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BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON RESOURCES, REGARDING H. R. 3699, THE FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005.

NOVEMBER 3, 2005

Mr. Chairman, thank you for the opportunity to present the views of the Department of Interior on H.R. 3699, the Federal and District of Columbia Government Real Property Act of 2005. The bill would facilitate the utilization, development, and redevelopment of property in the District of Columbia.

The Department strongly supports H.R. 3699 with clarifying amendments described later in this testimony. This legislation, based on an Administration proposal developed with the District of Columbia and submitted to Congress on July 15, 2005, would provide for conveyance by the United States to the District of three larger properties - Poplar Point, Reservation 13, and several acres of National Park Service (NPS) land near Robert F. Kennedy Stadium – along with several smaller properties, including a number of triangle reservations. The proposal also would provide for the conveyance to the United States by the District of several buildings and the underlying real property located on the West Campus of St. Elizabeth's Hospital, along with several smaller properties. A copy of the maps of the properties identified in H.R. 3699 is available at [www.nps.gov/ncro/dclandslegislation](http://www.nps.gov/ncro/dclandslegislation).

The provisions in H.R. 3699 recognize the Federal government's special relationship with the District, which begins with its constitutional authority to "exercise exclusive Legislation...over such District...as may become the Seat of the Government of the United States." The decision in the early 1790s to establish the capital at the confluence of the Potomac and Anacostia Rivers meant that the city that became Washington, D.C., started out as a relatively undeveloped area, in contrast to, for example, New York or Philadelphia. The Federal government initially retained ownership of significant portions of the District. Over the past 200 years, even as the Federal government grew, some Federal parcels have remained underutilized for Federal purposes throughout the District on which non-Federal functions are or could be carried out. The Federal government continues to have a unique relationship with the District that underlies H.R. 3699.

The Administration believes that the properties to be conveyed to the District in H.R. 3699 are not currently providing substantial value to the Federal government. Some of the properties, in fact, are an unnecessary burden, and all could be better utilized if conveyed to the District. Moreover, the conveyance of several of the properties to the District in H.R. 3699 is the culmination of a multi-year, multi-entity public planning effort to revitalize the District as set forth in the Anacostia Waterfront Framework Plan.

The development of the Anacostia Waterfront Framework Plan began in March 2000. Under the leadership of District Mayor Anthony Williams, twenty Federal and District agencies, including the NPS, entered into a Memorandum of Agreement to create a shared vision for the Anacostia River Waterfront that would "contribute to the revitalization of the surrounding neighborhoods, provide enhanced park areas, develop Government-owned land for the benefit of the people of the District and the Federal and District Governments, where appropriate, increase access to the water, where appropriate, and enhance visitor participation in the activities and opportunities provided along the new waterfront." The result of a nearly 4-year planning process, which included public outreach and participation, was adoption of the Anacostia Waterfront Framework Plan in December 2003. To implement that Plan, the District established the Anacostia Waterfront Corporation (Corporation), which is responsible for the redevelopment of the Anacostia and Southwest Waterfronts. The Corporation has all the authorities of municipal redevelopment corporations. The plan can be found on the web at [www.planning.dc.gov/planning/cwp](http://www.planning.dc.gov/planning/cwp).

This testimony addresses Titles II and III of H.R. 3699, which concern lands administered by the NPS and under this Subcommittee's jurisdiction. Under these two titles, approximately 140 acres would be transferred to or conveyed to the District and approximately 15 acres either would be transferred to the NPS or conveyed to the United States for administration by the NPS. The bill contains several groups of properties - those involving transfers of administrative jurisdiction and those conveying title. The reason for the different categories is that the District can have administrative jurisdiction over property owned by the United States and, alternatively, can hold title to the property. As a title holder, the District can sell or redevelop the property in a manner that might not be permitted for property titled to the United States. Depending on the District's plans for a particular parcel, H.R. 3699 would provide for a transfer of administrative jurisdiction or a title conveyance, as appropriate. A list of descriptions of each of these properties is attached to this testimony.

