

Review of Projects on Lands Acquired Under the Capper-Cramton Act



Northwest Branch Trail



Indian Creek Stream Valley Park



Overview

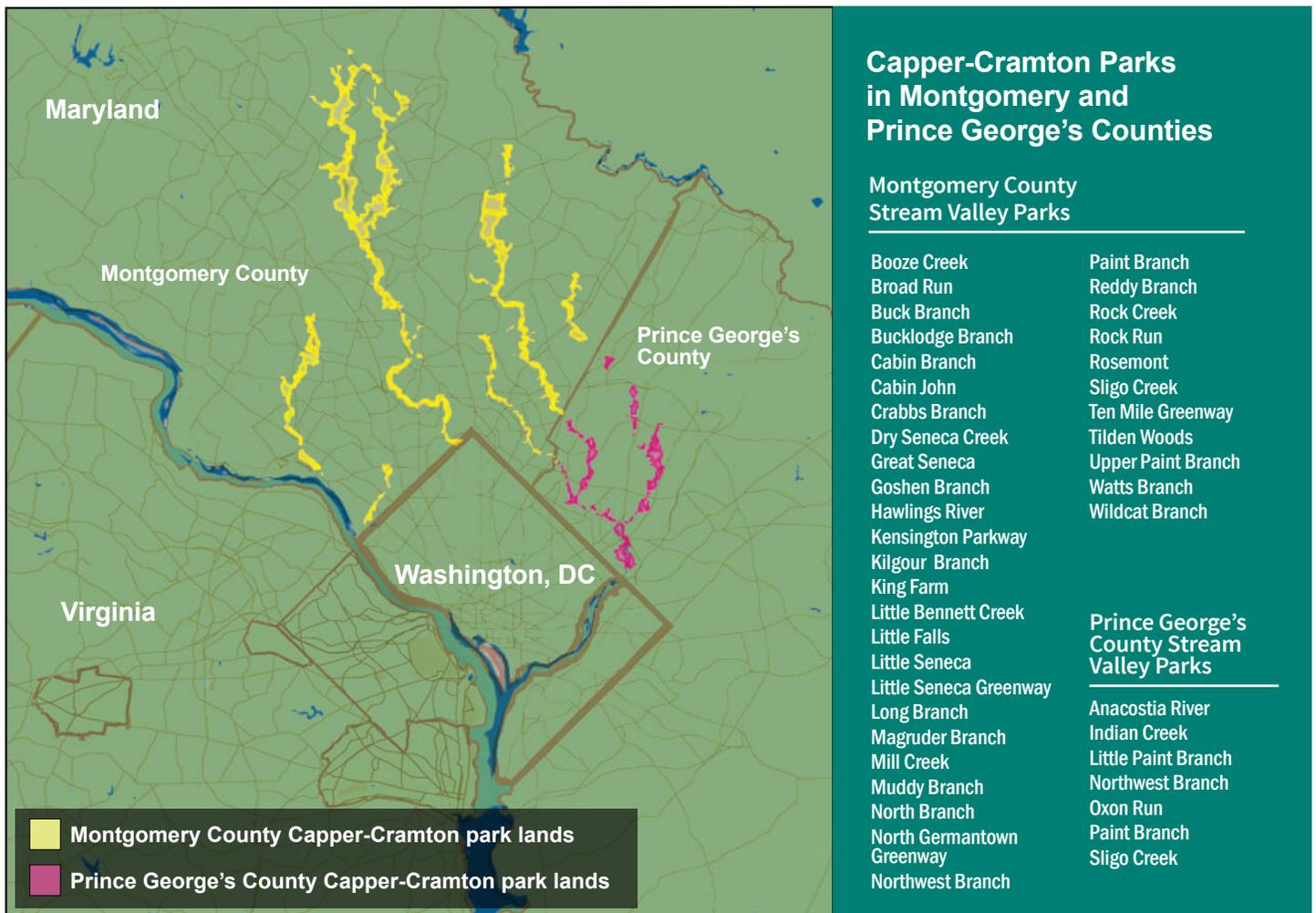
The Capper-Cramton Act (CCA) of 1930 (46 Stat. 482) was enacted for the acquisition, establishment, and development of the George Washington Memorial Parkway and stream valley parks in Maryland and Virginia to create a comprehensive park, parkway, and playground system in the National Capital.¹ In addition to authorizing funding for acquisition, the act granted the National Capital Park and Planning Commission, now the National Capital Planning Commission (NCPC), review authority to approve any Capper-Cramton park development or management plan in order to ensure the protection and preservation of the region’s valuable watersheds and parklands.

