

Y4
.D 63/2
A1 2

1036

9274
D63/2
ALR

ALEXANDRIA WATERFRONT

GOVERNMENT
Storage
DOCUMENTS
NOV 2 1972

THE LIBRARY
KANSAS STATE UNIVERSITY

HEARING BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA UNITED STATES SENATE NINETY-SECOND CONGRESS SECOND SESSION

ON

S. 3861

TO CONVEY TO THE CITY OF ALEXANDRIA, VIRGINIA,
CERTAIN LANDS OF THE UNITED STATES, AND FOR
OTHER PURPOSES

AUGUST 17, 1972

Printed for the use of the
Committee on the District of Columbia

KSU LIBRARIES
A11900 971699 ✓




COMMITTEE ON THE DISTRICT OF COLUMBIA

THOMAS F. EAGLETON, Missouri, *Chairman*

DANIEL K. INOUE, Hawaii

ADLAI E. STEVENSON III, Illinois

JOHN V. TUNNEY, California

CHARLES McC. MATHIAS, Jr., Maryland

JAMES L. BUCKLEY, New York

ROBERT HARRIS, *Staff Director and Counsel*

GENE E. GODLEY, *General Counsel*

SIDNEY H. HURLBURT, *Minority Staff Director*

(II)

CONTENTS

BILL AND REPORT

	Page
S. 3861-----	2
District of Columbia government report-----	21

WITNESSES

Agnew, Mrs. Marian K., executive board, McLean Trails-----	82
Alderson, George, legislative director, Friends of the Earth-----	105
Anderson, Wayne, city manager, Alexandria, Va-----	22
Beatley, Charles E., mayor, Alexandria, Va-----	22
Berler, Mrs. Rose, president, League of Women Voters of Alexandria, Va-----	103
Dinsmore, Mrs. Ledlie L., administrative aide for information, National Parks & Conservation Association-----	101
Hampton, Col. Kenneth R., U.S. Army (Ret.), conservation liaison, National Wildlife Federation-----	107
McCaw, Robert B., legal counsel, Northern Virginia Conservation Council-----	59
Michael, Dr. Linda, architect, Washington Metropolitan Chapter, American Institute of Architects; and the Alexandria Board of Trade-----	57
Mitchell, Wiley F., vice mayor, Alexandria, Va-----	22
Montague, Robert L., president, Old Town Civic Association-----	85
Pickering, Mrs. Ellen, past chairman, Alexandria Beautification Committee-----	94
Spong, William B., Jr., U.S. Senator from Virginia-----	21

PREPARED STATEMENTS

Alexandria Va., Beautification Committee-----	136
League of Women Voters of Alexandria, Va-----	104
McCaw, Robert B., legal counsel, Northern Virginia Conservation Council-----	62
Montague, Robert L., president, Old Town Civic Association-----	90
Tuttle, F. Thomas, vice president, Old Town Civic Association-----	86

MATERIAL SUBMITTED

Alexandria Board of Trade waterfront study-----	58
"Alexandria's Highrise Living—How Safe?", Frederick Tilp-----	120
"Alexandria Waterfront" WRC-TV editorial, August 19-20-----	166
Bendheim, Leroy S., James M. Thomson and Frank E. Mann, Alexandria's elected members of the Virginia General Assembly; letter to the mayor of Alexandria, August 5, 1971-----	222
City of Alexandria, Va., to Hon. William B. Stuckey, a U.S. Representative in Congress, June 16, 1972-----	170
"City Waterfront", Alexandria Gazette and Washington Star, May 20, 1972-----	117
Executive Order 11296, evaluation of flood hazards in locating federally owned or financed buildings, roads, and other facilities-----	112, 226
Interior Department:	
Letters to the chairman, Senate District Committee:	
August 17, 1972-----	31
June 8, 1972, with enclosure-----	33
Transmittal sheet on real property flood hazard evaluation, June 13, 1968-----	228

	Page
Mulligan, Hugh C., chairman, Alexandria Republican City Committee, resolution adopted by, August 5, 1971	225
Oliver Quayle Co. survey of opinion in Alexandria on the proposed Watergate apartment project, study 1463, February 1972	258
Potomac Valley Conservation and Recreation Council:	
Notice of public hearing, August 5, 1971	231
Newsletter:	
March 21, 1972	234
June 30, 1972	240
August 28, 1972	250
Letter to chairman, Senate District Committee:	
August 16, 1972	248
August 30, 1972	249
"Pass Waterfront Bill," Alexandria Journal, July 15, 1971	164
Proposed changes to S. 3861	140
Bases for proposed changes	159
Questions on S. 3861	118
Resolution, Washington Metropolitan Chapter, American Institute of Architects	57
"Revictimizing Citizens," Washington Star, June 15, 1972	120
Singleton, Jimmie H., chairman, Northern Virginia Planning District Commission, statement to the Alexandria City Council, August 10, 1971	224
"The Alexandria Waterfront" by Yvonne Weight, December 17, 1971	173
"The Army, the City, the River," Alexandria Gazette, November 23, 1971	168
"The Potomac of Yesterday and Today," American Motorist, June 1933	121
"The Waterfront Title Tilt," Alexandria Gazette, January 5, 1971	169
Thomson, James M., member of the Virginia House of Delegates, letter to the chairman, Senate District of Columbia Committee, August 18, 1972	223
Unified national program for managing flood losses	112
"Waterfront Choice," Alexandria Journal, December 16, 1971	163
"Waterfront Title Lag," Alexandria Gazette, May 5, 1971	167
"Watergate," Alexandria Gazette, April 8, 1972	119
Watergate's landfill permit	113
"Where Not to Park," Alexandria Journal, August 19, 1971	165

LETTERS

Agnew, Mrs. Marian K., McLean Trails, August 14, 1972	84
Alexandria, Va., city manager, to Texaco, August 10, 1972	133
Arnold, Mr. and Mrs. Elting, September 4, 1972	108
Bozek, J. James, August 17, 1972	109
Braswell, T. Edward, Jr., September 6, 1972	109
Clark, R., September 12, 1972	109
Hilderley, Maxine J., August 21, 1972	109
Interior Department to Texaco, August 15, 1972	131
Johnson, Alan, August 30, 1972	110
Liroff, Richard A., August 16, 1972	110
Livingston, Elizabeth A.	111
Mann, Frank E., August 16, 1972	111
Noe, Mr. and Mrs. Gordon A., August 18, 1972	111
Northern Virginia Bicycle Association, September 5, 1972	135
Paulus, Timothy J.	111
Peacock, Mrs. Julia F., September 2, 1972	116
Pickering, Mrs. Ellen, August 20, 1972	116
Richards, Patricia J., August 17, 1972	116
Russell, Edna B., September 6, 1972	117
Texaco:	
August 31, 1972	125
August 7, 1972	127
Tilp, Frederick, September 6, 1972	117
Wentworth, Marchant, August 15, 1972	124

ALEXANDRIA WATERFRONT

THURSDAY, AUGUST 17, 1972

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 9:45 a.m., in room 6226, New Senate Office Building, Senator Thomas F. Eagleton (chairman of the committee) presiding.

Present: Senators Eagleton and Buckley.

Staff present: Gene E. Godley, general counsel; Robert Maynard, counsel; and Sidney H. Hurlburt, minority staff director.

The CHAIRMAN. We will now commence hearings on S. 3861, a bill to convey the Federal interest in the Alexandria waterfront in exchange for a land-use plan.

Similar bills were reported out of both the Senate Judiciary Committee and the Senate District of Columbia Committee during the 91st Congress.

The Senate District Committee reported the bill and it passed the Senate, although it did not pass the House.

A companion bill, H.R. 15550, has been reported from the House District of Columbia Committee this year and is presently awaiting action on the House floor.

I now place in the record a copy of S. 3861 and a report from the District of Columbia government on that bill.

(The bill and report referred to follows:)

(1)

92^D CONGRESS
2^D SESSION

S. 3861

IN THE SENATE OF THE UNITED STATES

JULY 31, 1972

Mr. SPONG introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To convey to the city of Alexandria, Virginia, certain lands of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) subject to the provisions of this Act, and subject
4 also to the approval by the Secretary of the Interior (here-
5 inafter called "Secretary") of a land use plan as described
6 in section 1 (b) of this Act, the United States of America
7 grants and conveys to the city of Alexandria, in the Com-
8 monwealth of Virginia (hereinafter referred to as the "city")
9 without warranty of title expressed or implied, the interests
10 of the United States in that certain portion of land located
11 within the present corporate limits of said city and being

1 partly within the bed of the Potomac River described as
2 follows:

3 Beginning at the intersection of the easterly pro-
4 jection of the north line of Third Street with the mean
5 high watermark of January 24, 1791 (said high water-
6 mark being depicted and described on a map of the
7 National Capital Parks and Planning Commission en-
8 titled "Map of the District of Columbia-Virginia Bound-
9 ary Line according to the Cession of the State of Mary-
10 land, effective January 24, 1791" drawn by C. C. Cook,
11 September 4, 1934, bearing file number N.C.P. 8.2-4
12 of National Capital Parks, National Park Service, Wash-
13 ington, District of Columbia, which said map shall be
14 recorded among the land records of the city) ;

15 thence continuing in an easterly direction along said
16 easterly extension of the north line of Third Street to
17 its intersection with the mean high watermark of the
18 west bank of the Potomac River;

19 thence in a southerly direction along said mean high
20 water to its intersection with a line which bears north
21 63 degrees 54 minutes west from station D1 on the
22 United States pierhead line, as established by the United
23 States Army Corps of Engineers;

24 thence south 63 degrees 54 minutes east along
25 said line to its intersection with the northerly prolonga-

1 tion of the bulkhead line, as established by the United
2 States Army Corps of Engineers;

3 thence southerly along said bulkhead line to its
4 point of intersection with a line 176.58 feet south of
5 and parallel to an easterly extension of the southerly
6 line of Gibbon Street;

7 thence westerly along said line parallel to the
8 southerly line of Gibbon Street to its intersection with
9 said 1791 high-water line;

10 thence generally in a northerly direction along said
11 1791 line to the point of beginning.

12 The interest of the United States hereby granted
13 and conveyed shall include all the interest in those lands
14 derived by virtue of the grant by the State of Maryland
15 to the United States for the seat of Government.

16 (b) This conveyance shall become effective upon the
17 approval by the Secretary of a plan submitted to him by
18 the city, showing the location of the pedestrian mall and
19 park areas required to be created by the city by sections 7
20 and 8 of this Act, and also showing the maximum extent of
21 any bulkheading and filling which the city proposed to per-
22 mit or authorize under the authority granted to it by this
23 Act. The Secretary shall approve or disapprove said plan
24 within sixty days of its submission to him by the city: *Pro-*
25 *vided*, That the Secretary shall not disapprove such plan

1 submitted by the city unless he finds that the plan does not
2 adequately meet the requirements of sections 7 and 8 of this
3 Act and, in the event of such a finding, the Secretary shall
4 affirmatively advise the city of the deficiencies upon which
5 he bases such finding.

6 (c) The Secretary is authorized and empowered to
7 execute any and all further documents or assurances which
8 may be necessary to obviate any problem with regard to title
9 to the lands to be conveyed pursuant to the provisions of
10 section 1 of this Act, including waiver of the condition set
11 forth in section 4 (b) of this Act, and is further authorized
12 to utilize any other authority available to him within the
13 District of Columbia and its environs to effectuate the pur-
14 poses of this Act.

15 SEC. (a) The Act of October 31, 1945 (59 Stat. 552),
16 an Act "To establish a boundary line between the District of
17 Columbia and the Commonwealth of Virginia, and for other
18 purposes", is amended by revising the proviso in section 102
19 thereof to read as follows: "*Provided, however, That, except*
20 *as may be relinquished by subsequent Act of Congress, con-*
21 *current jurisdiction over the said area is hereby reserved to*
22 *the United States.*"

23 (b) Upon the approval by the Secretary of the land use
24 plan described in section 1 (b) of this Act, concurrent juris-
25 diction previously reserved by the United States over the

1 area within the boundaries set forth in section 1 of this Act
2 is relinquished.

3 SEC. 3. Upon the approval by the Secretary of the land
4 use plan described in section 1 (b) of this Act, so much of
5 that portion of the Potomac River as is located within the
6 boundaries of the land described in section 1 of this Act and
7 which is presently filled, or which is hereafter filled pursuant
8 to the provisions of this Act, is declared to be nonnavigable
9 both in fact and in law within the meaning of the Constitu-
10 tion and laws of the United States, and nothing in said Con-
11 stitution and laws as now in force and effect shall thereafter
12 be deemed to prevent the dredging or filling or the erection
13 and maintenance of permanent improvements within the
14 aforesaid portion of the Potomac River or in or above the
15 bed of such portions of the river or on land heretofore or
16 hereafter filled thereon or recovered therefrom: *Provided,*
17 That the filling, other than for stabilization of the shoreline
18 and utilization for public purposes thereof, of that area of
19 submerged lands lying between Pendleton and Madison
20 Streets, extended, and bounded on the west by the east line
21 of Union Street, extended, consisting of the easterly portion
22 of what is known as Oronoco Bay, is and shall be prohibited:
23 *Provided further,* That any future dredging or filling not
24 prohibited by this Act shall first be approved by the city:
25 *Provided further,* That for purposes of the foregoing proviso,

1 the phrase "future dredging or filling" shall refer only to
2 dredging or filling commenced after the effective date of this
3 Act; the term "filling" shall refer only to the addition of ma-
4 terial to or on land which is below the mean high water mark
5 of the Potomac River on the effective date of this Act, and
6 the permission of the city shall not be required as a pre-
7 requisite to the addition of material to or on any land located
8 within the boundaries of the land described in section 1
9 hereof which is above the mean high water mark of the
10 Potomac River on such date: *Provided further*, That the
11 approval or denial by the city of any future dredging or
12 filling of the land described in section 1 hereof shall be based
13 solely upon criteria which promote the effectuation of the
14 uses, limitations, and requirements set forth in this Act.

15 SEC. 4. (a) All lands and interests in lands of the United
16 States within the area described in section 1 of this Act are
17 granted and conveyed upon the express condition that future
18 use thereof shall not be inconsistent with the provisions of
19 this section, and the city shall not hereafter in any way au-
20 thorize, consent to, or by inaction, permit the extension or
21 initiation of any use within the area which is inconsistent
22 with the provisions of this section, or which is inconsistent
23 with the approved land use plan described in section 1 (b)
24 of this Act. The city shall, as appropriate, enact, or main-
25 tain zoning ordinances or other land use requirements appli-

1 cable to the area described in section 1 of this Act which
2 shall be consistent with the requirements and limitations set
3 forth in this section.

4 (b) The parkland and pedestrian mall required by sec-
5 tions 7 and 8 of this Act shall substantially conform to the
6 land use plan approved by the Secretary pursuant to section
7 1 (b) of this Act. Failure to so conform shall be deemed a
8 breach of a condition running with the land which shall per-
9 mit the Secretary to file suit for reentry, and for revestment
10 of title in the United States, covering any parcel of said
11 parkland, or any portion of said mall, the use or proposed
12 use of which does not substantially conform to the approved
13 land use plan: *Provided*, That the prior approval by the
14 Secretary of any proposed use not conforming with said
15 approved land use plan shall be deemed to effectuate a waiver
16 of this condition, and no cause of action for reentry shall or
17 may be brought by the Secretary in regard to such prior
18 approved use.

19 (c) Consistent with its obligations under sections 7 and
20 8 of this Act, the city may grant, convey, sell, lease, or
21 exchange the land or any part or parts thereof or interests
22 therein, granted and conveyed to the city pursuant to sec-
23 tion 1 of this Act, subject to the provisions of sections 5
24 and 6 of this Act and to the following covenants on the
25 use thereof, which covenants shall be incorporated in or

1 otherwise made a part of each deed or instrument whereby
2 said land or any parts thereof or interests therein is granted,
3 conveyed, sold, leased, or exchanged, which deeds and
4 instruments shall be recorded among the land records of
5 the city:

6 I. Uses Permitted

7 Except as hereinafter otherwise provided, the follow-
8 ing uses only shall be permitted:

9 (a) Commercial and professional offices and office
10 buildings.

11 (b) Churches and schools.

12 (c) Row dwellings, single family, and multifamily
13 dwellings.

14 (d) Private or fraternal clubs.

15 (e) Docks, marinas, and warehouse buildings for water-
16 related shipping.

17 (f) Public buildings and public utilities.

18 (g) Parks.

19 (h) Parking garages and parking lots.

20 (i) Hotels and motels including conference centers.

21 (j) Retail and nonretail commercial uses.

22 (k) Private garages, drives, common areas, parking,
23 and play spaces.

24 (l) Streets, drives, and open spaces.

9

1 (m) Hospitals, clinics, and other medical facilities.

2 (n) Any combination of the above uses.

3 II. Floor Area Ratios

4 The maximum ratio of building floor area of land, includ-
5 ing streets, alleys, and other public rights-of-way, shall not
6 exceed the following:

Land area (acres):	Floor area ratio
Less than 2.....	2.00
2 but less than 3.....	2.10
3 but less than 4.....	2.25
4 but less than 5.....	2.50
5 but less than 6.....	2.75
6 but less than 7.....	3.00
7 but less than 8.....	3.25
8 but less than 9.....	3.50
9 but less than 10.....	3.75
10 or more.....	4.00

7 III. Maximum Number of Dwelling Units Permitted

8 (a) Rowhouses, thirty units per acre including com-
9 mon space area and one-half the area of any streets or alleys
10 immediately adjacent to the site to be developed.

11 (b) Multifamily dwelling, ninety units per acre includ-
12 ing one-half the area of any streets or alleys immediately
13 adjacent to the site to be developed.

14 (c) For mixed residential and commercial develop-
15 ments, the maximum number of dwelling units shall be de-
16 termined as follows: maximum number of dwelling units
17 equals the total tract area in square feet, minus the commer-

1 cial floor area in square feet divided by the tract floor area
2 ratio, multiplied by (ninety) units per acre.

3 IV. Additional Restrictions

4 (a) In addition to the restrictions set forth in subpar-
5 agraphs I, II, III of this section 4, the following restrictions
6 on use shall apply to that portion of the land described in sec-
7 tion 1 of this Act which lies between an easterly extension
8 of the south line of Oronoco Street on the north and a line
9 176.58 feet south of and parallel to the southerly line of Gib-
10 bon Street on the south.

11 (1) The maximum height of any building shall not
12 exceed fifty feet above the average ground elevation of the
13 building.

14 (2) The maximum ratio of building floor area to area
15 of land, including streets, alleys, and other public rights-of-
16 way, shall not exceed 3.00.

17 (3) Any building or structure constructed, renovated,
18 or altered, in whole or in part, shall be subject to the archi-
19 tectural controls imposed by the city upon buildings or struc-
20 tures located in the city's old and historic district.

21 (4) The maximum number of dwelling units per acre
22 shall not exceed fifty-five.

23 (b) In addition to the restrictions set forth in subpara-
24 graphs I, II, and III of this section 4, the following restric-
25 tions on use shall apply to that portion of the land described

1 in section 1 of this Act which lies east of a line running two
2 hundred feet east of and parallel to the east line of Lee
3 Street and Lee Street, extended, and which is bounded on
4 the south by the north line of Pendleton Street and Pendle-
5 ton Street, extended, and on the north by the north line of
6 Third Street, extended:

7 (1) Except for restaurants, marinas, and other similar
8 water-oriented commercial uses approved by the city, said
9 land shall be used only for public parks, open space, and
10 public recreational areas, including uses ancillary to the use
11 of said public parks, open space, and recreational areas.

12 (2) No building or other structure authorized within
13 said area by the city shall exceed thirty feet in height.

14 (3) To the maximum extent feasible, any water-oriented
15 commercial use authorized or permitted within said area
16 shall be open and available to the public.

17 (c) In addition to the restrictions set forth in subpara-
18 graphs I, II, and III of this section 4, the following restric-
19 tion on use shall apply to that portion of the land described
20 in section 1 of this Act which is bounded on the south by
21 the south line of Pendleton Street and Pendleton Street,
22 extended, and on the north by the north line of Third Street,
23 extended.

24 (1) No building, other than buildings permitted under
25 subsection 4(c) IV (b) (1) of this Act, shall be constructed

1 within one hundred feet of the shoreline of the Potomac
2 River as the same now exists, or as it may hereafter exist
3 following the completion of any bulkheading, filling, or
4 dredging permitted by this Act.

5 (d) Nothing in subsection 4 (c) IV (b) of this Act shall
6 be construed to prohibit the use of residential density and
7 floor area ratio credits from the lands described in said sub-
8 section to determine the maximum allowable residential den-
9 sity and floor area ratio of buildings and structures located
10 west of the area described in said subsection.

11 SEC. 5. The specific applicability of any of the uses set
12 forth in section 4 of this Act within the area described in
13 section 1 of this Act must be approved by a majority of the
14 city council of the city (hereinafter referred to as the "city
15 council"). The city council may impose such additional con-
16 ditions and restrictions, if any, upon the use of the land as it
17 deems proper to insure the health, welfare, and safety of the
18 citizens of the city and to insure the development of the area
19 in a manner consistent with the protection of the Potomac
20 waterfront in Alexandria. Before permitting any of the uses,
21 the city council shall consider the following:

22 (1) The arrangement and location of proposed build-
23 ing, structures, and spaces as they relate to the entire Po-
24 tomac River waterfront in Alexandria.

25 (2) The safe and convenient arrangement of pedestrian

1 circulation facilities, roadways, driveways, off-street parking
2 and loading spaces, lighting, and facilities for waste disposal.

3 (3) The location of and means of access to pedestrian
4 areas and the separation of such areas from vehicular ways
5 and parking and loading areas.

6 (4) The design of grades, pavings, gutters, and drain-
7 age necessary to handle storm waters and to prevent erosion.

8 (5) The provision of walls, fences, landscaping, and in-
9 creased setbacks when deemed necessary to minimize ad-
10 verse effects upon nearby properties and within the proposed
11 development.

12 (6) The treatment and extent of plaza, courts, terraces,
13 and other open areas necessary or appropriate to the use or
14 enjoyment of the development and the protection of the
15 environs.

16 (7) The distance of parking areas and buildings from
17 nearest single-family zoning and single-family development.

18 (8) The provisions for dedication of land for public
19 rights-of-way, parks, schools, and recreation space, when
20 necessary and appropriate to the development and the
21 environs.

22 (9) The treatment of off-street parking spaces, includ-
23 ing outdoor, in-structure, and underground parking.

24 (10) The effects of traffic, likely to be generated by

1 any proposed development on nearby streets, highways, or
2 other public rights-of-way.

3 (11) The proximity to mass transit or other public
4 transportation facilities.

5 Where in the judgment of the city council it is reason-
6 able, fair, and practicable so to do, the city council in ap-
7 proving any use of the aforesaid land, or any part or parts
8 thereof or interests therein granted and conveyed to the city
9 hereunder, may make or require the reservation, granting,
10 or dedication of such easements in, on, over, under, and
11 across such land, or any part or parts thereof, as the city
12 council may deem necessary or appropriate for the purpose
13 of providing public access to the Potomac River.

14 SEC. 6. (a) In granting, conveying, selling, leasing, or
15 exchanging the lands or interests in lands granted and con-
16 veyed to the city by the Secretary under this Act, or any part
17 or parts thereof or leasehold or other interests or rights there-
18 in, the city shall receive in payment or consideration there-
19 for the fair market value thereof, such value to be determined
20 by mutual agreement between the Administrator of General
21 Services Administration and the city but if after good-faith
22 efforts they are unable to agree upon a price, then by an
23 appraiser selected by the judge of the United States District
24 Court for the Eastern District of Virginia, then sitting on or
25 assigned to said court at Alexandria, Virginia, the cost of

1 such appraisal to be borne equally by the United States and
2 the city. The net proceeds of such sales shall be retained and
3 set aside by the city in a separate fund and shall thereafter
4 be used by the city exclusively for the acquisition, develop-
5 ment, and maintenance of the park areas and pedestrian mall
6 required or contemplated by this Act. The city shall file an
7 annual accounting with the Administrator of the General
8 Services Administration, accounting for its use of any such
9 proceeds. The phrase "fair market value" as used in this
10 subsection shall be deemed to mean only the fair market value
11 of the land or interest in land granted and conveyed to the
12 city by this Act and which is to be conveyed, sold, leased,
13 or exchanged by the city, such value to be determined as of
14 the date of the conveyance. The phrase "fair market value",
15 as used in this subsection, shall not include the value of any
16 filling or other improvements placed on the land described
17 in section 1 of this Act prior to the date of this Act.

18 (b) No purchaser, lessee, or other person, firm, cor-
19 poration, trust, or entity acquiring or leasing any such lands
20 or interests therein shall be required to see to the proper
21 application of the purchase money, rentals, or other con-
22 sideration therefor.

23 SEC. 7. The city shall, within fifteen years of the effec-
24 tive date of this Act, create, develop, and maintain within
25 the area granted and conveyed to the city pursuant to

1 section 1 of this Act or, with the approval of the Secretary,
2 from lands contiguous thereto, a pedestrian mall freely
3 accessible to the public, not less than twenty-five feet in
4 width, along or above the western shore of the Potomac
5 River as the same may now exist, or as it may hereafter
6 exist following any dredging, filling, or bulkheading per-
7 mitted or contemplated by the terms of this Act, which
8 said pedestrian mall shall provide access to the Potomac
9 River. The Secretary may, in those instances where it may
10 be necessary for the reasonable development of said mall
11 or where circumstances make full compliance with the re-
12 quirements of this section impractical or impossible, ap-
13 prove a reduced width or an alternate location for any
14 particular segment of the mall: *Provided*, That in the event
15 a future change in conditions makes compliance with the
16 requirements of this section practicable, the city shall be
17 obligated to relocate or widen said mall, as may be neces-
18 sary to comply with the requirements of this section. The
19 mall shall in any event be located as close as practicable
20 to the said western shore of the Potomac River.

21 SEC. 8. In addition to the pedestrian mall required to
22 be created and maintained under the provisions of section 7
23 of this Act, the city shall, within fifteen years of the effec-
24 tive date of this Act, create, develop, and maintain one or
25 more public park areas from the lands and interests in lands

1 granted and conveyed to the city pursuant to section 1 of this
2 Act or, with the approval of the Secretary, from lands con-
3 tiguous thereto, which shall be accessible to the public and
4 provide access to the Potomac River, and which said public
5 park areas shall total at least eleven acres in area.

6 SEC. 9. The Secretary is authorized to file suit in the
7 United States District Court for the Eastern District of
8 Virginia against the city or its grantees to enforce any of the
9 provisions of this Act, or to restrain any violation of the
10 terms and conditions hereof, without regard to the amount in
11 controversy.

12 SEC. 10. Notwithstanding anything to the contrary
13 hereinbefore provided in this Act, the Secretary may, upon
14 request of the city council, to be evidenced by a resolution
15 adopted at a regular public meeting by at least a majority of
16 the members thereof, and upon such conditions as he or his
17 successor in office shall deem to be in the public interest,
18 permit the deletion or elimination of or changes in or devia-
19 tions or variances from the approved land use plan or any or
20 all of the uses and conditions set forth in sections 4 and 5 of
21 this Act: *Provided, however,* That any such request of the
22 city council shall automatically be approved, without further
23 action, if the Secretary shall fail to act on any such request
24 within sixty days after the date upon which the request is
25 received by the Secretary.

1 SEC. 11. Nothing in this Act shall be construed to re-
2 quire the city to change the character of any existing use of
3 any land granted and conveyed to it hereunder, except for
4 the provision of the public park areas and pedestrian mall
5 required by sections 7 and 8 of this Act.

6 SEC. 12. Violation of any of the provisions of this Act
7 shall in no event be construed to effect a reversion or for-
8 feiture to the United States of the land or any part thereof
9 or rights or interests therein granted and conveyed to the
10 city hereunder: *Provided*, That nothing in this section shall
11 effect the right of the Secretary to protect the parkland and
12 pedestrian mall areas required by sections 7 and 8 of this
13 Act by filing suit for reentry of said areas as provided under
14 section 4 (b) of this Act.

15 SEC. 13. Nothing in this Act shall be construed as
16 changing, altering, increasing, diminishing, impairing, or af-
17 fecting any right, title, or interest which the State of Vir-
18 ginia or any instrumentality thereof or any person, firm, cor-
19 poration, trust, or entity, other than the United States or
20 an agency or instrumentality thereof, may lawfully own or
21 be entitled to in any part of the land or rights or interest
22 therein lying within the boundaries of the land described in
23 section 1 of this Act; it being the purpose and intent hereof
24 to grant and convey to the city only so much of said lands

1 and interests in lands as may be owned by the United States
2 or an agency or instrumentality thereof.

3 SEC. 14. Nothing in this Act shall affect in any way the
4 rights reserved to the United States of America in that cer-
5 tain deed, dated March 2, 1970, by and between the United
6 States of America as grantor and the city, as grantee, which
7 said deed is recorded in book 707 at page 327 of the land
8 records of the city of Alexandria, Virginia.

THE DISTRICT OF COLUMBIA,
Washington, D.C., August 24, 1972.

Hon. THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: The Commissioner of the District of Columbia has for report S. 3861, a bill "To convey to the City of Alexandria, Virginia, certain lands of the United States, and for other purposes."

The bill would transfer to the City of Alexandria the interests of the United States in certain specified property along the waterfront of that city, subject to the approval by the Secretary of the Interior of a land use plan to be submitted by the City of Alexandria.

The property specified in S. 3861 is not within the boundaries of the District of Columbia, and transfer of the property would in no way affect the operations of the District Government. The Commissioner of the District of Columbia, therefore, defers to the views of interested Federal agencies with respect to the enactment of S. 3861. The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.
For: WALTER E. WASHINGTON,
Commissioner.

The CHAIRMAN. It is a pleasure to welcome this morning as our first witness the Honorable William B. Spong, Jr., a U.S. Senator from the State of Virginia.

Good morning, Senator Spong. We welcome you before the committee this morning.

**STATEMENT OF HON. WILLIAM B. SPONG, JR., A U.S. SENATOR
FROM THE STATE OF VIRGINIA**

Senator SPONG. Good morning, Senator Eagleton. I am delighted to be here before you this morning.

Mr. Chairman, I am pleased to have this opportunity to testify in support of S. 3861, which would resolve the title cloud over certain waterfront property in Alexandria and make it possible to develop this land to meet the varied needs of that community.

Mr. Chairman, the title problem involved here was created by the inability to determine the exact location of the high water mark of 1791 which serves as a boundary between Alexandria and the District of Columbia.

In 1945, Public Law 79-208 established the boundary as the then-existing mean high water mark on the Virginia shore except between Second Street in Alexandria and the District-Maryland boundary at Jones Point, where the boundary was declared to be the established pier head line.

That act settled the question of jurisdiction but it specifically reserved the right of the United States to claim title to the property at some future time.

Since that law was enacted, no claim has been pressed by the Federal Government, and I am advised that the Interior Department has no plans to do so in the foreseeable future.

The result is that this valuable property has been allowed to deteriorate to the point where it has become not only an eyesore but, in the opinion of some, a health hazard. No title insurance company

will write a policy where title to the land is in dispute. The only kind of developments willing to locate on the property without title insurance are of a marginal nature and at one time at least included a rendering plant, an asbestos processing plant, a coal dump, and several warehouses.

In seeking to clarify this title problem by ceding Federal rights to the city of Alexandria, a question arose as to what uses should be made of the property.

Several public hearings and lengthy negotiations have led to general agreement on an approach and while there remains some disagreement on specific issues, it is my understanding that most of the major parties who have been involved in this question are agreed that the bill before the committee today is an acceptable solution.

My interest from the beginning has been to bring about such an agreement, so that the intolerable conditions along the waterfront today can begin to be remedied.

It is my hope that the committee will be able to act on the bill without further delay.

The CHAIRMAN. Thank you very much, Senator Spong.

Senator SPONG. Thank you very much.

The CHAIRMAN. That was a very precise and pertinent exposition of the issue.

Senator SPONG. I see several authorities from the city of Alexandria here this morning, and there are other witnesses who will want to testify. I am very appreciative of your allowing me to be the leadoff witness this morning.

Thank you.

The CHAIRMAN. Thank you very much.

Our next witnesses will be officials of the city of Alexandria, Va.: the mayor, Mr. Beatley; the vice mayor, Mr. Mitchell; and the city manager, Mr. Anderson.

From my left to right, I understand it is Mayor Charles E. Beatley; Vice Mayor Wiley Mitchell will be in the middle, and on my far right, Wayne Anderson, the city manager.

Mr. MITCHELL. That is correct, Mr. Chairman.

The CHAIRMAN. Mr. Mayor, would you proceed?

STATEMENT OF CHARLES E. BEATLEY, JR., MAYOR, ALEXANDRIA, VA.; ACCOMPANIED BY: WILEY F. MITCHELL, JR., VICE MAYOR; AND WAYNE ANDERSON, CITY MANAGER

Mayor BEATLEY. We are very pleased with the hearings today. This is, we hope, the culmination of some 3 years of very strenuous activity, which has brought about several hundred meetings literally, many hundreds of hours of work and we feel that we are somewhere near the end of the line now. We hope so.

I am here as a witness to tell you that we on Alexandria's City Council—incidentally, we have Councilman Carroll sitting in front; we expect other councilmen before we are done—have voted and expressed unanimously in favor of this bill. Our other city officials, planning commissions and so forth, have literally endorsed this proposal without dissent.

The CHAIRMAN. Let me ask a few questions, Mr. Mayor, to get it better in my mind.