Title II of H.R. 3699 authorizes the transfer or conveyance of some smaller parcels between the NPS and the District. The long and varied history of the District has produced a patchwork pattern of property ownership, involving approximately 10-12 Federal land holding entities, the District, and the private sector. For many years, the NPS and the District have discussed making these transfers or conveyances as part of an effort to consolidate management of small parcels with larger adjacent parcels and to improve the overall efficiency of land management within the District of Columbia. This bill is an opportunity to efficiently accomplish this shared goal.

Section 201 would provide the transfer of administrative jurisdiction for certain parcels between the NPS and the District. These parcels do not involve a conveyance of title; title would remain in the United States, but administrative responsibility would shift. Section 201(a) would transfer administrative jurisdiction of 9 properties from the District to the Secretary of the Interior (Secretary) for administration by the NPS. Seven of the parcels consist of unbuilt street rights-of-way, and the purpose for the District's present administrative jurisdiction of an 8th parcel, U.S. Reservation 357, was to provide access to a mayoral residence formerly proposed to be built on a neighboring parcel. The streets were not established and the mayoral residence was not built at that location, and thus, the District no longer has a definitive use for these parcels. Furthermore, these properties abut or are located within larger tracts of NPS property and are presently managed as parkland. Thus, the transfer would allow for more efficient and consolidated management for both the NPS and the District.

The 9th property in this subsection consists of two parcels over I-395 at Washington Avenue, SW. The purpose of transferring administrative jurisdiction of the triangle parcel to the NPS would be to provide for the establishment of the American Veterans Disabled for Life Memorial (memorial) as well as the memorial's future management by the NPS. The purpose of transferring the parcel south of C Street would be to provide parking for the memorial. The memorial was authorized by Public Law 106-348 on October 24, 2000. Pursuant to the Commemorative Works Act (now 40 U.S.C. 8901 et. seq.), authority to establish the memorial expires if a construction permit has not been issued by October 24, 2007, and the NPS will not be in a position to issue a construction permit if the property is not administered by the NPS. The site at Washington Avenue was identified as the preferred site in the Alternative Site Selection study and was approved by the Commission of Fine Arts and by the National Capital Planning Commission in 2001. Its location furthers the intent of Congress as reflected in the 2003 amendments to the Commemorative Works Act that memorials be located in the fabric of the city and not on the National Mall. In 2004, both Commissions approved the concept design and requested minor modifications be considered as the concept is further developed.

The Architect of the Capitol and the Chief, U.S. Capitol Police, have raised some legitimate security concerns about the traffic patterns that could result from the construction of the memorial. We have met with members of their staff, responded to one of their requests by offering to delete the parcel south of C Street from consideration, and are working together on design refinements that will address security concerns. We are confident that we can reach an agreement that is satisfactory to all parties and that plans for the memorial can continue to move forward at this location. For this reason, we recommend deleting the parcel south of C street from consideration to accommodate the interests of the Architect of the Capitol and the Capitol Police, but to allow the triangle parcel to remain in the bill at this time.

Section 201(b) would transfer administrative jurisdiction of 7 parcels from the Secretary to the District. These small parcels abut other District property or affect some other interest of the District and thus would be better utilized by the District. In all cases, the District has indicated that administrative jurisdiction over these parcels, rather than conveyance of title, would accommodate the District's future plans for these sites.

Section 202 would involve the conveyance of title of two properties by the District to the United States for administration by the Secretary and the conveyance of six properties by the Secretary, on behalf of the United States, to the District. One of the properties to be conveyed to the Secretary is comprised of former street rights-of-way that are now occupied by the Chesapeake and Ohio Canal National Historical Park, and the other property is a one-block long roadway that abuts parkland. The 6 properties to be conveyed to the District are underutilized by the Federal government and are properties important to the District's revitalization and development efforts. The District already has had administrative jurisdiction over 3 of these properties for many years; however, the revitalization and development plans for the properties require that the District, not the United States, hold title to the properties.

