would need to be housed elsewhere.

GSA maintains that its efforts to minimize harm must be viewed in light of the requirements established by DHS to occupy the site in the desired configuration and time frame. We certainly appreciate GSA's desire to serve its federal customers.

However, Section 110(f) of the National Historic Preservation Act is not an attempt to balance an agency's requirements with preservation. It requires that historic structures and landscapes be preserved and reused in a way that will minimize harm to the national historic landmark.

We do not believe that implementation of any of the alternatives proposed by GSA would be consistent with the requirements of NHPA, nor provide St. Elizabeths with needed historic protection. These proposed alternatives are severe and

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constitute a serious threat to the NHL.

The Department appreciates the quality and detail of the cultural landscape report prepared by GSA which highlights the importance and integrity of the St. Elizabeths' landscape. However, the report confirms the Department's position that the level of the proposed action is inconsistent with preserving the historic landscape and will impose severe impacts.

The preservation design and development guidelines are similarly commendable and if followed would provide an appropriate framework for design and review of future rehabilitation. However, all of the GSA's proposed alternatives for rehabilitating St. Elizabeths' campus are in conflict with many of these guidelines as well as the Secretary's standards for the treatment of historic properties.

Shepherd Parkway is more than a remnant of land from an up-built roadway. In

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fact, in the early 1960s the National Park Service made a formal decision that it would never be used for a road and NPS decided in its 2004 Fort Circle Parks' management plan to forego even placing a walking trail there so as to protect the important resources it contains.

The Department disagrees with GSA's findings that the access road through Shepherd Parkway is the most feasible and prudent alternative from an engineering and traffic standpoint. This determination was made without detailed investigation of avoidance alternatives or examination of alternate transit or transportation methods that would lower the number of vehicles entering St. Elizabeths' campus.

In summary, the Department of the Interior agrees with GSA's determination that the proposed construction of new buildings and parking facilities and related infrastructure on the west campus will have direct long-term

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major adverse effects on the St. Elizabeths national historic landmark.

The level of proposed development in the FEIS and the master plan appears to preclude bringing the proposal into conformity with the Secretary of the Interior's standards for the treatment of historic properties.

If the current alternatives are implemented, the National Park Service will be obligated to consider the adverse effects on the property and make a recommendation to the Secretary of the Interior regarding the status of the landmark designation.

Furthermore, the Department agrees with GSA's proposed action will constitute direct long-term major and adverse impacts to Shepherd Parkway. The National Park Service has further concluded that these impacts would constitute an impairment of park resources and values which conflicts with our mandate of preservation.

CHAIRMAN COGBILL: Thank you. Can

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you just -- the 8 million square feet. Can you tell me where that comes from?

COMMISSIONER MAY: I can't give you an exact cite. We have done an examination of the FEIS, their final environmental impact statement.

CHAIRMAN COGBILL: I had not seen that number.

COMMISSIONER MAY: It's a projected total of all of their space for the region.

MS. DUKE: DHS does have a need for housing its employees in the National Capital region beyond the headquarters at the consolidation at St. Elizabeths. We envision that the St. Elizabeths' development if the plan is approved would be at the stated master plan.

Additionally we think we would need between four to six additional sites to house the rest of the DHS employees that live in the National Capital region.

CHAIRMAN COGBILL: But not at this

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site?

MS. DUKE: No, not at this site. There is no intention of expanding the density at the St. Elizabeths site.

CHAIRMAN COGBILL: Okay. Thank you.

COMMISSIONER MAY: Our concern is simply that if there is going to be that number of additional employees in the region, it may make sense to locate more of them at those alternate four to six locations than here at St. Elizabeths.

CHAIRMAN COGBILL: I just from your comments thought that perhaps you were referring to the St. Elizabeths campus.

COMMISSIONER MAY: No.

CHAIRMAN COGBILL: When you mentioned these historic resources that are at the Shepherd Parkway, could you expand on that?

COMMISSIONER MAY: We believe but we have not documented that there are

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archeological resources dating back to the Civil War, Fort Circle Parks, Civil War defenses of Washington. That's the principle thing. There may be other archeological resources there as well.

CHAIRMAN COGBILL: Can you amplify on them?

COMMISSIONER MAY: Again, we haven't done the studies and that is one of the things that we would like to have done.

CHAIRMAN COGBILL: How long have you all owned this property?

COMMISSIONER MAY: Well, it's not a matter of -- we own a lot of property and we don't go out and regularly survey every square foot of it but if an action is going to be proposed like this, we would hope that there would be that sort of survey conducted and I'm assuming that will be done.

CHAIRMAN COGBILL: I suspect it would be.

All right. Yes, ma'am.

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COMMISSIONER PARKINSON: I have a clarifying question. Just for the record so I understand, is this the testimony of the National Park Service or is this the Secretary of Interior as well that you're speaking on behalf of?

COMMISSIONER MAY: This is -- everything that I just read to you is derived from the Secretary -- the letter that was sent to GSA from the Department of the Interior in response to the final environmental impact statement so it represents the testimony of the Department of Interior.

COMMISSIONER PARKINSON: Thank you.

CHAIRMAN COGBILL: Yes, ma'am. Ms. Tregoning.

COMMISSIONER TREGONING: Maybe Ellyn can clarify for me. The master plan approval that is the recommendation of the Executive Director is actually conditioned upon the successful transfer -- basically working with the Park Service and the

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Department of Interior on the Shepherd Parkway you don't have the approval so that is a large contingency, I understand, but it doesn't take away your ability to deny that approval if you should so choose.

COMMISSIONER MAY: Well, under the Section 4(f) process the Park Service has the ability to concur or not concur with the conclusion of the Section 4(f) report but the final determination is made by the administrator of the Federal Highways so we would not have a decision. It would not be our decision to make.

COMMISSIONER TREGONING: Thank you for that clarification.

CHAIRMAN COGBILL: Other questions or comments? Other discussion? Ms. Tregoning.

COMMISSIONER TREGONING: I just had a couple of things to say. Probably because we've had some conflicting testimony and I just want to really acknowledge we've been

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hearing the 2.5 million square feet number thrown around a lot and concerns about density.

I just want to bring us back to what this Commission recommended, this National Capital Planning Commission recommended a little bit more than a year ago, and that is a very specific direction, a request that the GSA and the Department of Homeland Security come back to us with a recommendation that basically had no more than 2.5 million square feet of development on the west campus above grade.

Again, I'll say they didn't hit that mark but they went from nearly 5 million square feet above grade to just a hair over 3.

I do very much appreciate the effort that they went to in order to have that very significant reduction but it's not just a number.

It's a very significant redesign of their use of the site and let me be specific.

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The amount of demolition that they had planned to do was greatly decreased in part because of the program shift to the east campus parcel and the location of most new construction at the periphery of the west campus.

New construction was shifted away from The Point and from the front of the center building. They give a lot more thought to how they would reuse the smaller buildings in the common space. The protection of the landscape and the landscape elements is almost complete at this point.

The layout and the character of the circulation of the site will remain what it is. So in some ways when you do preservation it's a little bit about the long view, you know? I would love this to be a completely open campus, a place where people could freely go to now that had wonderful vital mixed of uses in these historic buildings.

But I think a key thing to remember

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is that 52 of the 62 buildings on the site are going to be permanently preserved. I know many of us in this room hope that Homeland Security is forever. Maybe in 50 years this will transition to some other kind of use but these buildings will still be there.

The landscape will still be there.

Hopefully the sturats that the Department of Homeland Security proposes to be at the site will be worthy of this magnificent national landmark site.

That is certainly my hope and I certainly feel like the efforts that have been made to address the concerns of this Commission over the last year have bolstered my confidence that that will indeed be the case. So I think that is all I have to say.

COMMISSIONER MCGILL: Mr. Chairman.

CHAIRMAN COGBILL: Yes, Mr. McGill.

COMMISSIONER MCGILL: I would just like to say briefly GSA supports the EDR. We appreciate all the hard work that Ms. Goldkind

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and the rest of the staff have undertaken. Ms. Goldkind basically had to write a 46-page report during the 2008 holiday season. I think that is a fairly noble undertaking.

I also appreciate all the positive remarks that my fellow commissioners have made. NCPC has been a very constructive force in the development of this master plan and we appreciate that constructive involvement.

CHAIRMAN COGBILL: I want to just add my comments, too. First, this has been, as has been said a number of times, a major collaborative effort and required a delicate balancing of interest on a number of different levels from the people who live in the community to the agencies to be served, from the federal and city point of view, from individuals who will ultimately benefit by working and hopefully shopping in the revived economic vitality that should come with this I think is very, very important.

I think GSA has done a remarkable

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job of improving significantly on the plan that they first brought to us. I commend them and the Department of Homeland Security for the thoughtful way that they did that and the careful attention they gave the comments that we gave them.

With respect to the development below ground, I think that is impressive. I think it is very helpful the way that's been done. When the Park Service or the Interior Department came forward with their underground visitor center on the Mall, that was their option to avoid an impact on the Mall by putting that facility underground.

I supported that at that time. It did not get funded by Congress and, for that reason, I think this is a good step forward in how we design or the GSA and Homeland Security have designed this site.

This project holds great potential as a resource. GSA saved a national historic landmark. This project was falling down. You

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heard Mr. Alexander talk about demolition by neglect and that is exactly what was occurring.

The number that I have been carrying around is \$14 million so I was very interested to hear the \$28 million that you refer to. With respect to Mr. Alexander and what he does, I don't believe many private developers could come forward and put \$28 million into simply preserving the status quo in order to make this project go forward. For that I think GSA needs special recognition.

With respect to what this does for the community, we have heard from Mr. Garrison who said nothing, that this does not help, but I have to listen to what the city says. I have to listen to what the people who run the city of Washington say will be the benefit of that.

I have to listen to the people who live in the community who say what will be the benefit for that. I have to give great

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difference to that over the comments of those who interpret, analyze, and are not necessarily a part of that community.

Again, with all due respect, we are all entitled to our opinion but that is where I believe the weight lies with this. I think this is an important step forward for Anacostia and for Washington.

The Executive Director's recommendation, I think, is very clear in acknowledging that there are many things to be done to move forward. This is not something that this Commission or the staff or anyone is taking lightly. There are many steps to get us from this point to an actual project that exist and breathes in Anacostia but it is something that I believe we have made a very important first step with the staff report and hopefully with the decision today.

I would also like to remind everyone that the National Environmental Policy Act in Section 106 of the National

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Historic Preservation Act are essentially procedural. This doesn't mean that they are not important procedures or that the outcomes don't matter.

However, they do require an agency to develop and review certain information, engage in processes before the agency acts. They do not dictate particular outcomes. It's not fair to come in and say that, "This aid is there. This is a historic resource. Therefore, we must do (b)."

We simply look at the process. We do the best we can to minimize the impacts and we move forward. I believe that has been successfully accomplished.

I also would point out the role of consultation and what we have done in identifying these historic properties and including a number of people in that discussion to avoid ways to minimize, mitigate adverse impacts.

There are adverse impacts. That's

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exactly what the cultural report said but what we have done is proposed ways to minimize that and where they could not be minimized then to find ways to mitigate that.

The Section 106 consultation for the west campus has been extensive and has resulted in a programmatic agreement signed by the Advisory Council for Historic Preservation.

They have issued a letter acknowledging the conclusion of Section 106 for the master plan and the execution of the programmatic agreement. I, again, give great weight and deference to the report of the Advisory Council who has been designated as the agency to help us with these types of decisions.

With that I think this has been a good process. It is not one that we all agree completely on. As was mentioned earlier, the role of the Historic Preservation community is very, very important.

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It is that voice that helps us understand the role of these buildings and this institution in the past and how it can be best used going forward. For that I am very, very grateful as Ms. Tregoning said.

I do think it is time to move forward and that we owe this to the people of Washington, we owe this to our federal government, and we owe this to the employees at DHS to move this matter forward.

Mr. Miller.

COMMISSIONER MILLER: Not to take away from your last word but since I haven't said a first word I want to associate myself, Mr. Chairman, with your remarks and the remarks of Ms. Tregoning.

The council, as you know, and has been pointed out, unanimously approved last month the small area plan for the east campus which includes transferring 750,000 square feet of office space plus parking from the west campus in order to reduce that density on

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the west campus.