This bill would repose title in the city. Is that correct?

MAYOR BEATLEY. Yes; I think so.

The CHAIRMAN. How much acreage is involved in this?

MAYOR BEATLEY. Mr. Chairman, could I introduce my expert to my left?

The CHAIRMAN. Certainly.

MAYOR BEATLEY. My vice mayor, Wiley Mitchell, has made this his personal project literally in the last 3 years, he represents us on all the technical matters.

The CHAIRMAN. Very good.

Mr. Mitchell?

MR. MITCHELL. Thank you very much, Senator.

In response to your question, if I could ask Mr. Everly to open up an aerial photograph which was prepared by the Department of the Interior, showing the portion of the Alexandria waterfront affected by this bill, I think it would facilitate the understanding of the committee.

The CHAIRMAN. Any members of the press who want to may look at this.

MR. MITCHELL. The property affected by the present legislation, Senator, is the property before the top of the map, from the orange line, which is the purported location of the high water mark of 1791.

It extends to the established bulkhead lines which is the red line just immediately to the north. Would you indicate that?

The CHAIRMAN. The lower line is the high water mark of 1791; and the upper line is the bulkhead—is there another line which shows there?

MR. MITCHELL. Yes; there are three lines shown on the map, Senator.

The CHAIRMAN. Yes.

MR. MITCHELL. The orange line is the purported location of the high water mark of 1791.

The red line is the established bulkhead line. This is the area affected by this bill.

On the south you will see a green line which is the legislative boundary; and a green line at the other end.

The CHAIRMAN. What about the pieces of property that go beyond the top line.

MR. MITCHELL. The green is an established pier head line, where piers are permitted to be built.

The CHAIRMAN. What about that little piece of property beyond the top line?

MR. MITCHELL. This is owned by the U.S. Government and is not within the boundaries of this bill. It is a Naval Reserve training station.

While we are looking at the map, I might point out that this area here (indicating) is Jones Point; to the north, off the map, from the south end of the National Airport runway, down to just beyond the Pepco powerplant, there is another Federal park called Daingerfield Island.

The CHAIRMAN. Where is that? Is it off the map?

Mr. MITCHELL. Those two cuts together, which are now substantially undeveloped parkland, have been owned by the Federal Government for many years and constitute two-thirds of the total Alexandria waterfront. We are talking about the remaining one-third, which is in the heart of our community.

The CHAIRMAN. Now, this Jones Point—

Mr. MITCHELL. That is unaffected by this legislation.

The CHAIRMAN. Title would still remain with the Federal Government?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Is that handled by the Interior Department?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. What is on Jones Point?

Mr. MITCHELL. Trees and weeds, a partially restored lighthouse, and a soccer field that has recently been installed.

But the direct answer to your question of a moment ago, "How much acreage is involved?" totals 24 acres of above-water land and 24 acres of below-water land. They are approximate figures. It is actually 23.7 to 24.3. But approximately 24 acres under water and 24 acres above water.

The CHAIRMAN. Senator Spong mentioned some things that are on this land. He said there is a rendering plant, an asbestos processing plant, and a coal dump.

Would you describe, in somewhat greater detail—not voluminous detail—just what is on this 24 acres of above-water land?

Mr. MITCHELL. Yes, sir; in so doing, may I comment that all of the property that you see on this map is in private ownership. It has been in private ownership for 200 years. The owners have developed it; they have paid taxes on it; and they think they own it. This is part of the problem that we have.

The Federal claims title is a claim, and only a claim. Some evidence of the weakness of the Federal claim is reflected in the fact that on two occasions, the Federal Government has purchased property inside the boundary line—here and here—(indicating) from private owners, at full fair-market value.

In addition, there are at least two property owners—the only two that I know of—who have been successful in obtaining title insurance to this property. I say this, not to indicate that there is no title problem—there obviously is one—but to indicate that the strength of the Federal title is far from being an absolute ownership.

The CHAIRMAN. All right.

What would this bill do?

Mr. MITCHELL. This bill would transfer, Senator, to the city of Alexandria, 24 acres of grassland and 24 acres of submerged. It would authorize to the city to transfer that title to private landowners for the purpose of clearing out the title, subject to very many restrictions.

In the first place, they would have to pay full, fair-market value for the Federal entry. The money would go to the city of Alexandria. The city would be obligated to use that money for the waterfront parkland. But the most significant portion of the bill is this: We start out with 48 acres of land—24 acres of it being submerged. The bill, first of all, requires the city, within 15 years, to construct a waterfront walkway at least 25 feet in width, from one end of the boundary line to the other,

along the entire waterfront. That consumes somewhere between 5 and 6 acres of land, which would reduce the total to about 42 acres.

The CHAIRMAN. Mandated that a walkway be constructed?

Mr. MITCHELL. Mandated.

The CHAIRMAN. So it would be mandated and then it would revert back to—

Mr. MITCHELL. No, sir; the bill does not contain a reversion. However, it contains a provision under which the bill becomes effective only upon approval by the Secretary of the Interior of a plan showing the parks and walkway. The Secretary of the Interior is given the authority to file suit to require the city to do it; and in the event the city makes use of the parkland and walkway suit can be filed for reentry.

There is a distinction—I am sure you appreciate it—between “reentry” and “reversion.” If we created a reverter in this property we create more problems than we solve.

But the bill also requires the State to create and maintain at least 11 acres of open parkland. That cuts the acreage down to approximately 31 acres affected by the bill.

The city is also obligated under the terms of the bill to fill no portion of Oronoco Bay beyond the west line of Union Street extended, which is around here (indicating), except for purposes of stabilizing the shoreline or for purposes of creating a walkway.

The CHAIRMAN. Is it a perpetual flow?

Mr. MITCHELL. Yes, sir; that takes another approximately 5 acres off the total.

The city has committed itself not to build the old time yacht basin except for the construction of a walkway around the edges of the yacht basin. That takes approximately another 4 acres off the total.

North of Pendleton Street, which is this point here (indicating), and east of a line 200 feet east of Lee Street, and that is to the top of my hand here, the only development that can take place is water—or in the commercial development, recreational uses, parks, and open space, and buildings no more than 30 feet high. No buildings more than 30 feet high can be constructed within 100 feet of the Potomac River.

This restriction for development of this large parcel of land to such an extent that we are guaranteed approximately 11 or 12 acres of additional parkland and open space on top of the 17 that we are already committed to create.

The sum total is that out of the entire 48 acres, there are a maximum of 12 to 14 acres that could be used for private development.

The CHAIRMAN. Just future development, or does that take into account existing development?

Mr. MITCHELL. That would be any kind of development at the moment. The bill does not require the city, except to the extent necessary to create parkland and open space, to go in and change the character of an existing use. But the city is mandated by the bill not to permit any other use that is not permitted by the bill.

The CHAIRMAN. Show me where the rendering plant is

Mr. MITCHELL. The rendering plant is here (indicating).

The CHAIRMAN. I imagine the man that owns that plant thinks he has got title.

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Whenever this bill is passed and becomes law : What will be done to effectuate his claim to title ?

Mr. MITCHELL. The man would have an option at the moment. He could sit where he is indefinitely until the city tries to take his property by condemnation, in which case we would apply as private interest.

But if he ever decided to develop it, in order to get title insurance, or in order to develop it in any way consistent with the plan, he would have to ask the city for a deed transferring to him the Federal interest. That deed would contain all of the restrictions set forth in this bill. All of the property would be subject to the restrictions set forth in the bill, and the amount of parkland and the uses put to the property would have to be in conformance with this bill.

The CHAIRMAN. Suppose he just decided to keep it the way he's got it and continues to operate a rendering plant. What happens then ?

Mr. MITCHELL. The bill, Senator, would not require the city to chase him off. But the bill recognizes that this man may have a valid title claim and that the strength of this title is not affected. He could, in theory, go to court. If he wins a lawsuit he could perfect his title without regard the sale; but if he does not, he could sit there indefinitely, making the present use of the property, subject, however, to the mandate of the bill that the city create this 11 acres of parkland and the walkways that the city would have to create in any event.

If it is necessary for us to condemn his operation to create the parkland, this we probably would do because of his location, then we would have to do it.

The CHAIRMAN. What is your view, if you had condemnation action, as to the value of that land ? Would it be full fair market value, or would it be somewhat diminished by the title question ?

Mr. MITCHELL. I think that the value of the private interest and the value of the Federal interest would probably wind up being split right down the middle. You would determine full, fair market value, and whatever that value would be would probably, by any reasonable, rational appraisal, be split down the middle.

The landowners have a very strong claim to title here.

The CHAIRMAN. Would the same then obtain with the exception of the processing plant and the coal dump ?

Mr. MITCHELL. All of those areas, Senator, which are scattered up and down the waterfront : The asbestos processing plant was here [indicating] ; there is a coal dump in this area [indicating] ; this is an old portion of an abandoned substation for the Virginia Electric Power Co. [indicating] ; there is an old Federal record center here which is owned now by the city of Alexandria—we bought it from the Federal Government and we hope we have clear title to that.

There is also a port facility here [indicating], and several port facilities here [indicating], and a concrete mixing plant in this area.

The CHAIRMAN. I am not familiar with the area but would you describe the area as being just sort of rundown ?

Mr. MITCHELL. There is no question about that. The area has a tremendous potential but its history, over the past 30 or 40 years, has been one of progressive deterioration.

If you look back at the maps of Alexandria, 100 years ago, this was a thriving seaport. One of the largest seaports in the United States. The seaport has diminished, although we still have deep-water ships

that come into the Port of Alexandria. We still have a customhouse, by the way. But it has deteriorated progressively—primarily due to the fact that people have been unable to get title insurance with which to develop the property.

The Department of the Interior, on the other hand, has been unwilling to step in and file lawsuits or assume responsibility for it. As a result, we have had a standoff. There is nothing being done in this affected area. The blighting effect of the affected area has been far beyond this area. We have been determined, within the last 3 years, and made a concentrated effort to improve this situation.

We went to Richmond and hired the Lawyers Title Insurance Co. to tell us what we needed to do to rectify this problem. Lawyers Title Insurance Co. drew the original bill which the Senate passed about 1½ years ago. The bill simply transferred whatever interest the Federal Government had in this property, to the city of Alexandria. The bill was hung up in the House District Committee primarily because of the objections of the Department of the Interior, because it provided no device by which payment for the Federal interest would be made, and it contained no land-use controls.

Now, I have, in this pile of papers, about eight different printed versions of the Alexandria waterfront title bill. We have negotiated with the Department of the Interior; we have negotiated with the landowners; we have negotiated with the business interests; we have negotiated with the conservationists; and I have personally met more than 100 times, in the last 2 years, in an effort to negotiate a compromise on this bill. We have come up with a bill now which, I think, is workable and which, I think, satisfies most of the objections that people have and strikes a reasonable balance.

Now, in coming here today, we could have mobilized literally hundreds of people to come before this committee and to testify of their support for this bill. I am somewhat humbled by the fact that I have been asked to represent those people.

I wanted to call your attention to a couple of significant factors with respect to the support that this bill has.

Senator, this bill is supported by every elected official who has anything at all to do with the city of Alexandria—by Senators Spong and Byrd, by Congressmen Broyhill and Scott, by every member of the city's legislative delegation to Richmond, by the Alexandria Planning Commission, unanimously; by the Alexandria City Council, unanimously. The council, by the way, is composed of three Republicans, three Democrats, and a black Independent.

It is supported by: the Alexandria Planning Commission, the Northern Virginia Regional Planning District Commission, Governor Holton's Council on the Environment, the Alexandria League of Women Voters, the Alexandria Board of Trade, the executive director of the Northern Virginia Regional Park Authority, the Alexandria Environmental Policy Commission, the chairman of the Alexandria Planning Advisory Commission, and editorially by every newspaper that has written an editorial on it—the Alexandria Gazette, the Alexandria Journal, and WRC-TV News.

This bill would solve for us a problem which has blighted our community, and would give us an opportunity to solve our own problems. All we are asking for is that opportunity.

The CHAIRMAN. What about the Interior Department?

MR. MITCHELL. The Interior Department originally proposed a bill in the House District Committee which was unacceptable to anybody. The Department of the Interior and the House District Committee then instructed the city to get together and to try to work out a compromise with the conservation organizations and the Department of the Interior.

The compromise bill that you have before you was worked out in the presence of and with the active participation of the Department of the Interior. I understand, although I am not personally familiar with the letter, that the Department of the Interior is objecting to the provision of the bill which provides that any money received from the sale of the Federal interest would come to the city of Alexandria to be used for additional parkland. I understand they want that money to go into the land and water conservation fund.

I will say that of all the provisions of the bill, from the title to the signatures at the end, that is the only provision that I think no money is questioned from the point of view of the city, the legislative delegations, or the conservation organizations. I think we have all unanimously supported the concept of the city being permitted to get the money and of being obligated to use it for park purposes along the waterfront.

The Corps of Engineers, I understand, has objected on one minor point, and that is that the bill is to authorize the city to control filling inside the bulkhead line. It contains no provision under which the corps could pass on the integrity of the bill; that is, the mechanical characteristics—whether it is a good bill, a bad bill, or a secure bill. Simply for the record and this testimony, I think that the city is prepared to stipulate that it is the intent of the city, the committee, and this legislation, that any landfill which is conducted or permitted in this anywhere, that the mechanical characteristics and the engineering characteristics of that landfill would be approved by and subject to the specifications of the Corps of Engineers.

The CHAIRMAN. On this Federal legislation—land and land use now requires some kind of environmental impact statement to be gotten up by the Corps of Engineers or—along with EPA, or EPA by itself, et cetera.

What guarantee is in this bill with respect to environmental impact, to protect the Federal Government; that is, all of us.

MR. MITCHELL. There was an environmental impact statement prepared.

I am simply saying—and I don't mean to be facetious about this thing—to ask the question in reverse, and then proceed from that point.

The CHAIRMAN. The matter can't get any worse?

MR. MITCHELL. The point is, what is there that is protecting either the Federal Government or the city of Alexandria now from the blight and decay which is eating the heart out of our city?

This bill would do this: (1) it would establish first very strict land-use controls which the city does not now have over that property, it currently has industrial-site zoning; (2) the bill would provide for the first time for mandated public access, public walkways and park-

land; and (3) it would permit, under certain very limited circumstances, to permit a limited amount of building in the area. But I don't think I have ever seen a piece of legislation where more consideration has been given to environmental problems and where more diligent effort has been put into a bill to try to guarantee that anything that takes place is with full consideration of all environmental and ecology problems.

I am personally satisfied with respect to this, and I understand that there are some other people who will substantiate that statement who are here today.

The CHAIRMAN. I take it that one of the disputes between you and Interior is who gets the money.

Mr. MITCHELL. Yes.

The CHAIRMAN. They want it for the Federal Government and you want it to buy more parkland.

Do you have a ballpark figure of how much money might be involved in this?

Mr. MITCHELL. Well, Senator, the Department of the Interior's approach to this property has been this: they have assumed, first of all, that they had an unencumbered fee simple title. They assumed that the land that is authorized to be filled will be filled, and that all of the land, in its total, will be zoned for the highest possible zoning category. And then they come up with a figure on what it is to be worth 10 years from now.

The CHAIRMAN. What is their figure?

Mr. MITCHELL. Their figure, I think, was somewhere around \$22 a square foot. It came up to what I think every real estate appraiser who has looked at it considers to be an absurd figure—something around \$50 million.

The city had two very competent appraisers to look at it. The highest sale that has taken place on the Alexandria waterfront on any property, with no title problem and with proper zoning, outside of this area, has been approximately \$9 a square foot.

The average value of sales in that area, and what the appraisers indicate at the moment—and these appraisals are set forth in the report of the House District Committee—the appraisers indicate that the value of the land is somewhere in the neighborhood of \$5 to \$6 a square foot, which includes underwater and above-water land.

We feel that with the restrictions placed on land use in this bill, and with the doubtful nature of the Federal title, that the Federal interest may be worth somewhere in the neighborhood of \$2 to \$3 a square foot at the moment. That would indicate a Federal interest of somewhere in the neighborhood of perhaps \$2 to \$4 million. I think that that is a realistic figure of what the Federal Government's interest is actually worth. I don't think we will ever convince anybody of what it is worth until we actually get some sales in this affected area.

The CHAIRMAN. I have a short letter dated August 17, 1972, from the Department of the Interior. I will put it in the record.

In essence, it says they support the objectives of S. 3861 but there are some differences and that there still are some suggestions that they still have to ultimate enactment. The three objections are: (1) dredging and filling, and they write two paragraphs on that; (2) revenue; and (3) park development.

Have you seen this letter? Or the June 8 Interior letter?

Mr. MITCHELL. No.

The CHAIRMAN. One letter just came in. Why don't you read the letter and study it and give me your rebuttal to those three questions. In the meanwhile, Mr. Anderson, the city manager, has something he would like to add.

Mr. MITCHELL. All right.

(The letters referred to follow:)



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

August 17, 1972

Dear Mr. Chairman:

This is in response to your request for this Department's views on S. 3861, a bill "To convey to the city of Alexandria, Virginia, certain lands of the United States, and for other purposes."

We recommend that the bill not be enacted but that the bill which we attached to our report on a similar bill, S. 1482, be enacted instead.

The two bills are aimed at a common objective -- namely to convey to the city of Alexandria the United States interest in a portion of the waterfront thereby allowing the city to clear title to the property and encourage beneficial development in accordance with a general land use plan approved by the Secretary.

We recognize that the proper development of the Alexandria Waterfront has been impeded in part by title uncertainties resulting from the United States ownership interest. We support the objective of both bills as expressed above. There are certain differences in the bills, however, and it is on the basis of those differences, discussed below, that we recommend against enactment of S. 3861.

1. Dredging and Filling

From an environmental standpoint, the most critical issue is dredging and filling -- what areas are dredged and filled and the manner in which it is accomplished. We had recommended that the areas to be dredged and filled be reflected on the land use plan and be subject to the specific approval of the Secretary of the Interior and the Secretary of the Army and that the manner in which the dredging and filling is accomplished meet the requirements of the Corps of Engineers and the Environmental Protection Agency. Only areas actually filled would be declared non-navigable.

S. 3861 appears to give the city the authority to allow dredging and filling and makes no provision for the manner in which it is accomplished. It also allows the filling of a portion of Oronoco Bay which our recommendations had prohibited.

2. Revenue

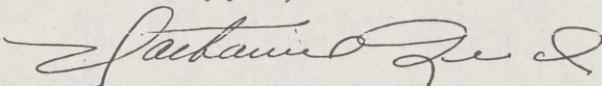
S. 3861 provides that the revenue from the sale of the Federal interest would be retained by the city to develop city parks in the area. We had recommended that the revenue be credited to the Land and Water Conservation Fund to be used to acquire outdoor recreation property to benefit the entire Nation.

3. Park Development

We had recommended that the city be required to develop a pedestrian mall and eleven acres of parks within 10 years after enactment. S. 3861 allows 15 years for this development.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,





Secretary of the Interior

Hon. Thomas F. Eagleton
Chairman, Committee on the
District of Columbia
United States Senate
Washington, D.C. 20510



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

June 8, 1972

Dear Mr. Chairman:

This will respond to your request for the views of this Department on S. 1482, a bill "To amend the Act entitled 'An Act to establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes', approved October 31, 1945 (59 Stat. 552)."

We recommend that S. 1482 not be enacted but that the attached bill, which is an amended version of H.R. 14869, be enacted instead. H.R. 14869 was introduced on the House side and hearings have been held on it by the House District Committee. The attached bill reflects the position which this Department took at those hearings.

For many years the beneficial utilization of an important segment of the Potomac River waterfront in the greater Washington, D.C., area has been impeded by an inability to obtain clear title to property. This is due to the outstanding interest of the United States in that property. This area along the Alexandria Waterfront has, as a result, deteriorated into a condition of use which is unsightly, unhealthy, and unsafe. In addition, the phenomenal growth of the Washington area is creating new pressures for further utilization in that vicinity which, if realized, could ultimately and irrevocably terminate all possibility of creating the type of development which would serve the combined needs of the City of Alexandria, the Washington, D.C., area and, most important, the need for accessible, attractive, open space which utilizes the attributes of a great river.

Since the introduction of legislation in the 91st Congress to cede to the City of Alexandria all right, title and interest of the United States between the high-water mark as it existed on January 24, 1791, and the established bulkhead line, we have been engaged in an intensive review of the potentials and alternatives for the area. This has been done with a view toward determining and balancing the various, often conflicting, interests in the area in order to achieve a recommendation which is viable and realistic. As stated in our report of December 10, 1970, to this Committee:

"This Department is deeply concerned with the condition of the Potomac River; with the development of its banks and the purity of its waters. The Department has sponsored several studies of the entire Potomac River in an attempt to formulate a comprehensive and coordinated program to preserve, restore, and enhance its beauty in keeping with its national and historical significance. For these reasons we are concerned about giving up our interest in shore line property to the local communities along the river's banks."

We believe this concern is justified, and interests of the United States should only be surrendered in those circumstances which demonstrate substantial benefit would accrue thereby. We have now determined that development of the specific area affected by S. 1482, in accordance with proper controls, would justify release of the interest of the United States. In our view enactment of the attached bill would provide the requisite controls.

Section 1 would authorize the Secretary to grant and convey to the City of Alexandria, without warranty of title, all right, title and interest of the United States derived from the 1788 cession from Maryland, in that area located between the 1791 line and the existing bulkhead line, between Third Street and a line south of Gibbon Street, in Alexandria. The Secretary could make this conveyance only subsequent to his approval of a general land use plan to be prepared by the city. The 1791 line is as depicted on the map referred to in the section. The land use plan will specify what lands will be dredged or filled. The Secretary's approval of the dredge and fill aspects of the plan will require the concurrence of the Secretary of the Army. The section prohibits the filling of Oronoco Bay and requires that any dredging or filling operations shall be performed in accordance with applicable Federal regulations. The section further provides that the Secretary would be authorized to execute any further documents necessary to obviate title problems which may arise subsequent to the conveyance to the city. The total area involved is approximately 52 acres, of which approximately 31 acres are fast lands.

Section 2 is technical in nature. Section 2(a) amends the D.C.-Virginia Boundary Act of October 31, 1945 (59 Stat. 552) in regard to the retention of concurrent jurisdiction by the United States by inserting a phrase which specifies that such jurisdiction may be relinquished (of concurrent jurisdiction) over the area to be conveyed by section 1 of the bill, as of the time that a conveyance is accepted by the city.

The attached bill further provides, in section 3, that any submerged lands which are filled in accordance with section 1 shall be deemed non-navigable.

The various uses and limitations on land use, and developments, are set forth in section 4 of the bill, which also authorizes the City of Alexandria to convey interests in the affected lands for these purposes. Since the city is required to submit a plan for approval, the effect of these uses being spelled out is to afford the city the broadest possible planning latitude in the preparation of that plan.

Additional factors which must be considered by the City Council before permitting any of these uses are set forth in section 5. These factors include the consistency of the proposed structure with the Old and Historic District of the City of Alexandria.

The value of the lands or interests in lands to be conveyed by the City is to be determined at the time of conveyance to a third party, either by mutual agreement between the Administrator of General Services Administration and the City or, if no agreement can be reached, by a court appointed appraiser with the costs of the appraisal to be shared equally between the City and the Secretary. The proceeds of any sale are to be delivered to the Secretary for deposit into the Land and Water Conservation Fund if in being at the time, and, if not, into miscellaneous receipts of the Treasury.

In addition, sections 7 and 8 provide for an additional obligation of the City in regard to open space. Section 7 requires the City to create, develop, and maintain a pedestrian mall, freely accessible to the public, not less than 25 feet in width, along the Potomac River shoreline, in order to provide access to the river, within 10 years. This will be accomplished by the City retaining title to the requisite area. Further, section 8 of the bill requires the City to create, develop, and maintain not less than an additional area of 11 acres of open space, within 10 years. In neither instance would there be any monetary compensation to the United States for the lands involved.

Section 9 of the bill provides for enforcement of the terms and conditions of the Act, by an authorization to the Secretary to file suit in the appropriate Federal District Court. This includes seeking a right of re-entry in regard to any tract, the use of which does not substantially conform with the general land use plan approved by the Secretary. Section 10 provides a method to allow variation by the City from some of the terms and conditions of the bill, upon the prior approval of the Secretary.

Section 11 of the bill is a disclaimer as to any requirement for the City to change existing uses. Section 12 is also, in effect, a disclaimer to the effect that there shall be no reversion of title to the United States in the event of a violation of the provisions of the Act, since a reverter interest could effectively prevent accomplishment of the objectives of the bill as title insurance would not be issued for lands subject to that retained interest.

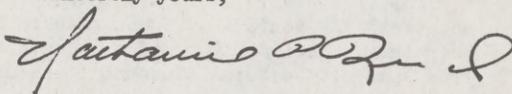
Both sections 13 and 14 protect and reserve lawful existing rights, with section 13 being applicable to all rights of the State, and individuals generally, and section 14 reserving an outstanding lease-hold interest of the United States in property within the affected area which was previously conveyed to the City by the United States.

We regard the most critical issue from the environmental standpoint the question of dredging and filling. We have consistently taken a hard line against the nibbling effect of dredge and fill permits. Therefore, we oppose a blanket permission to fill the entire area out to the bulkhead line, such as section 4 of S. 1482 would provide. We recommend that the dredge and fill be subject to review by the Secretary and the Corps of Engineers of individual tracts in connection with the approval of the general land use plan which is a condition precedent to the conveyance.

We believe that enactment of this bill will provide several beneficial results. First, it will provide for the creation of not less than 16 acres of needed, usable open space for the residents of the City. Second, it would provide for a vast improvement in existing land use, and beautify a blighted portion of the riverfront. Third, development in accordance with its term will improve the tax base of the City. Local commerce will benefit, and the area will provide increased visitor facilities and attractions for the entire area.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,



Assistant Secretary of the Interior

Hon. Thomas F. Eagleton
Chairman, Committee on the
District of Columbia
United States Senate
Washington, D.C. 20510

Enclosure

A B I L L

To convey to the city of Alexandria, Virginia, certain lands of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this Act, and upon the approval by him of a general land use plan to be prepared by the city of Alexandria, in the Commonwealth of Virginia (hereinafter referred to as the "city"), and which plan shall have been made public by the city not less than thirty days prior to transmittal to him for approval, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to convey to the city, without warranty of title expressed or implied, the interests of the United States in that certain portion of land located partly within the present corporate limits of said city and partly within the bed of the Potomac River immediately adjacent thereto, described as follows:

Beginning at the intersection of the easterly projection of the north line of Third Street with the mean high-water mark of January 24, 1791 (said high-water mark being depicted and described on a map of the National Capital Parks and Planning Commission entitled "Map of the District of Columbia-Virginia Boundary Line according to the Cession of the State of Maryland,

effective January 24, 1791", drawn by C. C. Cook, September 4, 1934, bearing file number N.C.P. 8.2-4 of National Capital Parks, National Park Service, Washington, District of Columbia, which said map shall be recorded among the land records of the city);

thence continuing in an easterly direction along said easterly extension of the north line of Third Street to its intersection with the mean high-water mark of the west bank of the Potomac River;

thence in a southerly direction along said mean high-water to its intersection with a line which bears north 63 degrees 54 minutes west from Station D1 on the United States pierhead line, as established by the United States Army Corps of Engineers;

thence south 63 degrees 54 minutes east along said line to its intersection with the northerly prolongation of the bulkhead line, as established by the United States Army Corps of Engineers;

thence southerly along said bulkhead line to its point of intersection with a line 176.58 feet south of and parallel to an easterly extension of the southerly line of Gibbon Street;

thence westerly along said line parallel to the southerly line of Gibbon Street to its intersection with said 1791 high-water line;

thence generally in a northerly direction along said 1791 line to the point of beginning.

The interest of the United States hereby authorized to be granted and conveyed shall include all the interest in those lands derived by virtue of the grant by the State of Maryland to the United States for the seat of Government.

(b) The Secretary, in addition to the conveyance to the city authorized in section 1 of this Act, is also authorized and empowered to execute any and all further documents which may be necessary to obviate any problem with regard to title to the lands to be conveyed pursuant to the provisions of section 1 of this Act, including waiver of the condition set forth in section 4(b) of this Act, and is further authorized to utilize any other authority available to him within the District of Columbia and its environs, to effectuate the purposes of this Act.

(c) The general land use plan submitted pursuant to subsection 1(a) hereof shall specify which lands, if any, shall be dredged or filled. The conveyance authorized under this section shall authorize any dredging or filling which the Secretary, after approval by the Secretary of the Army, and in accordance with the provisions of the National Environmental Policy Act, has approved in the general land use plan, Provided, That the filling, other than for stabilization of

the shoreline and utilization for public purposes thereof of that area of submerged lands lying generally between Pendleton and Madison Streets extended and generally known as Oronoco Bay, is prohibited; and provided further that any such approved dredging or filling shall be performed in accordance with applicable regulations or standards of the Corps of Engineers and the Environmental Protection Agency.

SEC. 2. (a) The Act of October 31, 1945 (59 Stat. 552), an Act "To establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes," is amended by revising the proviso in section 102 thereof to read as follows: "Provided, however, That, except as may be relinquished by subsequent Acts of Congress, concurrent jurisdiction over the said area is hereby reserved to the United States."

(b) On the date of acceptance of a deed by the city from the Secretary for the area described in section 1 of this Act, concurrent jurisdiction previously reserved by the United States over the area within the boundaries set forth in section 1 of this Act is relinquished.

SEC. 3. Any submerged lands which are filled in accordance with the approved general land use plan shall be deemed non-navigable within the meaning of the Constitution and laws of the United States.

SEC. 4. (a) All lands and interests in lands of the United States within the area described in section 1 of this Act shall be granted and

conveyed upon the express condition that future use thereof shall conform to the general land use plan approved by the Secretary, and shall not be inconsistent with the uses set forth in this section, and that the city shall not hereafter in any way authorize, consent to, or by inaction, permit the extension or initiation of any use within the area which is inconsistent with the uses set forth in this section or on the approved land use plan. The city shall, as appropriate, enact or maintain zoning ordinances or other land use requirements applicable to the area described in section 1 of this Act which shall be consistent with the requirements and limitations set forth in this section.

(b) Any transaction provided for in subsection (c) of this section shall be made upon the express condition that the use of the property conveyed shall substantially conform to the general land use plan approved by the Secretary. Failure to so conform shall be deemed a breach of a condition running with the land which shall permit the Secretary to file suit for reentry, and for revestment of title in the United States of the parcel the use or proposed use of which does not substantially conform to the approved general land use plan: Provided, That the prior approval by the Secretary of any proposed use shall be deemed to effectuate a waiver of this condition, and no cause of action for reentry shall or may be brought by the Secretary in regard to such prior approved use.

(c) Consistent with its obligations under sections 7 and 8 of this Act, the city may grant, convey, sell, lease, or exchange the land or any part or parts thereof or interests therein granted and conveyed to the city pursuant to section 1 of this Act, with the exception of the submerged lands in Oronoco Bay, subject to the provisions of sections 5 and 6 of this Act and to the following covenants on the use thereof, which covenants shall be incorporated in or otherwise made a part of each deed or instrument whereby said land or any parts thereof for interests therein is granted, conveyed, sold, leased, or exchanged, which deeds and instruments shall be recorded among the land records of the city:

I. USES PERMITTED.--Except as hereinafter otherwise provided, the following uses only shall be permitted:

- (a) commercial and professional offices and office buildings;
- (b) churches and schools;
- (c) row, single family, and multifamily dwellings;
- (d) private or fraternal clubs;
- (e) docks, marinas, and warehouse buildings for water-related shipping;
- (f) public buildings and public utilities;
- (g) parks;

- (h) parking garages and parking lots;
- (i) hotels and motels including conference centers;
- (j) retail and nonretail commercial uses;
- (k) private garages, drives, common areas, parking, and play space;
- (l) streets, drives, and open spaces;
- (m) hospitals, clinics, and other medical facilities; and
- (n) any combination of the above uses.

II. FLOOR AREA RATIOS.--The maximum ratio of building floor area to area of land, including streets, alleys, and other public rights-of-way, shall not exceed the following:

Land area (acres):	Floor area ratio
Less than 2.....	2.00
2 but less than 3.....	2.10
3 but less than 4.....	2.25
4 but less than 5.....	2.50
5 but less than 6.....	2.75
6 but less than 7.....	3.00
7 but less than 8.....	3.25
8 but less than 9.....	3.50
9 but less than 10.....	3.75
10 or more.....	4.00

III. MAXIMUM NUMBER OF DWELLING UNITS PERMITTED.--

(a) Rowhouses, thirty units per acre including common space area and one-half the area of any streets or alleys immediately adjacent to the site to be developed.

(b) Multifamily dwelling, ninety units per acre including one-half of the area of any street or alleys immediately adjacent to the site to be developed.

(c) For mixed residential and commercial developments, the maximum number of dwelling units shall be determined as follows: maximum number of dwelling units equals the total tract area in square feet, minus the commercial floor area in square feet divided by the tract floor area ratio, multiplied by (ninety) units per acre.