Subsequent amendments to the Capper-Cramton Act² allocated funds for the acquisition and extension of this park and parkway system in Maryland and Virginia. Title to lands acquired with such funds or lands donated to the United States as Capper Cramton land is vested in the state in which it is located. The Maryland-National Capital Park and Planning Commission (M-NCPPC) utilized Capper-Cramton funds to protect stream valleys in parts of Montgomery and Prince George’s Counties. Similarly, the District of Columbia used federal funds to develop recreation centers, playgrounds, and park systems. There is no evidence that Virginia utilized Capper-Cramton funds to acquire stream valley parks under the CCA. Today, over 10,000 acres of Capper-Cramton land have been established and preserved as a result of the act. This resource guide is for general information purposes, and is not a regulatory document.

Capper-Cramton Land

Based on the terms of the act as amended in 1946 and 1952, in Maryland and Virginia, Capper-Cramton lands consist of lands designated by the act and acquired with federal funds. Capper-Cramton lands also include lands in Maryland donated to the United States with the intention that they be added to lands previously acquired. Capper-Cramton lands do not include designated lands never acquired with federal funds or lands directly donated to any of the governing jurisdictions listed in the act, such as the M-NCPPC, even if such lands are located inside of the “taking lines” in stream valleys.

1 National Park Service, “Capper-Cramton Act”
<https://www.nps.gov/oxhi/learn/management/upload/CapperCActwBold.pdf>
 2 The Capper-Cramton Act was amended in 1946 [60 Stat. 960], 1952 [66 Stat. 781, 791], and 1958 [72 Stat. 705]



Capper Cramton lands include the George Washington Memorial Parkway in Virginia, (not shown on the map), Rock Creek Park, Anacostia watershed stream valleys, including the Anacostia River, Indian Creek, Paint Branch, Little Paint Branch, the Northwest Branch, and Sligo Creek. Other stream valley acquisitions include Cabin John Creek, Little Falls Branch, Willet Run, and Oxon Run.

Lands acquired in Washington with CCA funds are not considered Capper-Cramton lands. Instead, in accordance with the 1924 Act, as amended, the CCA placed District parks under the jurisdiction of either the Chief of Engineers of the United States Army or, if developed for playground purposes, the District of Columbia Commissioners. In 1933 President Franklin D. Roosevelt signed Executive Order 6166 which subsequently transferred jurisdiction of the lands under the jurisdiction of the Chief Engineer to the National Park Service (NPS). Thus, NPS exercises authority over District parklands acquired with Capper-Cramton funds. NCPC reviews these federal lands under its National Capital Planning Act authority.

NCPC Authority on Capper-Cramton Lands

NCPC's authority on Capper-Cramton lands derives from the CCA, as amended, and the contractual terms and conditions of mandated agreements entered into between NCPC and the designated park authority in Maryland or Virginia. For the reason stated above, NCPC possesses no authority over District land acquired with Capper-Cramton funds. Furthermore, since there is no evidence of Capper-Cramton lands in Virginia, NCPC never entered into an agreement with any Virginia park authority.

The amended act authorized NCPC to approve the development of Capper-Cramton lands in Maryland. It also called for agreements between NCPC and M-NCPPC to flesh out the financial, development, and management terms for the lands.

NCPC and M-NCPPC entered into an agreement on November 19, 1931, with later amendments.³ This agreement was approved by the President of the United States,⁴ the Governor of the State of Maryland, the President of the Board of County Commissioners of Montgomery County, and the Clerk of the Board of County Commissioners of Montgomery County.⁵ Section 5 of the agreement requires title to lands acquired with Capper-Cramton funds to vest in the State of Maryland; prohibits in whole or in part, the conveyance, sale, lease, exchange or use or development of lands acquired with Capper-Cramton funds for other than park purposes; and requires Capper-Cramton lands to be developed in accordance with plans approved by NCPC.