I think there are a lot of mitigation measures here. I think GSA is to be commended for their stewardship and stabilization of these historic properties and I'm pleased to support the action today.

CHAIRMAN COGBILL: Further discussion? All those in favor of the motion, please signify by saying aye.

ALL: Aye.

CHAIRMAN COGBILL: Opposed? Abstentions? Motion carries. Thank you very much.

We are going to take a five-minute recess.

(Whereupon, at 3:14 p.m. off the record until 3:27 p.m.)

ACTION ITEM

POTOMAC PARK LEVEE IMPROVEMENTS

CHAIRMAN COGBILL: I would like to move to Agenda Item 4B. This is Potomac Park Levee Improvements, National Mall, 17th Street

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and Constitution Avenue, N.W. Ms. Saum.

MS. SAUM: Good afternoon, Mr. Chairman, and members of the Commission. The proposal before you today is a concept design for improvements to the West Potomac Park levee system and is being submitted by the National Park Service.

The Potomac Park levee system was authorized and constructed after a 1936 flood that devastated large parts of downtown D.C. It consist of an earthen dam that extends from 23rd Street to 17th Street along the north side of the reflecting pool here and requires that the National Park Service install a combination of sandbags, jersey barriers and earthen damn to fill low-lying areas at 23rd and 17th Street during flood events, here and here.

The height of the temporary protection required at 23rd Street is only a couple of feet but at 17th Street the elevation is lower so the height of protection

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is correspondingly greater. I think it's about 10 feet.

The Congressional authorization directed the Corps to construct a structure designed to contain a flow of 700,000 cubic feet per second. This is in the general range of 185-year flood so I'll use that term during this presentation to refer to the Congressionally authorized level of protection.

Over the years the earthen dam along this area has settled reducing the level of protection. In addition the Corps has become increasingly concerned that the provisions for temporary protection at 17th and 23rd Street, particularly at 17th Street, would be inadequate in the case of a major flood.

Congress authorized improvements to the levee system in 1996 and again in 1999 but they have never authorized the funding necessary to complete those improvements.

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Last year as a result of policies that were adopted after Hurricane Katrina the Corps deemed the 17th Street closure, which again is right here, unreliable and gave the levee system an unacceptable inspection rating.

In response FEMA proposed new flood zone maps that shows 100-year flood plain as if the levee did not exist. If issued this master plan would require private property owners in this area shown in blue to buy flood insurance and would require federal property owners in the area to take measures necessary to protect existing and proposed buildings from flood.

Again, this is the area where the temporary improvements have been required at 17th Street. Remember that the levee system was designed to protect against a 185-year flood.

In order to protect against the 100-year flood as required by FEMA, the only

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place you really have a problem is right here at 17th Street. About a year ago the District approached FEMA with a proposal to use District funds to construct an interim solution in this area that would satisfy FEMA's requirements and delay the issuing of the flood maps until the federal government could come up with the funding to bring the entire system up to the 185-year standard authorized by Congress.

FEMA agreed on the condition that the improvements be completed by November 2009. That is a very short period of time to design and construct something in an area of this significance but we've been working very carefully on that. So, again, here is an aerial photograph of the area.

Starting in June there is a two-day sherritt here with representatives of the Corps of Engineers, the National Park Service, Commission of Fine Arts, the District Historic Preservation Office, the Advisory Council for

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Historic Preservation, the District Office of Planning, DDOT, WMATA, and the Smithsonian to come up with alternatives.

The idea was always that we anticipated that it would require a two-phase solution. Phase 1 would be limited to what would satisfy the FEMA requirements with the funding available.

But we recognize that it probably wouldn't be up to the aesthetic standards that you would normally anticipate or expect in this area. Phase 2 would be done when the federal funding became available to provide the aesthetic requirements that would be appropriate to the setting.

All those agencies I just described have been continuing to work together as part of a working group that has been meeting weekly and sometimes more often than that since then to come up with an acceptable design alternative.

We realized early on that the only

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engineeringly acceptable solution was a post and panel system across 17th Street that would be connected to permanent concrete walls that would tie back into the earthen berms.

One other thing I wanted to mention was that we also realized it would make sense to realize that post and panel system and concrete walls and then come back and at some point later add on two feet to bring it up to the 185-year standard. It was decided early on that the Phase 1 would be built to the 185-year standard.

Five action alternatives have been developed and analyzed as part of the environmental assessment. Last month the National Park Service gave an information presentation where they presented two of those alternatives. Some of you participated in the site visit went out and saw a mock-up of that.

I'll just remind you quickly of what was presented last month.

In alternative 4 there was a curved

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wall on the Washington Monument side and angled walls on the Constitution Garden side that surrounded a large plaza south of the lockkeeper's house. There would be a container where you would store the post and panel system that would be accessible from this plaza.

The problem with this was that, for one thing, it was so close to Constitution Avenue that some of the consulting parties and agencies were concerned that it would create sort of a gate effect here when you entered the precinct of the Washington Monument grounds and Constitution Gardens when coming down 17th Street.

Also it was located right in the right-of-way of Virginia Avenue as it extends towards the Washington Monument and it would block views. Alternative 4 was intended to reduce some of those negative impacts by moving the levee structure down here.

The problem is once you get down

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here because the elevation is lower the protection here would have to be four feet higher, I believe. This was going to be about six feet and this is going to be 10 feet so that began to block views of the Washington Monument from the Constitution Gardens Overlook and the sidewalk along 17th Street.

After last month's Commission meeting the National Park Service convened a meeting with the designers and the review agencies. We realized that we didn't really need to keep these walkways in exactly the same location and that created something of a breakthrough.

We have come up with another alternative which is now the National Park Service's preferred alternative. It's located sort of in between so the walls here would be 8.7 feet high. There would be a post and panel system. There would be about 140 feet extended between the two ends of these simple curved walls that would be about 120 feet

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long.

Then the existing earthen berms would be extended to meet the ends of those walls. It's located right here in the area where the viewshed from Virginia Avenue looking toward the Washington Monument comes right through the middle of that gap.

There is still a plaza up here but it's lower and the storage vault, the post and panel system, would now be located underground under this area. This is described as alternative 1B in the environmental assessment.

This is an engineering plan that shows the entire area. You can see here this is not exactly the right-of-way. These parallel lines indicate the area basically from the back of the sidewalk to the back of the sidewalk. It's about 79 feet. The existing right-of-way is actually about 120 feet but it does provide views from Virginia Avenue towards the Washington Monument.

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I would like to make a note here that the National Park Service is currently working on a management plan for the National Mall. One of the things that we've done here is to attempt to anticipate some of the things that are going to be brought forward as part of that plan.

One of them is the potential that some day the lockkeeper's house would be moved out of the Constitution Avenue right-of-way and there is room for that to be relocated here. Also some day this area might be expanded somewhat to accommodate the food service facility.

This is designed to accommodate those. So here is a rendered view of the entire area as I noted before.

Here is a oblique aerial view looking southwest. You can see the walls here and the lockkeeper's house and the plaza. Here is the same view without the trees.

I would like to make a note that,

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as I noted at the beginning, this project will be built in two phases. We're not sure exactly what is going to be included in Phase 1 and Phase 2. This is going to be built by DDOT and DDOT is still working with the engineers to determine exactly what needs to happen and when.

We know for sure that these will probably be bare concrete walls in Phase 1 and they will be sheathed in decorative stone in Phase 2. In Phase 1 this will be bare concrete and in Phase 2 it will be covered with decorative pavers that can be removed when you need access to the vault. Most of the time you wouldn't even see the entrance to the Mall.

Here's what it would look like when the post and panel system is installed. Here is the view down 17th Street from Constitution Avenue. Here are the levee walls. You can see a bit of the World War II Memorial back there in the background. Here is the

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lockkeeper's house.

Here is the view looking north from an area a little north of the World War II Memorial towards the White House. This is a view from the Constitution Gardens Overlook site looking towards the eclipse. Here are the walls right here. Here is the lockkeeper's house and the plaza.

Here is a view from the Washington Monument grounds looking towards the Organization of American States which would be right about here. Here are the walls right here and here is the lockkeeper's house.

Here are sections. This section is cut essentially in the area just south of Constitution Avenue looking south down 17th Street. Here are the walls. This one is cut through 17th Street looking west. Here is the wall, here is lockkeeper's house.

I would like to begin the analysis by saying that staff supports this proposal. We think it's a vast improvement over some of

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the things that we've been working on before.

That opinion has been generally shared by other agencies and members of the public that we have consulted with.

The design itself is very simple. It was agreed very early on that the design solution here needed to be a simple engineering solution and we like the fact that these are two symmetrical curved walls. They are the only thing that is going to be required above ground. The post and panel storage system here will be below ground and so we think it satisfies that need for simplicity.

We also like the fact that the walls here have been located to artfully frame views towards the Washington Monument from Virginia Avenue. Finally, we think that pulling the walkways back here to frame the site and not crowd the levee walls is also an improvement in the design.

That said, we recognize this design

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is very early in the stages of development. It will come back for preliminary and final approval probably in March or April. Between now and then the designer will continue to develop a design further. These are all things that we have already discussed with the National Park Service and are being addressed that I would like to bring to your attention.

One of them is the need for a landscape plan to cover the area that will be disturbed during construction. Another is the impact of the pads on the landscape or the World War II Memorial and the lockkeeper's house. And the impact of the levee structure itself on views and vistas along 17th Street and the Virginia Avenue corridor.

This alternative will result in the loss of a significant number of trees. A total of 98 trees will be lost. Two of them will be mature trees. There is an elm that is located along the street here in light green, and one of these two mature walnuts. Most of

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the trees that will be lost will be in this area.

The National Park Service has noted that the trees in this area -- the soil is very poor and the trees in this area are stunted and immature. The regrading in this area will actually give them an opportunity to improve the soil quality and replace them with higher-quality trees and we support that.

It will also give us an opportunity to fulfill some longstanding design goals for this area. This is a drawing from the Olin Partnership Plan for the Washington Monument grounds that was approved by the Commission in 2003. I would like to note that the Olin Partnership is also working with the Park Service to do the levee improvement plan so there is some continuity there.

I would like to note how this plan shows important views from Virginia Avenue, from the intersection of 17th and Constitution and from the overlook site. This is a large

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view of the Washington Monument plan. You can see how the plantings here sort of frame these views as you look in towards the Washington Monument.

So we would like to see the new landscape plan continue to protect these views and vistas, and also to manage the transition which you can currently see here in this plan for the 1976 SOM plan for the National Mall. There is a transition between the open area around the Washington Monument and the more forested area in Constitution Gardens. We hope that the new landscape plan will reflect the same transition.

Also while we think that the idea of the curved plans here, the curved walkways here is an improvement, there are some modifications we hope to see. One of them is to relocate this somewhat so that if and when the lockkeeper's house is relocated that the pathway won't physically dead end right into it.

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Another is that we note that this area down here between the new walkways and the existing walkways around the World War II Memorial seems a little pinched so the designers are working on that.

Finally, we continue to be concerned about the idea of a gateway effect being created here just south of 17th and Constitution and the protection of view quarters from Virginia Avenue.

The designer himself, David Reuben, noted that minimizing this will require delegate adjustments to the location of the levee, the distance between the walls, and the amount of berming relative to the height of the walls. He is working on that. I would just like to recommend that the Commission formally acknowledge the importance of this effort.

Finally, I would like to note that, as I mentioned earlier, we have been meeting once a week since June to coordinate both the

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design and the approval process and the construction requirements on this and the National Park Service and their consultants have been very diligent and patient in their coordination efforts. I would like to see the Commission recognize them for this.

Regarding conformance, the proposal is not inconsistent with the comprehensive plan. Specifically the environment element says that the federal government should correct flood hazards and protect existing and proposed physical development and this does that.

As I noted, the National Park Service is working on a Mall management plan and they have informed us that this project is consistent with that plan. Finally, this project has been listed in the FCIP since 2000/2004 and has been and continues to be recommended and strongly endorsed.

The National Park Service has drafted an environmental assessment that we

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expect to be released for 30-day public comment period within the next week or two. They have also drafted a PA under 106 that we expect to be completed by the end of the month and signed by the end of February.