SEC. 5. The specific applicability of any of the uses set forth in section 4 of this Act within the area described in section 1 of this Act must be approved by a majority of the City Council of the City of Alexandria (hereinafter referred to as the "city council"). The city council may impose such additional conditions and restrictions, if any, upon the use of the land as it deems proper to insure the health, welfare, and safety of the citizens of the city and to insure the development of the area in a manner consistent with the protection of the Potomac waterfront in Alexandria. Before permitting any of the uses, the city council shall consider the following:

- (1) the arrangement and location of proposed buildings, structures, and spaces as they relate to the entire Potomac River waterfront in Alexandria;
- (2) the safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, lighting, and facilities for waste disposal;
- (3) the location of and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking and loading areas;

(4) the design of grades, pavings, gutters, and drainage necessary to handle storm waters and to prevent erosion;

(5) the provision of walls, fences, landscaping, and increased setbacks when deemed necessary to minimize adverse effects upon nearby properties and within the proposed development;

(6) the treatment and extent of plazas, courts, terraces, and other open areas necessary or appropriate to the use or enjoyment of the development and the protection of the environs;

(7) the distance of parking areas and buildings from the nearest single-family zoning and single-family development;

(8) the provisions for dedication of land for public rights-of-way, parks, schools, and recreation space, when necessary and appropriate to the development and the environs;

(9) the treatment of off-street parking spaces, including outdoor, in-structure, and underground parking;

(10) the effects of traffic, likely to be generated by any proposed development on nearby streets, highways, or other public rights-of-way;

(11) the proximity to mass transit or other public transportation facilities; and

(12) the compatibility of the proposed structure with the Old and Historic district of the city of Alexandria as registered under the National Historic Preservation Act.

Where in the judgment of the city council it is reasonable, fair, and practicable so to do, the city council in approving any use of the aforesaid land, or any part or parts thereof or interests therein granted and conveyed to the city hereunder, may make or require the reservation, granting, or dedication of such easements in, on, over, under, and across such land, or any part or parts thereof, as the city council may deem necessary or appropriate for the purpose of providing public access to the Potomac River.

SEC. 6. (a) In granting, conveying, selling, leasing, or exchanging the lands or interests in lands granted and conveyed to the city by the Secretary, or any part or parts thereof or leasehold or other interests or rights therein, the city shall receive in payment or consideration therefor the fair market value thereof, such value to be determined by mutual agreement between the Administrator of General Services Administration and the city, but if after good faith efforts they are unable to agree upon a price, then by an appraiser selected by the judge of the United States District Court for the Eastern District of Virginia, then sitting on or assigned to said court at Alexandria, Virginia, the cost of such appraisal to be borne equally by the United States and the city. The net proceeds of such sales shall be promptly remitted by the city to the Secretary for deposit into the Treasury of the United

States, and to be credited to the Land and Water Conservation Fund, and if such fund is not in existence at the time of such payment, into miscellaneous receipts of the Treasury. The phrase "fair market value" as used in this subsection shall be deemed to mean only the fair market value of the land or interest in land granted and conveyed to the city by this Act and which is to be conveyed, sold, leased, or exchanged by the city, such value to be determined as of the date of the conveyance. The phrase "fair market value", as used in this subsection, shall not include the value of any improvements placed on the land described in section 1 of this Act, while in the ownership of the United States prior to the date of this Act.

(b) No purchaser, lessee, or other person, firm, corporation, trust, or entity acquiring or leasing any such lands or interests therein shall be required to see to the proper application of the purchase money, rentals, or other consideration therefor.

SEC. 7. The city shall, within ten years of the effective date of this Act, create, develop, and maintain within the area granted and conveyed to the city pursuant to section 1 of this Act or, with the approval of the Secretary, from lands contiguous thereto, a pedestrian mall freely accessible to the public, not less than twenty-five feet in width, along or above the western shore of the

Potomac River as the same may now exist, or as it may hereafter exist following any dredging, filling, or bulkheading permitted or contemplated by the terms of this Act, which said pedestrian mall shall provide access to the Potomac River. The Secretary may, in those instances where it may be necessary for the reasonable development of said mall, approve an alternate location for any particular segment of the mall, which shall be located as close as practicable to the said western shore of the Potomac River.

SEC. 8. In addition to the pedestrian mall required to be created and maintained under the provisions of section 7 of this Act, the city shall, within ten years of the effective date of this Act, create, develop, and maintain one or more park areas from the lands and interests in lands granted and conveyed to the city pursuant to section 1 of this Act or, with the approval of the Secretary, from lands contiguous thereto, which shall be accessible to the public and provide access to the Potomac River, and which park areas shall total at least eleven acres in area.

SEC. 9. The Secretary is authorized to file suit in the United States District Court for the Eastern District of Virginia against the city or its grantees to enforce any of the provisions of this Act, or to restrain any violation of the terms and conditions hereof, without regard to the amount in controversy.

SEC. 10. Notwithstanding anything to the contrary hereinbefore provided in this Act, the Secretary may, upon request of the city council, to be evidenced by a resolution adopted by at least a majority of the members thereof, and upon such conditions as he or his successor in office shall deem to be in the public interest, permit the deletion or elimination of or changes in or deviations or variances from the general land use plan, or any or all of the uses and conditions set forth in sections 4 and 5 of this Act:

Provided, however, That any such request of the city council shall automatically be approved, without further action, if the Secretary shall fail to act on any such request within sixty days after the date upon which the request is received by the Secretary.

SEC. 11. Nothing in this Act shall be construed to require the city to change the character of any existing use of any land granted and conveyed to it hereunder, except for the provision of park land pursuant to section 7 or section 8 of this Act.

SEC. 12. Violation of any of the provisions of this Act shall in no event be construed to effect a reversion or forfeiture to the United States of the land or any part thereof or rights or interests therein granted and conveyed to the city hereunder:
Provided, That the right of the Secretary to file suit for reentry shall not be affected or limited by this section.

SEC. 13. Nothing in this Act shall be construed as changing, altering, increasing, diminishing, impairing, or affecting any right, title, or interest to which the State of Virginia or any instrumentality thereof or any person, firm, corporation, trust, or entity, other than the United States or an agency or instrumentality thereof, may lawfully own or be entitled to in any part of the land or rights or interests therein lying within the boundaries of the land described in section 1 of this Act; it being the purpose and intent hereof to grant and convey to the city only so much of said lands and interests in lands as owned by the United States or an agency or instrumentality thereof.

SEC. 14. Nothing in this Act shall affect in any way the rights reserved to the United States of America in that certain deed, dated March 2, 1970, by and between the United States of America as grantor and the city of Alexandria, Virginia, as grantee, which said deed is recorded in book 707 at page 327 of the land records of the city of Alexandria, Virginia.

Mr. ANDERSON. Thank you very much, Mr. Chairman and gentlemen of the committee.

Knowing that there are many witnesses to be heard this morning, I would like to develop only one point, and will be developing the point that was made before the House committee by our city councilman, Ira Robinson, who is the black independent vice mayor referred to.

Councilman Robinson approached this bill from the vantage point of the poor people in our city—black and white.

As many of you well know, in the area of human needs, Alexandria ranks high in the Metropolitan Washington area. Recently released census data reveals that among the Maryland and Virginia jurisdictions, which comprise the suburban ranks, Alexandria has the lowest median family income.

Approximately 6.4 percent of our people were below the \$4,000 Federal poverty level; 16 percent below \$7,000; and when you isolate blacks alone statistically, the figures are even more grave.

Nearly 25 percent of the black families in our city were below the \$4,000 poverty level, and almost one-half below the \$7,000 poverty level.

Needless to say, with these statistics, the full range of human problems associated with poverty is before us, and our city wants to meet that challenge.

Several weeks ago, I had the privilege of testifying on revenue sharing, and there heard the long recital of urban problems which you gentlemen of the Congress are very, very familiar with.

It is important here to point out that the Alexandria waterfront is situated within a stone's throw of one of the city's largest pockets of poor citizens, and that those citizens reside where access to jobs and space for recreation and parks is greatly limited, in a way that the blight that the vice mayor has described affects the whole environment.

Obviously, the prompt and proper development of the waterfront can begin to solve both problems. In addition, the increased revenue, to finance ever-expanding city services and schools, and to fund better and more programs of all types, would be enhanced.

In short, the passage of this bill will materially enhance the beauty and usefulness of a valuable national asset and provide Alexandria with the sorely needed chance to improve the daily lives of its citizens.

Your support is therefore warmly solicited.

The CHAIRMAN. Thank you, Mr. Anderson.

Mr. MITCHELL, have you had a chance to read the Department of the Interior letter?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Would you just give us a point-by-point rebuttal about the three objections expressed by the Department of the Interior in their letter of August 17.

Mr. MITCHELL. Senator, if I may refer by reading the first paragraph, the second sentence:

We had recommended that the areas to be dredged and filled be reflected on the land-use plan and be subject to the specific approval of the Secretary of the Interior and the Secretary of the Army and that the manner in which the dredging and filling is accomplished meet the requirements of the Corps of Engineers and the Environmental Protection Agency. Only areas actually filled would be declared nonnavigable.

The bill does essentially that. The bill provides that before the bill takes effect the city must submit to the Secretary of the Interior a plan showing the maximum extent of any filling or dredging that the city would propose to authorize and showing the location of the park and walkway.

The Secretary of the Interior is then given a period of time within which he can approve or disapprove the plan, and the ultimate approval and the conditions on which he approves it, rests with the Secretary of the Interior.

So I fail to see what the point is with respect to the dredging and filling.

There is also a specific provision in here which says that the declaration of nonnavigability, which is an essential element in clearing up a title problem, is applicable only to land which has been filled prior to this bill, or which is actually filled pursuant to the authority granted by the city after the bill is adopted. In other words, the nonnavigability of the Potomac River has no application until it is in fact nonnavigable.

What we are trying to eliminate here is not the control of the Corps of Engineers over navigable water, but the navigation servitude over waters which are in fact no longer navigable. The bill specifically provides that a declaration of nonnavigability applied only to land which had been filled prior to the enactment of this bill, or which is filled after the bill.

So I think that objection makes very little sense.

The reference to the filling of Oronoco Bay: We worked very diligently with the Northern Virginia Conservation Council concerning Oronoco Bay and agreed that in the best interest of this waterfront plan, and in the best interest of the city and of the park system that Oronoco Bay should be filled up to the extension of Union Street. It is a very small portion of the tip of the bay which, if you look at it now, is predominantly a mudflat.

What happened, Senator, was this: The Texas Co. had a valid fill permit from the Corps of Engineers. They were filling Oronoco Bay at this end, and they had it substantially filled and the portion which is not above water is simply a mudflat at low tide. It seemed foolish to everybody to permit that mudflat to continue to exist and to prohibit either dredging or filling.

I think what everyone agreed would be the best plan would be to preserve the integrity of that bay by creating a stable wall and by creating a rational shoreline; and that is what this is intended to do.

The CHAIRMAN. What are you going to do with that mudflat? Are you going to elevate it and make it land, or are you going to dredge it out and make it water?

Mr. MITCHELL. We are going to have to make it a walkway, Senator, because we are obligated to create at least 25 feet around the edge of the bay as a walkway, and we intend to do it. We intend to do more than that, but that is the minimum that we are required to do.

So I really find it very difficult to understand what that objection is and I do not think it is a realistic objection.

The CHAIRMAN. In terms of revenue—we have discussed that.

Mr. MITCHELL. Yes, sir; it is a question of who gets the money.

The CHAIRMAN. And what the value of the Federal interest is. You say it is somewhere around \$2 million to \$4 million, and they say it could be \$50 million.

Mr. MITCHELL. That is correct.

Two things should be recognized: (1) nobody is likely to get anything out of it if this bill isn't passed, or something very much like it; and (2) when funds are taken from the sale of property in an isolated municipality and sent to build new benches in Yellowstone Park, the opportunity to have a little parkland ourselves is given up—to be frank about it.

With respect to park development: We originally agreed with the Department of the Interior, Senator, on a bill which gave the city 20 years to develop the parkland.

Now, the reason for giving us 20 years is simply this: If we let this land develop naturally and permit the adjacent property owners to develop their property in conjunction with this project, we can, as an incident to the development of the property, require the landowners to create almost all the parkland and walkway mandated by this bill.

We originally had 20 years. It was cut back to 10 years at the recommendation of the Northern Virginia Conservation Council, and when we negotiated with the conservation council we agreed on a compromise of 15 years, which is the time within which the city of Alexandria would be permitted to develop parkland.

Now, this, Senator, is an absolute mandate on the city to create, acquire, develop, and maintain in total almost 20 acres of parkland. It is now a rundown industrial slum, for the most part, which is subject to a claim of private ownership. All that we are saying is that it takes a little time to do this.

It will probably take us a year just to get the plan implemented once this legislation is passed. That is: to get the plan prepared, to write to our planning commission and council, to submit it to the Department of the Interior and get its approval and then to come back and begin some sort of rational development under it.

The CHAIRMAN. How is it possible to cause private landowners to provide walkways and parks for this sort of project?

Mr. MITCHELL. Senator, it is difficult for me to respond to that question, and if I could be specific about it, I would. But it depends.

For example, if a landowner comes to the city of Alexandria and says, "I want to develop my piece of property under this bill; I am willing to pay you for the Federal interest; I am willing to create a walkway and the parkland as the bill requires," the city is in a position at that point in time to say to the landowner, "OK, you can do that and you can make this use of the property, and as an incident to your development of it, you create the parkland and give it to us."

A very clear example of that is one area—one area where we don't have agreement on is the Watergate project in Alexandria.

Watergate proposes to build some condominium apartments on land which is completely outside the area affected by this bill. None of the Watergate buildings are on land affected by the bill.

But Watergate, as a part of its proposal, would like to fill 100 feet, roughly, of land, out of the bulkhead line, along an area 2 blocks long, to create a park, furnish that park, and give it to the city, at a cost of

something like \$400,000 or \$500,000 as a part of the development package. That is the kind of leverage that this bill gives us. If we can get that kind of development, obviously, we can create the parkland and at much less cost than if we have to go out and condemn the property.

If we have to condemn the property, I think the city manager could give a figure on the cost. The bill mandates, including the walkway and including the fill, about a minimum of 17 acres of parkland. If we assume that the 17 acres would cost the city a minimum of \$5 a square foot, plus another \$5 on the fill land—

Senator BUCKLEY. What would it cost to develop a park on top of that?

Mr. ANDERSON (continuing). Plus development—I use slightly different figures, but I get into the \$8 million to \$10 million area which, hopefully, will not be all public expenditures, as the vice mayor indicated.

Senator BUCKLEY. I believe, Mr. Mitchell, that some concern has been expressed over the fact that—I believe it is section 12 of the bill—has no teeth as far as the obligation of the city to develop the walkway and parkland. And that if there was a failure at the end of 15 years seeing to these obligations then the Government would move back into—

Mr. MITCHELL. No, sir; that is not true. Section 12 of the bill was the one section of Mr. Henry Oppenheimer, who was the lawyer for the Lawyers Title Insurance Co. who wrote the original bill.

Mr. Oppenheimer insisted that if we wanted to clear up the title problem, and not create more of a problem than we solved, we had to have a provision in here which says that there is not going to be any reversion. So the compromise created a right of reentry on the one hand, which is the provision you are talking about, the right of the Secretary to go back in and take possession.

But section 9, on page 17 of the bill, I think very clearly provides the remedies that you seem to be looking for. That is a section which provides that the Secretary of the Interior is authorized to file suit in the U.S. District Court for the Eastern District of Virginia against the city, or its grantees, to enforce any of the provisions of this act or to restrain any violation of the terms and conditions thereof without regard to the amount of time.

Senator BUCKLEY. Thank you.

Are these structures to maintain architectural harmony with the existing structures?

Mr. MITCHELL. May I show you on the map precisely what we are talking about here. I don't know whether you were here a moment ago when this map was displayed, but the old historic district of Alexandria essentially runs from this point [indicating] to here.

Now, notice particularly where the boundary lines of this legislation are [indicating] here. Anything outside of this boundary line is an uncontested private ownership and for the most part is zoned industrial, which permits any use whatever except residential use.

Senator BUCKLEY. Are there height limitations?

Mr. MITCHELL. There are no height limitations other than the city's general 150-foot height limitation on property on the outside of the old, historic district; and Queen Street at this point is the boundary line of the old and historic district.

The bill, however, imposes the height limitation of 50 feet; the density limitation generally in effect in the old and historic district and the architectural control—we have a Charleston ordinance which says that anything you build or tear down or alter or remodel anywhere in this district, must be submitted to a Board of Architectural Review so it will be compatible architecturally with the old and historic district.

All of those controls would require that for all the property affected by this bill from Oronoco Street, which is actually 2 blocks north of Green Street, all the way down to the end of the legislative boundary line. It would not be applicable now to the areas north of Green Street, which is substantially outside the area of the old and historic district.

Now, the Watergate apartments, which we were talking about or mentioned a minute ago and which is a high-rise apartment project that has been approved, is in the process now of getting ready to build on this site here, between Oronoco Street and Queen Street, but off the boundary line of the area. The argument has been that what we were trying to do was to set tall buildings and high-intensity development as far back from the river as we could. So the agreement with the conservation organization was that we will say that there can't be any development—this is Reed Street extended here, and you can just draw an imaginary line 100 feet east of Lee Street, essentially here—in that area, or east of Lee Street between there and the river except buildings no more than 30 feet in height.

The basis for that compromise was so that we would not lose the support of all the landowners who claim to own this property. You can use density from the land west of the line but the east line that you leave an open parkland if you build it west of the line. So that if you leave open parkland in this area, you can use density on this side of the line.

Now, that applies from one end of the waterfront to the other end of the waterfront; and the one area of disagreement is that some of the people who oppose this bill contend that if you get density credit for parkland from one end of the waterfront, except in front of the Watergate; they don't get any density credit—

If you impose the height and density limitations of the old, historic district, Senator, on this piece of land right here, you would guarantee yourself a five-story building occupying 100 percent of the site, and anyone that questions that can walk in front of city hall in Alexandria and see one of them being built. A five-story at this height, occupying 100 percent of the land, totally blocks, for all practical purposes, public visibility of and the access to the Potomac River.

Whatever the merits and demerits of the Watergate project, it is only occupying 18 percent of the total site area, and there is free and open public visibility of and access to the river. It is in no way affected by the boundary lines of this legislation outside the boundary line.

Senator BUCKLEY. Thank you very much.

The CHAIRMAN. I have two general questions for you, Mr. Mitchell, and then we have some additional questions that we will propound to you. They will be written interrogatories to which you can respond.

Mr. MITCHELL. All right.

The CHAIRMAN. What will be the public's participation in the development of this plan?

Mr. MITCHELL. We are required, Senator, by our city charter, and by our method of doing things, to involve the public of Alexandria.

As a matter of fact, I think the city of Alexandria has more public involvement, more public hearings, and pays more attention in terms of listening to the public than any municipality in the United States, per capita, as last night and the night before will attest.

But in order to prepare this plan—we would have to refer it to our planning staff for presentation. The planning staff would prepare a proposed plan and send it to our planning commission.

The planning commission, which is composed entirely of citizens, would then review the plan, hold public hearings on it, and make a recommendation to the council.

The council, having received the recommendations of the planning commission, would then hold another public hearing. We would hold that hearing as long as there were people who wanted to say anything about it. Once those hearings have been held, and the council had approved the plan, it would then be submitted to the Secretary of the Interior for his approval.

The CHAIRMAN. What if the Secretary of the Interior disapproves it? What if he finds something faulty?

Mr. MITCHELL. If he found something faulty and changed the plan, we would have to go through the whole process again.

The CHAIRMAN. Regarding this money, et cetera, he still has the ultimate situation?

Mr. MITCHELL. Yes. We did write something in there to give us a little protection: We said that in the event he turns down the plan, he has got to give us the reasons why he turned it down, so that we could at least know what he didn't like about it, and try to correct it.

The CHAIRMAN. Would his refusal or his turndown be appealable by you, or would it have to be reheard?

Mr. MITCHELL. The only remedy that I know of, Senator, would be the possibility of filing some sort of mandamus in court.

The CHAIRMAN. You then would have to show that he turned down the plan in an arbitrary and capricious manner.

Mr. MITCHELL. Yes, sir; or refused to specify the reason for turning it down.

The plan itself, Senator, is a plan—and I emphasize this—which shows only the location of parkland, walkways, and which is designed to show the maximum extent of fill. It is not a brick and mortar plan that says we are going to have a two-story building here and a three-story building there.

The CHAIRMAN. Now that leads to my next question: Would you call the plan that is called for in this bill—would you describe it as being a general land-use plan or a specific land-use plan?

Mr. MITCHELL. Senator, this is a general land-use plan. A land-use plan is, as I understand it after 6 years of working with zoning ordinances, a bill that says what uses can be made of certain types of land, then you put it on a map and translate what is written on the piece of paper on a map.

You could take a map and say that within this area you can only make certain types of uses. So this is a generalized land-use plan; yes, sir. It is not a detailed, specific, brick-and-mortar plan, and it could not be; it would be unworkable.

The CHAIRMAN. Thank you, very much, Mr. Mayor, Mr. Vice Mayor, and Mr. City Manager. We appreciate your being here.

Mr. MITCHELL Thank you.

Mr. ANDERSON. Thank you.

Mr. BEATLEY. Thank you, sir.

The CHAIRMAN. We have, it appears to me, about nine different witnesses to be heard. I would hope that each witness, in the interest of time, would not replot the same ground but would try to add new facets, new viewpoints to the testimony, so that it isn't just duplicative.

Our next witness is Dr. Linda Michael, representing the Alexandria Board of Trade.

Dr. Michael?

STATEMENT OF DR. LINDA MICHAEL, ARCHITECT, REPRESENTING THE WASHINGTON METROPOLITAN CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS AND THE ALEXANDRIA BOARD OF TRADE

Dr. MICHAEL. Gentlemen, I am Dr. Linda Michael, an architect for urban design and practicing in the city of Alexandria.

I am here to, if you will permit, express the views of two different groups; (1) the Washington Metropolitan Chapter of the American Institute of Architects; and (2) the Alexandria Board of Trade.

The Washington Metropolitan Chapter of the American Institute of Architects, through its members of the Northern Virginia section, was made aware of the imminence of this land title legislation and has adopted the following resolution—

The CHAIRMAN. You don't have to read it; it will be made a part of the record.

Dr. MICHAEL. Thank you.

(The resolution follows:)

WASHINGTON, D.C., JANUARY 10, 1972.

A RESOLUTION

Whereas the City of Alexandria seeks to rehabilitate its Potomac River waterfront to improve the scenic qualities of that area, to expand the city's tax base through better land utilization and to facilitate the use and enjoyment of the waterfront; and

Whereas such improvement and development is presently thwarted by the claim of the United States government to certain undeterminable portions of that area; i.e., all land east of the high water mark of 1791; and

Whereas said claim has never been exercised in nearly two hundred years in the improvement or upkeep of the area; and

Whereas in keeping with the national policy of the American Institute of Architects to encourage improvement of the environment, both natural and man-made, the Washington-Metropolitan Chapter seeks the rejuvenation of the Alexandria waterfront—to provide the city a chance to display its heritage as a port, a city that once fronted the river with buildings, piers and quays extending urban life to the water's edge;

And further, to allow private development and public park lands to be molded into a viable whole contributing to the common weal and serving as a worthy focus for an historic city; and

Whereas it is understood that legislation presently being drafted by the Department of Interior requires the submission of a comprehensive waterfront development plan as a condition of transfer of disputed lands: Now, therefore, be it

Resolved, That the Washington Metropolitan Chapter of the American Institute of Architects, through its Northern Virginia Section, urge the immediate and

expeditious passage of said legislation as required by the Congress of the United States to permit the City of Alexandria to exercise its jurisdictional powers in the planning and development of its waterfront.

Dr. MICHAEL. The general sentiment of this resolution is that the city of Alexandria be allowed to redevelop its original ports and follow its original heritage. These sentiments are expressed by most of our citizens, and they very certainly are those of the Alexandria Board of Trade.

The board represents over 800 businesses and individuals and has sought to stimulate an orderly policy development in our city for some time.

In the fall of 1958, I was a student at the University of Virginia School of Architecture. Our fifth design problem in that year was a study of the city of Alexandria. Again, in 1967, while a doctoral candidate at the Catholic University of America, we had a new project to study—the Alexandria waterfront.

As many as 14 years ago, when I was a student, I saw the potential of a unique city as we know in Alexandria.

In 1968 and 1969, the board of trade produced an extensive study, another study, complete with plans and sketches of the portion of our Alexandria waterfront. The concept of a considerable amount of public space and public access to the river, yet realistic in its goal that stimulates development and it proposed a variety of land use, residential, commercial, and business, as well as recreational, and in densities that would make such use feasible.

The legislation before us allows a balanced neighborhood. For those who would contend that only plot plans should be the future of the Alexandria waterfront, we would take issue.

Our research department of the board has pointed out that planning district 1, wherein all the land in question, has had a reduction in population from 1956 to 1970 at the rate of 6,000 people.

If our downtown section remained alive and despite the draw of the suburbs, it must be allowed to regenerate and grow with the needs of the community.

This bill will allow that regeneration in a manner tasteful with the tenets of good urban design. It would give us parklands and public access to the river. And it would give us orderly growth under the guidance of the citizens who will approve this plan.

As representatives of the business community and the citizens of our city, the Alexandria Board of Trade will appreciate the support and the passage of this legislation.

The CHAIRMAN. Thank you very much, Dr. Michael. We appreciate your presentation.

I now place the board of trade waterfront study in the record.

(The study follows:)

BOARD OF TRADE WATERFRONT STUDY

OPEN SPACE FOR AN OPEN FEELING—SPACE FOR PEOPLE TO USE

The basic unit of measurement in the City must be the individual person. This seems unnecessary to say, yet if we have taken this statement for granted in the past we appear to have lost it entirely when we observe our present city standard and design, or lack of both.

People should have a greater priority than cars. In zones allowing 55 apartment units per acre, each unit takes 800 square feet of land or 470 square feet per person while 440 square feet is needed for each car.

Present densities are too high for the percentage of open space required. Density should decrease as ground is covered and density should increase as more open space is made available and usable for people.

There should be a penalty for covering up land with buildings and a bonus for opening land for people to use. There should be no height limitation—an artificial control—but only density control variation to encourage more land open for pedestrian use.

Open space for people is emphasized because it should not be taken for granted that by just being uncovered by building makes land desirable and usable by people. We want not only open space for an open feeling but we want ground for people to use for parks and walks, games and gatherings, activities to bring back a community spirit.

In open spaces for people there should be the kinds of things people enjoy: fountains and benches and plazas and trees, and also places for people to use: theatres, restaurants, pubs, shops, tennis courts, boating facilities, water sports, concerts, plays, flower stands, browsing areas, picnic tables and walks for strolling along the river side, and with all these on the pedestrian scale with no cars permitted or desired.

The brutal quality of cities is their lack of human scale. This does not necessarily mean tall buildings but rather no space for people to enjoy. If tall buildings mean more ground for people to use then the tall building is a boon to the human scale.

When buildings and cars crowd the people off the land, then no matter how tall or how low the building, the scale is bad and the enjoyment of the City is diminished. Too many low buildings as well as too many tall buildings create monotony and an undesirable city scape.

The greatest resource of Alexandria is her people and the people of Alexandria should receive top priority in all decisions concerning the City. All citizens should receive first consideration wherever there are plans for development of City resources especially when such plans will increase or decrease the taxes of individuals.

Alexandria's Waterfront North is one of the greatest physical resources of the City and her people.

The Waterfront should be developed to provide opportunities for all citizens to enjoy water-oriented relaxation and pleasure. Waterfront North offers many varieties of entertainment possibilities that could make it a lively and exciting place not only for people living in the neighborhood but also for all other Alexandrians.

The CHAIRMAN. Our next witness is Mr. Robert McCaw, counsel, Northern Virginia Conservation Council.

STATEMENT OF ROBERT B. McCAW, ESQ., REPRESENTING THE NORTHERN VIRGINIA CONSERVATION COUNCIL

Mr. McCaw. Senator Eagleton, my name is Robert McCaw, and I am here on behalf of the Northern Virginia Conservation Council, whom I represent as legal counsel.

The bill that you have before this committee this morning represents a great deal of work, not only on behalf of the officials of the city of Alexandria, but also on behalf of numerous conservation groups who originally opposed the two-paragraph bill which was introduced in the Senate and the House of Representatives 2 years ago, and simply gave the land away with no controls whatsoever.

The Northern Virginia Conservation Council feels that this bill has come a long, long, long way from that point. It does provide for a great deal of public use along this waterfront and, with the exception

of one area where we could not reach agreement with the city other than to agree to disagree, we feel that the bill is a good solution to the long-standing problem.

The one area where we agreed to disagree with the City Council of Alexandria relates to the Watergate apartment complex, which is to occupy a two-block area between Queen and Oronoco Streets, right in the middle of the area that we are talking about.

The vice mayor of the city of Alexandria has said that Watergate will not occupy the Federal property. That is his statement as an attorney for the title problem, and the 1791 plan—

The CHAIRMAN. Would you excuse me, Mr. McCaw.

I hate to interrupt. But in these waning days before recess, there is always a lot of feverish activity in other committees to do legislative work that they should have done 6 months ago. I have to break out briefly to vote and what I would suggest is that everyone who wishes would continue taking testimony with the counsel presiding, and I will briefly return.

Mr. Godley will be acting chairman until I get back.

Mr. McCaw. The Watergate complex will physically occupy property which is described in section 1 of the bill. That is the position the Northern Virginia Conservation Council takes, and it is the position that the council has been taking in litigation which was filed against Watergate in the city of Alexandria.

More important than the physical occupation of the property is the fact that it requires for the height and density it proposes to build at, not only the fast land property in that three-block area, but the bottom of the Potomac River lies adjacent to the shoreline out to the bulkhead line.

The bill provides extra special preferential treatment for Watergate. It permits Watergate to have the density credits that it would get from the adjacent federally owned property or federally owned property without supplying the same degree of public access, public parkland, and open space that other developers would be required to provide.

In the north waterfront area, the line parallel to and east of Lee Street will provide an area which at points will be as wide as 500 feet of public open space and parkland which will provide a good setback from the river.

At the Watergate site, the buildings will stand right on the Potomac shoreline; and the only public open space will be created on fill and will be at most 100 feet wide. So that with providing one-fifth of the public benefit that developers in the north waterfront area are required to provide, Watergate is getting the same kind of density credit in the most desirable location on the waterfront. We maintain that this is just nothing short of a Federal subsidy to a luxury apartment developer, contrary to national housing policy which specifies that available resources in the area—and there are not enough to go around—should go to low- and moderate-income housing.

Moreover, Watergate will have an undesirable impact on the old and historic district. As Mr. Mitchell pointed out, the Watergate site is adjacent to the old and historic district.

When Senator Buckley in his question was concerned about the impact of high-rise buildings on that district, these buildings will be four

buildings and they will be 19 stories high. That is at least 15 stories higher than anything else in the old and historic district there and will stand out like a sore thumb against that shoreline.

It will also stand out like a sore thumb for anyone viewing the shoreline from the Maryland side. They are simply inappropriate in that location and ought not to be constructed.

We have provided the committee with a proposed amendment to the bill, which would solve this problem by: (1) permitting fill in that area; (2) prohibiting the transfer of density credits; and (3) requiring as a condition of the Secretary's approval of the land-use plan, the acquisition of a scenic easement over the whole Watergate site. Any one of those three would provide a suitable means of adjusting the inequitable treatment that Watergate is getting under this proposal.

One other point I would like to address, that came up in Senator Eagleton's questioning this morning, is the question of environmental impact statements.

The Northern Virginia Conservation Council takes the position that the Secretary's approval of the land-use plan is a major Federal subsidy affecting the quality of the environment, as that phrase is used in section 102 of the National Environmental Policy Act and in your report at the time you approved the plan have to come forward with an environmental impact statement.

I agree with Mr. Mitchell that I don't see that the bill has created an exception to the National Environmental Policy Act or the procedures it did outline. The bill is simply silent on that requirement and in view of the fact that it is silent, the National Environmental Policy Act will control. I would hope that the committee's report would reflect that as an adequate answer to the Senator's question. There is no exception.

I appreciate very much this opportunity to appear before this committee and I hope that the committee will seriously consider this Watergate question. It is the only question which we were unable to resolve with the city. They simply refused to negotiate over this; they refused to negotiate a reduction in height of the buildings; they refused to negotiate over a greater setback; and they simply were entrenched on this point. We agreed to come back with them and with the exception of this point, we ask the committee to prohibit the desecration of the waterfront in the old and historic district.

Thank you very much.

Mr. GODLEY. I trust you will be available for any written questions that the Senators may have later.

Mr. McCaw. I certainly would be glad to answer any questions. I would like to provide a copy of my remarks for the record.

Mr. GODLEY. Thank you; it will be received.

(Mr. McCaw's prepared statement follows:)

TESTIMONY OF ROBERT B. McCAW, ESQUIRE
ON BEHALF OF THE NORTHERN VIRGINIA CONSERVATION COUNCIL
BEFORE THE UNITED STATES SENATE COMMITTEE
ON THE DISTRICT OF COLUMBIA
PERTAINING TO S. 3861

August 17, 1972

Mr. Chairman, Members of the Committee.

I sincerely appreciate this opportunity to appear before you on behalf of my client, the Northern Virginia Conservation Council which has had a vital interest in this legislation pertaining to the Alexandria Waterfront for more than two years. The Bill which you now have before you, S. 3861, and its identical companion in the House of Representatives, H.R. 15550, are the product of untold hours of work on the part of numerous private citizens and conservation groups as well as representatives of the City of Alexandria.