One of these six properties for which title is to be conveyed to the District is known as Boathouse Row, a narrow stretch of Anacostia Park on the west side of the Anacostia River at 11th Street, SE. It is currently occupied by the NPS, District Public Works facilities, U.S. Corps of Engineers facilities, District Water and Sewer Authority facilities, Anacostia Community Boathouse Association, Inc., Washington Yacht Club, District Yacht Club, Eastern Power Boat Club, Seafarers Boat Club and the Anacostia Marina. Conveyance of title for Boathouse Row to the District will allow the District to redevelop and enhance the boathouse facilities as well as to permit additional boathouses for use by high school crews. This revitalization is a component of the Anacostia Waterfront Framework Plan and cannot be achieved under NPS authorities.

Section 203 would convey title from the United States to the District of U.S. Reservation 174, a triangle parcel located on the former Convention Center site. This conveyance is contingent on the enactment by the District of a final development plan for the former Convention Center site (development plan). Section 203 would require that the development plan consider at least one alternative to set aside U.S. Reservation 174 as open space and generally requires that the development plan set aside a total of at least

1 ¼ acres for open space. The alternative to set aside U.S. Reservation 174 as open space is consistent with the restoration of the opposing triangle parks along New York Avenue, which were identified 214 years ago in the L'Enfant Plan, one of the key foundations in establishing the Nation's Capital and which is still considered today in planning decisions.

Section 203(b)(2), however, is ambiguous in describing the treatment of U.S. Reservation 174 as open space in at least one version of the development plan. We recommend amending this section to make clear that the development plan must contain an alternative to restore all of U.S. Reservation 174 as open space.

Section 204 would provide the District an opportunity to select a 15-acre parcel of NPS land located within a certain 30-acre area adjacent to the Robert F. Kennedy Stadium to be conveyed to the District for the purpose of siting an educational institution, with first preference given to a pre-collegiate public boarding school.

Title III of H.R. 3699 would direct the conveyance of title of Poplar Point from the United States to the District. Poplar Point is located on the east side of the Anacostia River and comprises approximately 100 acres of Anacostia Park. Approximately 65 of these acres is an area which contains the NPS headquarters for National Capital Parks–East and the U.S. Park Police Anacostia Operations and Helicopter facilities. Approximately 35 acres are the sites of former tree nurseries of the District and the Architect of the Capitol.

Conveyance of title for Poplar Point would allow the District to revitalize the Anacostia Waterfront and is a key component of the Anacostia Framework Plan. The conveyance is contingent upon certification by the Secretary of a land use plan adopted by the District that meets certain conditions. H.R. 3699 would require that the land use plan be consistent with the Anacostia Waterfront Framework Plan to the extent practicable, identify existing facilities occupied by the NPS, provide replacement facilities to the NPS, provide that at least two sites be set aside for future commemorative works, reserve 70 acres of Poplar Point for park purposes, and provide standing to an individual or public entity to enforce the reservation. The bill also requires that the Director of the NPS certify the relocation plan for the NPS replacement facilities.

We do have some concerns about the language in Title III and would like to work with the Subcommittee on several clarifying amendments. First, with regard to the land use plan for Poplar Point, we suggest that several elements provided through the land use plan be provided directly for in the bill. For example, the bill would require that the land use plan identify not fewer than 70 acres for park purposes and provide individual or public entities with standing to enforce the requirement. We believe it would be clearer to instead condition the conveyance to this deed requirement, reserving this acreage for park purposes, and make standing to enforce this important requirement an explicit provision of the bill. We do not believe that a land use plan adopted by the District is the appropriate place to provide for legal standing. In addition, the bill does not provide a definition for “park purposes.” We strongly suggest that the bill be amended to specify that park purposes be defined as “landscaped areas, pedestrian walkways, bicycle trails, seating, open-sided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.” Inclusion of the definition would further ensure that plans for the site are consistent with the Anacostia Waterfront Framework Plan.

Second, some ambiguity exists in the provisions that require the District to provide the NPS with facilities to replace the existing NPS buildings on Poplar Point. The most critical is in Section 303(a)(1), where we believe clarification is needed to ensure that the District conveys the replacement facilities at no cost to the NPS. This provision, along with the provisions requiring that the District take responsibility for the existing environmental conditions and transaction costs, is a key component to our support of the bill. We look forward to working with the Subcommittee to further clarify this provision.