So the Executive Director's recommendation is that the Commission comment favorably on the design and recommend that in the further development of the design the applicant develop a landscape plan that respects the intent of the 1976 SOM plan and the 2003 Olin plan and it minimizes encroachment on the World War II memorial grounds and that strives to minimize to the extent possible visual intrusions of masonry walls in the 17th Street view corridor by modulating the relationship of walls to earthen berm and commends the National Park Service for its extensive coordination and cooperation with District and federal agencies and the public. That concludes my remarks.

[Insert - Potomac Park Levee Improvements]

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CHAIRMAN COGBILL: Thank you very much. Are there questions from the Commission?

Mr. McGill.

COMMISSIONER MCGILL: You may not be able to answer this but I like thinking in terms of cubic feet per second and I'm curious what the 100-year flood is in cubic feet per second. You give the 185-year flood is 700,000.

MS. SAUM: I don't know the answer to that question.

COMMISSIONER MCGILL: Okay.

MS. SAUM: I can find out and let you know.

CHAIRMAN COGBILL: Mr. Hart.

COMMISSIONER HART: I want to say that moving from the 100-year flood to the 185-year flood as a measure of protection. It seems to me to be a very wise choice. It doesn't take that much more infrastructure to prevent that level of increased protection.

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I spent four months down on the coast after Katrina and I saw first hand what flooding can do so having an ounce of prevention is really well worth the extra effort to go into that.

In New Orleans rather than having a lot of barriers you bring and drop in place, they have sliding barriers across the levee openings. Was that considered as one of the options for closing the gap?

MS. SAUM: I don't believe so, Peter.

COMMISSIONER MAY: I think the in a very early stage, actually several years ago when the Corps of Engineers and the Park Service were first looking at this problem and had concerns about the reliability of the earthen dam closure system that there was a pretty full examination of every alternative.

We have a difficult enough problem design wise integrating a wall into this landscape being able to build in an

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infrastructure or something that would include a sliding wall I think was dismissed fairly quickly because of the difficulties of trying to integrate that into the environment.

It just doesn't lend itself well. There are other examples of barriers that slide up and things like that which we are aware of but it just didn't seem practical and it all boiled down to the post and panel. We did try to push some other things to look at like water-filled bladders and things like that but none of them were deemed reliable enough so we couldn't find another good solution that would work.

CHAIRMAN COGBILL: Other questions?

Mr. McGill.

COMMISSIONER MCGILL: Well, I had a comment. I think the gateway is not a bad visual idea. If you go along Constitution Avenue or Independence Avenue and you are trying to see the mall for much of that distance the Smithsonian museums themselves

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form a series of gateways where you peer between them into the mall.

It's something the public is used to. 17th street right now with that lockkeeper's house there at the corner also functions visually as a gateway so I don't think that is necessarily something you should worry about or try to avoid happening but I think the solution is a very good solution. I move the EDR.

COMMISSIONER TURNER: Second.

CHAIRMAN COGBILL: Motion made and seconded. Further -- okay, Mr. May.

COMMISSIONER MAY: Before you vote I just wanted to make a short statement thanking everyone for their exceptional effort. This has been a very complicated design effort from the beginning.

It seems theoretically like a very simple exercise but when you start to think about the complexities of dealing with the different landscape features in this sensitive

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location it becomes very, very complicated. Doing this in a very compressed time frame makes it even more difficult.

I think this has truly been an exceptional cooperative effort. Certainly NCPC staff and Christine leading that effort has been very, very helpful bringing us all together and getting the right people at the table when we needed them, the D.C. Office of Planning and their help, Anita Harston coming to all these meetings and trying to keep us moving on schedule.

Dave Maloney and Andrew Lewis, State Historic Preservation Office also very, very helpful. Everyone has brought their best creative thinking to this and while it hasn't always made the process smooth, I think in the end the result is far better for the effort.

We've also had exceptional efforts from the Department of Transportation who will actually build Phase 1 and, of course, the Corps of Engineers who have been backing us up

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with the necessary engineering and such.

If I've forgotten anybody I'm sorry but I want to thank everybody who has been involved. It's really been exceptional. Not necessarily smooth but I think we're in a good place now. Thank you.

CHAIRMAN COGBILL: Thank you, Mr. May. You're too modest because obviously you're the mover on the National Park Service.

It's your efforts and your consultants who have made this what it is today and we appreciate the fact that you have worked so cooperatively with all of these agencies and you have really come up with I think a very, very good product to bring before us. Hopefully we can move it quickly from this temporary into a permanent improvement.

COMMISSIONER MAY: I hope so, too.

Thank you.

CHAIRMAN COGBILL: Any further discussion? All those in favor of the motion,

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please signify by saying aye.

ALL: Aye.

CHAIRMAN COGBILL: Opposed?
Abstentions? The motion carries. Thank you.

I didn't see Mr. Williams here. I assume he
left us. Okay, good.

COMMISSIONER MCGILL: He had a
written comment.

CHAIRMAN COGBILL: You do have
written comments from him. He, as usual, has
given us some very thoughtful comments.

ACTION ITEM

FORT DUPONT PARK

CHAIRMAN COGBILL: All right.
We'll move now then to Agenda Item 4C. This
is the transfer of jurisdiction of a portion
of Fort DuPont Park. I'll ask Mr. Hinkle to
take it over.

MR. HINKLE: Thank you, Mr.
Chairman, and Commission members. The
National Park Service has proposed to transfer
administrative jurisdiction of a portion of

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Fort DuPont Park to the District of Columbia government to allow for expansion of the Fort DuPont ice arena and to develop a youth baseball academy. This project has been submitted to the Commission by the National Park Service and approval and recommendation of the transfer is required by NCPD.

To begin, I would like to give you some background on some steps that have occurred to get this project to where it is now. First, in cooperation with the Nationals baseball team the District has been working to develop an academy that uses baseball and softball to provide District use with a year round opportunity to learn athletic and life skills.

The proposed project site within Fort DuPont Park was selected as the best location for the academy for several reasons including the amount of land available, the accessibility of the site to roads and public transit, its proximity to three public

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schools, and its location in the residential area, the large concentration of youth that is currently under-served by educational and recreational and enrichment programs and facilities.

In addition, the Friends of Fort DuPont Ice Arena, who currently lease the existing ice arena from the Park Service, have been developing plans to expand the existing facility from one rink to two to accommodate their growing program.

The Park Service in working with these groups has determined that a transfer of jurisdiction of the proposed property to the District would be the best approach to facilitate the development of these facilities.

Second, to study the potential environmental impacts of the transfer the Park Service over the past year completed an environmental assessment issued with mitigation a finding of no significant impact

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on the proposed transfer.

Third, NCPC's role is to approve the transfer based on our analysis of the issues as they relate to the federal interest.

As part of this approval NCPC has an obligation under federal law and its own policies to complete its own environmental review.

As such NCPC adopted the Park Service's environmental assessment as adequate to assess the potential environmental impacts of the proposed transfer. The Executive Director then issued a finding of no significant impact to the proposed transfer so long as specified mitigation is carried out.

Then, fourth, because the land will remain titled to the United States following the transfer of jurisdiction, over the past couple months NCPC staff have been working with both the Park Service and the District to ensure that the transfer agreement embodies conditions that ensure federal interest are

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protected.

As part of its mission materials the Park Service has provided a draft agreement that includes a description of the site as well as terms and conditions of the transfer.

This includes recognition and mitigation identified within both the Park Service and NCPC that must be carried out in covenants that reflect NCPC mitigation including assurances that the site will remain for either the current or proposed recreational use and that it remain accessible to the public, and a reversion clause that provides a remedy if the mitigation is not met.

I would like to note that NCPC staff appreciate the Park Service's and District's positive negotiations to date that have occurred. If the transfer is approved today by the Commission, the Park Service and the District will then finalize the transfer

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agreement.

The site that is proposed for transfer is in the northwest portion of Fort DuPont which is in Ward 7 and in Southeast Washington. Of course, Fort DuPont Park is one of the Fort Circle Parks which is a corridor of parks created when several former Civil War fortifications circled -- which was created when several former Civil War fortifications that circled the city were linked. These parks are illustrated in dark green on the map here.

The Fort Circle group and the plan to improve the park system of the District of Columbia was developed by the McMillan Commission back in 1901. Fort DuPont today is approximately 376 acres. The actual earthen Fort Dupont is located on what is strategically important high ground near the eastern most corner of the park in this location here.

Today the remains of the fort are

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still visible although they are mostly covered with vegetation. The 15-acre site that is proposed for transfer is nearly a mile away from the historic fort in the northern most edge of the park here in red.

On site, as you can see down in this aerial enlargement, is the Fort DuPont ice arena existing on the east side, existing baseball and multi-purpose fields in the center of the site, as well as existing basketball courts and tennis courts on the west side.

The site is surrounded by Susan Middle School on the opposite side of Eli Street on the north, Kimble Elementary School to the west, which you can see here, as well as U.S. Park Police stables and the National Park Service maintenance facilities. The stables are here, maintenance facilities are here. Then there is a significant natural areas down to the south of the site.

NCPC evaluation of the transfer is

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primarily based on information contained in the environmental assessment that was completed by the National Park Service. As well as how the proposed uses affect the natural, cultural, and environmental elements of Fort DuPont Park and its surroundings.

Our analysis and identification of issues related to the proposed transfer focused on two main areas, the significance of Fort DuPont Park and federal support to recreational opportunities, as well as design considerations related to the proposal.

The park is an open space element to the federal elements of the comprehensive plan. Observe that the federal government has placed a high value on the environmental benefits, recreational use, and scenic beauty provided by the monumental, natural, and cultural landscapes of the National Capital region.

And that the federal government has over the years amassed a significant inventory

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of natural and historic parks that complement the more formal open spaces within the nation's capital.

The elements include that the federal government should preserve the important scenic, historic, and natural elements of the Fort Circle Parks and that development and enhancement to the Fort Circle Parks should protect their cultural resources and be compatible with their important natural landscape features.

The element also states, however, that community oriented recreational opportunities among other things should be provided throughout the system.

In addition, NCPC has partnered with the National Park Service and the District on the Capital space initiative which is the current collaborative planning effort to promote, protect, and enhance the District's parks and open space system.

A Capital space analysis of access

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to parks and open space in the District finds that Fort Dupont Park is extremely important in providing park services to Ward 7 within the city and that this area of the city has one of the highest concentrations of children compared to the rest of the city and that many areas in this neighborhood have comparatively less access to park and active recreational resources than the rest of the city.

This analysis also found that many of the active recreational resources in this area are in need of enhancement. As such, since it remains in the federal government's interest to preserve the important scenic historic as well as natural elements of the Fort Circle Parks, staff feels that the project site should only be used for the expansion and improvement of the sports related recreational facilities that are identified within the jurisdiction proposal.

In addition, all existing and future facilities located on the project site

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and all recreational programs associated with the facilities located on the project site should remain available to the public. Likewise, public access through the project site connecting Fort DuPont Park and the adjoining neighborhoods should also be maintained.

Existing parking and any additional parking to be developed on the project site should remain available to the public. In regards to design considerations within the environmental assessment various conceptual plans have been developed to study how the proposal will affect the site. Our review is not based on the merits of the site plans themselves but I wanted to show you these so that you have an understanding of what the proposal consist of.

The first slide here shows four conceptual site plans for an expanded ice arena. The top two show the expansion of the existing rink and reconfiguration of the

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existing parking lot and the bottom two show a potential new structure for two rinks as well as reconfigured parking.

The second slide shows three conceptual site plans to accommodate the program for the youth baseball academy which includes a regulation size hardball field, two softball size fields which are appropriate for youth baseball, and an academy administration and training building of approximately 15,000 square feet.

Of note in these schemes is the first site plan on the left where a multi-purpose field is retained on the site for public view here in this location. The existing basketball courts and tennis courts are also planned to be transferred. However, no changes to their configuration are being considered at this time.

Staff's evaluation of the transfer is primarily based on information contained in the environmental assessment completed by the

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National Park Service and how the proposed uses affect the natural, cultural, and environmental elements of Fort DuPont Park and its surroundings.

Staff feels that if the transfer of jurisdiction is approved to further the federal government's interest in protecting the scenic, historic, as well as natural characteristics of Fort Dupont Park that the planning, design, construction, operation, as well as maintenance of any buildings and their surrounding landscapes developed on the project site should be in accordance with District green building standards, as well as the mitigation identified within both the National Park Service and the NCPC executed findings in no significant impact.