The Bill is a compromise between the City of Alexandria and the Northern Virginia Conservation Council which was one of the principal groups opposed to the legislation originally introduced in the House of Representatives at the request of the City of Alexandria. Like every compromise, this one cannot perfectly satisfy all parties. However, I believe that the Bill is a fair solution to a difficult and long-standing problem

along the Alexandria waterfront in all of the areas in which the Conservation Council and the City of Alexandria were able to reach agreement. There was one area where the City and the Conservation Council were unable to reach agreement, except to agree to disagree. That area involves the impact of this legislation upon the proposal of the Watergate Improvement Corporation, the builders of the Watergate Apartments in Washington, to construct four 19-story apartment buildings upon a portion of the land to be transferred to the City of Alexandria and utilizing both existing fast and submerged land to be filled in the future for density credit under local zoning laws. This monstrous apartment complex which is to be constructed between Queen and Oronoco Streets immediately adjacent to the Potomac shoreline will overshadow the Old and Historic District of the City of Alexandria. It will be unaesthetic, unappealing, and totally out of place. Moreover, it will generate congestion and traffic problems which will severely undermine the pleasantness and attractiveness of the Old and Historic District.

In addition to the fact that Watergate has chosen an inappropriate location for its highrise luxury apartments, the Northern Virginia Conservation Council wants to draw the Committee's attention to certain other inequitable aspects of the Watergate proposal. First, unless amended to restrict the height and density of the Watergate complex, at least in proportion to the restrictions imposed along other sections of the waterfront, this Bill will amount to a federal subsidy, through the use of federal land and density credits from federally-owned fast and submerged lands to a private luxury apartment developer. The Congress of the United States should not place itself in a position of providing a subsidy to a luxury apartment developer. There is no need for such a subsidy and it is not in keeping with the national housing policies which have directed the available resources toward providing adequate housing for those of low and moderate income who desperately need it.

Second, the Bill gives extraordinary special preferential treatment to Watergate. Developers in the north waterfront area are required under the terms of the Bill to provide a massive area of public park and

open space between any future apartment buildings and the Potomac River. This setback in the north waterfront area will be in excess of 500 feet in some places. Watergate, however, seeks to avoid providing a similar area of public open space in front of its huge complex. Its buildings will stand on the present edge of the Potomac River and any public space in front of the buildings will be created out of fill of the Potomac River. Even this fill will not exceed 100 feet in width. Watergate, unlike the developers in the north waterfront area, will not be required to give the public a fair quid pro quo for the right to build on federal property in this extraordinarily desirable location.

The House District Committee, aware of the fact that the Conservation Council and a substantial group of Alexandria citizens have sued the Watergate developers in Circuit Court for the City of Alexandria, was content to rely on the legal arguments made in that litigation and abide by its outcome. With all due respect to the able gentlemen who served on that Committee, I believe that such a solution shifts the responsibility to protect the public interest from the Congress where it rightly belongs to a group of private citizens who should not be forced to carry this burden. The responsibility to insure the

proper utilization of federal property rests upon the Congress. It is the Congress which should determine whether Watergate is to receive a special preferential subsidy through this legislation.

I would also point out with respect to the pending litigation that it involves many local issues including compliance with local zoning requirements and the purported sale of certain property owned by the City of Alexandria. The suit does not attempt to pre-judge the issue which we are asking this Committee to decide, and cannot serve as an adequate substitute for a decision by the Congress.

In closing, I want to state that the Conservation Council has worked long and hard on this legislation. The Conservation Council feels that with an appropriate amendment to prohibit a special preferential federal subsidy to the Watergate developers, the other provisions of this Bill which we have negotiated with the City of Alexandria will provide a permanent and highly desirable solution to a problem which has long plagued the Alexandria waterfront.

Attached hereto as Appendix A is a brief summary of the legislation and judicial precedent which affect the title claims made by various parties to the land transferred by the Bill. Also attached is the text of the amendment that the Conservation Council urges upon the Committee.

Appendix A

THE VALIDITY OF THE FEDERAL TITLE

The United States owns the bed of the Potomac River and that portion of the Virginia shore within the ten mile square of the original District of Columbia which lies east of the 1791 high water mark. Although many conflicting claims have been made concerning the various statutes and judicial decisions concerning the boundary line between the District of Columbia and the Commonwealth of Virginia, a simple recitation of the facts will help to clarify the situation.

The Relevant Laws. -- There are ten major groups of legislation that appear to affect the boundary, although as will be pointed out below, some of these have been found by the courts to be irrelevant to the location of the boundary. Listed in chronological order, the laws are:

- (1) The Compact of 1785 between Maryland and Virginia. 1/
- (2) The respective Acts of Cession by Maryland and Virginia to the United States in 1788 and 1789. 2/
- (3) The Acts of Congress of 1790 and 1791 accepting the ceded territory and the accompanying Presidential Proclamations. 3/
- (4) The Acts of Maryland in 1791, 1792 and 1793 ratifying the cession by Maryland. 4/

1/ Compact of 1785, 1 Dorsey, Maryland Laws, 1692-1839, at 187.

2/ Maryland Act of December 23, 1788, Ch. 46; Virginia Act of December 3, 1789.

3/ Act of July 16, 1790, 1 Stat. 130; Act of March 3, 1791, 1 Stat. 214; Proclamation of Jan. 24, 1791; Proclamation of March 30, 1791.

4/ Maryland Act of Dec. 19, 1791, Ch. 45; Maryland Act of Dec. 23, 1792, Ch. 59; Maryland Act of November 1793, Ch. 58.

(5) The Act of Congress of 1846 retroceding the County of Alexandria to the Commonwealth of Virginia and the accompanying Presidential Proclamation. 5/

(6) The arbitration award between Maryland and Virginia approved by Act of Congress of 1879. 6/

(7) The Act of Congress of 1912 relating to the power of the United States Attorney General to Settle Boundary Claims. 7/

(8) The Act of Congress of 1927 providing for Cession of a tract of land located at Battery Cove, near Alexandria to Virginia. 8/

(9) The Act of Congress of 1934 authorizing the Secretary of Interior and other officials to make equitable adjustment of certain boundaries. 9/

(10) The Act of Congress of 1945 establishing the Boundary Line between the District of Columbia and the Commonwealth of Virginia. 10/

A Brief Outline of the History of the Federal Title.

-- By acts of their respective legislatures in 1788 and 1789, the States of Virginia and Maryland authorized the cession of a district of ten miles square for the seat of Government of the United States. By the Act of July 16, 1790, the Congress of the United States accepted the ceded territory and authorized the President of the United States to survey and establish the boundaries of the District accepted for the permanent seat of the government of the United States. On January 24, 1791, the President by a proclamation defined the limits of

5/ Act of July 9, 1846, 9 Stat. 35; Proclamation of Sept. 7, 1846.

6/ Act of March 3, 1879, 20 Stat. 481.

7/ Act of April 27, 1912, 37 Stat. 93.

8/ Act of February 23, 1927, 44 Stat. 1176.

9/ Act of June 4, 1934, 48 Stat. 836.

10/ Act of October 31, 1945, 59 Stat. 552.

the District of Columbia. This proclamation was followed by an additional enabling act by Congress, on March 3, 1791, and a further proclamation of the President on March 30, 1791. It is from the Presidential proclamation of January 24, 1791, as modified on March 30, 1791, that the 1791 high water mark derives as the boundary of the land ceded by Maryland and accepted by the United States. This boundary was not altered by three Acts of the Maryland legislature in 1791, 1792 and 1793 ratifying the cession to the United States.

By 1846, the Congress had determined that the portion of the ten mile square ceded by Virginia was not needed for the seat of Government, and the Congress retroceded to Virginia what the United States had received from Virginia. Because both Maryland and Virginia had claimed parts of the Potomac River, however, disputes arose over the location of the Virginia boundary. Similar disputes were settled between Virginia and Maryland through the Compact of 1785 and the arbitration award of 1877, approved by the Congress in 1879. Neither of these methods, however, resolved the disputes between Virginia and the District of Columbia, concerning the boundary line along the Virginia shore after the retrocession by the United States. The latter controversies were settled in part by the United States Supreme Court in 1899 in the case of Morris v. United States, 174 U.S. 196 (1899). In Morris, the Court determined, after weighing the royal charters of the States of Maryland and Virginia against each other, that the grant to Maryland had conveyed to that colony the bed of the Potomac River up to the high water mark on the Virginia shore; that title to the river bed had then passed to the State of Maryland at the end of the Revolutionary War; and that the cession from Maryland to the United States had included the bed of the Potomac River up to the high water mark on the Virginia shore. Morris, supra, at 224-27.

That the accidents of history left the entire course of the Potomac River within the territorial area of the District of Columbia is confirmed by the first section of the District of Columbia Code, which provides;

"The District of Columbia is that portion of the territory of the United States ceded by the State of Maryland for the permanent seat of Government of the United States, including the river Potomac and its course through the District and the islands therein."

The jurisdiction of the United States over the river has also been confirmed by many judicial decisions. One of

the first and most important of these cases is the Alexandria Canal Railroad case. In that case the District of Columbia attempted to tax the bridge upon which the Alexandria Canal Railroad operated. The company alleged that the District could not tax the bridge because it was not within the jurisdiction of the District of Columbia. The court rejected this argument, holding that the bridge spanning the Potomac River was within the District of Columbia and could be taxed up to the high water mark on the Virginia shore. Alexandria Canal RR & Bridge Co. v. District of Columbia, 1 Mackey 217 (1881).

In the Smoot case the owner of a steam dredge was prosecuted for employing an engineer who was not properly licensed. The owner of the dredge argued that he was entitled to a dismissal of his case because the Police Court of the District of Columbia had no jurisdiction to try the defendant for conduct which occurred on the navigable waters of the Potomac River. The Court held that the Potomac River is a part of the District of Columbia, and the conviction of the defendant in the Police Court in the District of Columbia was affirmed. Smoot v. District of Columbia, 23 App. D.C. 266 (1904).

In the Evans case, Evans was standing on a rock above the high water mark on the Potomac River fishing with a dip net in the water below the high water mark on the Virginia side of the river. The court held, following the United States Supreme Court decision in Morris v. United States, 174 U.S. 196 (1899), that the grant to Cecilius Calvert, Second Baron of Baltimore and First Lord Proprietary of the Province of Maryland was not affected by the subsequent patent granted to the Lord Culpeper of the territory south of the Potomac River and hence that Maryland's title to the Potomac River had passed to the Government of the District of Columbia unaffected by Virginia's claims to any portion of the river. The Court said:

"The right of control over the Potomac river within the District has been settled so far as Virginia is concerned. The title of the United States, extending to the high water mark of the Potomac river on the Virginia shore, had been

vested in Lord Baltimore by the English Crown, and had descended from him to the State of Maryland, and, from the State, by act of cession to the United States. No jurisdiction or control over the river thus acquired had ever been relinquished by Congress. . . .

. . . .

We are of the opinion, therefore, that the territory now embraced within the District of Columbia is co-extensive with that included in the cession from Maryland. Whatever title Maryland possessed in the soil became vested in the United States. Maryland at that time, as we have observed, unquestionably owned the soil to the high water mark of the Potomac river on the southern or Virginia shore. Congress has never relinquished the title or control thus acquired. No such construction can be placed either upon the act of retrocession to Virginia, or upon the act of approval of the award between Maryland and Virginia in 1879 [Emphasis added.]

The Court affirmed the Police Court conviction of the errant fisherman for illegal use of a dip net. Evans v. United States, 31 App. D.C. (1908). */ What the Court said about fishing rights is equally applicable to all of the other rights which any citizen of Virginia or riparian land owner might have attempted to exert against the Federal title. Such a land owner could no more acquire rights against the United States by filling or building a pier or any other activity than he could by fishing.

*/ The right and title of the United States to the Potomac River was again affirmed in Jefferson v. District of Columbia, 40 App. D.C. 381 (1913) (The Court affirmed a Police Court conviction for serving intoxicating liquors on a vessel on the Potomac River within the territorial limits of the District of Columbia.)

In the Marine Railway case, the United States sued to recover possession of land which had been created by fill of the Potomac River. The situation of the disputed land in the Marine Railway case is thus exactly analogous to the land proposed to be created by the Watergate Improvements, Inc. in constructing the 4 building 19-story apartment complex which the City of Alexandria has already approved and which will be built in part upon the property covered by this bill. The Court stated:

"It is settled law that the boundary line between Maryland and Virginia was originally fixed by the Charter granted by Charles I in 1632 to Lord Baltimore of the province of Maryland, embracing the Potomac river, the soil under it, and the islands therein to the high-water line of tidewater on the Virginia shore." [Emphasis added.]

The Court went on to state:

"By repeated decisions of the courts of this District, it has been held that the jurisdiction of the United States within the District of Columbia extends over the Potomac river to the line of high water on the Virginia shore. . . . [Citations omitted.] In the Alexandria Canal Co. Case, the Court sustained the power of the District to assess and collect taxes upon the Aqueduct Bridge up to the high-water line on the Virginia shore. In the Smoot and Jefferson Cases, it was held that the District extends over the entire river. In the Evans Case the authority of the District to arrest and prosecute persons fishing in the waters of the Potomac from the Virginia shore was sustained."

. . . .

"Thus is [sic] appears that, not only has Congress legislated upon the

basis that the entire river is embraced within the District, but the record shows that the municipal corporation, as the executive agency of the government for the enforcement of police power, has claimed and exercised, and still claims and exercises, jurisdiction to the high-water mark on the Virginia side. This, it would seem, constitutes a political determination of the territorial limits, binding upon the courts of this jurisdiction. . . ."

Finally, the court concluded:

"It is therefore inconsistent with every principle upon which the title to the soil under public waterways is protected to hold that defendant, or its predecessors in interest, by virtue of their title in the fast lands adjoining tidewater acquired any title adverse to that of the state of Maryland or its successor in interest, the United States."

In considering the affect of the Marine Railway case, which was subsequently affirmed by unanimous decision of the United States Supreme Court, it is important to consider the arguments advanced by the Marine Railway & Coal Co. and rejected by the Court. First, the Marine Railway & Coal Co. argued that it had rights deriving from the Compact of 1785 between the States of Maryland and Virginia. The Court rejected this argument indicating that the Compact was a private contract which could "in no way affect the title which the United States, as the successor of Maryland, has in the soil beneath the Potomac River." Second, the Marine Railway & Coal Co. argued that the arbitration award of 1877 approved by Act of Congress in 1879 affected the boundary between the District of Columbia and the State of Virginia. The Court rejected this argument stating that "the United States was not a party to the Award of 1878 and her status with respect to the boundaries between the District of Columbia and Virginia was not involved."

Finally, the Marine Railway & Coal Co. argued that it had a riparian right to the land adjacent to its fastland property and that this riparian right gave it title to the filled land. The Court characterized this argument as untenable stating: "The rule is without exception that so long as the sovereign remains owner of the submerged soil it retains the fee of the soil reclaimed." Marine RR & Coal Co. v. U.S., 265 F. 437 (1920) (C.A.D.C.)

The decision of the Court of Appeals for the District of Columbia in the Marine Railway case was affirmed in a unanimous opinion of the Supreme Court of the United States written by Mr. Justice Holmes. This decision specifically discussed and affirmed the judgments of the Court of Appeals that the Compact of 1785 and the Arbitration Award of 1878 had no effect on the title of the United States. The Court further affirmed that the Marine Railway & Coal Co. could have no riparian or prescriptive right across sovereign boundaries against the United States. This decision of the Supreme Court establishes the legal proposition that made lands to the east of the 1791 high water mark are the property of the United States.

Further evidence of the title of the United States to filled or made land east of the 1791 high water mark can be found in the Act of Congress of February 23, 1927, which provided that territory of the District of Columbia situated on made land in Battery Cove near Alexandria, Virginia be ceded to the State of Virginia. By this Act, and by Virginia's acceptance of the Battery Cove land ceded by the United States, both the Congress of the United States and the State of Virginia recognized the Federal title to made land lying below the 1791 high water mark and the necessity for affirmative action by the United States to transfer title to such property.

Many of the old arguments based on prescriptive and riparian rights, as well as the Compact of 1785 and the arbitration award of 1877, were again presented to the Supreme Court in Smoot Sand & Gravel Corp. v. Washington National Airport Inc., 283 U.S. 348 (1931). See also Herald v. United States, 284 F. 927 (1922). Again the Supreme Court rejected these arguments, holding that the

high water mark on the Virginia shore was the boundary of the District of Columbia and that title to the river bed to the east of that boundary was vested in the United States. The Court disposed of much argument with the simple holding: "But private ownership does not affect State boundaries."

Again in 1945, when Congress established the jurisdictional boundary between the District of Columbia and the Commonwealth of Virginia, it recognized the right title and interest of the United States in the lands lying between the high water mark as it existed January 24, 1791 and the new jurisdictional boundary. The Act provided:

"Nothing in this Act shall be construed as relinquishing any right, title or interest of the United States to the lands lying between the mean high-water mark as it existed January 24, 1791, and the boundary line as described in section 101; or to limit the right of the United States to establish its title to any of said lands as provided by Act of Congress of April 27, 1912 (37 Stat. 93); or the jurisdiction of the courts of the United States for the District of Columbia to hear and determine suits to establish the title of the United States in all lands in the bed, marshes, and lowlands as described by said Act below the mean high-water mark of January 24, 1791; or to limit the authority to make equitable adjustments of conflicting claims as provided for in the Act approved June 4, 1934 (48 Stat. 836)."

The United States Department of Interior, the Federal Agency charged with custody and administration of this Federal property along the Virginia shore of the Potomac River, has repeatedly claimed that title to the property is vested in the United States. On June 11, 1971, the Associate Solicitor of Parks and Recreation of the Department of the Interior, wrote to the Texas Company, as follows:

"It has come to our attention that a filling operation is being conducted on submerged land in the bed of the Potomac River, near the south side of Madison Street in Alexandria, Virginia. Title to this submerged land is vested in the United States. The land area from which the fill is being placed in the river is shown on the records of the City of Alexandria as being assessed to the Texas Company.

"This letter is to advise you that the filling on Government land over which this Department exercises jurisdiction is unauthorized and contrary to the best interests of the United States. Accordingly, you are requested to cease and desist forthwith conducting this operation or allowing it to continue."

The filling operation to which the cease and desist request pertained was then being conducted in the Oronoco Bay, immediately to the north of the Watergate site.

On November 3, 1971, the Associate Solicitor of the Department of Interior warned the President of the Old Town Bath and Racquet Club that any construction it might undertake on a site seven blocks south of the Watergate site would be subject to the title claims of the Federal Government. The letter stated:

"It has come to our attention that the Old Town Bath and Racquet Club intends the improvement of some lands east of Union Street and south of Gibbon Street in Alexandria, Virginia. We are informed that the land to be improved was created by a fill on what had been submerged land prior thereto.

"This letter is to advise you that title to the area is claimed by the United States, and is subject to the administrative jurisdiction of the Department of the Interior; that the filling of the subject land was not authorized by the Department on behalf of the United States; and that the improvement of such lands would be unauthorized and subject to the real property claims of the United States."

When the City Council of Alexandria considered the sale of its property to Watergate for this apartment complex, the following statement was made on behalf of the Department of the Interior:

"Mr. Mayor, members of the City Council, we appreciate this opportunity to present the views of the Department of the Interior on the proposal by the City to sell certain lands to the Watergate Improvement Corporation.

"We do not believe it is necessary to recount the long history regarding questions of title to real property in the waterfront area of Alexandria. We do believe that the position of the Department of the Interior has been made clear, and simply stated is that, in the area along the waterfront, including that portion which the City is intending to convey, the United States is the owner of lands, whether fast or submerged, which are easterly of the high-water mark of 1791, unless it has previously conveyed its interest to others.

"We understand that the deed which the City intends to deliver would describe an area to the bulkhead line, thus partly including both fast and submerged lands east of the 1791 line. The Department of the Interior objects to any such conveyance which purports to transfer an interest of the United States in these lands, which are under the jurisdiction of the Department and that we do not condone or participate in such a conveyance; that any action by the City Council purporting to convey the interest of the United States in such lands is a nullity; that any purchaser is on notice of the claim of the United States to

such lands; and that any utilization of the United States will not be acceded to. [Emphasis added.]

"The Secretary of the Interior also wishes to restate the present opposition of the Department to any application for permission to fill these, or other similarly situated lands."

On February 29, 1972, Nathaniel P. Reed, Assistant Secretary of the Interior, wrote the Mayor of Alexandria objecting to Watergate's rezoning application for the Watergate project which is the subject of this application. The letter states:

"The United States, is the owner of all lands easterly of the 1791 high water mark, and approximately 2 acres of such lands, including submerged lands, are included within the area proposed by Watergate to be rezoned.

"The United States, as proprietor, objects to the rezoning of lands owned by it, which are included within the rezoning petition without its consent, and said lands constitute more than 20 percent of the area to be rezoned in the proceeding."

Finally, on March 10, 1972, Nathaniel P. Reed, Assistant Secretary of the Interior wrote to the District Engineer, Baltimore District, Corps of Engineers in response to the notice prepared by the Corps of Engineers on Watergate's application to fill precisely the same portion of the Potomac River which this Committee now has under consideration. Assistant Secretary Reed's letter reads in part as follows:

"Please be advised that the Department of the Interior strongly objects to the issuance of a permit to Watergate Improvement, Inc., or to any other applicant similarly situated in the waterfront of the city of Alexandria. The basis for our objection is hereinafter set forth.

"The lands affected by the application are owned by the United States and are under the jurisdiction of this Department. By virtue of the cession from the State of Maryland to the United States for the seat of Government, the United States became the owner of lands in the District of Columbia easterly of the high water mark on the Virginia shore as of the effective date of such cession in 1791. We enclose herewith a National Park Service map of the area, which represents a survey conducted in 1934. You will observe that the area for which the application has been made is easterly of the line depicting ownership by the United States. The said lands are under the jurisdiction of this Department by virtue of various statutory enactments and administrative actions. One such enactment authorizes the Secretary of the Interior to settle claims and disputes in this area and to deliver deeds on behalf of the United States when he deems it necessary or desirable to do so.

"Accordingly, this Department strongly objects to any action being taken which would interfere or give the appearance of interfering with the property rights of the United States in such area, or which directly or indirectly tends to interfere with the jurisdiction of this Department over such lands, without our consent. Any permit granted by the Corps of Engineers in accordance with the instant application could be misconstrued as having incidentally disposed of a valuable interest of the United States in real property contrary to the authority granted the Secretary of the Interior by the Congress. Such action would be clearly in excess of the authority of the Corps of Engineers, particularly in regard to property under the jurisdiction of another Department."

Conclusions with Respect to Title. -- The history outlined above, including acts of Congress and decisions of the federal judiciary establish beyond doubt that the United States is the owner in absolute fee simple of the bed of the Potomac River and will be the owner of any fastland re-claimed from the river. Thus there is absolutely no question that the bill which this Committee now has under consideration deposes of federal property. The same history, acts of Congress and judicial precedents establish that the United States has a strong claim to the already existing fastland along the Alexandria waterfront east of the 1791 boundary line. The Department of Interior has asserted this title and still maintains that the United States is the owner of this property.

In view of the history and the Department of Interior's position, in acting upon this bill, Congress must treat this area of the Potomac River and adjacent fastland as federal property. To do otherwise is to give away a valuable asset of the United States.

APPENDIX B

TEXT OF PROPOSED AMENDMENT

"SECTION 15. Any other provision of this Act notwithstanding, the filling of the Potomac River between the existing shoreline and the bulkhead line between the north line of Oronoco Street and Oronoco Street extended and the South line of Queen Street and Queen Street extended is and shall be prohibited. No credit for density or floor area ratio from any lands described in Section 1 of this Act between the north line of Oronoco Street and Oronoco Street extended on the north and the south line of Queen Street and Queen Street extended on the south shall be applied to any other property within or without the lands described in Section 1 of this Act. The Secretary of Interior shall not approve the land use plan submitted to him pursuant to Section 1(b) of this Act and the conveyance described in Section 1 of this Act shall not become effective unless and until the Secretary shall acquire, by condemnation if necessary, a scenic easement on the property between Queen Street on the south, Union Street on the west, Oronoco Street on the north, and the bulkhead line of the Potomac River on the east, which easement shall prohibit the construction of any structure in excess of 50 feet in height."

Mr. GODLEY. The next witness is Mrs. Marian Agnew, Executive Board of McLean Trails.

**STATEMENT OF MRS. MARIAN K. AGNEW, EXECUTIVE BOARD,
McLEAN TRAILS**

Mrs. AGNEW. Thank you very much for this opportunity to address the committee.

You have for the record my letter to Mr. Godley. I don't believe that I will read it verbatim. I would like to comment on these sections which divide into three paragraphs.

Paragraph 1 asks for a rescheduling of this public hearing after Congress reconvenes.

I would like to add to that a request that the hearing record be kept open until September 15 because of the people who are represented here have extensive mailing lists. We were notified Friday of this hearing. We did not have time to contact all our members and we feel that members of the committee would benefit from the comments of people both in the Washington metropolitan area who are concerned about the Alexandria waterfront, but also other people.

Paragraph 2 of my statement requests that section 7 of the bill be amended.

Section 7 does not include in its proposal for public facilities a bicycle trail.

Section 7 mentions only a pedestrian walkway and mall, which will be built within 15 years. Now, we have been working for more than 3 years to provide bicycle recreation facilities for people in the Washington metropolitan area.

The Alexandria waterfront land is a bike trail which we hope will one day be built all along the shores of the county. A couple of weeks ago, 3,000 people were using the George Washington Parkway, which was closed from Belhaven to Mount Vernon as a bicycle facility on Sunday mornings.

Several weeks ago, I had occasion to talk to Mr. Broscoe, who is Secretary Volpe's special assistant, about another matter. He asked me where the Secretary could ride a bicycle and I said, well, there is 17 miles of bicycle trail now from the zoo down to Belhaven and then on Sunday morning, if the Secretary would like, he may ride his bicycle to Mount Vernon.

However, in the city of Alexandria, the Secretary will have to ride his bicycle on the street. We hope that this situation will be remedied as soon as possible. So we, therefore, make this proposal.

My major concern in this testimony is the third paragraph, which is section 10, and I propose that this section be deleted completely.

Section 10 gives the Secretary of the Interior, at any date projected into the future, the capability to delete, eliminate, change, deviate, or vary from the proposed language planned for an application of a simple majority of the City Council of Alexandria.

If the Secretary does not act upon the request of the city council, we may leave the request on his desk for 60 days, after which time the request would automatically be granted.

We feel that as long as this section 10 is in the bill, there is absolutely no protection for citizens in the future.

I would like to read to you from the National Park Service letter in the House committee report, first session, and tell you why we feel that the citizens of the United States—the citizens who will use this park and recreation land, including Alexandria, must be protected in perpetuity.

The National Park Service has appraised the value of the lands claimed by the United States which are involved in the pending legislation regarding the Alexandria waterfront at a value of \$23 a square foot.

That figure was achieved as a result of several assumptions. First, as in all land appraisals, value is computed on the assumption that marketable-title exists. Second, it was based upon the highest and best use of the property, in accordance with comparable land sales for similar properties in the Washington metropolitan region. Third, it assumed that the lands would be capable of unrestricted development, in accordance with the existing available zoning.

Under these circumstances, you can readily see that virtually the last remaining waterfront acreage available for development in the Washington metropolitan area would return a significant amount of money to the United States if sold in accordance with the aforementioned conditions.

Now, I say this to you today, this is the single most valuable piece of real estate in the Washington metropolitan area, with the possible exception of the Georgetown waterfront. There is no way it can be prevented from being developed in one way or another; you have heard comments from the city council that it is a mess, it has problems; it does.

One of the major reasons is because it has been used extensively as a sewage facility by the plumbing systems within the city of Alexandria.

This will have to be remedied, according to the Virginia State Board of Control. There are nine sewage breaks along that waterfront right now.

As soon as these are remedied, this land will be a real national asset. It is part of the Potomac River shore; it is part of a historical heritage of the United States; it was surveyed by George Washington; it is too valuable to allow a desecration of it by developers or by changes in this planned use.

Therefore, I would recommend the deletion of section 10.

I believe that that is about the extent of my remarks. If you have any other questions, I would be glad to answer them.

Mr. GODLEY. You have asked that the hearing record remain open. The hearing record will as is traditional with this committee, remain open for a considerable amount of time; I am not sure about the exact length—

Mrs. AGNEW. I think there is one thing I would like to say to you: the Alexandria waterfront is a national issue. There are precedents all over the country. This is not a local issue. It is not simply between the conservationists, the Department of the Interior and the city of Alexandria.

Alexandria as a city is a precious national heritage. The roots of our country are there; we must protect it; and it is the avowed intention of the city council and they have gerrymandered the north end of the waterfront out of the old and historic area to build an extensive area of high-rise apartments.

At the present time, the limit is 20 stories. Now, that is the way it will go. We feel that there are certain real problems attendant to this, particularly the immediate juxtaposition to what is an area in the national trust—houses dating from the 17th, 18th, and 19th centuries still being lived in in Alexandria.

George Washington built the original school building there. We have per block in the city of Alexandria more historic houses than any other city in the United States. It is a city that is land poor. It needs help. It does need some money to help it, and this perhaps could be the real role of a bicentennial committee, to infuse in our city the amount of money that is needed to restore it and bring it back to the kind of city in which we would like to see our national monuments. But this, we feel, is simply not the way to do it. The kind of development that is proposed on the north end of the waterfront poses a far greater threat to the lovely old city that we know than any amount of what you might call low-level blight on the water.

The parks, bike paths, recreation facilities really are an absolute necessity. But also there must be some restraint used by those who run the city of Alexandria, as to what they do with the rest of it.

Thank you.

Mr. GODLEY. Thank you. The letter, to which you previously referred, will be placed in the record.

(The letter follows:)

MCLEAN, VA., August 14, 1972.

MR. GENE E. GODLEY,
Chief Counsel, Senate Committee on the District of Columbia,
Washington, D.C.

DEAR MR. GODLEY: Members of the coalition who have worked for nearly two years for parkland, recreation facilities, and the Potomac Heritage Trail on the lands along the Alexandria, Virginia waterfront learned only last Friday that hearings on S. 3861, a duplicate of H.R. 15550 would be held this week. We have contacted as many supporters of our position to amend this bill as possible, but find most people on vacation. We therefore ask you to request the subcommittee to further study S. 3861 and reschedule public hearings after Congress reconvenes.

We would like to propose the following amendments:

Section 7. Page 15, line 23 to page 16, line 20

The city shall, within *five* years of the effective date of this act, create, develop, and maintain within the area granted and conveyed to the city pursuant to section I of this act (delete *with the approval of the Secretary, from lands contiguous thereto*) a pedestrian mall freely accessible to the public, not less than twenty-five feet in width, *and shall complete before the bicentennial year, 1976 a bicycle trail* along or above the western shore of the Potomac River as the same may now exist, or as it may hereafter exist following any dredging, filling, or bulkheading permitted or contemplated by the terms of this Act, which said pedestrian mall *and bicycle trail* shall provide access to the Potomac River. The Secretary may, in those instances where it may be necessary for the reasonable development of said mall or where circumstances make full compliance with the requirements of this section impractical or impossible, approve a reduced width or an alternate location for any particular segment of the mall *and bike trail*: Provided, that in the event a future change in conditions makes compliance with the requirements of this section practicable, the City shall be obligated to relocate or widen said mall, as may be necessary to comply with the requirements of this section. The mall *and bicycle trail* shall in any event be located as close as practicable to the said western shore of the Potomac River.

Delete Section 10.

Section 10 gives the Secretary of the Interior the right to bypass the approved land use plan upon request of City Council. Council's request becomes approved automatically after sixty days if the Secretary does not take action. Since this

legislation will be enacted to protect the public interest in this irreplaceable waterfront property in perpetuity, increasing pressures for development which can be realized by applying section 10 increases the difficulty of preserving the legislative intent of the act.

We propose that the amendments above be incorporated in S. 3861.

MARIAN K. AGNEW,
McLean Trails, Member Executive Board, National Trails Council.
 LESTER HOLMES,
Appalachian Trail Conference.
 EMILIA GOVAN,
Chairman, Arlington Coalition on Transportation.

Mr. GODLEY. Mr. Montague.

STATEMENT OF ROBERT L. MONTAGUE, PRESIDENT, OLD TOWN CIVIC ASSOCIATION, BOARD OF TRUSTEES, ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES; AND MEMBER, BOARD OF NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. MONTAGUE. Mr. Chairman, I would like to identify myself first.

I am speaking as president of the Old Town Civic Association, and also as a member of the board of trustees of the Association for the Preservation of Virginia Antiquities, and as an organizer and spokesman for the National Trust for Historic Preservation. My comments will relate primarily to the historic preservation issues that are involved here.

My assistants are Mr. F. Thomas Tuttle, who is vice president of the Old Town Civic Association; and Mr. John B. Williams, who is a member of our board of directors.

Mr. Tuttle has submitted a written statement to the committee, in addition to that which I have submitted, or will submit, which substantially embodies the thinking of our directors, as does my own.

I would urge the committee to give it equal consideration, because it is very well prepared.

Mr. GODLEY. I might add that the committee gives equal consideration to all written statements as it does to oral testimony.

I now place the prepared statements, referred to, in the record.

(The prepared statements follow:)

August 16, 1972

Memorandum to: All Members of the Senate District Committee

Re: S. 3861

Gentlemen:

I am writing as a citizen and taxpayer of the City of Alexandria and a resident of the Old and Historic District out of concern for the suitable development of the Alexandria waterfront. I have followed closely the controversy surrounding this development for more than a year, both within the city government and with the various forms of federal legislation that have been considered. I do not believe S. 3861 in its present form serves the needs it should serve and urge the committee to report out an amended version of that bill, as discussed below.