The Federal government has a special interest in ensuring that the Nation's Capital provides a healthy, vibrant environment for its employees, citizens, and visitors from across the United States and the world. The Federal government has a unique relationship with the District and shares responsibility to ensure the Nation's Capital is one of the great cities of the world. H.R. 3699 advances this important Federal interest.

Mr. Chairman, this completes my testimony. I would be pleased to answer any questions you or other members of the Subcommittee may have.

The following properties are proposed for transfer or conveyance between the District of Columbia and the Secretary of the Interior for administration by the National Park Service.

#### TITLE II, SECTION 202 (a) – PROPERTIES TO BE TRANSFERRED FROM THE DISTRICT OF COLUMBIA TO THE SECRETARY

- (1) Unimproved portion of Audubon Terrace, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.
- (2) Unimproved portion of Barnaby Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.
- (3) Portions of Canal Street, SW and V Street, SW: This is unimproved property encumbered by an un-built street right-of-way which abuts NPS parkland. The transfer would facilitate implementation of approved plan to enhance existing NPS concession-operated marina.
- (4) Unimproved Streets and Alleys at Fort Circle Park: This is unimproved wooded property encumbered by several contiguous un-built street rights-of-way within NPS parkland. The transfer would provide continuity of management by NPS.
- (5) Unimproved portion of Western Avenue, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.
- (6) Unimproved portion of 17th Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way abutting NPS parkland. The transfer would provide continuity of management by NPS.
- (7) Unimproved portion of 30th Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.
- (8) Lands over I-395 at Washington Avenue, SW: This property is comprised of landscaped traffic islands and ramps above I-395 in the vicinity of the Rayburn House Office Building. The transfer would provide the site for the Memorial to American Veterans Disabled for Life, which will be managed by the NPS. The District would retain jurisdiction of the subsurface area beneath the memorial for the tunnel, walls, footings and related facilities.
- (9) Portion of Whitehaven Parkway, NW: This is unimproved wooded property that was previously transferred to the District for a proposed mayoral residence never built at this location. The transfer would provide continuity of management by NPS.

#### TITLE II, SECTION 202 (b) – PROPERTIES TO BE TRANSFERRED FROM THE SECRETARY TO DISTRICT OF COLUMBIA

- (1) Portion of U.S. Reservation 451: This parkland is encumbered with a one-block section of Gallatin Street, NW, which provides access to an existing District public works facility.
- (2) Portion of U.S. Reservation 404: This property is beneath Canal Road, NW, and is currently the subject of a right-of-way permit to the District. This transfer would provide the District with the requisite interest to adequately operate and maintain the existing roadway.
- (3) U.S. Reservations 44, 45, 46, 47, 48 and 49: This parkland at Eastern Market is contiguous to the Eastern Market Metro Station. The transfer would allow the District to rehabilitate and enhance the northern limits of a newly renovated commercial strip along 8th Street, SE.
- (4) U.S. Reservation 251: This property is at 8th, SE and M Street, SE. This transfer would allow the District to rehabilitate and enhance the southern terminus of a newly renovated commercial strip along 8th Street, SE.
- (5) U.S. Reservation 8: This property at Mount Vernon Square surrounds the City Museum (Carnegie Library), which is owned by the District. This transfer would provide uniform ownership and more efficient management of the entire Square by the District.
- (6) U.S. Reservations 277A and 277C: These properties are located at North Capitol Street and Florida Avenue, NW, and at North Capitol Street and Lincoln Road, NE. Through a

misunderstanding, the District issued permits to local community groups authorizing the landscaping of these properties. The transfer would provide continuity of management by the District.

(7) Portion of U.S. Reservation 470: This Fort Reno Park property contains a salt dome and leaf collection and storage operation that the District has operated under permits from the NPS for many years. This transfer would provide the District with the proper interest in the property to administer and maintain new facilities at this location.

#### TITLE II, SECTION 202 (c)(1) PROPERTIES TO BE CONVEYED TO THE SECRETARY BY THE DISTRICT OF COLUMBIA

(A) Lovers Lane, NW: This property is a one-block long former roadway located adjacent to Montrose Park and Dumbarton Oaks, which is owned by Harvard University. The conveyance would facilitate elimination of the unused roadbed and would provide NPS and Dumbarton Oaks with sufficient interests to perform maintenance along walls and other park facilities along the roadway.