NCPC has fairly consistently interpreted “park purposes” to mean projects that provide public benefits such as improving the water quality of streams, along with improving park accessibility and park resources. Examples include restoring wetlands and meadow areas in a stream valley park, stormwater management, improvements to park access and the trail network, and additions of or improvements to more active recreational uses such as playgrounds. NCPC’s review will also look to guidance from the federal Park & Open Space Element, which also includes several policies related to projects on Capper-Cramton land.

NCPC’s longstanding practice to treat Maryland Capper-Cramton applications as approval of development plans implies a Capper-Cramton park development plan is not static but can change over time at which point a new development plan must be submitted to NCPC for approval.

The Review Process

The NCPC review process for projects on Capper Cramton land is not unlike the review process for building, site, and park projects in the region. The specific submission process is discussed in detail in NCPC’s Submission Guidelines. The review process generally follows four basic steps:

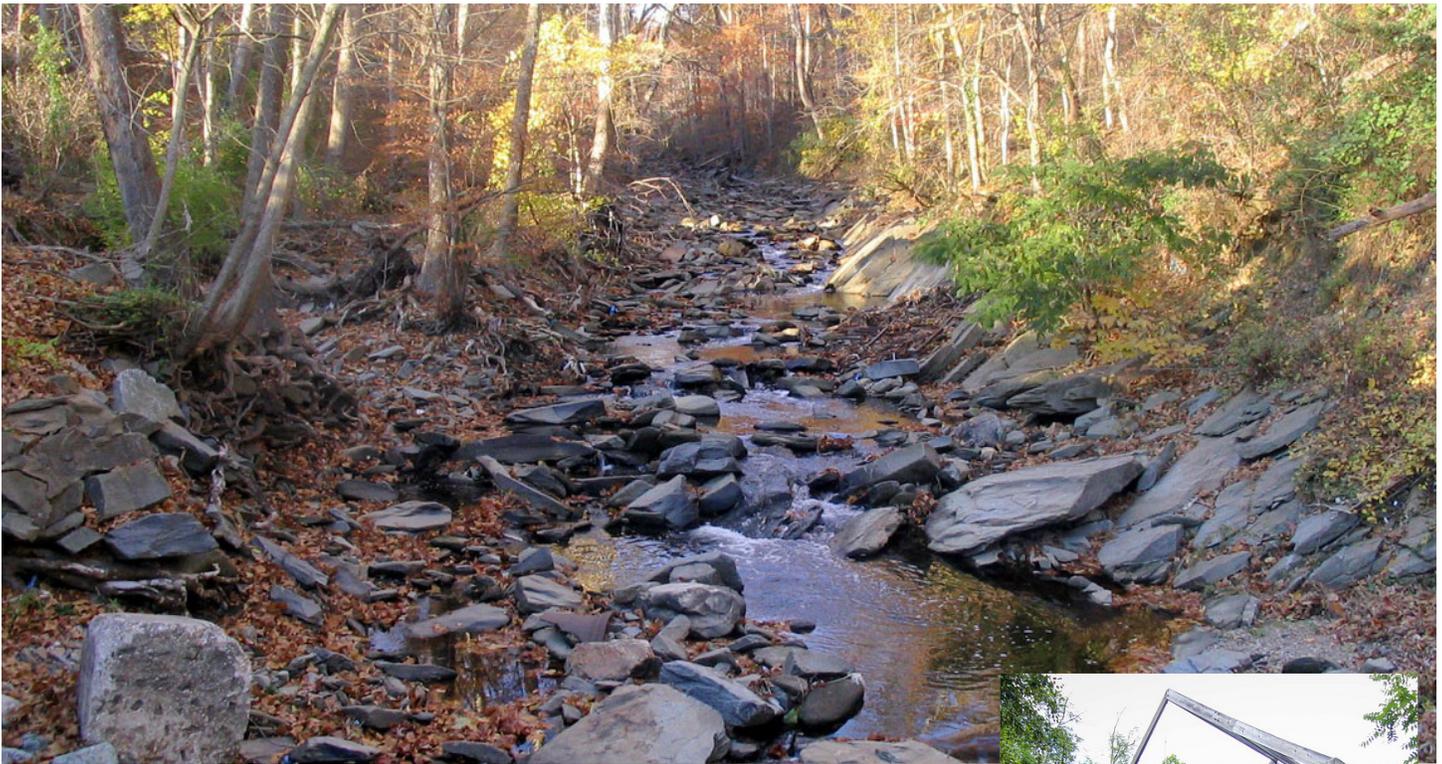


Depending on the nature of the project, all four steps may not be necessary, or may be combined. Each step is designed to provide NCPC staff and the Commission with increasingly detailed information as the project moves forward.

M-NCPPC, as the project applicant, should conduct early consultation with NCPC staff, including a pre-submission briefing where parties discuss the project, the review process, and any potential issues. When possible, NCPC staff will provide comments on proposed projects as they move through the M-NCPPC review process, prior to the project’s submission to NCPC.