In addition, to help with the lack of active recreational opportunities within the area. Staff also recommends that as the District continues to design the site it strongly consider a site plan that retains a

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multi-purpose field for neighborhood use.

Regarding conformance, the proposed transfer is not inconsistent with the comprehensive plan for the National Capital, and in particular with the parks and open space element which provides that development to enhancement of the Fort Circle Parks should protect the cultural resources and be compatible with important natural landscape features and that community-oriented recreational opportunities should be provided throughout the system.

In terms of a facility master plan the proposed transfer would preserve the existing land uses and would be consistent with the designated management zones that are identified in the National Park Services Fort Circle Parks' final management plan. However, this plan will need to be amended by the National Park Service to reflect the change in management to the site.

Regarding NEPA, the Park Service

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completed the environmental assessment in October of 2008 and issued a finding of no significant impact with mitigation on December 15th of 2008. NCPC's Executive Director, then executed as a FONSI with mitigation on January 2nd of 2009. This mitigation is part of the Executive Director's recommendation which we will discuss momentarily.

In accordance with the National Historic Preservation Act the District's Historic Preservation Office on November 7, 2008 has determined that the transfer itself has no adverse effect. However, it also noted that Section 106 requirements remain applicable to any future site improvements.

Finally, with this evaluation, the Executive Director's recommendation on the proposed transfer of jurisdiction is that the Commission approves the transfer of jurisdiction of approximately 15 acres of Fort DuPont Park to the District of Columbia government. This is contingent upon the

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conditions set forth that are required as mitigation in the Executive Director's finding of no significant impact.

The mitigation is as follows: (a) The project site will be used for the current recreational purposes and for the specific recreational purposes identified as alternative to the preferred alternative in the environmental assessment prepared by the National Park Service. Those uses in alternative to are to improve the Fort DuPont Ice Arena and to construct a youth baseball academy.

(b) The project site and all existing and future facilities located on the project site, as well as recreational programs conducted in or associated with the existing or future facilities, are to remain available to the public.

(c) Public access will be maintained throughout the project site to the adjacent Park Service property.

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(d) The existing parking and any additional parking to be developed on the project site will be available to the public.

(e) New facilities developed in conjunction with the proposed youth baseball academy and the expanded ice rink will comply with the provisions of the D.C. Green Building Act regarding new construction of District government facilities, whether or not these are District government facilities.

And any new and/or modified facilities erected on the project site will be developed in such a manner as to minimize negative environmental impact to the adjoining National Park Service property.

The Executive Director also recommends that the Commission notes that the National Park Service has executed a finding of no significant impact mitigation wherein the environmentally preferred alternative of transferring a portion Fort DuPont Park to the District to effect the expansion and

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improvement of recreational opportunities on public parkland in the District was selected and further determined not to constitute a major federal action significantly affecting the quality of the human environment as defined by NEPA so long as the specified mitigation is carried out.

That all plans for the development of any new building, site, or structure, or the modification of any existing building site or structure are required to be submitted to the Commission for review prior to their construction.

Finally, the Executive Director also recommends that the Commission recommends that the District strongly consider the site plan and programming option that retains a publicly accessible multi-purpose field on the project site.

With that, Mr. Chairman, I conclude my presentation.

[Insert - Fort Dupont Park]

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CHAIRMAN COGBILL: You've heard the presentation. Are there questions from the Commission? Yes, ma'am.

COMMISSIONER STEINGASSER: Mr. Hinkle, I just have a question about Condition (d), existing parking and any additional parking to be developed shall be available to the public. Is it the staff's suggestion that the city have a public parking facility on the site?

MR. HINKLE: Our understanding is the current parking lot is often used for park users.

COMMISSIONER STEINGASSER: Uses other than the recreational uses?

MR. HINKLE: Other than the ice arena.

COMMISSIONER STEINGASSER: So this could become a commuter parking lot. I could drive in, I could park, I could carpool and pick up some other cars and leave my car in my parking lot for the duration of the day?

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MR. HINKLE: I don't imagine that. You can't do that today.

COMMISSIONER STEINGASSER: But that's what the staff is recommending that the city allow as part of its mitigation.

MR. HINKLE: What we are proposing is that the existing condition that there is an existing public parking lot on that site remain open to the public for park users.

COMMISSIONER STEINGASSER: But you are also suggesting that any additional parking that the city provide would be available for public parking. My concern is that this could easily become a commuter parking lot and not serve the needs of the recreational uses that we are trying to establish on the site. Has there been any analysis of the type of parking that goes on at this site either by NCPD or by the Park Service?

COMMISSIONER MAY: I just wanted to clarify one thing. As I recall, the language

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that we are working with is that the parking would be generally available to park users as opposed to the general public. We are not trying to create a commuter parking lot.

We are trying to make sure it's available to park users. If there needs to be some sort of control on that so that it is available to park users and not commuter, I imagine that is still possible but the idea is to create to make sure that there is still parking available for people who want to just park and walk into the park.

COMMISSIONER AMES: I agree with that but I do agree with what you're saying that if we are going to pass this we need to specify in this agreement about public parking that public parking needs to be defined.

Public parking for use of the park only then gives the city the mechanism they need to control the parking if you do run into a problem. I just think it needs to be a little more specific than that. I would

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assume, Ms. Steingasser, that you'll see that is at least presented.

COMMISSIONER STEINGASSER: That was my question to you.

CHAIRMAN COGBILL: Other questions or comments at this point? All right. Then I'll bring it back to the Commission and we will begin the public comment session. We do have a number of speakers. At this point I believe, or as of this morning, we had 16 people signed up to speak.

Again, just for quick reference if you are representing an organization you'll have five minutes to speak. The time will be set on the clock and count down. If you're an individual, we will allocate three minutes. We do ask you to be considerate of those to follow. I first will apologize for making you wait so long but hopefully it's been constructive or, at least, entertaining.

With that I'll call our first speaker, David Julyan, Friends of Fort DuPont.

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MR. JULYAN: Thank you, Mr. Chairman and members of the Commission. My name is David Julyan and I'll take a quick note here to tell you this is sort of a homecoming for me. I had the privilege and the honor of serving on this Commission both as a Commissioner and a member of the staff.

It was the previous century with Nancy Witherell reminded me of by telling me that my mustache had gotten much grayer. I appreciate her not mentioning the thinning of my hair.

We are used to waiting at Fort DuPont. We have been waiting a long time. There is one number I want to share with you which you have not heard yet today which is significant in the context in which you consider this proposal, 10,000. Ten thousand is the number of children that are currently served by the Kids on Ice Program at Fort DuPont.

When the nonprofit friends of Fort

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DuPont Ice Arena took over the operation of this facility in 1996 when NPS proposed to shut it down, we had 12 kids in our program. Since then we've expanded. We now run programs in Learn to Skate, ice hockey, speed skating, figure skating, and competitive skating.

We are excited and pleased not only about the opportunities that we have provided these children, which is our primary mission, but to also have become a hub in our community. We have a computer lab, meeting rooms, and party rooms that are used by the residents of Ward 7, our neighbors in Anacostia, and from people throughout the city.

We have tried and have been working on the expansion of this rink for over seven years and the reason is, as exciting as that 10,000 number is, every year we turn kids down. Every year we tell kids, "I'm sorry, we don't have enough room."

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As you think and look at the planning issues, and I've served on this Commission, so as you look and think of the planning issues and the other relevant parts of what is before you today, please remember the children because that's why we're here. That's my primary mission and my primary message to you.

I have a second message. Got to get into the weeds. We support this transfer enthusiastically because we want to help more kids. I have one concern, however, that I want to share with you.

The reversion proposals that are included in this don't cause us any angst at all as it relates to the fact that if for any reason at any time this facility or this ground was every used for anything other than recreational purposes, then the feds should take it back.

However, as you will hear, there are details of this that present problems for

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us as a nonprofit. For us to expand this facility we will need to raise over \$15 million. It will be very difficult for us to raise that money if in addition to the reversion being linked to issues such as recreational purposes, no problem.

No problem with what you saw listed here. But if there are also provisions in here that say if the lighting is contested and there are other ways to remedy it, then the property reverts and we will have a difficult time raising sponsorship.

I don't know that we could ever borrow money but we will have a difficult time being able to go forward with our program. We have no problems with the recreational purposes. We're nonprofit.

We don't do this for money but we need your help as you proceed with this to make sure that we have the opportunity and the capability to both expand the rink, No. 1, but I also want to talk about the baseball

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academy, our new neighbors to the south, we hope.

Being able to bring into Ward 7 east of the river this type of a complex to provide this to the children and to the community is unprecedented. This is the part of the city that only gets promises and too often doesn't ever get the deliverables. We need all the help we can get.

Having the baseball academy and having the Nats, who have already committed millions of dollars as well as the city's commitment, is crucial to the success of this project. We've come a long way and we've had tremendous support in addition to National Park Service, and thank you, Peter.

We have also had Secretary Kempthorn. We have had District Chairman Vince Gray. We have had the mayor. We have had the deputy mayor Neil Albert all personally involved in this effort because they are also committed to the goals that we

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are trying to achieve.

We are close but we aren't there yet. While you deal with the big picture, and that's where I come back and I'll end with my 10,000 because when we expand the rink, we'll go to 20,000 kids. We've worked with DCPS. We will institute hockey as a program in D.C. high schools.

As you go forward with this, please recognize, as is always the case, for us to serve these 10,000 and for us to expand to 20,000 we'll need your help even as you get down into the details.

I appreciate your time.

CHAIRMAN COGBILL: Thank you. Mr. Ames, do you have a question?

COMMISSIONER AMES: Maybe I'm not hearing correctly. Am I hearing you say the proposal that we are voting on today does not open the door for you to do what you want to do?

MR. JULYAN: No, sir. The proposal

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you are voting on today opens the door for us to do what we want to do but we have concerns about some of the specific details in the proposal as it relates to the reversion to the federal government for any of the covenants, not the recreational covenant. Not even the public parking. By the way, that lot -- we go there. That lot is not used by commuters. That lot is used today by two types of people. People who either are at the ice rink or other people who are using the recreational facilities.

There are some, not very much, parking in that lot that goes to access to Fort DuPont. This is part of Fort DuPont, quite candidly. Neighboring us you'll have as many refrigerators and washing machines as trees.

COMMISSIONER AMES: My question is this. What part of the agreement causes you to have heartburn?

MR. JULYAN: Later on in your

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discussion you will be receiving alternative motions to the EDR, etc. I would leave that to the other Commission members to discuss at that time, sir.

COMMISSIONER AMES: So what you're telling me is the Commission members know more than I do at this point so I just need for us to make it on board. Right?

MR. JULYAN: Sure.

COMMISSIONER AMES: Very good.
Thank you.

MR. JULYAN: You bet.

CHAIRMAN COGBILL: Very succinct.
Thank you very much. We do have here -- they have provided us the letters and petitions in support of your request. I talked to the Commissioners about that and I've had this available for them.

MR. JULYAN: I appreciate that.
Thank you, Mr. Chairman. I would like to highlight that. You'll have over 200 letters of support and a petition signed by, I

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believe, over 850 members of the community. We are extremely active in this community and proud of it.

CHAIRMAN COGBILL: Thank you.

MR. JULYAN: Thank you for your time.

CHAIRMAN COGBILL: I call Ms. Cathy Cox.

MS. COX: Thank you, Mr. Chairman and members of the Commission. I am Cathy Cox, Executive Director of the Friends of Fort DuPont Ice Arena, the nonprofit organization that provides the Kids on Ice free community skating program and operates the ice rink.

I speak today in support of the land transfer of the 15 acre portion of the Park from the National Park Service to the District of Columbia for recreational purposes. One of the approved purposes under this transfer is to expand the Fort DuPont ice arena from a single rink facility to a double rink facility.

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As you just mentioned, in addition to my comments today the Friends of Fort DuPont Ice Arena has submitted information about the organization and the Kids on Ice Program along with a binder containing over 200 letters of support for expansion of the rink and a petition signed by 800 or so people.

These supporters are participants in the Kids on Ice Program, clients, supporters, funders, neighbors, community leaders, and general rink users. As David Julyan said, we are very active in our community.