(B) Needwood, Niagara and Pitt Streets: These properties are former street rights-of-way and has been occupied by the Chesapeake and Ohio Canal since the 19th century. The conveyance would provide the NPS with sufficient interests to manage portions of the Chesapeake and Ohio Canal National Historical Park in Georgetown.

#### TITLE II, SECTION 202 (c)(2) – PROPERTIES TO BE CONVEYED BY THE SECRETARY TO THE DISTRICT OF COLUMBIA

(A) U.S. Reservation 17A: This former trash transfer site was transferred to the District for trash disposal purposes in 1947. Conveyance of title would permit the District to implement the approved Near Southeast Redevelopment Plan.

(B) U.S. Reservation 484: This property at Randall School and park was transferred to the District for recreation purposes in 1973. Conveyance of title would permit redevelopment of South Capitol Street by the District.

(C) U.S. Reservations 243, 244, 245, and 247: These triangles at Potomac Avenue were transferred to the District for highway purposes in 1944. Conveyance of title would permit development in conjunction with the proposed baseball stadium.

(D) U.S. Reservations 128, 129, 130, 298 and 299: These triangles are located at Virginia Avenue. Conveyance of title would allow the District to reconfigure the small triangles into useable open space in conjunction with redevelopment of adjacent private property in accordance with the Anacostia Waterfront Plan.

(E) Portions of U.S. Reservations 343D and 343E: This narrow stretch of Anacostia Park at 11th Street, SE, is occupied by District Public Works facilities, U.S. Corps of Engineers facilities, District Water and Sewer facilities, Anacostia Community Boathouse Association, Inc., Washington Yacht Club, District Yacht Club, Eastern Power Boat Club, Seafarers Boat Club and the Anacostia Marina. Conveyance of title to the District provides the opportunity for the District to redevelop and enhance the marina. This cannot be achieved under NPS authorities.

(F) U.S. Reservations 721, 722, and 723: These three small reservations at Waterside Mall were created as urban parks as part of the southwest urban renewal in the 1970s. Conveyance of title would provide the District with an opportunity to reconfigure the property in the private redevelopment of Waterside Mall, including the reopening of 4th Street.

#### TITLE II, SECTION 202 (d) – CONVEYANCE OF TITLE OF U.S. RESERVATION 174

U.S. Reservation 174: This 13,500 square foot reservation at New York Avenue and 11th Street, NW, was transferred to the District in the 1970s as part of the site for the Old Convention Center with the condition that it was to remain as open space adjacent to the structure. Conveyance of title to the District would be conditioned upon the District completing a final plan for the Old Convention Center site through a public planning process, the plan considering an alternative that maintains U. S. 174 as open space, and the final plan including 1.25 acres of open space.

#### TITLE II, SECTION 202 (e) - CONVEYANCE OF TITLE FOR EDUCATIONAL PURPOSES

RFK Stadium lands: This not-more-than-15 acre contiguous parcel would be selected by the District from the property bounded by Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and Constitution Avenue, NE, and which is currently being leased by NPS to the District in conjunction with the stadium parking lots. Prior to conveyance to the District, the District would be required to execute a long-term lease for purposes of siting, developing, and operating an

educational institution for the public welfare, with first preference for a pre-collegiate public boarding school.

### TITLE III – POPLAR POINT

Poplar Point: Poplar Point, located on the east side of the Anacostia River, comprises approximately 100 acres of Anacostia Park. It contains the NPS headquarters for National Capital Parks—East and the U.S. Park Police Anacostia Operations and Helicopter facilities. Conveyance of title to the District would permit redevelopment of the property by the District consistent with the Anacostia Waterfront Framework Plan, dated November 2003. The conveyance is subject to a number of terms, including those related to a deed restriction that 70 acres be used for park purposes, the completion of a land-use plan, the setting aside of sites for potential memorials, and the relocation of existing NPS facilities.