As the federal planning agency for the National Capital Region, NCPC is subject to a series of laws and policies that regulate federal development actions and play a critical role in the agency’s review. Paramount among these are the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). These two laws are intended to protect environmental and historic resources. Since the CCA requires NCPC approval of development plans, it triggers NCPC’s NEPA and NHPA obligations. NEPA and NHPA require federal agencies to consider the potential environmental and historic resource impacts of projects prior to taking an action. See NCPC’s Environmental and Historic Preservation Compliance Resource Guide for more information. Each of the four review steps are aligned with different phases of the NEPA and NHPA process. Staff will work with the applicant during the pre-submission briefing to discuss this process in more detail.

3 Pub. L. No. 71-284, ch. 354, 46 Stat. 482 (1930), as amended by Pub. L. No.79-699, ch. 919, 60 Stat. 960 (1946), Pub. L. No. 82-592, § 10, 66 Stat. 791 (1952), and Pub. L. No. 85-707, 72 Stat. 705 (1958).
4 Sec 3 of the 1924 legislation creating the National Capital Park Commission required any agreement between NCPC regarding parkland development in the states of Maryland and Virginia to be signed by the President of the United States, among others. June 6, 1924, Pub. L. No. 68-202, ch. 270, 43 Stat 46, 464 (1924).
5 Any amendment to the agreement would require the approval of all the signatories to the original agreement.



Little Falls Stream Valley Park

Applicant Resources

Amended Capper-Cramton Act

<https://www.ncpc.gov/about/authorities/cca/>

NCPC's Environmental and Historic Preservation Compliance Resource Guide

<https://www.ncpc.gov/review/guides/nepa/>

NCPC Submission Guidelines

<https://www.ncpc.gov/review/guidelines/>

Parks & Open Space Element

<https://www.ncpc.gov/initiatives/openspace/>

Maryland-National Capital Park and Planning Commission

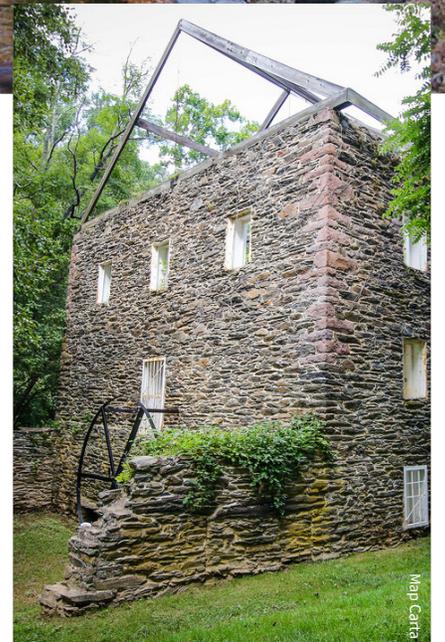
<http://www.mncppc.org/>

National Park Service, "Capper-Cramton Act"

<https://www.nps.gov/oxhi/learn/management/upload/CapperCActwBold.pdf>

Capper-Cramton Map

<https://www.ncpc.gov/maps/capper-cramton/>



Bucklodge Branch Stream Valley Park