* * * * *

As I see it, the controversy involves essentially two sets of conflicting interests:

-On one hand, the landowners of the property abutting the river desire to make the maximum economic benefit from this land. Also, the city has an interest in maximizing its tax base and using the development of the waterfront to contribute to the vitality of the downtown area of Alexandria. These interests tend to support an intensive and high density development of the land in question.

-On the other hand, the residents of the Old and Historic District, which includes or abutts a significant portion of the riverfront, desire to maintain the integrity and character of the historic area both as a place to live and because of its historic and architectural importance. Further, all citizens of Alexandria, the metropolitan Washington area, and the many visitors to the Capital area have an interest in preserving the historic significance and character of the entire area, of which the Potomac River and its shorelines are an integral

and crucial part, and having shoreline development that provides for the maximum feasible public access and open space. The Georgetown and Alexandria waterfronts are particularly important in this regard. These interests support low density development with low-rise buildings compatible in style with the surrounding areas and providing substantial open space along the river and believe that such low density development is essential to the vitality of both the local community and the Capital area as a whole, from both economic and social standpoints.

The city government has, in my view, tended to be predisposed to favoring the former set of interests to the detriment of the latter, while some conservationists have favored the latter to the detriment of the former. The conflicting interests can, I believe, be reconciled by the proper federal legislation.

While I do not entirely agree with all aspects of the proposed legislation as it relates to the shoreline north of Oronoco street (Section IV (6)), S. 3861 has struck a balance in that regard that seems to serve both ends in an acceptable manner. However, this same balance is lacking as the bill relates to the shoreline south of Oronoco street (Section IV (a)). This is particularly disturbing since it is this portion of the subject land that is of paramount importance from the standpoint of the Old and Historic District, since it forms the historic shoreline of the old city and stands between the Historic District and the river.

The shoreline in question is bounded by 150-200 year old townhouses and more recent reproductions thereof and equally old warehouses restored as businesses and restaurants. It is primarily a residential neighborhood, although the shoreline itself has not in recent years been used for residential purposes. Section IV (a) of S.3861, while imposing a height limit of 50 feet on development in the subject area and making it subject to the architectural controls applicable to the Historic District, would permit a floor area ratio (FAR) and a residential density of 55 units per acre. Also, it might be argued to allow the transfer of density and FAR credits from the subject waterfront land to lands located west of the 1791 line with the result that development behind the line might substantially exceed 55 residential units per acre and a FAR of 3.0. Moreover, this section allows adjacent streets, alleys, and other public rights-of-way to be included in computing the FAR, thus artificially raising the FAR to a real level well above 3.0

I believe the 3.0 FAR and the 55 units per acre are substantially in excess of that suitable for the land in question. The average number of residential units per acre in the Historic District is approximately 22, and the average FAR is in the range of 2.0. Given the particular need to allow public access to, and open space along, the river, as well as relief from a wall of 3-5 story buildings separating the rest of the city from the river, those present averages would seem far more suitable for the subject land. The riverfront is simply not the proper place to have higher density development than exists on the adjacent land. Moreover, I do not believe it has or can be shown that development cannot or will not proceed in this area with such lower limits.

Further, in line with the above points, if the transfer of density credits or FAR credits is permitted, even the more appropriate lower limits would foster much higher density development behind the river than can in any way be considered compatible with the existing community and the needs of the people, both residents and visitors. Such transferability would frustrate the entire purpose of having a ceiling on density in the bill.

The problems that this transferability can produce are particularly apparent with, but by no means limited to, the proposed Watergate project planned for a two block area along the river just south of Oronoco street. This two-block area was removed from the Old and Historic District some years ago since the historic buildings therein had been removed. For this reason, although the area is surrounded on two sides by the Historic District and stands between the District and the river, the height and architectural controls of the Historic District do not apply there. Watergate has received the City's approval to proceed with a project involving four 18 story condominiums on stilts, standing 175 feet above grade and having a residential density of 108 units per acre. This very high density has depended upon the inclusion for density credit purposes of the land that is the subject of this bill, which constitutes almost one-third of the total site plan.

While the type of high density development that can result from the transfer of density credits might be acceptable in the area north of Oronoco Street, where it is permitted by S. 3861, inasmuch as that area is somewhat removed from the Historic District, such transferability must be clearly and expressly prohibited south of Oronoco Street.

I believe two final points are especially pertinent to the matters I have discussed above and to the Committee's action on this bill. The recent disastrous flooding resulting from Agres covered most if not all of the fast land covered by this bill with the waters of the Potomac River by as much as several feet. It hardly seems appropriate for the federal government to encourage unnecessarily and inappropriately intensive development in such a flood plain, especially when federal funds may be required to aid flood relief in that same area at a later date. Second, the Washington, D. C. Zoning Board recently acted to prevent the construction of two buildings on the Georgetown waterfront of approximately 90 feet in height on the grounds that such high density development would be incompatible with the rest of the area and the most suitable uses for the land in question. This wise action was much heralded in the local press as enlightened planning. At a time when citizens and planners alike are beginning to realize the value to all the public of riverfront land and are acting to preserve that interest, it would be most regrettable if the Congress declined to take this opportunity to foster the best use and development of the Alexandria waterfront, particularly when this can be done without unreasonably subordinating the local interests of economic development and high tax base.

I, and the many neighbors for whom I speak, urge you to incorporate the amendments to S. 3861 I have discussed herein and, with the bill so modified, to act favorably on it.

Respectfully submitted,

F. Thomas Tuttle
411 South Lee Street
Alexandria, Virginia 22314

The Old Town Civic Association

300 North Lee St., Suite 404
Alexandria, Virginia 22314

August 17, 1972

MEMORANDUM TO: All Members of the
Senate District Committee

RE : S.3861

Gentlemen:

I write on behalf of the Old Town Civic Association of Alexandria, and also as authorized spokesman for the Association for the Preservation of Virginia Antiquities and the National Trust for Historic Preservation. The Alexandria Waterfront Title Bill as embodied in S.3861 is not reflective of an agreed compromise on all points at issue in this matter.

Pursuant to the mandate of the House Subcommittee on Public Health, Welfare and Housing and Youth Affairs, and its Chairman, Hon. W. S. Stuckey, we have participated in discussions under the guidance of the Interior Department, in which the City of Alexandria, the Northern Virginia Conservation Council and the Old Town Civic Association were the principal parties. At the outset of these discussions, it became apparent that no agreement could be reached with the City as to the appropriate conditions for a transfer insofar as it relates to lands south of Oronoco Street. The rationale for our position has been fortified by recent unfortunate flooding conditions which make it clear that Section 1(3) of Executive Order 11296 must be taken into consideration.

Our position has been that any transfer of the Federal interest must in no event result in its use to legalize or condone high-density, high-rise residential development of any kind in the flood plain south of Oronoco Street, either of the subject land or land contiguous thereto. In essence, our position is that one of the conditions of the transfer must be acquisition and dedication by the City of the area bounded by Queen Street on the south, Union Street on the west, Oronoco Street on the north and the River or bulkhead line on the east to either park purposes, seaport facilities or residential development consistent in appearance and density with the surrounding National Register Historic District, and appropriate to its immediate proximity to the Potomac River.

- 2 -

We also feel it necessary to request certain other specific amendments to the present draft. Section 4 (c) IV (a) (2) and (4) should be amended so that the maximum floor area ratio in (2) is set at 2.0 and the maximum number of dwelling units per acre set forth in (4) is reduced to 22, which is consistent with present densities in the Old and Historic District. The area of streets, alleys and other public rights of way should be excluded from any formula for density calculation such as set forth in (2). The transfer of density credit from the subject land to any areas south of Oronoco Street should be expressly prohibited.

The proviso at the end of Section 10 for automatic approval of changes in conditions should be deleted, and in its place the following language inserted: "Provided, however, that any such request by the City Council shall be approved by the Secretary within sixty days after the date upon which the request is received by the Secretary, and if approval is not forthcoming within that period, shall be automatically considered disapproved."

We submit that these safeguards are essential to protect the national interest in the Old and Historic District of Alexandria and that it is the duty of the Congress to act in such a manner as to safeguard that precious asset from the devastating impact of high-density, high-rise development which will take place at its border, and in an area that has long been associated with the historic role of this port city in the days when it was the hometown of George Washington and Robert E. Lee down to the present. The approaching Bicentennial of the Revolution makes it all the more imperative that no action which will undermine the aesthetic impact, historic integrity or economic viability of this magnificent historic area be permitted to occur. As the City prepares for the possibility of becoming one of the key focal points of Bicentennial celebrations, it is important to see that those areas along the shoreline retain or recapture as much of the flavor of a bygone era as possible.

At the very least, in view of the remaining areas of major disagreement, it would seem essential to allow adequate additional time to see if the problem presented can be resolved, either by additional negotiation or by action of the Committee and its staff, or a combination thereof. We cannot endorse the legislation in its present form, and, indeed, feel it necessary to go on record in opposition to passage until it has been properly amended. We would like very much to see an appropriately amended bill become law and will cooperate in every possible way to that end.

Respectfully Submitted,

Robert L. Montague, III
Robert L. Montague, III
President

Mr. MONTAGUE. Well, it did not purport to be that of an organization, and that is why I mentioned it. But it is, nonetheless, from the Old Town Civic Association.

These prints, which I have brought with me, show the waterfront of the city of Alexandria in a manner which is perhaps quite different from that which was presented by the city; and I may say go as far as any words that I could use to describe the dream which we have of how the Alexandria waterfront should be preserved and maintained for the future.

This street here (indicating) if you can see it—or maybe you would like it brought up closer to you—is Oronoco Street. This is a view of the city of Alexandria at the stage in history when they were transitioning from steamboat to sail.

This print begins with Oronoco Street also, and what I want you to particularly observe is that from Oronoco Street south, the old port city of Alexandria was very vigorous, very active in its heyday. This was where the history of the city was made.

Alexandria was one of the great seaports of America up until the Civil War; and these pictures do as good a job as anything I could bring here to show you exactly what it was like and what it is the preservation community is so deeply concerned about maintaining.

It is true that at the present time there are no buildings in the area between Oronoco and Queen Streets; but it is not true that this area is lacking in historic importance or lacking in a requirement that adequate attention be given the proper treatment of it from a preservation point of view.

The bill before you does not adequately do this, although in many respects this is an excellent bill. But until the bill is amended sufficiently, we cannot give it our wholehearted endorsement and at this time would have to consider ourselves as opposing passage until it has been appropriately amended. We have some very specific suggestions which we think would accomplish this in terms of the area south of Oronoco Street. This is the segment with which we are primarily concerned.

We think that the efforts of the city, the Northern Virginia Conservation Council, and ourselves to work out a compromise have been reasonably successful north of Oronoco Street. But the area south of Oronoco Street is the area that is essentially the old town of Alexandria. It is the highest residential taxpayer in the city of Alexandria; and at the present time it is certainly not a blight area. With the onset of the bicentennial celebration it is deserving of the most sympathetic action possible in order to preserve the historic, esthetic, and economic integrity.

This will not be accomplished if the bill remains as it is presently drawn.

A particular problem is with section 4(c), IV(a)(2) and (4). We believe that these two provisions should be amended in order to reduce the permitted density south of Oronoco Street.

At the present time a floor area ratio of 3 is permitted and streets, alleys, and other public rights-of-way are allowed to be included in the calculation of density in the area south of Oronoco Street.

We believe that the floor area ratio should be set at no more than 2 and that the area of public rights-of-way, streets, and so forth, should be excluded from the density calculations for that area.

The paragraph (4) that I referred to permits a maximum number of dwelling units per acre in the area south of Oronoco Street of 55 units per acre. The area shown in these prints have an actual present density of 22 units per acre according to city figures. We think that it represents by far the highest and best possible use of anything that could be done in the area south of Oronoco Street.

We therefore feel that paragraph (4), subparagraph (4), should be amended to reduce the allowable density south of Oronoco Street to a maximum of 22 units per acre.

In addition, we think there should be an outright and very clear prohibition of the transfer of any density credits from the subject land to any contiguous area to the south of Oronoco Street. We feel that this is essential in order to avoid walling off the river from the city south of Oronoco Street, and to insure a development that is no more intense than that existing in the surrounding district.

We feel that if these amendments are adopted, that we could support this bill wholeheartedly. We want to see the Alexandria waterfront improved. We recognize that it has serious inadequacies at the present time, and we do not wish to appear here in a role of obstructionist in any way, shape, or form.

We have worked as hard as anybody else has to try to bring this bill to fruition. We stand ready and willing to cooperate in any way we can to see this happen; but not if it is going to be at the price of desecration of the historic site which is the potential here.

We feel also that there is another significant Federal policy issue involved which is utterly unrelated to historic preservation which should be pointed out.

I refer particularly to Executive Order 11296 and particularly section 1(3) thereof, which relates to transfer of Federal property in a flood plain area. I would note that the area south of Oronoco Street, during the hurricane Agnes flood, in many locations along the shoreline, was underwater. I think that most of the Watergate site went underwater, at least for a short period of time during that flood. And various other areas south of Oronoco Street are in the flood plain. Waters frequently rise at least as far as Union Street and occasionally they reach almost to Lee Street at various points along the shore.

Much of that area is filled land at this point. In the original days, when the city was founded, George Washington's survey shows the river coming in to what they called Water Street, now known as Lee Street, in many locations. So it isn't as though we haven't had a lot of land fill already in Alexandria. It is that we do have a flood plain situation there and under those circumstances, we think it is all the more imperative that no development be allowed to take place of a high-density nature in land of this type.

It is essential, we believe, that this area either go into park uses or into seaport facilities of the type that have been there from the days of the founding of the city. If it is going to go into residential development, that the area south of Oronoco Street be dedicated to the kind of

residential development that surrounds it in the existing historic districts in terms of height, style, scale, color, all the various features that make up the urban cityscape.

I have noticed that Senator Eagleton, particularly, has indicated that he had not personally had a chance to become very familiar with the old town of Alexandria. I am sorry that he is not here at the present time to receive an invitation which we would like very sincerely and cordially to extend to him and all members of this committee before any final action is taken with respect to this bill.

The Old Town Civic Association would particularly like to invite all members of this committee to come to Alexandria. We will be glad to set up a suitable occasion when they can do this and be shown exactly what the situation is there. I think this is perhaps the best way to arrive at the most intelligent solution to this very complicated problem of urban design, historic preservation, and environmental protection.

With that invitation I will open myself to any questions you may have.

Mr. GODLEY. I can't speak for the Senator, but on behalf of the staff, we accept the invitation.

[Laughter.]

Mr. GODLEY. I don't have any questions. However, if the Senators do, I presume you will be available to answer them.

Mr. MONTAGUE. I will.

Mr. GODLEY. Thank you.

Mr. MONTAGUE. Senator Eagleton, I was just concluding my remarks with an invitation to you and all members of this committee, particularly yourself, since you expressed certain unfamiliarity with the Alexandria scene, to come over to Alexandria in the old historic district and let us show you exactly what is going on there before you reach a final conclusion on this bill.

We would be happy to set up an occasion of this nature so you will know exactly what has happened there in the past and what we would like to see be the future result.

The CHAIRMAN. Thank you.

Our next witness is Mrs. Ellen Pickering, past chairman of the Alexandria Beautification Committee.

STATEMENT OF MRS. ELLEN PICKERING, PAST CHAIRMAN, ALEXANDRIA BEAUTIFICATION COMMITTEE

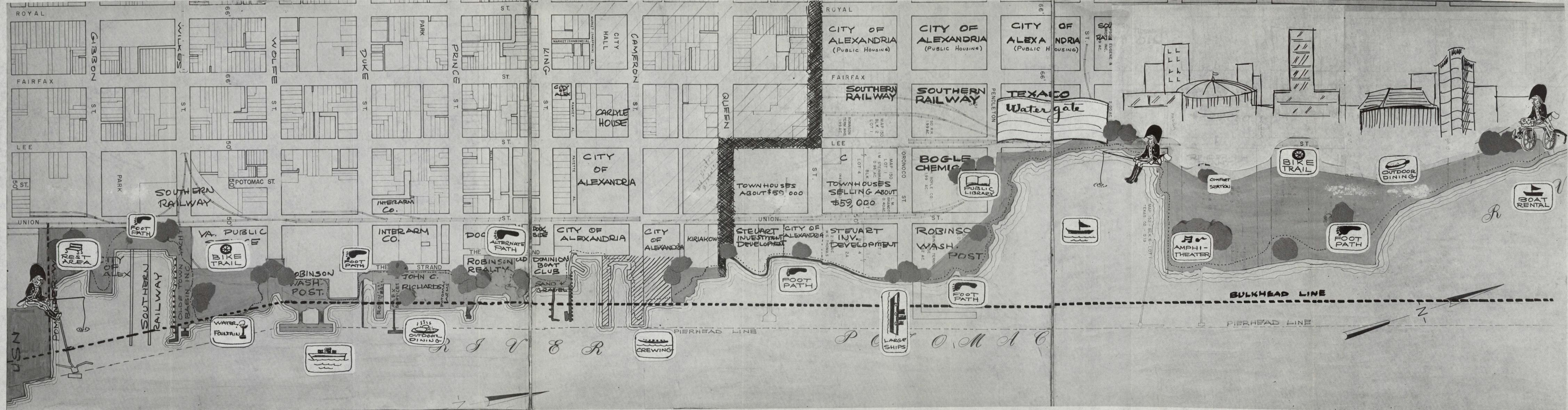
Mrs. PICKERING. Mr. Chairman, thank you for calling this hearing.

As a citizen and immediate past chairman of the Alexandria Beautification Committee I am most grateful for this opportunity to come before you.

We have submitted a prepared statement of the Beautification Committee to you so I will not take the time to read it. I will just point out briefly the gist of the beautification stand.

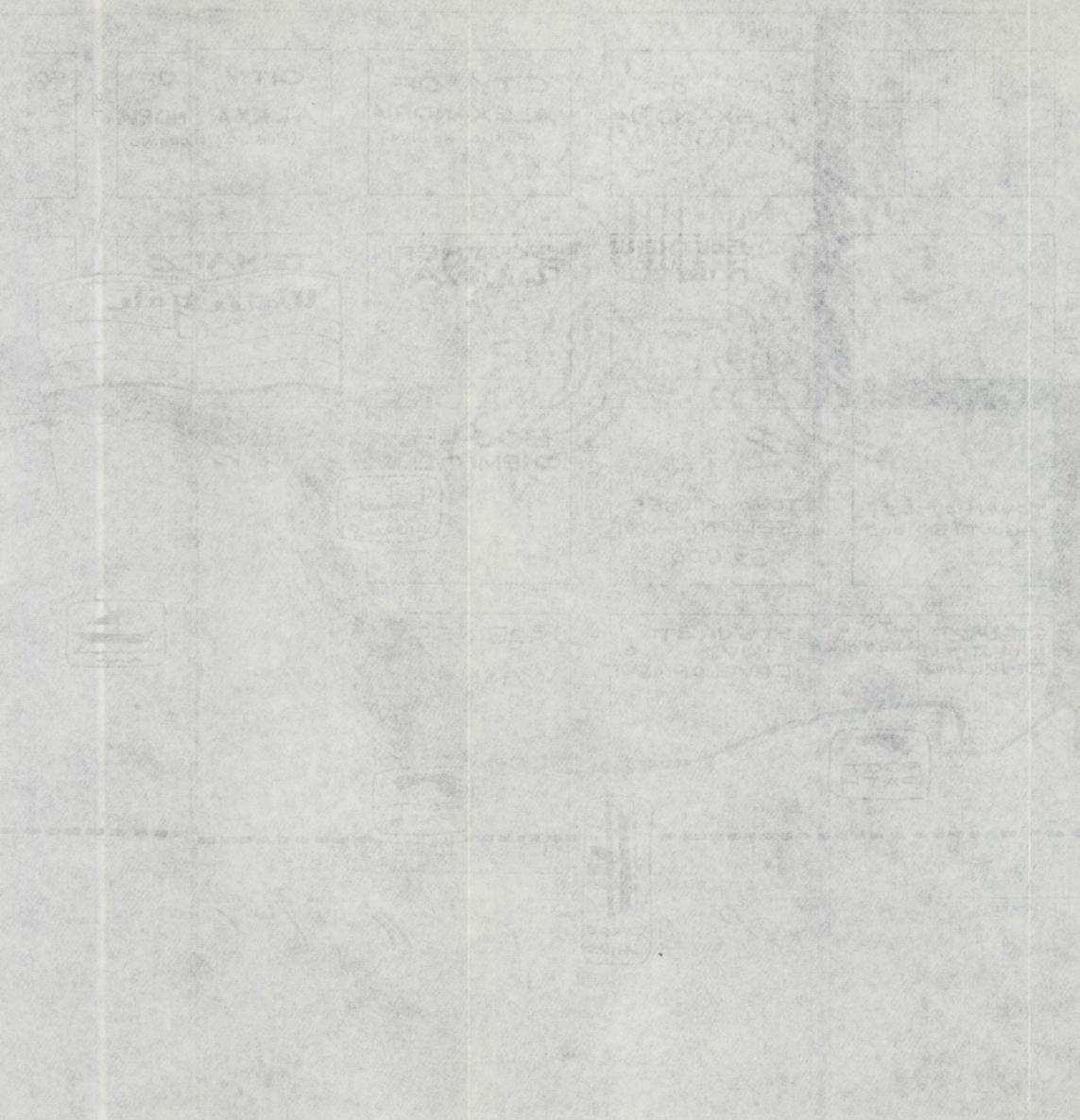
The committee took a very firm position at the public hearings in August 1971, that the Alexandria waterfront have a 200-foot-wide strip of parkland the entire length of the waterfront along the Alexandria shore.

Now, the committee realized that there were about 300 feet of Federal interest along the shore, but we felt that the city should take what-



R

P L O M A C



ever means were necessary so that the city could have a green strip along the shore.

I brought today our display of what we would like to see on the waterfront.

[See map foldin.]

Mrs. PICKERING. You will notice George Washington is riding his bicycle down at the end.

Please note, while you are thinking about this bill, only the green is what we are talking about. All the other things and all the other developments, anybody can do anything behind that green strip.

The question was asked about the rendering plant.

The rendering plant today is right here [indicating]. They did not put their major plant facility on the green; they have put it behind the line; it does not reflect in the bill today; only in front.

They have paid taxes on the improvements they have put upon the land. Our land values along the waterfront have been practically nil these past years.

As a fellow American and a citizen from Sidestreet U.S.A., I would like to say that it is a greivous mistake to think of S. 3861 as a local bill. This giveaway of Federal land along the Potomac River will have implications throughout the country.

Does it take a Hurricane Cleo, Betty, or Dorothy to convince developers not to build on the flood plains? Not only does this land lie across from the Capitol, but it is in the flood plain. What is more, the river's edge belongs to the people and to continually fill it is unforgivable.

This is the city's flood plain map [indicating]; this is the flood plain; this is the waterfront.

Mr. Chairman, I want to demonstrate to you—just quickly, I won't go too long—that the demand for waterfront parkland is not new in the city of Alexandria.

A 1916 study shows that it was not feasible to continue at this port as a commercial place.

A 1966 study called for waterfront development.

In 1967, a study of the waterfront plan called for 100-foot parkland.

In 1968, a study reiterated the use of parkland along the waterfront, and spoke favorably in favor of implementing the plan.

The bikeway system in 1969 called for a bike system throughout the residential areas to link to the waterfront path.

The 1969 Board of Trade called for open space for me and you along the north waterfront.

The 1970 park and recreation report, by the citizens planning advisory, talks about the use of water and parkland.

The Planning and Policy Commission, in 1971, said no fill—parks along the water.

In testimony before the city council in August at the public hearings the League of Women Voters told about all the studies that they have had referring to parkland.

The beautification organization, organized in 1965, says the policy is parkland along the waterfront. It maintains that policy today.

In 1967, President Johnson allocated Federal funds for a task force to study along the Alexandria water—not the Alexandria waterfront—

the entire Potomac River. Many such memorable people constantly talked about recreational facilities were needed along the waterfront.

The Federal Government is spending millions of dollars in East St. Louis to recapture their waterfront. New York is going to recapture their waterfront—\$100 million has been appropriated for open space for recreation and parks; \$3 million of this is available for natural trust and historic preservation. There is nothing more historic than the Alexandria waterfront.

Mr. Chairman, Senators, urban planners have come to realize there is nothing like a waterfront.

Now, if you will look at this early map of Alexandria, you will see it as drawn by George Washington. I will leave this for you. I would like to bring out two things on this map. Since 1747 and 1791—up at this end you will see the 1791 shown right here [indicating], it has two points; one here and one here. This map is from the Library of Congress.

Those two points, our land, are the site of the Washington Post terminal, the only warehouse on the waterfront today, only a small portion of which is located on the Federal interest.

Second, the waters of Hurricane Agnes that passed through Alexandria in June this year, the Potomac River saw its original shoreline. The flood water almost reached New Street—formerly called Water Street.

Here is a picture of the flood, by the way, the water stayed here for 4 days.

The local newspapers are continually showing us pictures of people in the cities and along the Potomac who are enjoying the Potomac. This is what we need in this tiny little green strip. It really isn't much when you look at it. This little green strip we are asking for parkland.

Gentlemen, I must respectfully submit, the Senate acts for all of the people in the United States. Your constituents have a right to a beautiful Capital and if S. 3861 is passed without proper environmental considerations, the blight will soon hit the area.

The proponents of this bill state that the area to be conveyed by the Federal Government is in horrendous condition.

Mr. Chairman, Senators, that depends on your point of view. The high-rise development planned for this area is even more horrendous condition for the river's edge and the Alexandria's old and historic area.

Here [indicating] is a drawing submitted by the developers who are ready to break ground once the bill is passed.

Please note that the 50-foot height limit, as illustrated on the left; and here the 30-foot height limit is illustrated on the right.

The CHAIRMAN. How tall are those proposed apartment buildings.

Mrs. PICKERING. They are half the height of the Washington Monument. I believe they are something like 220 feet above mean sea level.

The CHAIRMAN. How far back is the proposed site from the water's edge?

Mrs. PICKERING. At the present moment, it is on the water's edge. At the present moment they say they don't have to use any of the Federal land; but yet there are two layers of underground parking. Because it is on filled land and flood plain, they have to go down two levels for parking. They go down one level, bring the dirt in to the

second level, start 15 feet above the river. This purple line is the river line [indicating]. They have to start 15 feet above the river just to start their building, to get them above the flood plain; and their parking takes up practically all this land here [indicating]. This is where they are going to go. They will straighten that line out and that is what they will build on.

The CHAIRMAN. If no law is passed, what will the situation be?

Mrs. PICKERING. If no law is passed, they can't go that high.

The CHAIRMAN. Why?

Mrs. PICKERING. Because they don't have the land to get density credit.

The CHAIRMAN. Could they fill the land there under present law?

Mrs. PICKERING. It is Federal interest. That is Federal land.

The CHAIRMAN. How high could they build under present law?

Mrs. PICKERING. I am not that familiar with the figures—I believe there are 4 acres—

The CHAIRMAN. Stand up, Mr. Mitchell. If no law is passed, and I presume you are familiar with that, how high could they go under present law?

Mr. MITCHELL. Under the original zoning, before the Watergate application came in, they could have gone to 160 feet for the floor area ratio, et cetera. Under the proposal from Watergate, they are going 18 stories high, but in return for that, they eliminated one building and put all the parking underground, and the floor area ratio is down to 3.

The answer to how high could they go on this property is it's not in the area affected by the bill. There is no height limit as imposed by the council.

Mrs. PICKERING. We have a special use permit. They can come in and ask for just anything they want and if the council chooses to pass it, they can. It is on open-ended thing. There is no frontyard setback, no backyard setback, no nothing, no open space requirement, no green space requirement, no nothing. In other words, they come in and present their plan for development and if the council likes it, it can go if they have 2 acres or more of land. And they have 4 here—not quite 4.

Something like this is like slashing pictures in a museum to the Alexandria historic section.

I will try to not reiterate things that have been said before, but you should keep in mind that if they do fill this land and do put in this 100-foot park that they are talking about, which has been referred to, that will be 100 feet between a private marina and their building. Now, how many of our local citizens who go down there now with the wine bottles and fish sticks are going to feel free to meander through the Watergate complex with its 50-foot mound of psychological block? What is going to happen to our local people fishing? Where will they go to? What would happen? This is why we want to see an unstructured park. On Sunday morning if you go down there you will find lots and lots of people, just using it freely as a pseudo park now.

One thing, the cry is heard, "Nothing can happen unless we have this bill."

I would like to point out to you, keep in mind the green line, the second line, the line 1791 is the magic line.

Right behind us, we have just recently passed this 27-story building complex, consisting of a 15-story apartment building, a 10-story—and look how close it is—a 10-story—excuse me; that is only a five-story office building, but it has foundations to build to 10—and right here is the Ramada Inn, where we have a 19-story building, and a nice view of the river right now—

The CHAIRMAN. Is that in the same area that you pointed out before?

Mrs. PICKERING. Yes. The Ramada Inn goes in right here [indicating]. The Ramada Inn is at this spot right here [indicating]. They are building on the site of the first lot of the Alexandria Canal, which was the Virginia section of the C. & O. Canal; it is the Alexandria portion, across the Potomac River, at Key Bridge, and went over to C. & O. Their foundation is on the first lot.

The CHAIRMAN. But, again, nothing in this law can affect the—

Mrs. PICKERING. Exactly. This is my point. They are already building down there. We don't build to get development in the city of Alexandria. This block here sold for \$1 million. Do you mean to tell me they are going to put a warehouse on it? I believe the same people are involved with the Georgetown waterfront just at this moment.

And Texaco is right here [indicating], just chomping at the bit to go ahead.

The CHAIRMAN. Who is that? Texaco?

Mrs. PICKERING. Texaco.

The CHAIRMAN. What are they going to build?

Mrs. PICKERING. Well, they never showed me that.

The CHAIRMAN. They are not going to build a refinery?

Mrs. PICKERING. Oh, no. I am quite certain that they are planning to do some kind of planned development. They had a 14-acre plan, as Mr. Mitchell referred to, in 1969, that passed the city council. They were in the process of filling in Oronoco Bay when some citizens discovered it and were horrified. They called the Interior Department and said, "Look what they are doing to this land." I have a map today; I brought it with me; but I won't unroll it, unless you want me to.

But they are over here; see, they have already filled in here [indicating]. They have a little powerplant they are in process of putting—

The CHAIRMAN. I know you are against S. 3861.

Is it your position that there should be no bill of any kind whatsoever? Should we leave the situation just as we find it today?

Mrs. PICKERING. Mr. Chairman, I will say that a bill is in order if a bill has proper protections for what is rightfully the citizens' right—not just the Alexandria citizens but citizens everywhere. The city doesn't seem to realize that the Alexandria waterfront belongs to everybody and not just to them.

The Potomac River is our national river. A bill that would give the city the land so that they would take it over and start working very hard to get something good down there, it would be great. But it has to have the proper controls, the proper height controls, the proper uses designated for this little green strip we are talking about—we are not talking about a great many acres—but any bill where density is permitted to go sky high and in a tweed coat—I ought to say that the city wants to press a tweed; they don't seem to realize that you put

a tweed coat on and keep it on; you just keep on wearing it and enjoy its comfort. That is what Alexandria is like.

The CHAIRMAN. I think it was Mr. Mitchell, or somebody earlier, I asked: "Would you generally describe the condition along the waterfront as being crummy?" He more or less agreed that it was.

Do you think the present state of things is rather delapidated along there?

Mrs. PICKERING. The present state of the Federal land is not half as bad as they would lead you to believe.

I just happen to have with me an aerial view map. I don't think you can see everything but presently we have a yacht club where they referred to the Vepco plant. This is the yacht club [indicating] and this is where that Vepco storage yard is. Half of it is in the Federal interest. But half of this would make a lovely park. They don't have to store their things on that. We can't do anything about what they do behind it anyway unless they sell it to us—give them density credit for going out to the bulkhead line.

A very small piece of the park is used for a boat area and is owned by the Southern Railway. This, by the Washington Post terminal—a very small part of their property—is involved in this.

The next piece is a concrete company; and you know, concrete companies come and go. It depends on whether the sand is in use or not. Next is the Federal records center that they refer to. This is planned as a convention center; but you see that section is not in discussion in the bill.

The CHAIRMAN. What plan is this?

Mrs. PICKERING. What was that?

The CHAIRMAN. You said that they are planning a convention center there.

Mrs. PICKERING. Well, this has been proposed to the city council and is very exciting.

The CHAIRMAN. The city has clear title to that area?

Mrs. PICKERING. The city has clear title to that—no problem.

I don't think I mentioned to you that many have been taxed when they bought it from the Ford Co. They pay for the building the Ford Co. put up. The Federal Government bought that land for a Coast Guard complex. It was to pay for the building.

This is the facility for development by the Watergate people.

The CHAIRMAN. Is this the same Watergate people that—

Mrs. PICKERING. Exactly.

The CHAIRMAN. The one on the Potomac?

Mrs. PICKERING. This is just a small section that has been filled since then. The Washington Post bought this terminal building. You can see that it is not very much to build on. This has been filled where Texaco wants to build. This is where the rendering plant is. They are going to fix this over here by putting—

The CHAIRMAN. They are going in on the shoreline?

Mrs. PICKERING. Yes.

The CHAIRMAN. Above ground or underground?

Mrs. PICKERING. They will go underground.

And this is where that fertilizing plant used to be. It burned down, as you may know. Then you go on down to Jones Point. Just because

they are in parkland now there is no reason why you couldn't connect them.