This expansion is critical to the ongoing success of the Kids on Ice Program. The program now serves over 10,000 D.C. area children each year. We cannot expand the program to meet the increasing demand because there is no more available ice time.

We serve over 10,000 children each year through three components. We serve over

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1,000 each year through individual skating classes including Learn to Skate, hockey, figure skating, and speed skating. We are one of only three rinks in the region that offer speed skating.

We have a partnership with D.C. public schools. We serve over 6,000 D.C. school children a year with free ice skating lessons. It is a U.S. figure skating curriculum as part of the approved physical education program. We have a Camp Skate for Fitness program that we do in partnership with neighborhood camp groups.

Let me take a moment to tell you about Myra Antwine. Her story is an excellent example of how the Kids on Ice Program makes a dramatic difference in the lives of the children we serve.

Myra enrolled in Learn to Skate in the year 2000 at the age of six. Since then she has excelled at ice sports. She joined the speed skating class in 2003 and the hockey

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class in 2004. Today at the age of 14 having skated for eight years she is in intermediate figure skating, continues to enjoy speed skating, and skates with the Fort DuPont skating club.

She often volunteers in the skate shop and she also volunteers as a skating instructor for the younger children. Both Myra and her mother will tell you that skating has helped increase her coordination and balance, helped her develop a love of physical fitness, tried some sports she would otherwise never had an opportunity to try.

The life lessons taught include the value of practice, reliability, responsibility, and accountability. Through volunteering she is learning the personal satisfaction of serving others.

She is now armed with strong self esteem and self confidence as she becomes a teenager facing today's world. She is just one example of what our program can do for the

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over 10,000 kids we serve today. Please approve this transfer so that we can double that number. Thank you.

CHAIRMAN COGBILL: Thank you.

And I'll call Willem Polack. As Mr. Polack comes up, I will note again to the Commissioners we do have information in front of us on the Kids on Ice Program. I would also point you to the letter from the Georgetown School of Law Institute for Public Representation as well as several other individual letters from folks who sent information in but who are not here physically to speak.

CHAIRMAN COGBILL: I'm sorry. Go ahead.

MR. POLACK: Mr. Chairman, thank you very much. I'm William Polack. I am proud to be the Chairman of Fort DuPont Ice Arena and have been in that position since the inception. As you heard from Mr. Julyan and Ms. Cox, it is a program that has surpassed, I

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think, all our dreams when we started with 12 children and jumped to 10,000.

I won't use a lot of my time. I'll leave a lot of it for others but I think the point I would like to say and that David had pointed out to you is that as a board chairman, as most of you know, my job is really to find the funds to make this project go ahead.

If there are covenants in this document for the land transfer that doesn't permit us to grow and make it an attractive nonprofit for funders be it Nike, some of the other people we're talking to, then we are really going to find ourselves in a terrific bind. I would appreciate, Mr. Chairman, if when you look at this document if you would consider -- I think Mr. Miller will help us -- doing something about the covenants. Thank you.

CHAIRMAN COGBILL: Thank you.

I'll now ask Mr. David Culp to come

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up. Not here? Then I'll move on to the next one. This is Jamie Pleune from the Maryland Native Plant Society. Hope I didn't do too badly.

MS. PLEUNE: It's Pleune.

CHAIRMAN COGBILL: Okay. Thank you.

MS. PLEUNE: Thank you, Mr. Chairman and members of the Commission. Jamie Pleune. I'll be speaking on behalf of the Maryland Native Plant Society. We oppose this transfer for the environmental consequences that it has and also because it will eliminate recreational opportunities for the neighborhood that are the opportunity to use a park in an unplanned way.

Before I begin I want to clarify exactly what it is that we are addressing. We don't question the strength and the wonderful recreational opportunities of an ice rink and a baseball academy. We certainly think that a baseball academy should be somewhere in the

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District.

The question that is before us today is if we are going to have a baseball academy in this District, should we place the baseball academy right at the edge of a globally rare and ecologically sensitive ecosystem that has already been fragmented.

Two points in addressing that issue. The first is to address why the 30 feet of forest that will be impacted by the baseball academy is so important in the ecological scheme. The second is to question the assumption that the baseball academy will actually provide improved recreational opportunity for the neighborhood itself.

The first issue is why is this 30 feet that we're talking about so important? When you look at a map it's really tempting to look at the entire forest and think we have 376 acres of forest. What's the big deal if we affect the first 30 feet on the edge.

The problem is when you go to that

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forest and you walk around you realize that we don't have 376 contiguous acres of native species. We have several different islands of native forest that are surviving against invasive species.

Anywhere that there has been some sort of development or disturbance in the forest whether it's a path, whether it's the old golf course, anywhere where the forest canopy has been opened up and the pH of the soil has been altered we have invasive species that are encroaching and that's what creates the island of the native forest.

Right along the edge of where the baseball academy will be put is one of those little islands. The island itself is not very big. It's 70 yards probably at its max. The edge of that island is the path. There is a path that sort of intersects. There is the edge of the baseball academy and then there is a path that comes in.

It's a very small island. If we

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take away 30 feet of the trees within that island of the native eco-system, we are concerned that little island won't survive. If we do that -- if we are constantly doing that to our parks, we are really jeopardizing the strength of the native eco-systems. Those are important factors in the comprehensive plan.

The second issue is to question the assumption that this baseball academy will improve recreational opportunities for the neighborhood. What the plan is doing is essentially taking what is now a local neighborhood resource, somewhere where people can go outside and have a picnic or play with their friends, throw the Frisbee, whatever they want to do, play flag football which it is most used for.

We are turning it into a resource for the entire District that can only be used with planning if you are associated with the baseball academy and if you play baseball so

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you are taking away this neighborhood's opportunity to use a park and replacing it with an opportunity for the entire District to come and use this neighborhood's park.

So we really question what it is that we're gaining by taking away the recreational opportunity for the neighborhood.

Just really quickly, if you look at the Capital space plan, which you are all familiar with, this neighborhood is one of the least served neighborhoods as far as access to terp area, places to play on the grass, parks to use. That consideration is very important in figuring out what are we getting for this transfer.

The concerns that I've raised really go the heart of strategic planning to preserve our park system in the District. If we are going to preserve our native plants and if we are going to conserve the opportunities for people in the neighborhood to use parks that are nearby them, every single decision

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that we make is going to be very important and we just can't say, "Oh, just this once."

We don't know so much about this project. We don't know how long it will be funded. We don't know how it will be developed. We don't know where the buildings are going to be put. We don't know who it will serve or how many kids it will serve. There is so much we don't know.

Imagine our regret if we approve this and we later find out that it's only funded for 10 years and now we've lost this really precious native eco-system in exchange for something that may not have been any better. So we urge you to postpone recommending this transfer. Thank you.

CHAIRMAN COGBILL: Thank you.

Melinda Roth, please.

MS. ROTH: Good afternoon. Thank you, Mr. Commissioner, Mr. Chairman and the Commission. I am on the board at the Friends of Fort DuPont Ice Arena but more importantly

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I'm here as a hockey mom. I was a hockey mom long before it was trendy to be a hockey mom and I just want to speak a little bit about why this rink is different. Then I actually want to address some of the comments we just heard.

First of all, you probably don't know this even though the Washington Capitals are the hottest team in D.C. right now. Right now there are 14,000 registered hockey players in the D.C. Virginia Maryland area. Quite a number of those players would never be exposed even to the sport if it weren't for Fort DuPont. This includes my own two boys.

Fort DuPont is a not-for-profit rink unlike other rinks in the area. It provides equipment, it provides constant ice time, and professional coaching to children who would otherwise not have the opportunity to play what is considered a very expensive sport and not usually readily available for children who live in the intercity

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environment.

It is a growing sport. That 14,000 figure may be actually understated. It's as of May 2008 and that represents a four percent increase from the previous year. I want to just quickly mention that Fort DuPont is the home ice to a number of area teams including the first D.C. public high school team, Wilson Public High School, which started this year fully and, I believe, last partially.

It's also the home ice to the D.C. police who actually play your neighbors across the street from the FBI there quite frequently. It's also the home ice to several local hockey clubs, local schools, and colleges.

This is a rink that serves the community. My children would never have met kids that they have met through playing and now actually helping to be -- one of them is now a junior coach at the Kids on Ice Program.

There are very few places in D.C.

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that serve as a melting pot like Fort DuPont.

I think that the last comments about taking away recreational use from the existing community are just completely off base. You have the binder which shows we have tremendous support from the community. There are kids who live walking distance from the rink who consider it their home away from home.

We have friends we know, Myra, that Ms. Cox spoke about. We would never have met her otherwise. There are so many positives about both the baseball academy and the rink being expanded in this particular part of town.

It is an under-served part of town where there aren't fields and that field that is adjacent is used basically for adult football. There's not people picnicking there. When the baseball academy hopefully is built there there will be kids playing baseball and there will be kids playing hockey, figuring skating, speed skating, and

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all sort of other ice sports at the arena.
Thank you.

CHAIRMAN COGBILL: Thank you.

Now we'll call John Sargent.
Could not come. All right.

We'll move on to Michael
Schlesinger.

MR. SCHLESINGER: Mr. Chairman,
members of the Commission, thank you for
permitting me to speak in support of
transferring 15 acres of Fort DuPont Park from
the National Park Service to the District of
Columbia government.

My name is Michael Schlesinger and
I am here in my individual capacity. I also
do serve on the board of the Friends of Fort
DuPont Ice Arena which is a nonprofit
organization that operates the ice arena and
provides the Kids on Ice free community
skating program.

All of my children skate at Fort
DuPont Ice Arena so I have personally

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witnessed the direct benefits of the programs there. In fact, my son put on speed skates for the first time at Fort DuPont Ice Arena.

His teachers include former Olympians and present Olympic hopefuls who through their love of teaching come to Fort DuPont to give of their time and to give to the children.

As has been stated already, there are over 10,000 D.C. area children including D.C. Public School children that also benefit from the figure skating, hockey, and short-track speed skating classes and programs.

The neighborhood camp program is providing unparalleled summer enrichment to children who don't have other kinds of camp activities or opportunities. These activities help develop these children's physical fitness and build their self esteem and their confidence going forward.

It also gives unique opportunities to provide a melting pot. I brought a

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Maryland speed skating team to Fort DuPont late last year and we witnessed this effect first hand, people meeting for the first time from different communities. This has a very positive effect.

Unfortunately, as you've heard, the schedule at Fort DuPont Ice Arena is bursting at the seams. One of the approved purposes under this transfer is to make room for more programs by expanding the Fort DuPont Ice Arena from a single to a double ice rink facility. This expansion is crucial to the continuation of all the programs at Fort DuPont Ice Arena including the Kids on Ice Program.

It will also allow the rink to become a venue for more events and tournaments such as U.S. figure skating or U.S. speed skating sanctioned events. Let me say that having two rinks as opposed to one rink truly allows Washington, D.C. to become a center for such events. These events are not only well

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publicized but they really bring communities together and provide not only social but also economic opportunities.

I would like to just say thank you for allowing me to speak in support of this land transfer and I would be pleased to answer any questions that you have.

CHAIRMAN COGBILL: Thank you. Came in undertime.

MR. SCHLESINGER: Thank you.

CHAIRMAN COGBILL: Well done.

Mr. William Meaux.

MR. MEAUX: Thank you, Mr. Chairman. My name is William Meaux and it's my pleasure to be here on behalf of the Kids on Ice hockey team we proudly call the Presidents at Fort DuPont.

I am a U.S.A. hockey certified advanced or Level 4 coach and I've been coaching at Fort DuPont for five years. If I could do anything for you, I wish I could bring the parents who often come to us with

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their children in their uniforms right from work. I wish you could feel their handshakes for the appreciation they express about what we're doing to bring their children into this remarkably safe place.

It's an incredible thing that we do there and it is special. I coach in many, many other venues as well but I have been coaching here and I won't stop coaching here because I realize what it means to these children.

With regard to a comment that was made earlier, I don't know why -- you realize this is the only indoor ice arena in Washington, D.C. I don't know why we can't have environment and all these wonderful uses for children together.

Before this hearing I went to a facility in Frederick, Maryland where they make solar panels and they assured me that we could literally make ice from the sun if we had the will and the engineering and took a

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look at the environmental positive things that we could do with a build-out like this.