The whole bank of the Potomac River on the Virginia side is mostly parkland. Let's take this little bit here and do the same and bring it on down to Mount Vernon.

The CHAIRMAN. I think the testimony was that of the 48 acres involved—roughly 24 acres are above flood stage and 24 acres underwater—how many acres did you tell us were going to go into park land under your plan?

Mr. MITCHELL. All of it would have to go into park land and open space or recreational areas except for a maximum of 14 acres.

The CHAIRMAN. Except for a maximum of 14 together; 34 goes into open space, park land, or recreation, and 14 into commercial, or some other use.

Mr. MITCHELL. Yes, sir. The council would be authorized but not directed.

The CHAIRMAN. Not directed.

What do your figures compute to, Mrs. Pickering? That is: Of the 48 acres, how much would you have in open space—park land, et cetera—and how much would be left for other uses?

Mrs. PICKERING. I think all the 24 acres that are above ground—they are not above flood level; but they are above river level—should be in parks and that there should be no fill, except to stabilize the shoreline.

The CHAIRMAN. Then, if you were running this show, would you have the Federal Government acquire, by either negotiation or by condemnation, the various rendering plants and all the property concerned here?

Mrs. PICKERING. Senator Eagleton, we don't have to acquire the rendering plant at all.

The CHAIRMAN. Does anything have to be acquired under your proposal?

Mrs. PICKERING. Yes; the Watergate property, there is a small Federal interest in there.

The CHAIRMAN. So; we have to get part of that?

Mrs. PICKERING. Yes; acquire it, whatever it takes, but get it.

The CHAIRMAN. But the Watergate wouldn't go in, in your opinion?

Mrs. PICKERING. The Watergate would not go in as planned.

The CHAIRMAN. And would the Federal Government acquire from the city of Alexandria that old plant?

Mrs. PICKERING. No; because that is not even under discussion in the bill; that's why it is not in green on the map.

The CHAIRMAN. Does everything in green on that map you have add up to 24 acres?

Mrs. PICKERING. It should. We followed a map that the Park Service gave us for the 1791 high water mark.

I think that should about conclude my remarks. I don't want to take up an inordinate amount of time.

The CHAIRMAN. Thank you very much for your testimony.

Our next witness is Mrs. Ledlie Dinsmore, administrative aide for information, National Parks & Conservation Association.

STATEMENT OF MRS. LEDLIE L. DINSMORE, ADMINISTRATIVE
AIDE FOR INFORMATION, NATIONAL PARKS & CONSERVATION
ASSOCIATION

Mrs. DINSMORE. Mr. Chairman, members of the committee, I am Ledlie L. Dinsmore. I am appearing on behalf of the National Parks & Conservation Association, a private, nonprofit organization whose major field of interest is the national park system. Our monthly, National Parks and Conservation magazine, the Environmental Journal, goes to more than 50,000 members.

Over the past several months the NPCA has participated in efforts to bring an understanding between the City Council of Alexandria and conservationists concerned with protecting the Potomac River and its shoreline and providing needed urban open space.

S. 3861 reflects these efforts but fails to include adequate safeguards to assure viable park lands now held by the Federal Government. I will cite the specific weaknesses which we find in the bill before the committee.

We consider the plan of the pedestrian mall and park areas that section 1 (b) requires the city to submit to the Secretary of the Interior to make the conveyance effect of paramount importance. Thus, the bill should require that the plan not only show the location of the mall and park areas but the uses of these areas.

The plan should show how a bike trail would be incorporated into the mall area. It should also stipulate which areas will be left as open space. Recreation areas should be designated so that the Secretary of the Interior can control any misguided efforts at intensified recreational areas where open space would be more appropriate.

The recent flood has made us realize the importance of proper land use in flood plains. Executive Order 11296 addresses itself to such areas when the Federal Government is disposing of lands and should therefore be adequately considered in this bill.

The Alexandria waterfront property in question should become an outstanding example to other communities on how to use a river vista to maximize the benefit of a shoreline recreation and open space area.

This bill concerns more than shoreline. It is equally concerned with a river but not in an appropriate way. No precedent should be set whereby a municipality can avoid legal procedures; namely: (1) the National Environmental Policy Act requirement for an environmental impact statement for dredge and fill operations; and (2) an Army Corps of Engineers permit for dredge and fill.

Thus, in regard to section 3 of the bill, it is our understanding that just because an area is declared nonnavigable does not mean that a permit is not required.

A permit is necessary because the area to be declared nonnavigable could have an adverse impact on navigable waters. No matter who owns the bottom of a river, the Federal Government still controls the water and what can be put into it.

Thus, we would amend section 2(b) to read that jurisdiction is relinquished by the United States only over the land areas within the boundaries set forth in section 1.

A purpose for this legislation is to straighten out land titles. It cannot, however, change the Federal jurisdiction over submerged land.

Another major weakness in S. 3861 concerns the time frame for providing the mall and park areas. Sections 7 and 8 allow the city to take 15 years to develop a pedestrian mall and one or more public park areas.

The NPCA thinks that the major result of this legislation should be parks in this decade, not in the next. The bicentennial gives added impetus to expedite these park plans.

Alexandria is a living Williamsburg whose historical gems have not been properly offset and thus appreciated to date. Our park space will give a needed new approach to the city's old and historic district for tourists traveling on to Mount Vernon and Gunston Hall.

Residents, too, should not have to wait another decade before being able to enjoy the recreational and open space benefits within walking distance along their own city's shoreline.

We next address our criticism to section 10, which should be completely deleted from the bill. The land-use plan must not be solely and simply controlled by the city council, a body without previous expertise in park planning. We therefore do not think that a majority of its members, without public hearings, should be allowed to delete, eliminate, and change the land-use plan.

The CHAIRMAN. AS I hear the description of the procedure to be used, the Department of the Interior would still have veto power over the land-use plan; is that correct?

Mrs. DINSMORE. Yes.

The CHAIRMAN. It that not, in your mind, an adequate safeguard?

Mrs. DINSMORE. No. Because that land-use plan does not have the details that we would like to have on it. Although I think Vice Mayor Mitchell did refer to having public hearings before. It still is up to the council to make the final decision and, as Mrs. Pickering has testified, there has been previous citizen input that has not been fully considered.

The CHAIRMAN. When people come and testify, they may agree with what some people have said and disagree with what others have said. We have to put together the evidence and make the decision.

You are not saying that city council just summarily ignored this. The council may have disagreed with you or some other organization somewhere along the way. Is that true?

Mrs. DINSMORE. Yes.

The trouble is, as the bill reads now, and I have been interpreting it, section 10 does not speak out on public hearings. As other witnesses before you today have said, this is not a local issue; this is one of national concern. Hence national organizations, like the one I represent, are interested and want to follow through on it. I think that there should be a safeguard, either through this plan or, when reviewed by the Secretary of the Interior, that will become a full plan. If they are going to split a whole block of commercial—he knows they don't mean it. He knows that when he is making that decision.

The CHAIRMAN. You may continue with your statement.

Mrs. DINSMORE. In conclusion, the National Parks and Conservation Association thinks that S. 3861, strengthened as outlined in our preceding remarks, would provide greatly needed parkland and pro-

tect the Potomac and its shoreline in the area of Alexandria under consideration.

We have not addressed ourselves to the Watergate property, since this land is under litigation.

Thank you for your invitation to testify.

The CHAIRMAN. Thank you very much.

Mrs. Rose Berler, president of the Alexandria League of Women Voters.

STATEMENT OF MRS. ROSE BERLER, PRESIDENT, LEAGUE OF WOMEN VOTERS OF ALEXANDRIA, VA.

Mrs. BERLER. Mr. Chairman and members of the committee.

I am Rose Berler, president of the League of Women Voters of Alexandria, Va., and have lived in the city for 16 years.

Thank you for the opportunity to present the views of the league with reference to waterfront development.

Support of particular provisions of the bill before us today is based on 2 years of study and consensus on each item.

1. Beginning in 1964, interest in open space developed a league position favoring waterfront parks with public access all along the city's portion of the Potomac River.

2. In 1965, we added support to a plan that provides for cooperation with the National Park Service to develop federally owned Daingerfield Island and Jones Point for outdoor recreation as an integral part of the overall waterfront plan for Alexandria. A tour of the waterfront on May 15, 1968, for league members afforded not only a view of the possibilities of a beautiful vista but a real view of an area unsightly and deteriorating for many years.

In 1970, the league members concluded a 2-year study of sources of revenue for our city. After many years of support for long-range planning for the city's needs and growth to serve the entire citizenry we do believe that passage of a congressional bill granting the city title to the land in question and authorizing our city council of Alexandria as the body responsible for administering the challenging problems of development will be the beginning of effective solutions for this valuable asset, the waterfront of Alexandria.

Today we testify in support of: (1) the access and view of the waterfront for the public; (2) for 11 acres of parkland in addition to a walkway not less than 25 feet in width; and (3) for public park and recreational areas created and maintained in less than 20 years.

I have attended all the meetings, in the last year in particular, where I have heard some of the points brought up today. Especially in reference to "in less than 20 years," where it would not seem feasible to entertain perhaps the possibility it can, unless extreme effort were made, and we doubt if according to the conversations we have heard, even the litigation itself, as an example.

I think I like the point you mentioned before that if there is anything new that we could bring forth. You mentioned citizen participation: we are compelled to say as the League of Women Voters, that last summer, the league called on the Alexandria City Council to hold public hearings, because we believe that all citizens should have an opportunity to assist in planning the waterfront.

This hearing took place on August 9, 1971, in city council chambers with a standing-room-only audience. The league's testimony, that evening, included our studied and sincere support for controlled development which will increase the city's sources of revenue and enhance the beauty of the city.

It included our support for a congressional bill, with aims to provide environmental and aesthetic safeguards under the supervision of the city council of Alexandria.

On behalf of the League of Women Voters of Alexandria and in the interest of the citizens of our city, I offer that support again today.

Thank you very much, Mr. Chairman.

The CHAIRMAN. So I take it, Mrs. Berler, that you support S. 3861 without amendment.

Mrs. BERLER. Yes; I do.

Thank you.

The CHAIRMAN. We will place your prepared statement before the Alexandria City Council in the record.

(The prepared statement referred to follows:)

LEAGUE OF WOMEN VOTERS OF ALEXANDRIA, VA.

STATEMENT ON ALEXANDRIA WATERFRONT BOUNDARY BILL

Public Hearing, August 9, 1971—City Council Chambers

Honorable Mayor and Members of City Council, I am Mrs. Seymour Berler, President, League of Women Voters of Alexandria. Thank you for the opportunity to present the League's views concerning the waterfront boundary bill under discussion this evening.

In 1964, the League began a two year study of open space in Alexandria. In October 1965, members agreed on the following positions:

a. A waterfront plan that provides for a maximum development of the waterfront area for outdoor recreation, particularly along the strip adjacent to the water.

b. Cooperation with the National Park Service to develop federally-owned Daingerfield Island and Jones Point for outdoor recreation as part of an integral waterfront plan for Alexandria.

November 1966: League members stated that they favor waterfront parks with public access all along the city's portion of the Potomac River.

May 1968: On a tour of the Alexandria waterfront League members saw an area unsightly and deteriorating.

1969: Twenty Leagues of the Potomac River Basin strongly endorsed the concept of preserving and protecting the land along the banks of the Potomac River. There was definite interest expressed in the use of scenic and access easements in preference to outright purchase whenever possible.

1969 and 1970: Alexandria's League members concluded a two year study of sources of revenue for our city. This study encourages our support for total waterfront development to contribute to the need for an expanded tax base.

With this background and having carefully reviewed the bill before us, the League of Women Voters of Alexandria tonight supports:

a. Provisions for eleven acres of parkland with public access all along the river within the city's boundaries, thereby recognizing scenic and recreational aspects to development.

b. Development by the federal government of Daingerfield Island and Jones Point for recreation. We respectfully urge City Council to press the National Park Service for early action.

1. Controlled development which will increase the city's sources of revenue and enhance the beauty of the city.

d. The bill's intent to provide environmental and aesthetic safeguards in the waterfront's development.

The League's research committee believes that League members would not support the bill's provision for a walkway having a minimum width of only ten feet. We quote now from the Alexandria Waterfront Plan adopted June 1967 (Report No. 18, Department of Planning) under heading—*Adopted Recommendations—Public Uses*: "A strip of land approximately one hundred feet wide running along the river's edge is to be acquired basically to be used as a pedestrian way. This park strip is considered essential to the success of this generalized plan."

May we propose that a walkway should accommodate the pedestrian, the cyclist and the bench sitter? May we propose that any strip be continuous and border the waterfront? In addition, it should be well built and pleasing to the eye.

For example, in mid-July 1971, two League representatives strolled along the walkway dedicated by Marina Towers. This is a narrow, cinder path; it slants towards the river. Erosion has occurred and guardrail protection is a single steel cable.

The Alexandria League believes that citizen concern centers on:

- a. Access to the waterfront for all citizens.
- b. A fear that a solid wall of high rise apartments will be erected along the waterfront.

Gentlemen, the League calls on you to develop a new *generalized* land-use plan which would set forth your environmental and aesthetic criteria for the development of the waterfront. Such a plan should include the following basic guidelines:

- a. Visual and physical access to the waterfront.
- b. Passage of erosion control ordinance before development begins.
- c. The city's policy on filling, including strict controls on appearance and permanence of bulkhead.
- d. Parkland developed for use in less than twenty years.

May we suggest that the development of these guidelines be expedited by City Council requesting a presentation of recommendations from the Planning Department and the Planning Commission at the earliest possible date, preferably within the next two months?

Thank you.

The CHAIRMAN. Mr. George Alderson, legislative director, Friends of the Earth.

STATEMENT OF GEORGE ALDERSON, LEGISLATIVE DIRECTOR, FRIENDS OF THE EARTH

MR. ALDERSON. Thank you, Mr. Chairman. I am George Alderson, legislative director of Friends of the Earth, at 620 C Street, SE.

When a hearing was held on legislation similar to S. 3861 by the House District Committee on May 16, Friends of the Earth testified against the bill. At that hearing, as I believe the committee has already heard, Congressman Stuckey, the subcommittee chairman, directed all the parties in controversy over this bill to meet and see how close to agreement they could come.

I expressed my willingness to join in such a meeting, and I gathered that it would be convened by someone from either the Interior Department or from the city of Alexandria.

Friends of the Earth never received an invitation to any such meeting, to the best of my knowledge. I do not know whether this omission was willful or whether it was an oversight; but had I or any of my staff been at the meeting that worked out S. 3861, we would have argued strongly against it, because this bill is still little more than a giveaway of Federal land that could and should be made into a public park.

If our omission was intended to make agreement easier to come by, it appears to have achieved its purpose. Our position would be different

if this were a proposal to turn surplus Federal lands over to Alexandria for use as a public park.

However, in this case, we are giving the city some 50 acres and getting only 11 acres of park, when the entire area should be park.

In addition, this bill appears to remove the entire area from the coverage of the Refuse Act of 1899, under which all dredging and filling in navigable waters must have permits from the Corps of Engineers. It would also appear to remove these dredge and fill operations from coverage of the NEPA.

The bill furthermore provides absolutely untenable deadlines for completion by Alexandria of the small park and the pedestrian mall. The 15-year deadline guarantees that the present city council can sit back and forget about any of these public provisions, and simply go merrily about the development project that is the real purpose of the bill.

Then, when the 15th year rolls around, the city council will look at this law and find that, in section 12, the Federal Government's principal influence has been gutted. If they fail to build the park and the mall, the Federal Government can take those lands back, but none of the development can be touched.

If this bill is going to be enacted, the following provisions should certainly be amended:

1. A much larger acreage of park land should be assured by the bill than the mere 11 acres specified in S. 3861.
2. The deadline for completion of the park and the pedestrian mall should be accelerated to something closer to 2 years.
3. The provisions in section 3 affecting application of the Refuse Act, and any other authority the Federal Government now has over dredging and filling, should be removed. It should be made clear that the Federal Government retains its authority on this subject. This would insure that any project would have the scrutiny due it by completion of an environmental impact statement.
4. A provision should be substituted for section 12, to give the Federal Government an unassailable reverter authority. It must be made clear to the city of Alexandria that violation of the provisions of this law will result in reversion of the lands in violation to the Federal Government. Otherwise, there is little in this law to impel the city to carry out the law.

The provisions of section 9 really are laughable. The Interior Department's lawsuits are handled by the Department of Justice, and it strains my belief to expect that they are going to be able to go to court every time some violation occurs here. Selective enforcement is normal in the Federal Government, and the city council could expect to be 90 percent safe from lawsuit. Reversion is another thing altogether, because it means land and money to the city.

Another provision that should be added is a citizen suit provision analogous to that in the Clean Air Act of 1970.

5. We urge the deletion of section 10, which allows changes in the land-use plan if the Secretary approves.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Alderson, for your statement.

Our final witness is Col. Kenneth R. Hampton, conservation liaison for the National Wildlife Federation.

STATEMENT OF COL. KENNETH R. HAMPTON, U.S. ARMY (RET.),
CONSERVATION LIAISON, NATIONAL WILDLIFE FEDERATION

Colonel HAMPTON. Mr. Chairman, I am Col. Kenneth R. Hampton, U.S. Army (ret.), conservation liaison for the National Wildlife Federation which has its national headquarters at 1412 16th Street NW., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. Affiliates of the National Wildlife Federation are located in all 50 States, Puerto Rico, Guam, and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 3 million persons.

We welcome this invitation to testify on S. 3861, a bill to convey to the city of Alexandria, Va., certain lands of the United States. The federation feels very strongly that a maximum effort must be made by government agencies and political jurisdictions at all levels to insure that optimum use is made of our Nation's public lands, especially in the District of Columbia area where the image of a great democracy is so clearly visible to Washington, D.C. visitors.

The National Wildlife Federation supports the general thrust of S. 3861. We feel that some very positive action is needed to clean up and improve the Alexandria waterfront—an area steeped in history but lacking in physical attractiveness. It is especially important, as we approach our Nation's bicentennial celebration, to develop and implement a plan that will make the waterfront a positive asset to the city of Alexandria while preserving its many historical values and enhancing its charm for the benefit of the general public.

Mr. Chairman, the bill under consideration affords us such an opportunity. As you know, S. 3861, is a compromise measure developed after a rather lengthy battle between Alexandria city officials and several conservation/history-oriented organizations. Like all compromises, the proposed bill does not completely measure up to anyone's desires. However, S. 3861, does appear to protect the general public's interests by providing for sufficient acreage of public parks and open space, a 25-foot-wide pedestrian mall, and a relatively low-building profile along the immediate waterfront, as well as requiring the approval of the Secretary of the Interior of certain elements of a land-use plan.

We would be remiss, however, if we did not express our concern about the wording of section 3, which could result in loosely controlled dredging and filling operations on the Potomac River in the geographical area covered by S. 3861. The federation is opposed, in general, to dredging and filling activities on the basis that such operations frequently cause more problems than they resolve. Not only do dredging and filling have an adverse effect on the fish and wildlife and their habitat, but they can also create some serious water pollution problems—especially if the materials permitted for backfill are not closely screened.

We are of the opinion that, as a minimum, S. 3861, should require that requests for dredging/filling permits be reviewed by the Corps of Engineers and environmental impact statements be prepared. It seems

to us that is the least that should be done, in view of our recent tragic experience with tropical storm Agnes, to insure that ill-conceived development schemes are not implemented in a flood plain in violation with Executive Order 11296, dated August 10, 1966.

The National Wildlife Federation is concerned also by the wording of section 7 and 8 of the bill which allows the city of Alexandria 15 years to create the public park(s) and pedestrian mall authorized by the bill while recognizing the hard economics of the situation, the federation recommends that the language be revised to require the city of Alexandria to provide some type of interim public recreation facilities until the resources are available to complete the final park(s) and pedestrian mall. We feel that it is wrong to expect the public to wait 15 years for any facilities, even if they are austere, especially in view of the rapidly approaching bicentennial celebration in 1976.

Last, as a peripheral issue, we are disturbed that Alexandria City officials have prematurely entered into an agreement with the Watergate people for the construction of four 19-story tower apartments in the waterfront area which required the transfer of building density credits for about 2 acres of public land covered in the pending legislation. In our judgment, that is an improper action.

In summation, the National Wildlife Federation supports S. 3861, subject to the comments just made.

Thank you for the opportunity we have had to present our views.

The CHAIRMAN. Thank you very much, Colonel.

That concludes today's hearings on S. 3861. I will make these two observations, as said previously: (1) I will visit the area in question, and I will take along with me somebody from the Interior Department and try to get a better vision of what has been testified to here earlier, (2) we will have the record open until Wednesday, September 6, which is 3 weeks from today, to take any other statements, comments, or suggestions, that may be submitted for the record.

The hearing is now adjourned.

(Whereupon, at 12:20 p.m., the hearing in the above-entitled matter was adjourned.)

(Subsequent to the hearing the following material was received for inclusion in the record.)

CHEVY CHASE, MD.,
September 4, 1972.

Senator THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: We urge that your Committee reject S. 3861, designed to turn the waterfront of Alexandria, Virginia, over to commercial development, and that you instead either report no bill or prepare one which will bring about the use of the area as a park, in keeping with proper regard for the shoreline of the Potomac as the river of the nation's capital. It seems evident too that if any Congressional action is taken it should be on the side of proper planning and regard for the public amenities of the capital region. It should also be remembered that Alexandria was an important port in early days, a facet of history which could be recognized in proper park but which would be completely obliterated by a mass of high-rise buildings along the waterfront.

Please take action to show that the Congress is motivated by the general public good rather than being responsive to the private gain of developers.

Respectfully yours,

Mr. and Mrs. ELTING ARNOLD.

CAMERON MEWS, LTD.,
Alexandria, Va., August 17, 1972.

HON. THOMAS F. EAGLETON,
Chairman, District of Columbia Committee,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR EAGLETON: It is requested that the record of this day's public hearing concerning the Alexandria waterfront development show that the majority of the property owners of Cameron Mews, townhouse properties one block South and West of the proposed Alexandria Watergate Project, are in favor of (1) the Alexandria Watergate Project and (2) the orderly and rapid development of the Alexandria waterfront as meets the needs and interests of the City of Alexandria.

Respectfully yours,

J. JAMES BOZEK,
President.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 6, 1972.

HON. THOMAS F. EAGLETON,
Chairman, Committee on District of Columbia,
U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: I write to you and your Committee in my capacity as chairman of the Planning Commission for the City of Alexandria.

I wish to urge favorable action by your Committee on S. 3861 or some other version which will resolve the Alexandria waterfront title problem. I realize that there are some differences of opinion among the various interested groups as to precisely what form this bill should take.

Without a resolution to the title issue, any sensible planning of the Alexandria waterfront is impossible; and there are only two ways to resolve the title problem—either by litigation or by legislation. As I am sure your Committee has been advised, the judicial precedents are not completely clear and the prospects of any early resolution by litigation are remote. The waterfront will be developed for better or worse within the next few years due to a variety of pressures. The only means of making certain that it will be developed on a planned basis is by resolving, by legislation, the title problem.

Forthcoming development and construction will be a commitment to uses for at least two generations. A sensibly planned waterfront program is essential to this small community, both for its tax base and the well-being of its people generally. The City needs your help with respect to favorable action on some legislative resolution to this matter.

I would appreciate having this letter made a part of the printed hearings on this legislation.

Sincerely yours,

T. EDWARD BRASWELL, JR.

THE HERMITAGE,
Alexandria, Va., September 12, 1972.

Senator THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Residents of Alexandria are alarmed at the threat to the beauty of the Alexandria shore of the Potomac. The road leading to so outstanding a national shrine as Mt. Vernon, now bordered with fine, well kept wooded and open spaces, or handsome residences, must not be sacrificed to disfigurement by high rise apartments. Such a surrender would deserve to be named "a glorification of greed."

Very sincerely yours,

R. CLARK.

ALEXANDRIA, VA., August 21, 1972.

HON. THOMAS F. EAGLETON,
Chairman, District of Columbia Committee,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR EAGLETON: It is requested that this letter be made part of the record for the public hearing concerning the Alexandria waterfront development.

I should like to go on record as saying I am a property owner in the Brandt development, which is directly across from the proposed Alexandria Watergate Project. I have polled a number of my neighbors, and without exception, those polled were in favor of rapid development of the Alexandria Waterfront and also the Watergate Alexandria Project. Out of the 72 houses in the development there are perhaps four dissenters.

It would appear those directly affected by the waterfront development should be given more consideration than those who are not directly involved, or who live a good piece from the land involved.

Respectfully yours,

MAXINE J. HILDERLEY.

POTOMAC AREA COUNCIL,
AMERICAN YOUTH HOSTELS, INC.,
Washington, D.C., August 30, 1972.

HON. THOMAS EAGLETON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: The purpose of this letter is to express our comments on Senate Bill S3861, which deals with land on the Alexandria, Va., waterfront.

We are not particularly concerned with exactly who owns or administers the waterfront land in question. However, we are concerned that whoever controls the land considers the long standing interests of all the public. For many years the Bureau of Outdoor Recreation in the U.S. Dept. of Interior has proposed that a portion of the Alexandria waterfront be used as part of the Potomac Heritage Trail, and we are glad that the bill makes some provisions concerning such a trail.

The U.S. Park Service has performed commendably in establishing a trail along the George Washington Memorial Parkway both upstream and downstream of the City of Alexandria. The current extensive use of this trail indicates a need to complete the trail through the city as soon as practicable.

On behalf of our 3000 members in the Potomac Area, we ask that you and your committee ensure Senate Bill S 3861 adequately provides for this needed trail in a timely fashion.

Sincerely yours,

ALAN JOHNSON,
Executive Director.

WASHINGTON AREA BICYCLIST ASSOCIATION,
Washington, D.C., August 16, 1972.

HON. THOMAS EAGLETON,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: Washington Area Bicyclist Association (WABA) endorses the views of Marian Agnew, representing McLean Trails, concerning S. 3861, a bill conveying to the city of Alexandria, Virginia certain lands of the United States.

Specifically, we believe that section seven should be amended and section ten deleted.

Section seven, as presently written, requires the creation of a walkway and pedestrian mall within fifteen years. We suggest, first, that a bikeway should be required in addition to the walkway and pedestrian mall. Second, the deadline for construction should be reduced from fifteen years to five.

Compelling reasons exist for amending section seven in this manner. There is an increasing demand for quiet, safe bicycle paths in the Washington metropolitan area. The intensive use of existing paths along the C and O Canal, the Potomac River, and Rock Creek attests to the popularity of bicycle paths along area waterways. With bicycle riding booming in popularity, it is essential that the Federal Government act to assure that bicyclist access to the Potomac shore is not denied. This can only be done by adding a bicycle path requirement to section seven.

Furthermore, by establishing a fifteen-year deadline for completion of these sundry facilities, Congress is promoting the worst kind of procrastination. These facilities are not so complex and expensive that they require fifteen years to

design and build. Their development should be an integral part of the construction process, and their completion should be required within five years.

Section ten, as presently written, undercuts completely all the assurances in the bill that recreational facilities will be provided. It opens the door for ad hoc plan modifications resulting from short-term development pressures. In short, it provides too much latitude for arbitrary and capricious decisionmaking. For these reasons, section ten should be deleted.

Should a printed record of these hearings be prepared, kindly enclose a copy of this letter therein.

Respectfully,

RICHARD A. LIROFF.

DEAR SENATOR EAGLETON: At the August 17th hearing on the Alexandria Waterfront bill, Mrs. Ellen Pickering was impressed with yours and Sen. Buckley's attentiveness and questioning. One suggestion you made was to develop the waterfront as a national park. She said that was not what she and others wanted because she felt it was futile to try for a national park. But your suggestion is an excellent one which Mrs. Pickering and those of us below do truly support and press for.

Sincerely yours,

ELIZABETH A. LIVINGSTON,
Alexandria.

AUGUST 16, 1972.

Senator THOMAS F. EAGLETON,
*Chairman, Senate Committee on the District of Columbia, New Office Building,
Washington, D.C.*

DEAR SIR: I am writing you as an elected delegate of the people of the City of Alexandria, Virginia to the Virginia General Assembly. I urge you, the members of this committee, on behalf of our citizens to give favorable consideration to Senate Bill S.3861 now before you. This bill represents a long and tedious effort by many people and compromise by many diverse interests in order to solve a problem which has plagued our city for many years.

The conditions now existing on our waterfront are a disgrace to our nation's capitol as well as the City of Alexandria and can only be solved through Federal legislation.

Sincerely,

FRANK E. MANN.

ALEXANDRIA, VA., *August 18, 1972.*

HON. THOMAS F. EAGLETON,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR EAGLETON: We are writing in regard to the Alexandria Waterfront Bill (S. 3861) that Senator Spong has introduced in the Senate. We are concerned that the bill may allow excessive development along the waterfront, particularly near the old and historic district. We respectfully urge you to assure that only low density development be permitted, with reasonable open space and easy public access to the river. Also the bill should in no way further the Watergate project which is totally incompatible with the nearby old town section and if implemented will preclude appropriate development of the waterfront.

Yours truly,

Mr. and Mrs. GORDON A. NOE.

HYATTSVILLE, MD.

DEAR SENATOR: You will find enclosed a copy of executive order 11296, a department of Interior proposed legislative draft, and a petition that I filed with the Corps of Engineers.

Please be advised that the above bill is in violation of the enclosed executive order. Likewise the bill as it now stands is contrary to the rivers and harbors act and the Environmental Protection Act. These laws provide for an Army Corps of Engineers review of all proposed landfills in the Nation's navigable waters. The above bill allows the city of Alexandria to make this determination. Due to the flood problems we have been experiencing in the Washington area such de-

terminations should not be removed from the jurisdiction of the Army Corps of Engineers.

My petition raises some of the environmental problems encountered by this proposed legislation. I would appreciate any consideration you may give to the enclosed materials.

Sincerely,

TIMOTHY J. PAULUS.

UNIFIED NATIONAL PROGRAM FOR MANAGING FLOOD LOSSES

(Executive Order 11296, August 10, 1966)

EVALUATION OF FLOOD HAZARD IN LOCATING FEDERALLY OWNED OR FINANCED BUILDINGS, ROADS, AND OTHER FACILITIES, AND IN DISPOSING OF FEDERAL LANDS AND PROPERTIES

Whereas uneconomic uses of the Nation's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

Whereas national and regional studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in the flood protection structures; and

Whereas the Federal Government has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually disposes of thousands of acres of Federal lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

Whereas the availability of Federal loans and mortgage insurance and land use planning programs are determining factors in the utilization of lands:

Now, Therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. The heads of the executive agencies shall provide leadership in encouraging a broad and unified effort to prevent uneconomic uses and development of the Nation's flood plains and, in particular, to lessen the risk of flood losses in connection with Federal lands and installations and federally financed or supported improvements. Specifically:

(1) All executive agencies directly responsible for the construction of Federal buildings, structures, roads, or other facilities shall evaluate flood hazards when planning the location of new facilities and, as far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. With respect to existing Federally owned properties which have suffered flood damage or which may be subject thereto, the responsible agency head shall require conspicuous delineation of past and probable flood heights so as to assist in creating public awareness of and knowledge about flood hazards. Whenever practical and economically feasible, flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All executive agencies responsible for the administration of Federal grant, loan, or mortgage insurance programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future Federal expenditures for flood protection and flood disaster relief, shall, as far as practicable, preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All executive agencies responsible for the disposal of Federal lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, as may be desirable in order to minimize future Federal expenditures for flood protection and flood disaster relief and as far as practicable, shall attach appropriate restrictions with respect to uses of the lands or properties by the purchaser and his successors and may withhold such lands or properties from disposal. In carrying out this paragraph, each executive agency may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All executive agencies responsible for programs which entail land use planning shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

SEC. 2. As may be permitted by law, the head of each executive agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency.

SEC. 3. Requests for flood hazard information may be addressed to the Secretary of the Army or, in the case of lands lying in the basin of the Tennessee River, to the Tennessee Valley Authority. The Secretary or the Tennessee Valley Authority shall provide such information as may be available, including requested guidance on flood proofing. The Department of Agriculture, Department of the Interior, Department of Commerce, Department of Housing and Urban Development, and Office of Emergency Planning, and any other executive agency which may have information and data relating to floods shall cooperate with the Secretary of the Army in providing such information and in developing procedures to process information requests.

SEC. 4. Any requests for appropriations for Federal construction of new buildings, structures, roads, or other facilities transmitted to the Bureau of the Budget by an executive agency shall be accompanied by a statement by the head of the agency on the findings of his agency's evaluation and consideration of flood hazards in the development of such requests.

SEC. 5. As used in this order, the term "executive agency" includes any department, establishment, corporation, or other organizational entity of the executive branch of the Government.

SEC. 6. The executive agencies shall proceed immediately to develop such procedures, regulations, and information as are provided for in, or may be necessary to carry out the provisions of Sec. 1, 2, 3 of this order.

Both sections 13 and 14 protect and reserve lawful existing rights, with sections 13 being applicable to all rights of the State, and individuals generally, and section 14 reserving an outstanding leasehold interest of the United States in property within the affected area which was previously conveyed to the city by the United States.