For practical reasons I went ahead and brought my coaching board because this is what I do every day to show you. I manage a tournament with eight children. Okay? Eight children, two teams -- excuse me, eight teams, two teams on the ice at a time which means my colleague, Mike Jukoski, who is our referee, has to keep his eyes on the ice but you've got six other teams sitting there I'm sure soldierly paying attention all the time.

It becomes a challenge if we don't have two sheets and we lose the ability to -- we just had a tournament with eight teams on the ice and it's a challenge.

You know, the other thing I want to show is that we have the opportunity to do some really creative things. As you can see we have something in the NHL rink called the trapezoid. I can tell you that my kids are going to know what a trapezoid is probably

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before they know what geometry is.

We can teach geometry. That's why the classroom space in this build-out is such an opportunity for the District. I want to mention that Mrs. Cox and I have been working and have had several meetings with the Embassy of France because of their interest in AP French. Also Governor Mon Quebec.

We have had many meetings with them. We have discovered and are trying to develop a method of teaching French through a content-based method, through hockey. We will continue to try and do these creative things but you have such an opportunity here. I would hate to see us look at this too narrowly and not look at it positively in a forthcoming way. Thank you.

CHAIRMAN COGBILL: Thank you.

Is Darlene Pinnock here? Okay.
Mr. Robert Clayton.

MR. CLAYTON: Good afternoon.
Thank you for the opportunity to present to

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you as an individual my support for the transfer of a jurisdiction of 15 acres from the National Park Service to the District of Columbia government.

I come to you as a native Washingtonian. I certainly discount Ms. Ross' testimony because she was born slightly after Kennedy was assassinated and I don't count those folks.

The reason I raise that is as a young child I had the benefit of growing up on the fields and the diamonds and the pathway of Turkey Thicket and Carter Baron Amphitheater.

I had to run the 600 yard run/walk because President Kennedy, as I was told, required us to do it.

We live in an environment now where we are no longer concerned about children as we are concerned about birds and trees and that's a very unfortunate circumstance because I come here as a board member not because I participate in hockey. I was a track guy.

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I come here because as I saw my city change, the major change I saw was the change of svelte kids and cheerleaders and guys to obese kids. As I walked through Ward 7 and walked through Ward 4 I was amazed by the fact that we had over-served our kids fast food and under served our kids recreational space and physical activity.

This is a unique opportunity for us to turn that dynamic around, to go back to where we were in the '60s where kids looked like kids and did not look like beach volleyballs.

We have an obligation to the kids in Ward 4 to ensure that this transfer take place, that the obligations of the Nationals and FDIA, which I am a board member of, are met in the development of a second rink and the development of the baseball academy to ensure that the kids in Ward 7 have access to a healthy lifestyle, have access to a healthy recreational environment, to have access to

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self esteem and confidence because they are the most endangered species.

They are, in fact, our future. They will, in fact, protect the birds and protect the trees if they are alive long enough and if they are healthy long enough and if they are productive long enough.

We have an obligation to those children and other children throughout our city to ensure where we have this unique opportunity to develop and enhance the recreational space, where we have this unique opportunity to have the investments of individuals who may not even live in their community as a number of these individuals don't, as I don't, to improve their lives to a point that they can be long-term contributors to our society. This is a critical juncture for this city and this ward and I hope that you approve this land transfer. Thank you.

CHAIRMAN COGBILL: Thank you, sir.

Mr. Mike Jukoski.

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MR. JUKOSKI: Hi. I'm Mike Jukoski. I'm a 20-year user of the facility at Fort DuPont. I can assure you at sometime up there I've been the most unpopular person in the whole arena because I'm a referee.

I would just like to talk about directing my comments towards the transition that I've seen in those 20 years at Fort DuPont because I started refereeing up there in 1989 when it was on its decline and I saw it hit its nadir. The place was more like a dark storage area than the inside of an arena.

In fact, I refereed up there one day and my partner got his car stolen out of the parking lot when we were on the ice. I can tell you that has changed in that 20 years.

Ever since the Friend of Fort DuPont have taken over there's been an awful lot of sweat equity put into that building and an awful lots of people's arms twisted to get people to contribute to making that place a

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much better place which it is today.

It's a unique facility. As someone else said, it's the only indoor arena in D.C. itself. The other people have made mention the wonderful programs that go on up there. You know, we have problems developing referees. Because Fort DuPont has stayed open, we have the ability to bring referees in there and get them started.

As programs have expanded there, our referee programs have been able to bring in younger referees as one of the -- as Melinda Ross said, her boy started refereeing this year. Someone's got to take my place eventually. Not soon but eventually, and I would like to see them have that facility available certainly in the future.

There is a great need. The place is bursting at the seams in terms of usage. I think what Mike Schlesinger said about if you want to bring national events to the D.C. area and get the people here involved, the teams

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involved in national events, you have to have that second rink.

I think that the people here on the board, I'm on the board of directors up there with the people seated behind me, and we have the get-go to make this happen. With your approval of this transfer, we can make that happen. Thank you very much.

CHAIRMAN COGBILL: Thank you.

Now I'll call Xuan-Huong Nguyen. Not here. Okay. Philip Blair.

MR. BLAIR: Mr. Chairman and Commissioners and other friends here, and we are friends, I am Philip Blair. I live on the banks of the Anacostia in Ward 5, one of our four Anacostia right-bearing wards.

What right do I have to object to a scheme that I think essentially privatizes part of a national park, Fort DuPont Park by passing parts of it off to the District of Columbia for use as a skating rink, a second skating rink -- I have no objection to the

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first -- and as a baseball academy?

Well, Fort DuPont is no less a national park than Yosemite or Yellowstone. All American citizens have a say in our shared patrimony. Even if I were only interested in Yosemite and Yellowstone I would oppose this scheme at Fort DuPont because it sets at least three terrible precedents.

First, it removes from the National Park System land that is already protected and we need to protect more land, not less.

Secondly, the scheme is being accomplished, unless you stop it, by a process that is a secretive backroom deal done by an outgoing president who came to us from the world of corporate sports and by the moguls of corporate sports, the unabashed Cadillac Kings of corporate welfare.

I could expand on that more if you wish. Even if this were the right thing to do, I think it is being done in practically a textbook example of the wrong way of doing

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things.

Third, if this scheme is successful, it is the beginning of the end of a dream that many of us in this region share and have worked hard to realize. We want the Fort Circle Parks to be given the same resources and attention as Rock Creek Park.

The drier alluvial highlands of the Fort Circle are almost a perfect complement to the wet stream banks of Rock Creek as it cuts its way through bedrock. Taken together the two parts have a value that neither has alone.

If the Fort Circle of the Anacostia Ridge is protected as well as Rock Creek Park is protected, we will have gone a long way toward accomplishing some redress in matters of environmental justice. We should have no new corporate sports facilities, prisons, cubicle farms on federally protected public land along the Anacostia unless we would put the same facilities in Rock Creek Park.

One person speaking at a community

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meeting indignantly said that he had never met a child who wanted to just sit under a tree. Well, I can't believe that is true. Perhaps he does not know or ask what his own children really want. Even if what he said is true, it is no argument for this scheme.

Rather, it is an argument that urges all of us, parents and grandparents, scoutmasters, park rangers, teachers, even ministers and scientists, to take our village children to the woods and to show them and teach them the wonders to be found there that aren't available on a widescreen T.V.

In a city in the country where we seem to have lost our way there is something to be learned from watching the birds come and go and the seasons change and the critters raising their young. Members of NCPC, please keep that noble dream alive.

Just parenthetically, I walked in that park a whole lot and I've never seen a refrigerator there. If I did, it would be an

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indictment of the National Park Service for not taking it out. I've never seen a kid who wants to sit under a kelvinator and I'm really happy there aren't a lot of them there.

CHAIRMAN COGBILL: Thank you.

Mary Pat Rowan.

MS. ROWAN: Good afternoon, Commissioners and friends. I am Mary Pat Rowan. I'm a landscape architect and I practice in the District of Columbia. I closely follow the Civil War forts in Washington.

For more than 10 years I've been giving monthly, sometimes twice monthly, tours, field trips, in the Fort Circle Parks.

Fort DuPont is one of the favorites of all the people that come.

Today we are talking about the advisability of transferring a substantial acreage from that park. I suggest at least to postpone this decision because I don't think enough is known about the real affect that

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both the extra ice rink and the baseball academy will have on the forest.

I pay a lot of attention to this and I see that the ice rink now -- the proposal is to put it kind of in the parking lot and that is a reasonable thing to do, but right up against this strip of woods that is connected to the terrace gravel cap which is the precious part of all the forts.

All the forts are in uplands. All the forts are part of this globally rare ecosystem. Any encroachment starts to deteriorate that forest. I know someone said it's a mile from where the actual fort is. The fort isn't the issue. It's the park and the eco-system that is my concern.

I think this encroachment could break up the forest cover and the separate islands and increase the effect of edges which we all know about. Also the baseball fields, which are kind of shoehorned onto the site, are going to cause -- there is no doubt that

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they will cause extra storm runoff, pollution, and then the fertilizers and pesticides that are used to maintain -- highly maintain fields which are very deleterious to the woods which are right up the edge, as you notice in the picture.

They are absolutely pushed in there. I think there are better places for this. Maybe not the ice arena because there is one there but for the baseball the NCPC report of 2006 actually called for active recreation around RFK to replace the parking lot. That would be an improvement in the environment whereas this is really a degradation of the environment.

I asked that NCPC please postpone a decision until that can be studied a little better to see if there really will be a very serious effect on the park. Thank you.

COMMISSIONER MCGILL: Mr. Chairman, can I ask a question?

CHAIRMAN COGBILL: Sure.

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COMMISSIONER MCGILL: I have read that the Fort Circle Parks really don't give an accurate impression of what it was like during the Civil War because during the Civil War they clear cut all around the forts so there would be clear lines of fire in case the Confederates attacked.

MS. ROWAN: Yes.

COMMISSIONER MCGILL: Does that mean that this unusual ecological community has only grown since 1865?

MS. ROWAN: Yes, but that's a very long time.

COMMISSIONER MCGILL: But it didn't exist before?

MS. ROWAN: It existed before and then it was cut. The trees were cut.

COMMISSIONER MCGILL: Okay. So if it can come back, then why --

MS. ROWAN: It has come back.

COMMISSIONER MCGILL: Then how is it so fragile if it can come back so robustly?

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MS. ROWAN: Well, that's a long time. That's a very long time since the Civil War, 1860, 140 years.

COMMISSIONER MCGILL: It's just like yesterday.

MS. ROWAN: What has come back is what was there before except without chestnuts. We all know that we no longer have chestnuts. What has come back on the caps, and that's where they cut -- they didn't cut below that -- is a acid terrace gravel forest so it has chestnut, oak, hickory, white oak that have all come back and they are mature trees at this point so it is a mature force.

It's not an old-growth forest. I didn't say that. The fragile part of the forest is the edges, not the middle, where they had intended to put the arena back into the forest, that is the mature part of the forest.

The edges that come off, the kind of the fingers of the forest, are the ones

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that need to be preserved or that encroachment will go into the forest. It will because it happens with invasive plants.

We don't even know how to deal with invasive plants and that is a fairly new phenomenon. Changing the pH of the soil and having trees die because of root damage will open up the forest. Both of those things will bring in invasives and that's the damage.

COMMISSIONER MCGILL: Thank you.

MS. ROWAN: Thank you.

CHAIRMAN COGBILL: Carleen McCarley. All right. We are down to Rod Simmons, Virginia Native Plant Society.

MR. SIMMONS: Up to.

CHAIRMAN COGBILL: Up to. My apologies.

MR. SIMMONS: Good afternoon. I think I have the dubious distinction of being the last speaker today.

CHAIRMAN COGBILL: You are absolutely right.

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MR. SIMMONS: A request. I downloaded a couple of images. Would it be okay to show that as I speak?

CHAIRMAN COGBILL: Sure.

MR. SIMMONS: My name is Rod Simmons. I'm representing the Virginia Native Plant Society for today. I'm a Virginia resident. I also do a lot of work here as a natural resource specialist in D.C. at the federal, state, and local level.

Just a quick follow-up to your question on the age of the forest. These are images here of the type of forest we're talking about, the terrace gravel forest, as it's called.

The upper ridges in most cases were cleared for Civil War forts and other reasons.

They are considered old age communities because they were never farmed and the soils were never greatly disturbed so the forest can come back virtually intact.

The stream valleys and the steep

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slopes in D.C. and the greater region are, in fact, do have old growth stands of forest quite a bit in the Fort Circle Parks and in Rock Creek Park. That is where the underground railroad was used so much and also different troop nighttime activities to and fro. Those are, in fact, old growth forest so you have some of both.

The Virginia Native Plant Society is concerned with the impacts of this proposal to the globally rare terrace gravel forest of Fort DuPont Park. This is an example of why it's called gravel. The terrace just simply means they sort of have a high point and then they are sort of a stair step kind of terrace, naturally terraced, alluvial kind of community.

This type of forest was once fairly common in the greater D.C. region but with the tremendous urbanization over the many years here being the nation's capital they are now quite rare ironically with the ones in the

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Anacostia region in D.C. being some of the very best remaining and of those Fort DuPont Park is the largest and the best of those remaining.

That's one of the reasons why folks from Virginia would be interested in this because it's a regional resource that is now quite rare.

We are concerned with what we believe to be a serious lack of environmental evaluation and controls for this proposal including secondary environmental impact such as those to wetlands and a lot of resources and streams, wildlife habitat and basically exotic plants, etc.

These concerns are underscored by the unnecessary haste in rushing this proposal through and the fact that the District of Columbia in contrast to the National Park Service really doesn't have the means and resources to guarantee environmental protections for these.

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We ask that the Commission defer or postpone a decision on this until the environmental assessments can be fully evaluated properly including secondary impacts and adequate controls are established. Thank you.

COMMISSIONER MCGILL: Mr. Chairman, I would like to ask another follow-up. All the literature I read about the history of Washington, D.C. this was an area of exhausted plantations where the soil had been depleted through repeated tobacco crops so they were kind of dirt poor, land poor areas with people hoping to somehow struggle and survive and find the main chance which is why they cooperated and formed Washington. How did this area miss being --

MR. SIMMONS: Escape that?

COMMISSIONER MCGILL: -- cut and depleted?

MR. SIMMONS: You can see the Mt. Laurel forest. This is an old age stand here

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with some old growth trees in it in this random image here at the park. The uplands are not suitable for farming, simple answer to that. Those gravels and cobbles you see are sand and probably very acidic. Same reason a lot of the Blue Ridge Mountains haven't been farmed, the upper parts.

The nutritive value of the soil is not there but the tobacco plantations and all the other big farms and such were down along the river, the lowland of Anacostia, the lowland of the Potomac going through southern Maryland and the states. When they mention that it's always the lowland or rich soils.

COMMISSIONER MCGILL: I just don't see why this is such a rare environment.

MR. SIMMONS: Well, for many reasons. It's fairly pristine once you get away from the edges, as other folks have mentioned.

COMMISSIONER MCGILL: But it was clear cut.

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MR. SIMMONS: Not all of it.

COMMISSIONER MCGILL: It was
pristine since 1865.

MR. SIMMONS: Some areas were never
cut as I said. Here is an example of the
steep ravines and hills at Fort DuPont. A lot
of these were never timbered or cut and they
certainly weren't farmed and that has been
documented.

The upper areas, the ridge tops,
yes, a lot of that just around the forts were
thinned out or clear but the forts were
actually pretty small in relation to the rest
of the land. Of course, that spread back up
because it wasn't heavily disturbed as far as
being farmed and the same species just
regenerated, the oaks and the mountain laurels
and stuff like that.

COMMISSIONER MCGILL: But this
isn't like in the vast Appalachian range this
is not common soil?

MR. SIMMONS: This is a different

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kind of soil. It's similar to what's in the Appalachian range, the upper part. It's not the limestone in the valley. It's the upper part that is similar to the sandstone of the upper ridge which is sort of the thin back. It's different because it's unique to the greater D.C. area.

That's why it's called globally rare. It doesn't extend terribly far south or north of us. Philadelphia, just approaching Philadelphia. It might be the northern range of it and it really tapers out up there. It's not as well developed or as broad as it is in D.C. proper. Going south to Richmond is about the southern extent of it and that's global. A lot of it gone in places in Virginia.

One other thing to note. All the old aged forest trees, both the trees and the stands of forest are actually in urban areas which is the reason that all the timbering is going on in the larger forest out in the mountains and other places.

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We have an opportunity to have these kinds of communities still in the District. The fact that actually they weren't suitable for farming is why we still have them largely.

COMMISSIONER MCGILL: Okay.

CHAIRMAN COGBILL: Thank you very much.

That does conclude the public participation portion of this hearing. The matter is now back before the Commission.

COMMISSIONER MILLER: Mr. Chairman.

CHAIRMAN COGBILL: Mr. Miller.

COMMISSIONER MILLER: I would like to make a few comments and then offer an amended EDR which I'll distribute shortly. As has been mentioned, this is a transfer of 15 acres of land from the Park Service to the District in order to facilitate expanded recreational uses.

Not one inch of the treed area is being transferred from -- would be transferred

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from the Park Service to the District. I believe some of that treed area, Mr. McGill, was actually cleared again for a golf course that has since been closed up by the Park Service several decades ago. The trees have grown back up just as an historical matter. I believe that's correct.

Let me just give you a little background here. The proposed baseball academy, youth baseball academy, is an outgrowth of one of the community benefits to be attained as a result of the District's agreement to build and lease a major league baseball stadium for the Washington Nationals.

The baseball academy will expose children and youth in the District of Columbia not only to the benefits of the sport itself and all the important life skills that are learned from being part of a team but also the benefits from academic instruction and experience in related fields such as sports journalism, broadcasting, umpiring, grounds

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keeping, score keeping, sports medicine, physical therapy, exercise training, etc.

The proposed expansion of the Fort DuPont Ice Arena will allow the Kids on Ice and other excellent programs that we have heard about today run by the Friends of Fort DuPont nonprofit organization to be accessible to many more youth and school children who would like to participate in and benefit from these activities but which currently cannot be accommodated by the existing facility.

The transfer of jurisdiction is the method that is recommended by the Park Service in order to be able to expand the ice arena and to be able to build the youth baseball academy. Much progress has been made to date on this transfer of jurisdiction.

The mayor submitted and the council unanimously approved just this past Tuesday the transfer of jurisdiction. The District appreciates the National Park Service's finding of no significant impact decision

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document which was issued on December 15, 2008, and the District is in agreement with each of the mitigation measures identified in that document which emanated from the environmental assessment process.

The District appreciates the extensive time and effort devoted by numerous parties to the transfer including NCPC staff, folks at the National Park Service and the Secretary's office, Secretary Ken Thorne himself, the executive branch of the District government and the Fenty administration, Deputy Mayor Albert's office.

A lot of people have worked diligently on this issue. There has been genuine give and take in the many discussions between the Park Service and the District regarding the transfer of declarations and declaration of covenants document which is in front of us. It should be in front of you. It's a document that looks like this, O-4(c).

COMMISSIONER MILLER: This was

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submitted by the Park Service to the NCPC last month as part of this submission. The District has agreed to all of the covenants set forth in that document.

The District intends to comply with each of the covenants, agrees that each of the covenants are enforceable and should be enforced, and agrees that the remedy of reversion should apply to the over-arching purpose of this transfer.

The reversion should apply to noncompliance with the recreational uses covenant which is the over-arching covenant. We are down to one issue, one provision which is unacceptable to the District, the impasses over the reversionary clause in paragraph 7 on page 4 of this covenant document.

The problematic language is as it reads, "And/or is otherwise not in compliance with one or more of these covenants," which is after the phrase and the beginning of the paragraph which says, "In the event that the

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Secretary of the Interior determines that the transfer of property is not being used for at least one of the uses identified as the preferred alternative in clause 2 of paragraph 1 of this covenant." It's the phrase that follows that.

The Park Service has indicated, and I'm sure Peter May will speak to this, that it wants the revergant to be applicable not only to noncompliance with the recreational uses covenant which the District is okay with, as I said, although that was one of the gives that we gave in on.

CHAIRMAN COGBILL: May I interrupt you just one second just to make sure that everyone is following that and to be sure I'm correct, too. I'm in line 4 of paragraph 7, the line beginning, "Paragraph 1 herein," after the comma. You propose the problematic language is the clause beginning, "And/or is otherwise not in compliance with one or more of these covenants."

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COMMISSIONER MILLER: That's correct, Mr. Chairman.

CHAIRMAN COGBILL: Okay. Does everybody follow that? Okay. It's at your place. It's identified as Item 0-4C, NPS draft, December 29, 2008, transfer of jurisdiction. It should be at your place. Does everyone have a copy of that? I'll let Mr. McGill find the spot.

COMMISSIONER MCGILL: Paragraph 7.

CHAIRMAN COGBILL: Paragraph 7, line 4 after the word "herein."

COMMISSIONER MILLER: So, as I said, the Park Service will speak to this but they want the reversion to be applicable not only to noncompliance with recreational uses which the District is okay with, but they also want the reversion to be applicable to noncompliance with any of the other conditions set forth in the covenants document and there are many, public access to the facilities and through the transfer of property, park user

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access to parking, green building requirements, no commemorative works, no naming rights, etc.

The District position that these other covenants are enforceable through other means than reversion, and those means are set forth in paragraph 11 on page 5 of the transfer declaration of covenants document giving specific rights to enforce covenants to the Park Service, each of the covenants.

Having such a broad reversionary provision is unnecessary and has not been included in the overwhelming majority of transfer of jurisdiction documents that have been executed by the Park Service and the District in the past and there have been many transfer of jurisdictions.

Such a broad reversionary provision was not part of the 2006 congressional federal land transfers exchange legislation. Such a provision is not part of the last transfer of jurisdiction that was approved by the council

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and NCPC a few years ago for Fort Mahan Park.

It was not in the transfer of the Oxen Run Reservation where the art facility was constructed in 2001 which has been so successfully developed and operated in Ward 8.

The significant problem is that such a broad reversionary clause would put the planned public and private investments and improvements in this project at substantial risk or be difficult or impossible to obtain in the first place.

As a practical matter the existing enforcement provision in paragraph 11 is no more burdensome upon the Park Service than the reversionary provision because in either case the Park Service would have to go to court to obtain what they want.

The District just wouldn't be at risk of losing the land and the substantial improvements we plan to make as part of the enforcement remedy which would otherwise likely be injunctive relief or damages or

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both.

The District is requesting the Park Service to agree to remove this broad reversionary clause in the transfer of declaration of covenants document which is before us which is being considered by NCPC today so we continue to move forward with this project on schedule.

On behalf of D.C. Council Chairman Gray I would like to distribute the motion to approve -- if someone could assist me -- approve an amended Executive Director's recommendation with two new paragraphs added on page 2 of the EDR above the asterisk. I'll read it in a second as soon as it's distributed.

CHAIRMAN COGBILL: I don't think you need to read it. We can read it ourselves.

COMMISSIONER MILLER: Okay. So we would be approving this document, which we have been told by NCPC staff that we are --

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even without saying it we are approving this document today which is what created somewhat of the problem we face today, excluding the problematic clause from the District's perspective and nothing that the reversion remains applicable to noncompliance with the covenant that requires transfer of property to be used for recreational purpose and noting further specific rights to enforcement exist.

CHAIRMAN COGBILL: As my chairman said to me before I came over here today, this remedy of reversion for enforcement of these other conditions other than the recreational uses condition, is like taking a baseball bat to swat a gnat.

COMMISSIONER MILLER: Can I ask -- Mr. Chairman, can I ask --

CHAIRMAN COGBILL: Please.

COMMISSIONER MILLER: I just want to ask the support of my colleagues and ask for a second.

COMMISSIONER STEINGASSER: Second.

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COMMISSIONER MCGILL: Your argument it seems to me is that because the reversionary clause is so onerous that it jeopardizes the feasibility of implementing this program.

COMMISSIONER MILLER: Yes.

COMMISSIONER MCGILL: How come David Julyan says we're going to fund it, we're going to build it, and it's fine?

MR. JULYAN: That's not what I said.

COMMISSIONER MCGILL: That's not what you said?

MR. JULYAN: No, sir.

COMMISSIONER MCGILL: My microphone is on. Okay. I thought you said you supported the EDR but there were going to be some amendments offered down in the weeds that you were opposed to.