We regard the most critical issue from the environmental standpoint the question of dredging and filling. We have consistently taken a hard line against the nibbling effect of dredge and fill permits. Therefore, we oppose a blanket permission to fill the entire area out to the bulkhead line. We recommend that the dredge and fill be subject to review by the Secretary and the Corps of Engineers of individual tracts in connection with the approval of the general land use plan which is a condition precedent to the conveyance. We recommend, therefore, adding a new subsection 1(c) and rewriting section 3 as follows:

"Section 1(c). The general land use plan submitted pursuant to subsection 1(a) hereof shall specify which lands, if any, shall be dredged or filled. The conveyance authorized under this section shall authorize any dredging or filling which the Secretary, after approval by the Secretary of the Army, and in accordance with the provisions of the National Environmental Policy Act, has approved in the general land use plan, *Provided*, That the filling, other than for stabilization of the shoreline and utilization for public purposes thereof of that area of submerged lands lying generally between Pendleton and Madison Streets extended and generally known as Oronoco Bay, is prohibited; and *provided further* that any such approved dredging or filling shall be performed in accordance with applicable regulations or standards of the Corps of Engineers and the Environmental Protection Agency.

"Section 3. Any submerged lands which are filled in accordance with the approved general land use plan shall be deemed non-navigable within the meaning of the Constitution and laws of the United States."

We also recommend that the city in approving individual uses under section 5 consider the consistency of the proposed structure with the Old and Historic District as registered under the National Historic Preservation Act. We, therefore, recommend adding a new section 5(12):

ALEXANDRIA, VA., *March 11, 1972.*

Re the Watergate's landfill permit.

CORPS OF ENGINEERS,
Administrative Services,
Baltimore, Md.

DEAR SIRS: Pursuant to your invitation for citizen comment concerning the Watergate's proposed landfill in Alexandria, I request that the Corps of Engi-

neers prepare an Environmental Impact Statement prior to issuing such a permit.

I request that the Corps of Engineers evaluate and comment on certain specific proposals pursuant to The National Environmental Policy Act, Section 101(b) (2) (3) and (6).

A. SPECIFIC PROPOSALS

1. I request that the Corps of Engineers evaluate the "esthetic" and "cultural" effects of the proposed landfill. In light of the fact that the federal government has expended vast amounts of money to create a scenic and esthetically pleasing shoreline along the Metropolitan Washington Potomac Basin, I request that you evaluate the effect that the proposed landfill and subsequent structures will have on that shoreline.

2. I request that the Corps of Engineers evaluate the possible, "risk to health and safety, or other undesirable and unintended consequences". In light of the following: (1) that structures for human habitation will be erected on or near the proposed landfill, and (2) that the U.S. Geological Survey has concluded that a flood of great magnitude will occur once per century, in the Washington area. (See U.S. Department of Interior publication, The Potomac and its Water Resources p. 14.)

I request that you consider possible risk to human health and safety. I also request that you make a cost analysis of the possible beneficial effects of the proposed landfill compared with possible flood relief expenditures that may be incurred.

3. I request that the Corps of Engineers evaluate the following proposal to "enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

I propose that the Corps of Engineers impose as a condition precedent to the issuance of the landfill permit the following requirements:

(a) Use of the thermal discharge from the nearby VEPCO power plant as a source of energy for the Watergate complex. Since the VEPCO plant is presently engaged in significant thermal discharge into the Potomac River adjacent to or nearby the proposed Watergate complex, it may be feasible to condition the permit upon the Watergate's promise to utilize this thermal discharge to the fullest extent possible. Since a viable river system is a depletable resource, it would be in keeping with the National Environmental Policy Act, Section 101(b) (6) to require such a condition precedent. In any event I request that you investigate the feasibility of such a condition under The National Environmental Policy Act, Section 102 (C) (iii) and (v) as required by Council on Environmental Quality guidelines, Appendix G, Section 5 (ii).

(b) Reduction of surface runoff. Since the Watergate plans to utilize surface parking in its complex I request that you investigate the feasibility of requiring the use of grass or turf parking areas. (See The Milwaukee Journal, June 8, 1971 p. 2) This would (1) afford a maximum infiltration capacity of surface water, (2) prevent sheet wash runoff thus preserving rain water for the benefit of the watershed, (3) decrease sediment flow attendant with road beds and (4) prevent oil and other debris found on man-made surfaces from being discharged directly into the Potomac River System.

(c) Reduction of sewage load. I request that the Corps of Engineers require the Watergate to utilize a preliminary sewage treatment facility on their complex premises so as to alleviate the sewage burden upon the Potomac River. (See Engineering News-Record, March 31, 1966, available at Federal Water Pollution Control Administration.) It should be noted that such a facility should supplement present and proposed municipal facilities. Such a preliminary facility should not be a substitute for municipal facilities.

In addition to evaluating the aforementioned proposals, I request that the Corps of Engineers investigate the following environmental hazards as required by the Environmental Policy Act, Section 102.

B. ENVIRONMENTAL HAZARDS

1. I request that you consider the consequences that possible added sediment loads will have on navigation and biotic life in and around the proposed landfill, both during the construction of the Watergate complex and after its completion. The effect of this landfill should be considered cumulative with past landfills and possible future permit applications.

2. I also request that the Corps of Engineers investigate the effect that the landfill will have on present flood levels along the Potomac River Basin. In evaluating the effect on the flood plain I request that you look at this particular permit as cumulative with past and proposed flood plain development. Such a cumulative effect consideration is required by Council on Environmental Quality guidelines. Appendix G, Section 5(b). It should be noted that a comparative analysis of topographic maps of the Potomac River Basin, from Three Sisters Islands to Queens Point, reveals extensive flood plain development in the last sixty days. Past flood plain developments have removed vast acreage from the Potomac flood plain in this area. There has been extensive marsh destruction and flood plain alteration between the above mentioned points. This has been primarily due to landfills. Some areas in which marshes have been destroyed or the surrounding topography has been altered so as to remove it from the Potomac flood plain are:

- (1) Roosevelt Island.
- (2) Alexandria Island.
- (3) Hunter Point (including the National Airport).
- (4) The Four Mile Run Tributary.
- (5) The Mashland east of Potomac Yards.
- (6) The Hunting Creek Tributary.
- (7) New Alexandria and the shoreline south of New Alexandria.
- (8) Potomac Park.
- (9) The entire east bank of the Anacostia River from Bladensburg to Poplar Point.
- (10) Vast areas of the east bank of the Potomac from Poplar Point to Fort Foote.

It might also be noted that the Corps of Engineers is presently engaged in constructing a large holding reservoir at the mouth of Four Mile Run. The necessity for such a project is the direct result of over development and mismanagement of the Four Mile Run flood plain.

U.S. Coast and Geodetic survey maps show that as late as 1911 there was a natural reservoir on this tributary. Subsequent housing and railroad development destroyed this reservoir. As a result of this mismanagement, residents of the area have suffered extensive property damage and the Corps of Engineers is presently spending funds to alleviate this problem. This past experience warrants an intense investigation into the desirability of the Watergate's landfill. It also warrants a comprehensive Master Plan for any further landfills in the Washington area.

A comparison of topographic maps and sedimentation studies provided by the U.S. Geological Survey shows a marked increase in sedimentation due to overdevelopment along the Potomac flood plain. Specific points of increased sedimentation include:

- (1) Four Mile Run.
- (2) Oxon Hill.
- (3) Goose Island.
- (4) Hunting Creek.

This increased sedimentation results in (1) obstruction to navigation, (2) an increase in the cost of treating and purifying water, (3) a degradation of the esthetic value of the river and (4) the destruction of aquatic plants and wildlife. This increase in sedimentation warrants a full environmental investigation into the desirability of the Watergate's proposed landfill.

3. I request that the Corps of Engineers take the necessary steps to determine the percolation capacity of the land around the proposed landfill. I also request that you determine whether or not the proposed bulkheads in the landfill area will retard or disturb the percolation capacity of the land near the fill.

4. I also request that you determine whether or not the air quality around the Watergate complex will be adversely affected, due to the expected increase in traffic.

5. I also request that you investigate the effect the Watergate complex will have on the present and proposed sewage capacity of the Alexandria sanitary district.

I feel that the proposed landfill is sufficiently controversial and will "significantly affect the quality of the human environment" so as to merit an Environmental Impact Statement as required by the Council on Environmental Quality guidelines. The deleterious effects of population distribution, improper land use, sedimentation, air pollution, flood plain destruction, sheet wash runoff and sewage overflow may well be sufficient to warrant a denial of this permit.

TIMOTHY J. PAULIS.

ALEXANDRIA, VA., *September 2, 1972.*

DEAR SENATOR EAGLETON: I am writing you because I am very concerned and disturbed by the possibility of losing the beauty of the Alexandria area on the Potomac to the nightmare of High-rise apartments along the river.

We need the space and the lovely trees which enhance the beauty all along the way to Mt. Vernon.

To quote Arnold Roynbee, a great thinker, "to make economic expansion the paramount purpose of life is immoral because it is a glorification of greed."

I urge you to take a long view of this situation.

Yours very truly,

(Mrs.) JULIA F. PEACOCK.

ALEXANDRIA, VA., *August 20, 1972.*

DEAR SENATOR EAGLETON: Obviously you have realized the significance of the Alexandria Waterfront Bill! Thank you for your hearing Thursday, August 17. We came away with the feeling that at least somebody was listening and heard our plan.

Until your question to me Thursday—to the effect—"Did I want the whole area a National Park?"—I had not thought of that as a solution. I have since thought about it and discussed it with a number of Alexandrians. The consensus is that a National Park is the way to save the waterfront. To save it for the people and forever.

At one of the city's hearings the question was asked of the City Manager, "What kind of a comprehensive plan do you have for this area of the city?" The reply was, in part, "That what we know provides the city government with at least as much knowledge as is typically brought to bear on these decisions. In the practical world, cities are confronted with opportunities to secure developments and plans are revised. We respond to opportunities that are not entirely of our making and there is a compromise process that is involved." (Minutes of recess rezoning meeting of March 21, 1972. Page 158, lines 3 to 5, 10 to 12; Page 161, lines 8 to 10.)

Senator, this procedure may be adequate for most sections of a city, or even for Alexandria, but not for a waterfront that is along the Potomac River shore in the National Capital area.

To proclaim the Alexandria waterfront a National Park seems the prudent and judicial thing to do.

Taxpayers are paying to clean up the Potomac River and they should be allowed to enjoy its banks rather than the privileged few living in luxury apartments and using private marinas closed to the public.

We look forward to your visit to Alexandria and in the meantime if I can be helpful in any way, please call.

Sincerely,

Mrs. ELLEN PICKERING.

LIFE INC.,

Alexandria, Va., *August 17, 1972.*

Hon. THOMAS F. EAGLETON,
*Chairman, Committee on the District of Columbia,
New Senate Office Building, Washington, D.C.*

DEAR CHAIRMAN EAGLETON: LIFE, Inc. is an environmental organization concerned that development without wise planning fosters the decline of our urban areas. For this reason, we have in the past made known our interest and concern over the fate of the Alexandria Waterfront. Now, on behalf of the 109 members of LIFE we hope you will consider the following in your deliberations of S. 3861:

1. LIFE objects to any filling of the natural waterways of the Potomac River or any change in the existing shoreline.
2. Developers should not be given density credits for submerged lands.
3. Parking of automobiles should not be allowed on the land to be deeded to the City of Alexandria.
4. Fifteen years for parks and a pedestrian mall is too long—Federal funds are available now!
5. Height limitations are essential if the old and historic district is to maintain its charm, characteristics and accessibility.
6. Bulding on or alteration of a natural floodplain should be prohibited.

It is vital to the preservation of the Alexandria Waterfront that these strict land controls be incorporated in the Bill prior to transfer of the land to the City of Alexandria. The Potomac River is after all a public resource and LIFE, Inc. feels that sufficient parks and controls must be a condition for the conveyance of any land in dispute. It is the right of every citizen to expect and enjoy no less.

Sincerely,

PATRICIA J. RICHARDS, *Secretary.*

ALEXANDRIA, VA., *September 6, 1972.*

HON. THOMAS F. EAGLETON,
*U.S. Senate,
Washington, D.C.*

DEAR SIR: I am greatly concerned about the possibility of high rise buildings along the Potomac. Do the developers hold nothing sacred and must those in authority always bow to their wishes? There was a time when all this mad building could be excused because of ignorance. But now, with our increasing knowledge of ecology, we know that all this promotion, is not only spoiling the beauty of our land, but is also endangering our very existence.

I trust you will do all in your power to keep this from happening.

Very sincerely yours,

EDNA B. RUSSELL.

ALEXANDRIA, VA., *September 6, 1972.*

HON. THOMAS F. EAGLETON,
*U.S. Senate,
Washington, D.C.*

SIR: Reference is made to the above noted Bill and its relationship to the attached colored drawings of the Watergate Hi-Rise Apartments—the only “spot zoning” on our Nation’s Potomac River from the City of Washington, D.C. to George Washington’s Mount Vernon home.

I have sailed (under sail)—past Alexandria riverfront thousands of times in the past 54 years. As an architect and writer of the historical Tidewater Potomac—and—as an extreme conservationist—I am in favor of this Bill if one amendment is included:—“The north waterfront height restriction of 30 feet shall apply also to areas bounded by Oronoco/Union/Queen street and the river.”

This amendment would permit an orderly development of our river town “for the People”; thus eliminating money-oriented opportunists.

Reference is also made to the attached two papers; (1) of questions; and (2) a news item published in Washington/Alexandria newspapers.

This choice 800 foot strip of riverfront property was sold by the City Council to Watergate Improvements Inc. of Rome; without allowing other competitors being involved; a real coup!

Alexandrians having a sincere interest in the Nation’s Potomac River and not in their pocketbooks are totally unable to generate confidence in the current City Council. If this Bill is passed “as is”—then the Council will maneuver other legislation to permit a replication of these towers—thus squeezing 78 of them on the City riverfront from Four Mile Run to Jones Point.

I am totally against Big-Brother-Government; however I know of no other way to control money-minded-developers such as these. As a dedicated disciple of good architecture and one who wants to save the “River for the People”—I please for your favorable support to my suggested amendment.

Totally sincere,

FREDERICK TILP.

[From the Alexandria Gazette, May 20, 1972 and the Washington Star]

CITY WATERFRONT

Alexandria’s City Council appears to be confident that gifts being brought them by Romans in the form of the towering Watergate apartments located at the very/exact river’s edge will solve the city’s financial problems. Jutting up and alongside the Potomac river 205 feet above mean low water level—and housing over 2,000 rich tenants and 200 yachts at moorings—is a “fat cat” to politicians and a cancer to the architecture of Alexandria.

I often wonder what Alexandria's two favorite sons (George Washington and Robert E. Lee) would think if they knew what sort of hanky-panky was being conjured for the alleged architectural beautification of the city waterfront.

Waterfront buildings are much more visible than those in the average urban setting. This imposes a special responsibility on those charged with approving buildings so located. To exacerbate the problem, our waterfront is located in the highly visible capital of the U.S.A., visited at least once in a lifetime by almost all of its 200 million citizens and countless foreign officials.

The waterfront architecture of Alexandria should be a 'style,' hopefully unique, which is at the same time homogenous within the waterfront area and appropriate to the historic district of Alexandria. It should not be copybook architecture, neither a 'Williamsburg' nor an imitation of the latest architectural cliches (as the Romans would have us believe).

It should, however, be derivative of Alexandria's early architecture so that it becomes a natural 20th Century outgrowth. Hopefully—and this is a challenge to our city's architects—the style should result in creating a place which is immediately recognizable as "Alexandria" and different from any other place.

This waterfront is no place for exhibitionism.

Georgetown has the U.S. Commission of Fine Arts to be the "architectural watchdog"—fighting the money-oriented merchants and opportunists.

Alexandria should resort to federal levels for aid in preparation of a development plan of our most precious possession—the lands along the Potomac River.

FREDERICK TILP.

QUESTIONS ON BILL S. 3861

1. This Bill forces waterfront property developers to a low building height of 30 or 50 feet. The Watergate Towers proposes four hi-rises at 220 feet above mean low water (that's almost $\frac{1}{2}$ as high as the Washington Monument). To whom are we building these four monuments?

2. What would the City's two favorite sons (George Washington and Robert E. Lee) think of these four towers. Isn't this a rare opportunity to build a "well designed river town" as had been planned by the former City Councils and Planning Boards?

3. When the City Council permitted this "spot zoning";—were they paid off financially or spiritually?

4. Why doesn't Watergate Towers conform to the same height restriction as proposed in this Bill? Why doesn't the U.S. Commission of Fine Arts have jurisdiction here as they do in Georgetown, as the Potomac River here is actually in D.C.? . . . or are we out to glorify the purchasing power of Italian money—or—to glorify architecture of Virginia?

5. This is the finest "untouched" piece of real estate in the World—yet the U.S. Government (bathing in the glory of rhetoric) ignores the Pleas of the People. What sort of spiritual pay-off is this?

6. Under the guise of Equal Opportunity—this Bill is not fair as it allows the City Councils Favoriates to be the Biggest and the Best Business Opportunity and Development on the entire Potomac River. Why?

7. Already—sketches are made for a continuation of these hi-rise apartments on the entire of Alexandria's waterfront (a potential gold mine for all of the "IN" people). Who else can control this bonanza, except the Federal Government??

8. The Watergate Improvements buildings have garages at a level 20'-6" below maximum flood water level (as determined by the U.S. Army Corps of Engineers and the U.S. Coast & Geodetic Survey). Question: What happens when we have floods; and who pumps the water out of the garages; or will they run to the Federal Government for more floodaid money. Question: Do the younger generation know how this Federal money-spending seem to perpetuate itself for all the "IN" folks.

9. Hi-Rises breed more Hi-Rises (examples: New York, San Francisco; etc.); all landowners taxes increase eventually forcing them to move elsewhere. Our once quiet little town which had such opportunities as a "Town for People" will become a concrete-and-steel high-density jungle; because the U.S. Government did not care. Is this correct? Answer Yes or No.

10. Invitation is hereby given to any and all persons to visit my home which is located 300 feet from the proposed towers of contemporary Mediterranean architecture. May I show you where you may be "paid-off" spiritually?

[From the Alexandria Gazette, Apr. 8, 1972]

WATERGATE

In our city hall on March 22, the Watergate hearings brought out inspirational pleadings from unpaid Alexandrians opposing paid quislings and/or those interested in making fast money or other interests.

Housewife Ellen Pickering and lawyer Robert Montague were true Virginians of whom George Washington and Robert E. Lee (the city's favorite sons) would have been proud to know as friends.

I, as a 1972 Alexandrian and totally interested in hearing that "truth will out"—hope all persons having a respect for their conscience will follow the example set by this housewife and lawyer—instead of sitting home, bellyaching and/or sulking.

Our city is blessed with an inspiring beautiful view facing east to the stimulating rising sun. Our waterfront should be thoughtfully planned by Virginia's politicians and Virginia's architects who are dedicated to "do a job" so well that it will be a model river town for all Americans and our foreign guests.

God has given our city an historical heritage and a site unequalled in America. A Watergate complex stretching from Jones Point to Four Mile Run would be following a pattern set by 99 per cent of our country's city waterfronts today.

As an architect (and I definitely do not need a job) steeped in the history of the tidewater Potomac River—I list below my professional observations:

1. Watergate's paid promoter indicates there were NO high walls in this design. Publicly exhibited drawings showed an earthen wall or mound rising 15 feet above mean low water and extending 575 feet parallel (north-south) to the river's channel.

2. Watergate's paid lawyer indicates slips for 200 boats belonging to tenants and/or other yachtsmen. Drawings fail to show auto parking space on site for boat owners and/or guests.

3. Watergate's paid planners designed the lower level of an underground garage 20 feet, 6 inches below the maximum flood water level as determined by U.S. Army Corps of Engineers and U.S. Coast and Geodetic Survey.

Wonderment is hereby expressed on a fact that:—"If Foggy Bottom's Watergate is unable to keep the tenants dry above water—how can they keep Alexandria's Watergate tenants autos in dry storage this far below water level of the Potomac River? . . . or maybe the lawyers with polished well-worded phrases can make the "waters recede like Moses did so well with the Red Sea."

4. Watergate's business friends—the Board of Trade predicted their enthusiasm due to an assurance of increased financial profits. Coincidentally, I, too, found Alexandria a nonprofitable area even way back in 1929—and so I migrated (businesswise) to Southern Maryland (the slot-machine land of pleasant living) and have been relatively happy/successful. The moral is: If you can't make it here—then try greener pastures.

5. Watergate's friendly friends seemed convinced that pollution is like sex—it's here to stay—and totally subscribe to the adage, "Population plus People produces Progress," and then they rush around Olde Towne assuring all hands that our taxes will be lowered.

6. Watergate's architects (hope they are being paid) as noted on exhibition drawings are not currently registered for professional practice in the Commonwealth of Virginia. Question: Do lawyers enter into partnership with persons who are not members of the Virginia State Bar? Why allow architects?

7. City Council's report indicates a 174-foot high building from a raised deck. Architects' drawing scales the total building height as 204 feet above mean low water. That's almost one-half as high as the Washington Monument, Alexandria will then have four "half-high Washington Monuments"—wow!

8. City Council's report indicates a residential building of 19 stories high. Architects colored renderings in perspective indicate a building of 14 stories in

height—this is normally done to make a building appear lower in overall height—and is termed “fudging.”

9. City Council’s report indicates this to be a “luxury residential condominium.” Architect’s building specifications do not indicate materials to be used and installed to be of a “luxury character.”

10. Watergate’s “Quayal survey.” Professional peddlers of words have to qualify to “paint favorable pictures with sugarcoated statements as directed by the sponsor.” Capable architects and journalists can make “big things look small and small things look big” by proper execution of the pencil and typewriter.

11. The Mayor and City Council. Out of respect to housewife Pickering and lawyer Montague—they should have at least voted 4/ or 5/2—but never 7/0.

Ad—infinitum.

Therefore—I, as one of the poorer/smaller minority groups shall now stand—raise my arm high and shout:—

“All hail to Pickering and Montague.”

Totally sincere,

FREDERICK TILP, A.I.A.

ALEXANDRIA’S HIGHRISE LIVING—HOW SAFE?

Alexandria’s tall high-rise towers currently proposed for North Olde Towne may be compared to a coal mine when it comes to ease of evacuation. For instance, our usual methods of fire fighting—get the occupants out and the firemen in—may be in every way “obsolete.”

The Federal Governments GSA fire-safety panels came up with a workable definition of a “highrise” . . . a building in which emergency evacuation is not practical and in which fire must be fought internally because of the height. Its usual characteristics are that parts of the building are beyond reach of fire departments aerial equipment; it poses a potential for significant stack effect; and it requires unreasonable evacuation time.

The occupants live between almost insurmountable vertical and horizontal barriers and their elevators are as important for their normal movement as automobiles are on the streets. In serious emergencies or catastrophies, elevator systems may be of tragically little value, sometimes even instruments of fatalities. Occupants when affected by these hazards may riot resulting in a crisis-to-crisis; go-no-go line, especially when egress becomes inaccessible when needed.

Advocates of sprinkler systems stress the importance of suppressing fires at inception and are often willing to see other protective systems traded off for a 100% sprinkler system. The new Thomas Stone School in Charles County, Md. (15 miles south-east of here) had a \$500,000 fire damage in the single story building completely equipped with sprinklers (This happened last week).

What about the range of mobility of the occupants. How many people have respiratory impairments, muscular problems, coronary and vascular diseases, poor vision and hearing? These are not limited to the aged and retired; many young working people suffer the same limitations.

Many new buildings are sealed boxes filled with tons of highly combustible plastics. Many close calls have occurred in New York when fires race up through air conditioning ducts, blazing to temperatures up to 1500 degrees—enough to twist the steel beams and melt the outside curtain walls.

And so . . . ad infinitum . . . lets keep Olde Towne of Alexandria for town houses and let the highrise boys stay in Rosslyn or Crystal City . . . or maybe *you* don’t mind being a charred corpse.

FREDERICK TILP, A.I.A.

[From the Washington, D.C. Evening Star, June 15, 1972]

REVICTIMIZING CITIZENS

In the wake of recent flooding it is inconceivable that Congress is about to pass a bill allowing fill of the Potomac River for private development along the Alexandria waterfront. Not even a permit from the Army Corps of Engineers will be needed according to Bill No. H.R. 15550 introduced by Congressman Joel Broyhill.

Narrowing the river by continual filling sets the stage for a disastrous Alexandria flood sometime in the future.

When the Potomac River floods next, will the taxpayers be expected to back loans to wealthy Watergate Improvements, Inc., which plans to build on the flood plain of Alexandria? One wonders if the taxpayers will be asked to subsidize flood insurance for Watergate or subsidize insurance for the 200-car shoreline garage planned as a part of commercial venture offered by Alexandria businessmen.

This is happening in the shadows of the Capitol and White House under the guise of revitalizing the waterfront, or stated more truthfully, the major consequence will be re-victimizing the everyday citizen.

ELLEN PICKERING.

[From the American Motorist, June 1933]

THE POTOMAC OF YESTERDAY AND TODAY

*Which can be truly known only by him who steers his boat from the broad mouth
along its winding reaches to the head of tidewater*

(By Frederick Tilp)

Our group of Sea Scouts cruising the Potomac River during the past summer received a liberal education in tidewater history. Pledging ourselves to travel as real sailors, not as engineers, trusting only to the winds and tides, despising all things greasy and oily, we hope to forget gasoline and spark plugs. Our little craft is the Black Ball Packet Ship, "Cats", a sturdy sail boat of twenty-three feet in length, manned by a crew of six and the skipper. Armed with maps drawn by Captaine John Smith, another by the Royal Pilots and Cartographers of King George III in 1777, and charts of 1897 and 1926; and volumes such as Paul Wilstach's "Potomac Landings", "Indian Names and Their Meanings", John Smith's "Historie of Virginia" and many others we feel well equipped for an historical cruise. We are also sure of a large portion of fun to balance the more serious phases of our trip.

Early one July morning the Black Ball Packet hoisted sail for Potomac ports, 'having nothing in particular to do and plenty of time to do it in'. Our primary lesson in history explains that the name Potomac was first shown on Smith's map of 1608 as Patawomeck; the most popular of the many translations being "they are coming by water". Our point of departure near the Army War College, is the widely discussed Turkey Buzzard Point which first appeared on charts of 1673, later being called Young's Point and Greenleaf's Point for the local landowners. The chart next shows Giesboro Point, just south of the Naval Air Station, named by Lord Baltimore who gave the "Giesborough" grant in 1663. After passing the Naval Research Laboratory at Bellevue, Oxon Creek bears on our port side. It received its title from John Addison, who having been to Oxford College, and being an Oxonian, named the first patent of land on which he settled, Oxon Hill. Alexandria is now seen off our starboard bow. We have difficulty in finding that John Alexandria purchased that tract in 1669 for the charts of 1777 designate the town as Belhaven. Our little Packet now passes Broad Creek, named by English Episcopal settlers of 1650-60.

Here the river sweeps westward where the Virginia hills disclose the home of our first President. The estate was christened in honor of Admiral Edward Vernon of the British Navy, by Lewis Washington who later willed it to his brother George. Gunston Cove opens to the southwest and is a rendezvous for local yachtsmen and Isaac Waltons. On the beautiful wooded southern shore is located the former home of George Mason, a signer of the Constitution and Virginia patriot who named his manor from the hamlet of Gunston, Staffordshire, England.

Anchoring in Accotink Bay, at the upper end of the Cove, we are informed that the nearby shores were settled in 1732, obtaining the name from the Indians meaning "Great Whirlpool Place". The crew by this time developed a worn and haggard look, a result of all this research, so we return to the more material wants of our stomachs. Old Slush, our greasy cook prepares a meal which brings many "favorable" remarks from the victims.

The next morning finds "Cats" drifting slowly past Craney Island. The Royal Charts of England show this as a tract of land titled Crane Island. We see no cranes nor feel any wind, but the tide carries us to Occoquan, where we spend

another evening. Our authorities state that the Spanish explorers and missionaries of 1570 found the Indian town "Axacon" here, from which has evolved the present name. The God of Winds gives us a fresh breeze at dawn and we pass Freestone Point where quantities of sandstone and freestone have been quarried. Nathaniel Powell, the recorder of John Smith's expedition must have influenced the Captain to give us something by which to remember him and so we have Powell's Creek. The Indians now take charge in naming the creeks of the Maryland shore with Mattawomen, "at the broad meadow"; Chickomuxen, "fishing place at the weir"; Virginia has Aquia which is shown on Smith's Map as Quiyough; and Potomac Creek where the headquarters of the Patow-ome Indians were located. The crew of Sea Scouts think it is important to state that the aboriginal names are corruptions and even an authority on etymology finds it difficult to solve the meanings of some names which appear on the Coast and Geodetic Survey Charts. One of the most uncommon occurrences on the Potomac River proper is a marsh, but just below Quantico is Brent's Marsh, part of the land granted in 1651 to Mistress Margaret Brent (the executrix of Governor Leonard Calvert's will). Six miles to the southeast is Maryland Point Light-house where the main body of the British fleet anchored in 1814 when the Capital City was being invaded.

EVEN IN THE DAYS when there was plenty of fish and few persons to catch them, some Indian's patience must have been too severely tested for we find that Nanjemoy means "bad fishing". In this creek and Port Tobacco we spend two days eating, sleeping and arguing with the cook as can only be done by sailors. We toss a coin on the derivation of Port Tobacco Creek. (Note. The weed has nothing to do with its present name), Portafacco was the Indian name for "in the hollow of the hills", and John Smith's map shows an Indian village nearby, "potapaco".

Having favorable winds, but not being in a hurry we make slow time when compared to our landlubber friends with their noisy motors and smelly gasoline. The youthful crew of the Black Ball Packet lands at Dahlgren, Va. and there experiences one of the most interesting features of the trip. The Naval Proving Grounds were named in honor of Rear-Admiral John Dahlgren, one of our leading gun experimenters in the fifties. We are shown through the government reservation by two Naval officers who explain the operation of the big guns to be mounted on Uncle Sam's "battle wagons." It is suggested that we keep our boat clear of the firing range, because the black ball on the sail could easily be mistaken for a target!

Our next day brings a blazing sun with a flat calm, so the crew of "Cats" inspired by the efficiency of the Navy, stretch the awning and row the Packet on to Colonial Beach. A gentle breeze pushes us into Monroe Creek which was included in the land granted to Major Andrew Monroe (1660), an immigrant ancestor of President Monroe. One of the oldest inhabitants tells of Church Point, a few miles south. In the early seventeenth century there was a tradition of a sunken church, the ruin of which lies under the salty waves and the tolling of the bell is still heard by the superstitious folks. Wakefield, on Pope's Creek is only a short distance away, but volumes have already been written about its history. The Wicomico River, the largest estuary of the Potomac does not offer any particular attraction to us except to learn that John Smith terms it Wigh-cocomoco, meaning "where houses are building." We wonder how the Captain, after passing through all the hazards of the sea, was still adventuresome enough to attempt the pronunciation of these Indian names. Leonard Calvert named the land where the first Catholic mass was celebrated, St. Clements Island, which was changed to Blakistone Island for the later owners, the Blakistones.

A few other saints were remembered by Leonard Calvert (1934) in St. Patricks Creek, St. Catherines Isle, and St. Margarets Isle. In contrast, just across the inlet we find Protestant Point where the anti-Catholics of St. Marys colony settled in 1642. In this locality on confused religions, even the winds could not agree so we were glad to forget our sailing pledge and accept the tow line of the Maryland Oyster Police Boat. Our vessel now requiring no attention, we again turn to the books and find the authorities state that the name Symortown was changed in 1728 to Leonardtown by legislation in honor of Benedict Leonard Calvert the fourth Lord Baltimore. The Police boat drops us at the end of Brettons Bay which was included in part of the tract of land granted to William Bretton in 1637.

Throwing our calendar away, forgetting the dates and reckoning the time by the sun we sail southward into Nomini Bay, a name which is evolved from a local Indian village, Onawanient appearing on John Smith's map. On the eastern part of this bay is the Bushfield mansion which rivals Mt. Vernon for its beauty. The original house on the same site was the home of John Augustine Washington, a younger brother of George. While anchored here the skipper of a Chesapeake Bay bugeye offers us a job as stevedores in loading tomatoes on his boat. After two days of this labor we return to our little Packet which awaits us at Mt. Holly (named for a local eminence covered with holly trees). Stopping for a short time in the Machadoc River (Indian Matchoatoke, "the big, bad tidal stream"), we again sail southward passing Ragged Point and Piney Point, names which appear on chart's of 1777 made by King George's Royal Cartographers with the assistance of the Pilots of St. Marys.

We sail along the Virginia shore for we know that the Maryland side will receive its share of historical publicity in 1934 with the tercentenary celebration of the landing of the "Arc and Dove", though we find it interesting to read the origin of the various place names. The powerful Leonard Calvert named St. Marys in honor of Henrietta Maria, wife of the royal grantor, Charles I. A favorite place for yachtsmen is Smiths Creek (formerly Trinity Creek of 1634), which one of our books states was named after our versatile Captaine John Smith. But enough of southern Maryland for the "Cats" course is for Virginia ports. Near the mouth of the Yeocomico, one of the bloodiest battles of the War of 1812 was fought between the U.S. ship "Wasp" and the British frigates "Contest" and "Mohawk". Here we pass through a large fleet of menhaden fishing steamers from Reedville, Va., a town we later visited by automobile. These vessels usually work on the Atlantic ocean, but scarcity of the "fertilizer fish" force them to risk these forbidden waters. It is unlawful to catch with a net on the Potomac any guano or oil fish, but the fine is only three hundred dollars and each vessel's catch is valued at about one thousand dollars. Reedsville has the largest number of menhaden factories and vessels in the world and is said to have the greatest per capita wealth of any American city. The slogan of the townsfolk is "The stronger the smell, the more money we make". Our Packet Ship stops at Kinsale located at the head of navigation in the Yeocomico River, where we see our first "show" of the cruise. The crew pays the exorbitant sum of fifteen cents, enters the theater tent and enjoys a real entertainment by a popular troupe of wandering actors. We learn that the name Kinsale was brought from Ireland by settlers of the seventeenth century.