MR. JULYAN: Just the opposite.

PARTICIPANT: Come to the microphone, please, sir.

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MR. JULYAN: I'm sorry if I wasn't clear. Just the opposite. We support this amendment because -- the amendment offered by Mr. Miller is supported because we are a nonprofit.

COMMISSIONER MCGILL: I understand that.

MR. JULYAN: We need this so that we can, in fact, go forward with the project. We are 100 percent behind this issue.

COMMISSIONER MCGILL: Thank you. One more question. Is the baseball academy going to be financed by the Washington Nationals baseball team.

COMMISSIONER MILLER: The baseball academy public/private partnership funded in part by the District of Columbia government and funded in large part by private fundraising efforts by those nonprofits associated with these projects.

COMMISSIONER MCGILL: Okay. Is the Washington National baseball team able to not

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provide funding for any reason related to nonperformance by the District as occurred this past season with paying rent for the ballpark?

COMMISSIONER MILLER: I don't think there is any relationship between those issues.

COMMISSIONER MCGILL: But there is an issue of nonperformance by the District. Therefore, we're not paying. One of the big benefits of this is this baseball academy which was one of the benefits promised by the major league team and moved into the stadium the city built. How firm is that commitment?

COMMISSIONER MILLER: To help fund the baseball academy?

COMMISSIONER MCGILL: Right.

COMMISSIONER MILLER: It was approved. It's a contractual provision, I would say, between the District government and what was major league baseball at the time.

COMMISSIONER MCGILL: As was the

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agreement to pay rent.

COMMISSIONER STEINGASSER: Which they ultimately paid.

COMMISSIONER MILLER: I would love to talk with you all about that.

CHAIRMAN COGBILL: Mr. Ames.

COMMISSIONER AMES: First of all, let me say that I fully support the recommendation that the transfer take place. I am a big supporter of recreation. I'm a big supporter of kids. I worked my way through high school and part of college working for recreation departments.

But I also serve on the National Capital Planning Commission which one of my duties is to protect the federal interest. I have a different feeling than Mr. Miller on this proposal that's in the recommendation. I haven't yet read into it why it creates a problem, No. 1, for financing.

It's my understanding that a lot of this is going to be done by private

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fundraising. The city is going to fund part of it and now I'm hearing the baseball people are going to fund part of it. The first question I have will be to Mr. May.

It's my understanding that the Park Service must approve, has approved or must approve, the transfer of this property. If you drew the agreement, then what happens if we take part of that agreement out? Is your approval still in effect? I don't know that we have the authority to negotiate that.

COMMISSIONER MAY: That's a very good point. If we were to strike this particular phrase, the Park Service would not be able to sign this. That doesn't mean that we wouldn't be able to come to some agreement on covenants.

COMMISSIONER AMES: Right.

COMMISSIONER MAY: I remain optimistic that we would come to an agreement.

COMMISSIONER AMES: But you're not in a position today to negotiate?

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COMMISSIONER MAY: No. If we --

COMMISSIONER AMES: The point I'm making --

COMMISSIONER MAY: If we struck this, then we would not be able to --

COMMISSIONER AMES: Rather than go through the misery of taking a vote that is going to knock you out completely, I look at it as we've got two choices. One, we postpone this and it goes back to the drawing board between the city and the Park Service and I couldn't vote for it by taking out the proposal that the city wants taken out.

I can't vote for the proposal that way. So I can either vote for the proposal as its written or I can vote for it to be delayed until cool heads can prevail and get back together and try to get the situation worked out.

COMMISSIONER MCGILL: I would like to buttress that suggestion. I suspect given the quality of the testimony we've heard and

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the reasoning provided by the city that there is a majority on this Commission in favor of making this transfer on the assumption that acceptable language can be negotiated between the two parties so these folks have not testified in vain in favor.

The ones that testified against may have done so in vain but I agree with Mr. Ames that we are not going to be able to resolve this dispute. It has to be resolved by the parties themselves.

COMMISSIONER NEWTON: Mr. Chairman, I would like to ask Mr. May a question about the environmental studies that were performed prior to the finding of no significant impact.

To what degree did you investigate or by what practices did you investigate the possible impacts of the future development of this property on the adjacent forested lands.

COMMISSIONER MCGILL: Unfortunately I can't speak very much to the specifics of the full study in the EA. I see my staff

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person who knows the EA well had to leave for another engagement so I've lost my backup on that.

But I do know the study was very thoroughly undertaken and it is our belief that the construction that would be done to make the improvements can be done in such a way as to protect the natural environment in the adjacent area and that we take precautions to make sure that happens.

COMMISSIONER NEWTON: Thank you.

COMMISSIONER HART: I have a question on a little different vein. If a youth baseball academy goes in, what's the impact on the current use of the open space there? This is a neighborhood park now. Is that going to allow the same opportunity for the neighborhood children to play there and other uses or is this going to be fully booked with the youth baseball academy use?

COMMISSIONER MAY: I would expect that there would be more activity having to do

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with the youth baseball academy but it's not that different from other parkland across the city where the Park Service and the Department of Parks and Recreation have a shared responsibility for booking fields and reserving them for use for various activities.

For example, right now the District Parks and Rec permits fields that are down in West Potomac Park just off the Mall so it's the same sort of spirit that they have a very significant responsibility in managing even our ball fields or permitting our ball fields in certain circumstances so I would expect that this wouldn't be that different from that sort of circumstance. They have taken over essentially permitting that field and there would be the activity of the ballpark itself, the ball academy.

CHAIRMAN COGBILL: Mr. Miller.

COMMISSIONER MILLER: It is our view that the fields are currently very under utilized except for the ice rink. The ice

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rink is very over utilized. The fields themselves are very under utilized. Just to reinforce, not one of the trees that we saw, all this transfer property is in the recreational zone in the Park Service's existing management plan for DuPont Park. It's not in the park zone. It's not in the urban forest, natural zone. It's in the recreational uses zone.

CHAIRMAN COGBILL: I'm going to weigh in. I have a couple of thoughts. One, I thought you were most eloquent in representing the position of the city. I think you have made a very good case for that.

But there are two things that concern me.

One, we have a FONSI that we are responsible for at NCPD which I think I need to understand that this would not affect that FONSI. The second, it is the land of the Park Service or the United States government.

For that reason I think it certainly is appropriate for Mr. May to

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discuss this with his people to be sure or to find out whether this in some form is acceptable. I just would make a comment that you made mention of Fort Mahan.

I've seen some of the pictures of the facilities there and that's not one that I would use as a good reference for the future but that's a personal view. The bottom line is I think there is from what I've heard opportunity to work this out.

I don't think it's something we can work out in this room today.

As Mr. Ames has said, perhaps the better thing to do is to postpone this matter.

Unfortunately, we are past the deadline for this to come before us in February but I believe we would have adequate time to bring this back in March and hopefully have a resolution on this.

COMMISSIONER MAY: Mr. Chairman, if I could just speak to one issue that you touched on which is bringing this back to

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other folks within the agency or the Department of the Interior. This matter has had the direct personal involvement of the Secretary and we have been working very closely with the District, with Chairman Gray, with the Secretary, with many staff people up and down the line to bring us to this point.

And with particular regard to the negotiation of the covenants, the language -- the existing language of the covenants has the full support of the solicitor for the Department of the Interior. It's been reviewed at that high a level as the appropriate way of addressing and ensuring that the federal interest is protected here.

That's not to say that we couldn't come up with different language that would have similar support but it may require further -- it certainly would require further review on our part and on the part of the District and I assume it would require further review on the part of the National Capital

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Planning Commission staff and, of course, the Commission's consideration at a future date.

I would say on behalf of the Secretary that we are disappointed that we can't move forward today with this language but if we cannot move forward, we would prefer that we have the opportunity to try to make it happen in the near future other than just let it fall off here.

CHAIRMAN COGBILL: I believe the first available opportunity would be March so if that would be the wish of the Park Service.

COMMISSIONER STEINGASSER: Mr. Chairman, I would just like to add two points unrelated to each other but both related to the conversation. The District also is very disappointed that we can't move forward on this.

We were very pleased that it got to the NCPC agenda and we were under very clear understanding that the covenants were not going to be part of what was voted on tonight

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-- this afternoon so it wasn't until it became very abundantly clear from the staff that the covenants, because they were filed as part of the application, were going to be voted on that the city felt rather boxed in. We had made it very clear prior to the filing of NCPC that these were not covenants the city could sign. As they went to the Secretary so they went to the Chairman and the Mayor and we got very direct instructions this one clause made it impossible for the city to sign.

We are not looking to reduce or limit any of the legally existing remedies that the federal government has to enforce their covenants. What we are trying to do is also not use those covenants to reduce the exercise of home rule that the District has which is a much more limited environment and not to create a vehicle that is so in excess of what it's solving.

There are plenty of remedies for dealing with violation of city projects. The

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city has many projects that come through NCPC that are approved here that do not have covenants and there is a process of remedy that exist.

We are looking to only use the established process, not create a new process that may be, as we are being told by our legal staff and by the private sector, create complications for financing and insurance by private developers many of whom don't live in the city. They don't know the federal government. They don't know all the players.

They don't know that we are dealing in good faith or not. They don't know what these mean. We are just trying to keep it in the most standard form and stick to the majority of the precedent that we've used.

Once it became clear to us that the covenants were indeed being voted on, we had no choice but to raise our concerns and either propose this motion or consider a deferral which we would be happy to do so.

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On another issue, I just want to get on the record that at least for this position and the mayor's vote, it's not a choice between children and nature that we're making here. Everybody is welcome to bob their head on this because I imagine that's how we all feel.

I think there is room for improvement in how everybody treats both children and nature but I hate to see it posed through the public testimony that by voting for the transfer we're voting against nature or we're supporting the depletion of a rare and natural wooded area.

I think Commissioner Miller aptly said we're not going into that wooded area by one blade of grass or one inch. I just want to state that for the record, that it's not a choice we're making.

CHAIRMAN COGBILL: Mr. Ames.

COMMISSIONER AMES: Thank you for those comments. I'll tell you, you're kind of

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striking home with me. The sad thing is that we've got a group of people that are being energetic and excited about doing something and obviously I don't think we're going to be able to give you the right or whatever you're looking for today to be able to do that.

I ask of you to please -- the environmental issue is not an issue with me because I've been involved with recreation facilities and environmental issues before and I think they are totally separate here.

My question of you is what would you do? We're in a position that if I vote for the EDR as amended, they are not going to agree to it. If we don't amend it and we vote in favor of it, you're not going to agree to it.

I'm at a point that I want this progress to move on. I want this project to move on and get done as quickly as possible. I think if we start trying to vote on one proposal or the other, we're going to slow it

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down a lot where I don't think we have any choice now but to go back and send you all back to the table. I want everybody to understand that I fully support this project.

It's just the nuts and bolts of it, you know.

We're pulled between the two.

COMMISSIONER STEINGASSER: I understand that.

COMMISSIONER MCGILL: Mr. Chairman, I move we defer judgment on this item until the two parties can achieve a reconciliation of views on the proper language in the covenant.

COMMISSIONER AMES: Second.

CHAIRMAN COGBILL: All right. This will be a substitute motion which will be voted on first. The motion you have made which has been seconded is to a date uncertain. In order to sort of keep this process moving I would prefer that we have a date certain. In order to try to keep this so it doesn't languish, my thought would if we

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could bring this back in March.

COMMISSIONER MCGILL: Great. I accept that as a friendly amendment.

CHAIRMAN COGBILL: So we have a motion made and seconded and we would vote on the second motion first. Just one final comment going back to Jennifer's comments. Property 101 blackacre. Blackacre is sold subject to the terms the seller wants to sell it and buyer wants to buy it.

It's not up to NCPC or any third party to try to tell the buyer and the seller what those terms should be. For me this is the best way to hopefully get a result that we can all feel good about when we get to that point.

Any further discussion? We are voting now to postpone this matter to our March meeting without any other action. All those in favor of the motion, please signify by saying aye.

ALL: Aye.

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CHAIRMAN COGBILL: Opposed?
Abstentions? Motion carries. That being the
last matter of business for today's agenda, if
there is no other business from the
Commission, we stand adjourned.

(Whereupon, at 5:35 p.m. the open
session was adjourned.)

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