The barometer drops quickly and a roaring head wind forces us to spend several days at Mundys Point, the site of a large tomato cannery. Schooners from Baltimore make daily trips here so we talk with the skippers of the good old days when sail reigned supreme.

When the wind moderated we finished our southward journey in Coan River, opposite Point Lookout. We find Coan one of the most interesting and beautiful places of our travels, so for ten days the "Cats" and her inquisitive crew sail about in every little stream and landing. We make friends with the schooner captains, the fishermen, the crabbers, and the tomato packers and enjoy comparing our city life with that of these conservative, yet in many ways more daring people. We draw straws to choose one member to do the research on Coan and after many hours the victim appears with an Indian dictionary, Smith's "Historie of Virginia", and other references. An Indian village named Sekacawone was located on the shores of the river at the time of our great Captaine. The shire "Chickacoan" was established in 1648 by the Protestant English who revolted against the Catholic ideas of St. Marys colony and settled on the lands near Coan River.

Time and money pass all too rapidly, forcing us to point our little "Cats" toward home. Taking advantage of a strong southeast wind we log eight knots an hour until we arrive off Morgantown, Maryland. While anchoring in this narrow channel here we run aground, but are not overly perturbed because of our inferior navigating when we recall that George Washington's schooner under professional direction stranded on one of the nearby shoals. Our next day's run is ended in Piscataway Creek, the shores of which were possessed by a tribe of Indians of that name. Father White, a Jesuit in 1639 established a missionary station there which also marks the most northerly point reached by Governor Calvert in his travels of 1634. Going ashore we can still see the ruins of the

ancient Pistataway town, an important river port in 1814. On a high bluff just north of our anchorage is Fort Washington which l'Enfant redesigned in 1813 and emphasized its importance because of the commanding location on the river.

WASHINGTON ECOLOGY CENTER,
Washington, D.C., August 15, 1972.

GENE E. GODLEY,
*General Counsel, Senate District of Columbia Committee,
New Senate Office Building, Washington, D.C.*

DEAR SIR: As you may know, the question of the land use of the Alexandria waterfront is pending before the Senate District of Columbia Committee.

The Washington Ecology Center feels strongly that it is vital to preserve and retain free and easy access to the waterfront and shoreline areas for all the citizens of the area.

Accordingly, we strongly endorse and approve of the two amendments to the Alexandria waterfront measure proposed by Marian Agnew of McLean Trails. We urge that these amendments be considered and included in the final measure.

Thank you.

Sincerely,

MARCHANT WENTWORTH,
Research Director.

TEXACO
INC.1001 CONNECTICUT AVENUE, N.W.
WASHINGTON, D. C. 20036JAMES H. PIPKIN
EXECUTIVE VICE PRESIDENT

August 31, 1972

The Honorable Thomas F. Eagleton
Chairman
Committee on the District of Columbia
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

There is presently pending before your Committee proposed legislation, S. 3861, which is intended to assist the City of Alexandria, Virginia, in appropriately developing a specified area on the waterfront of the Potomac River. By letter dated August 7, 1972, Texaco advised you that it had an interest in certain of the properties along the waterfront of the Potomac River which would be affected by the enactment of S. 3861 and that it anticipated filing with the Committee a written statement setting out its views.

Texaco has met with representatives of the City of Alexandria and the Department of the Interior to determine if under the terms of the bill as proposed, Texaco would be allowed at least certain improvement of the shoreline which would reduce the discriminatory impact of the legislation. The following three letters, which are attached hereto, describe Texaco's problem with the legislation and set out the results of our discussions with the City of Alexandria and the Department of the Interior:

1) Joint letter of August 7, 1972, to the Honorable Nathaniel Reed, Assistant Secretary for Fisheries, Wildlife and Parks, Department of the Interior, and the Honorable Wayne F. Anderson, City Manager, City of Alexandria, Virginia from Mr. James H. Pipkin, Executive Vice President, Texaco Inc.

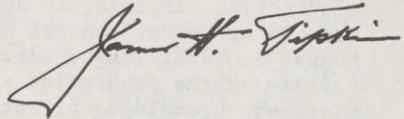
2) Letter of August 10, 1972, to Mr. James H. Pipkin from Wayne F. Anderson, City Manager, City of Alexandria, Virginia.

3) Letter of August 15, 1972, to Mr. James H. Pipkin from Curtis Bohlem, Deputy Assistant Secretary of the Interior.

It would be appreciated if you would make this letter and the attached three letters part of the formal record pertaining to S. 3861.

Texaco understands that nothing in the proposed legislation is intended to diminish or impair the right, title or interest which any person or corporation may have in the land east of the 1791 water line (See section 13, page 18-19 of S. 3861). Accordingly, Texaco is submitting to the Committee this letter and the attached three letters without in any way derogating our right, title and interest in the area east of the 1791 water line.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James H. Pipkin". The signature is written in dark ink and is positioned to the right of the typed name.

JHP:lh
Enclosures

T E X A C O
I N C.1001 CONNECTICUT AVENUE, N.W.
WASHINGTON, D. C. 20036JAMES H. PIPKIN
EXECUTIVE VICE PRESIDENT

August 7, 1972

The Honorable Nathaniel Reed
Assistant Secretary for Fisheries,
Wildlife and Parks
Department of the Interior
Washington, D. C. 20240

The Honorable Wayne F. Anderson
City Manager
125 North Royal
Alexandria, Virginia 22314

Gentlemen:

There is presently pending before the United States Congress proposed legislation which is intended to assist the City of Alexandria, Virginia, in appropriately developing a specified area on the waterfront of the Potomac River, i.e., H. R. 15550 and S. 3861. For more than a quarter century, Texaco has been the owner of property on the Alexandria waterfront bounded on the north by Madison Street, on the west by Fairfax Street, on the south by Pendleton Street, and on the east by the Potomac River. A portion of this property, which has been recently denominated as "Oronoco Bay", lies within the area defined in the first sections of H. R. 15550 and S. 3861. As a property owner which supports maximum utilization of the Alexandria waterfront consistent with social, environmental and economic goals, Texaco fully endorses the general intent of the subject legislation.

Texaco is concerned, however, that unless the bill is modified or an agreement can be reached as to how this legislation will be implemented, the passage of such will discriminate against Texaco, deny it equal protection under the law and result in the confiscation of Texaco's property without due

process or just compensation. Further, enactment of the bills with such discriminatory classification and resultant confiscation could render the legislation unlawful and deny the benefits of this legislation to Alexandria, its citizens and other concerned parties.

Section 3 of each bill prohibits:

". . . the filling, other than for stabilization of the shoreline and utilization for public purposes thereof, of that area of submerged lands lying between Pendleton and Madison Streets, extended, and bounded on the west by the east line of Union Street, extended, consisting of the easterly portion of what is known as 'Oronoco Bay' . . ." (p. 5)

This is the only land singled out for special treatment and no reason has been given why such treatment should occur. The result is that Texaco and Texaco alone will be foreclosed, even under the safeguards provided, from continuing to fill in and develop all of its property.

Portions of "Oronoco Bay" adjacent to our property, both north of Madison Street and south of Pendleton Street, have been filled in by most other owners out to the bulkhead line. Similarly, most other waterfront property owners in Alexandria have already filled out to the bulkhead line and, in the future, those who have not, other than Texaco, will have the right to do so under the conditions prescribed in the bills.

Equity and law justify the bills being amended so as to permit Texaco to be placed in the same position as all other property owners, i.e., granted the right to fill out to the bulkhead line. Texaco, however, recognizes that it is important to quickly resolve the problems centering around developing the Alexandria waterfront and that all parties must make certain compromises if this goal is to be accomplished.

Representatives of both the Department of the Interior and the City of Alexandria have verbally assured Texaco that, under Section 1(b), the City will propose and the Department of the Interior will approve, a plan permitting the following:

1. The filling of that area lying between Pendleton and Madison Streets, extended, out to the east line of Union Street, extended. This will permit regularization of the shoreline, which at points extends out nearly to the eastern portion of Union Street, extended, and will not interfere with the creation of an attractive public marina. The filling to be permitted west of the east line of Union Street, extended, is shown on the attached plat.

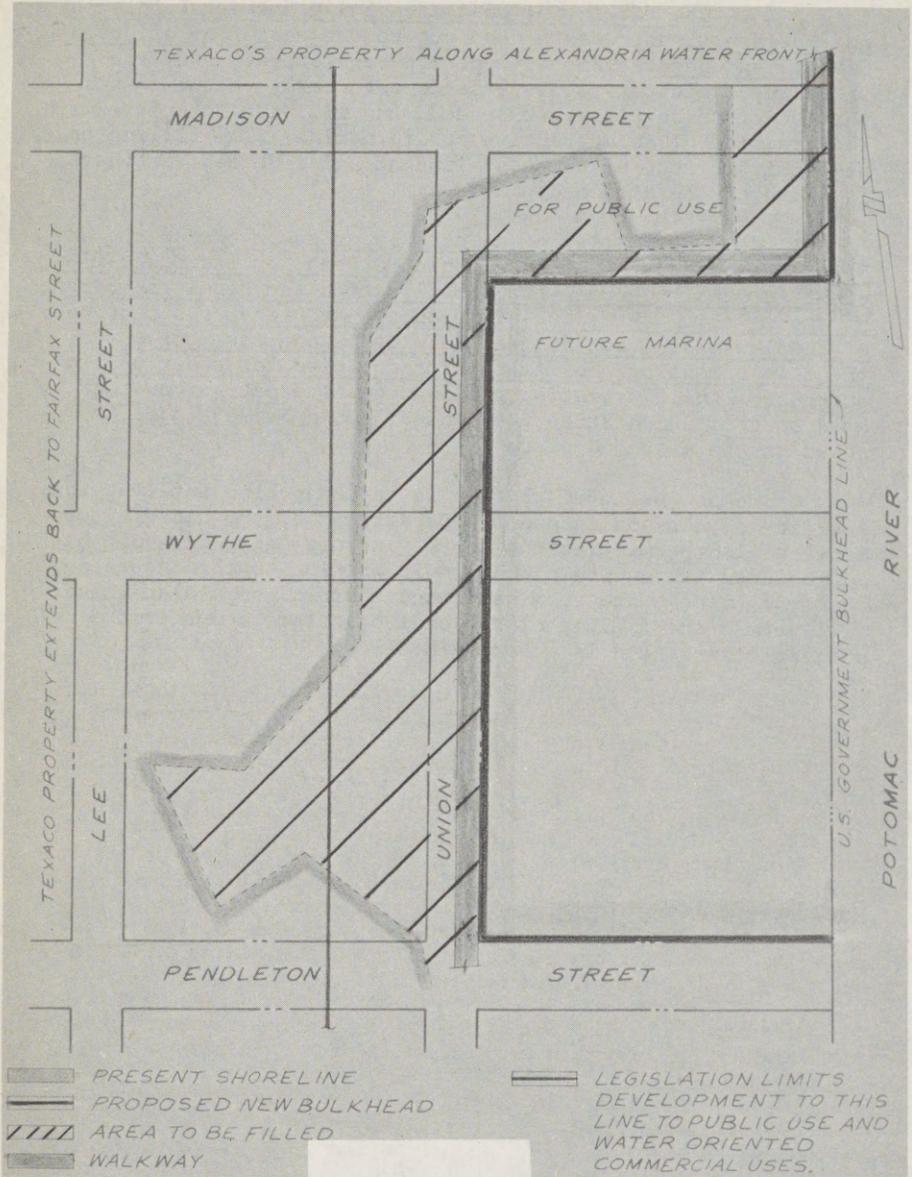
2. The filling of an area lying south of Madison Street, extended, and east of Union Street, extended, sufficient in size to permit the stabilization and regularization of the existing shoreline of "Oronoco Bay", the construction of a walkway at least 25 feet in width along the shore, and the development of the filled area not used for other public purposes. An illustration showing one alternative how the area east of Union Street, extended, could be developed is shown on the attached plat.

Texaco believes that it is in the public interest for the City of Alexandria and the Department of the Interior to adopt a plan permitting the above. Accordingly, it would be appreciated if you would confirm in writing to the undersigned that you support the submission and approval of a plan which will permit the filling of the area described above if the subject legislation is enacted into law.

Very truly yours,

James H. Vipkin

JHP:gm
Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

August 15, 1972

Mr. James H. Pipkin
Executive Vice President
Texaco, Inc.
1001 Connecticut Avenue NW.
Washington, D.C. 20036

Dear Mr. Pipkin:

Thank you for your letter of August 7 concerning the position of Texaco, Inc., in relation to legislation affecting the waterfront in the city of Alexandria.

While we may disagree with your contentions that the bill discriminates against Texaco, Inc., and that it is not in the same position as other purported property owners on the waterfront, we feel that an extended discussion of the legal and equitable principals would not be germane to the request contained in your letter. In regard to the specifics of the legislation which was presented by the District of Columbia Committee of the House of Representatives as a compromise solution, it must be noted that the Department of the Interior has taken no position on that bill which contains terms different than those suggested in the departmental report. As noted in our testimony before the House Committee, however, numerous solutions would be possible, each of which could contain various acceptable provisions.

As we understand the portion of the bill to which you refer, it represents an agreed-upon solution between the city of Alexandria and citizen conservation groups in recognition of the fact that the filling of part of Oronoco Bay to the east line of Union Street would permit increased public utility of the area without, in their view, environmental degradation. You are undoubtedly also aware that legislation submitted by this Department to the Committee provided for the stabilization of Oronoco Bay in order to provide for public use.

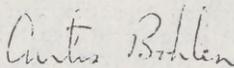
Assuming that the legislation is enacted in its present form, the position of this Department on utilization of the waterfront lands would depend upon the plan which is to be submitted by the city of Alexandria. Accordingly, the approval of any particular concept at this time would be premature.

In the event that the city makes proper, balanced provision for park and open space along the waterfront and assuming that the environmental and ecological aspects would not prevent such an action, we would not reject an alternative for the utilization of Oronoco Bay which would adequately provide for public use of that area, along the lines suggested by you. We would note, however, that you have provided a minimum size walkway and have indicated Union Street as open. We have received assurances from the city that the walkway will, wherever practicable, be wider than 25 feet, and we would recommend that any plan for this area incorporate a wider walkway. In regard to Union Street, we do not conceive of any plan for that area which would involve the establishment of Union Street as an area for through vehicular traffic. We trust that your concept at this stage is merely schematic.

We believe that your plan, conceptually, is in accordance with the intent of the legislation in its present form, as reported by the District of Columbia Committee. As Secretary of the Interior Morton has indicated, this Department will follow the intent of Congress in regard to this area, consistent with the requirements otherwise imposed upon us by law.

We trust that this will be of assistance to you in understanding the position of the Department in this matter, and why we are unable to give you the written confirmation you requested.

Sincerely yours,



Deputy Assistant Secretary of the Interior



WAYNE F. ANDERSON
City Manager

City of Alexandria, Virginia

August 10, 1972



All-America City

Mr. James H. Pipkin
Texaco, Incorporated
1001 Connecticut Avenue, N. W.
Washington, D. C. 20036

Dear Mr. Pipkin:

I received your joint letter of August 7, 1972, to the Honorable Nathaniel Reed and the Honorable Charles E. Beatley regarding H. R. 15550 and S. 3861, which deal with the development of Alexandria's waterfront. In your letter, Texaco requests that it be provided some assurance by the City of Alexandria that it intends to submit a plan in accordance with Section 1(b) of the bills which will permit the filling of the following:

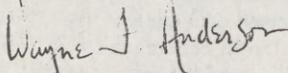
1. The area lying between Pendleton and Madison Streets, extended, out to the east line of Union Street, extended.
2. An area lying south of Madison Street, extended, and east of Union Street, extended, sufficient in size to permit the stabilization and regularization of the existing shoreline of "Oronoco Bay", the construction of a walkway at least 25 feet in width along the shore, and the development of the filled area not used for other public purposes.

After reviewing your request at the staff level, I can assure you that if H.R. 15550 and S. 3861 are enacted, I would recommend to the City Council that they approve the filling and making fast the land areas described above. I would furthermore recommend that all appropriate actions including any actions involving the Department of Interior be taken to achieve this result. I would do so on the basis of our staff finding that this filling would produce desirable results in terms of stabilizing the shoreline and realizing public purposes in that area.

I have also discussed this matter with Mayor Charles E. Beatley and Vice-Mayor Wiley F. Mitchell, and I am authorized to say that they would personally support and endeavor to secure City Council approval of a plan to be submitted to the Department of the Interior which would permit the filling of the lands you have designated. If the plan was approved by Interior, the Mayor, Vice-Mayor and I would recommend and endeavor to facilitate the granting of an application filed by Texaco to accomplish such filling under the terms of the waterfront title bill.

If I can be of further assistance on this matter, please do call on me again. I do fully appreciate the reasons for Texaco's concerns, and I am pleased that your representatives have gone to considerable efforts and have displayed flexibility in working out this arrangement.

Very truly yours,



Wayne F. Anderson
City Manager

EM

NORTHERN VIRGINIA BICYCLE ASSOCIATION

P.O. BOX 2844

ARLINGTON, VIRGINIA 22202

Sept 5, 1972

To: Members of the Senate Committee
on the District of Columbia

Department of Interior

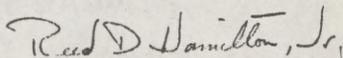
Virginia Senators

Subj: Senate Bill S3861. Alexandria Waterfront

The Northern Virginia Bicycle Association and its over 600 members from the Washington metropolitan area disapprove of the idea of high rise apartments along the historic Alexandria waterfront. We consider that the shoreline should be reserved as a historical park with areas that provide release from the glaring, sterile concrete of expeditious development and release from the tensions of urban life. Our members want final action in the Senate to assure that no high rise dwellings are put in the land that is in dispute.

Additionally, our members have expressed concern over completing the existing Park Service bicycle path along the river shoreline, off the streets of Alexandria. Through publicizing the fact that PEPCO was using Park Service land and was blocking completion of the bike path along the river, our members responded and were effective in convincing the Park Service to request that PEPCO return the land to Park Service use. This shows the membership interest in staying off the streets of Alexandria, and shows their support for a bicycle trail along the river. Therefore, our members also want S3861 to be amended to include a bicycle trail along the river to be built in time for the country's bicentennial celebration.

Your support for the wishes of our members is requested.



Reed D. Hamilton, Jr.
NVBA co-founder



City of Alexandria, Virginia



All-America City

STATEMENT CONCERNING DISPOSITION OF CERTAIN PORTIONS OF LAND
ALONG THE POTOMAC RIVER SHORE BY THE ALEXANDRIA BEAUTIFICATION
COMMITTEE BEFORE THE SENATE HOUSE DISTRICT COMMITTEE AUGUST 17, 1972.

Mr. Chairman, the Beautification Committee has been concerned with the use and development of the waterfront since the committee was created in 1965 by Mayor Frank Mann. We recognize the great National interest in what this historic river is to become. The citizens of all the United States and particularly those who live in and visit the National Capitol area have a vital concern in this great National resource, the Alexandria waterfront, across the river from our Nation's Capitol. It is essential that these concerns be protected in the enactment of any legislation affecting the Alexandria waterfront.

We agree that a land use plan of the waterfront is essential. However, this does not imply or justify giving away the great public interest in the waterfront.

The Federal Government, we believe, should require that any development of the area recognize the following:

- (1) the public interest in access to the waterfront
- (2) the public interest in enjoying an unrestricted view of the Potomac River and the far shore and the panoramic view of the capitol city.
- (3) the public need for the waterfront park and recreation facilities in keeping with the policy of bringing "Parks to the People."
- (4) the public interest in preserving and enhancing the port facilities.
- (5) the public interest in maintaining and restoring the historic value of the of the Alexandria Waterfront.

In our opinion S.3861 does not sufficiently consider these National public interests.

**Beautification
Committee**



At the August 9, 1971, hearing before City Council the Beautification Committee recommended a continuous 200foot-wide strip of parkland along the water's edge. The committee is in unanimous agreement that we must obtain the parkland at the time of legislation or lose it forever.

The committee feels that the occupants of the land have recieved sufficient gain from the land over the years and that a fair and reasonable settlement could be made.

The committee does not suggest that any water-oriented business be stopped, but, if such a business ceases to be, only water-oriented activities, parkland or other public facilities should take its place.

When considering the disposition of land along the Potomac River, the foremost thought should be, --"What is the best use of this land." We do not foster any plans for a structured park, one that would have tennis courts, swimming pools and ball game facilities. A large open park north of Oronoco St. providing an unobstructed natural view of the Potomac River and the Capital City with its monuments is the perfect use of this land. South of Oronoco St. the legislation must protect the Old and Historic Distric of Alexandria. To do this Congress must require building set backs and height limitations along the river.

A plan for the Record Center -- not included in this title bill but on the waterfront -- is currently being considered by Council. It is an exciting plan including a conference center and is appropriately located in the center of the city's activities, therefore, the parkland north of Oronoco St. should not be misused for a misplaced conference center.

The State of Delaware recently took a dramatic step to preserve for the public and for postarity what still remained of the Atlantic Shoreline. In the national capital area the Interior Department along with many private citizens have long been struggling to save the banks of the Potomac across from Mt. Veron. And as you know, there is legislation currently before Congress to declare the Potomac River a National River.

It is not enough to insert building and use restrictions as S.3861 does.... It is not enough that the Alexandria City Council be impowered to impose additional restrictions.... There is a National concern here that in the nature of things will not be a major concern of the local government officials who are seeking a broader tax base.

It should be mandatory in the Land Use Plan asked for in the bill to require a graduated building height the entire length of the river's edge. The Beautification Committee opposes an abrupt heitht rise along the river.

Under no circumstances should the pedestrian mall or parklands referred to in the bill S.3861 be placed on lands contiguous to the lands conveyed. At all times the pedestrian mall and parklands must have both access to and visibility of the river. The pedestrian mall should not be a shopper's mall thru a building complex. Furthermore, the legislation should stipulate that at no time can street ends be calculated in the total of 11 acres of parks.

We do not ask that Congress acquire the entire waterfront. We do ask that federal title and interest not be given away without specifically preserving the substantial public interests outlined above. The Potomac River waterfront is a great public resource, which if we don't preserve and protect today, will be lost forever to our children and future generations.

The public interest will not be served by commercial development which can locate elsewhere. Rather commercial development will be enhanced by parkland serving the public in perpetuity. The waterfront is an irreplaceable public facility and must be maintained for public use and enjoyment.

Recent actions of the City Council have demonstrated little sympathy with the thoughts just stated. The Beautification Committee looks to Congress -- and especially this committee -- to protect the public interest in this historic waterfront.

WANTED

1. No fill - certainly not without an environmental study required and consideration of the Flood Plain.
2. No density credits from public lands to private developers.
3. Parks and Mall near shore and constructed before Bi-centennial.
4. No buildings 100-200 feet from shore.
5. No buildings built in the bed of the river of permanent nature.
6. Low building heights along the river.
7. No Parking Garages.
8. Bike Trail started now
9. Mariners should have free and easy access for all - not just private
10. Reverts clause to protect future.

92^d CONGRESS
2^d SESSION

S. 3861

IN THE SENATE OF THE UNITED STATES

JULY 31, 1972

Mr. Spong introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To convey to the city of Alexandria, Virginia, certain lands of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) subject to the provisions of this Act, and subject
4 also to the approval by the Secretary of the Interior (here-
5 inafter called "Secretary") of a land use plan as described
6 in section 1 (b) of this Act, the United States of America
7 grants and conveys to the city of Alexandria, in the Com-
8 monwealth of Virginia (hereinafter referred to as the "city")
9 without warranty of title expressed or implied, the interests
10 of the United States in that certain portion of land located
11 within the present corporate limits of said city and being

1 partly within the bed of the Potomac River described as
2 follows:

3 Beginning at the intersection of the easterly pro-
4 jection of the north line of Third Street with the mean
5 high watermark of January 24, 1791 (said high water-
6 mark being depicted and described on a map of the
7 National Capital Parks and Planning Commission en-
8 titled "Map of the District of Columbia-Virginia Bound-
9 ary Line according to the Cession of the State of Mary-
10 land, effective January 24, 1791" drawn by C. C. Cook,
11 September 4, 1934, bearing file number N.C.P. 8.2-4
12 of National Capital Parks, National Park Service, Wash-
13 ington, District of Columbia, which said map shall be
14 recorded among the land records of the city);

15 thence continuing in an easterly direction along said
16 easterly extension of the north line of Third Street to
17 its intersection with the mean high watermark of the
18 west bank of the Potomac River;

19 thence in a southerly direction along said mean high
20 water to its intersection with a line which bears north
21 63 degrees 54 minutes west from station D1 on the
22 United States pierhead line, as established by the United
23 States Army Corps of Engineers;

24 thence south 63 degrees 54 minutes east along
25 said line to its intersection with the northerly prolonga-

1 tion of the bulkhead line, as established by the United
2 States Army Corps of Engineers;

3 thence southerly along said bulkhead line to its
4 point of intersection with a line 176.58 feet south of
5 and parallel to an easterly extension of the southerly
6 line of Gibbon Street;

7 thence westerly along said line parallel to the
8 southerly line of Gibbon Street to its intersection with
9 said 1791 high-water line;

10 thence generally in a northerly direction along said
11 1791 line to the point of beginning.

12 The interest of the United States hereby granted
13 and conveyed shall include all the interest in those lands
14 derived by virtue of the grant by the State of Maryland
15 to the United States for the seat of Government.

16 (b) This conveyance shall become effective upon the
17 approval by the Secretary of a plan submitted to him by
18 the city, showing the location of the pedestrian mall and
19 park areas required to be created by the city by sections 7
20 and 8 of this Act, ^{and also showing the maximum extent of}

21 any bulkheading and filling which the city proposed to per-
22 mit or authorize under the authority granted to it by this
23 Act. The Secretary shall approve or disapprove said plan
24 within sixty days of its submission to him by the city: *Pro-*
25 *vided*, That the Secretary shall not disapprove such plan

any development on the Flood Plain

1 submitted by the city unless he finds that the plan does not
2 adequately meet the requirements of sections 7 and 8 of this
3 Act and, in the event of such a finding, the Secretary shall
4 affirmatively advise the city of the deficiencies upon which
5 he bases such finding.

6 (c) The Secretary is authorized and empowered to
7 execute any and all further documents or assurances which
8 may be necessary to obviate any problem with regard to title
9 to the lands to be conveyed pursuant to the provisions of
10 section 1 of this Act, including waiver of the condition set
11 forth in section 4 (b) of this Act, and is further authorized
12 to utilize any other authority available to him within the
13 District of Columbia and its environs to effectuate the pur-
14 poses of this Act.

15 SEC. (a) The Act of October 31, 1945 (59 Stat. 552),
16 an Act "To establish a boundary line between the District of
17 Columbia and the Commonwealth of Virginia, and for other
18 purposes", is amended by revising the proviso in section 102
19 thereof to read as follows: "*Provided, however,* That, except
20 as may be relinquished by subsequent Act of Congress, con-
21 current jurisdiction over the said area is hereby reserved to
22 the United States."

23 (b) Upon the approval by the Secretary of the land use
24 plan described in section 1 (b) of this Act, concurrent juris-
25 diction previously reserved by the United States over the

1 area within the boundaries set forth in section 1 of this Act
2 is relinquished.

2. 3 SEC. 3. Upon the approval by the Secretary of the land
4 use plan described in section 1 (b) of this Act, so much of
5 that portion of the Potomac River as is located within the
6 boundaries of the land described in section 1 of this Act and
7 which is presently filled, or which is hereafter filled pursuant
8 to the provisions of this Act, is ~~declared to be nonnavigable~~
9 both in fact and in law within the meaning of the Constitu-
10 tion and laws of the United States, and nothing in said Con-
11 stitution and laws as now in force and effect shall thereafter
12 be deemed to prevent the dredging or filling or the erection
13 and maintenance of permanent improvements within the

3. 14 ~~aforsaid portion of the Potomac River~~ or in or above the
15 bed of such portions of the river or on land heretofore or
16 hereafter filled thereon or recovered therefrom: *Provided*,
17 That the filling, other than for stabilization of the shoreline
18 and utilization for public purposes thereof, of that area of
19 submerged lands lying between Pendleton and Madison
20 Streets, extended, and bounded on the west by the east line
21 of Union Street, extended, consisting of the easterly portion
22 of what is known as Oronoco Bay, is and shall be prohibited:
23 *Provided further*, That any future dredging or filling not
4. 24 prohibited by this Act shall first be approved by the ^{Army Corps Engineer} city:
25 *Provided further*, That for purposes of the foregoing proviso,

1 the phrase "future dredging or filling" shall refer only to
 2 dredging or filling commenced after the effective date of this
 3 Act; the term "filling" shall refer only to the addition of ma-
 4 terial to or on land which is below the mean high water mark
 5 of the Potomac River on the effective date of this Act, and
 5. 6 the permission of the ~~city~~ shall ~~not~~ be required as a pre-
 7 requisite to the addition of material to or on any land located
 8 within the boundaries of the land described in section 1
 9 hereof which is above the mean high water mark of the
 10 Potomac River on such date: *Provided further*, That the
 6 [11 approval or denial by the ~~city~~ of any future dredging or
 12 filling of the land described in section 1 hereof shall be based
 13 solely upon criteria which promote the effectuation of the
 7. 14 uses, limitations, and requirements set forth in this Act, and which
 15 *recognizes the limitations of a Flood Plain.*
 SEC. 4. (a) All lands and interests in lands of the United
 16 States within the area described in section 1 of this Act are
 17 granted and conveyed upon the express condition that future
 18 use thereof shall not be inconsistent with the provisions of
 19 this section, and the city shall not hereafter in any way au-
 20 thorize, consent to, or by inaction, permit the extension or
 21 initiation of any use within the area which is inconsistent
 22 with the provisions of this section, or which is inconsistent
 23 with the approved land use plan described in section 1 (b)
 24 of this Act. The city shall, as appropriate, enact, or main-
 25 tain zoning ordinances or other land use requirements appli-

1 cable to the area described in section 1 of this Act which
2 shall be consistent with the requirements and limitations set
3 forth in this section.

4 (b) The parkland and pedestrian mall required by sec-
5 tions 7 and 8 of this Act shall substantially conform to the
6 land use plan approved by the Secretary pursuant to section
7 1 (b) of this Act. Failure to so conform shall be deemed a
8 breach of a condition running with the land which shall per-
9 mit the Secretary to file suit for reentry, and for reversion
10 of title in the United States, covering any parcel of said
11 parkland, or any portion of said mall, the use or proposed
12 use of which does not substantially conform to the approved
13 land use plan: *Provided*, That the prior approval by the
14 Secretary of any proposed use not conforming with said
15 approved land use plan shall be deemed to effectuate a waiver
16 of this condition, and no cause of action for reentry shall or
17 may be brought by the Secretary in regard to such prior
18 approved use.

19 (c) Consistent with its obligations under sections 7 and
20 8 of this Act, the city may grant, convey, sell, lease, or
21 exchange the land or any part or parts thereof or interests
22 therein, granted and conveyed to the city pursuant to sec-
23 tion 1 of this Act, subject to the provisions of sections 5
24 and 6 of this Act and to the following covenants on the
25 use thereof, which covenants shall be incorporated in or

1 otherwise made a part of each deed or instrument whereby
2 said land or any parts thereof or interests therein is granted,
3 conveyed, sold, leased, or exchanged, which deeds and
4 instruments shall be recorded among the land records of
5 the city:

6 I. Uses Permitted

7 Except as hereinafter otherwise provided, the follow-
8 ing uses only shall be permitted:

- 9 (a) Commercial and professional offices and office
10 buildings.
- 11 (b) Churches and schools.
- 12 (c) Row dwellings, single family, and multifamily
13 dwellings.
- 14 (d) Private or fraternal clubs.
- 15 (e) Docks, marinas, and warehouse buildings for water-
16 related shipping.
- 17 (f) Public buildings and public utilities.
- 18 (g) Parks.
- 8, 19 (h) ~~Parking garages and parking lots.~~
- 20 (i) Hotels and motels including conference centers.
- 21 (j) Retail and nonretail commercial uses.
- 22 (k) Private garages, drives, common areas, parking,
23 and play spaces.
- 24 (l) Streets, drives, and open spaces.

1 (m) Hospitals, clinics, and other medical facilities.

2 (n) Any combination of the above uses.

3 II. Floor Area Ratios

4 The maximum ratio of building floor area of land, includ-
5 ing streets, alleys, and other public rights-of-way, shall not
6 exceed the following:

Land area (acres):	Floor area ratio
Less than 2.....	2.00
2 but less than 3.....	2.10
3 but less than 4.....	2.25
4 but less than 5.....	2.50
5 but less than 6.....	2.75
6 but less than 7.....	3.00
7 but less than 8.....	3.25
8 but less than 9.....	3.50
9 but less than 10.....	3.75
10 or more.....	4.00

7 III. Maximum Number of Dwelling Units Permitted

8 (a) Rowhouses, thirty units per acre including com-
9 mon space area and one-half the area of any streets or alleys
10 immediately adjacent to the site to be developed.

11 (b) Multifamily dwelling, ninety units per acre includ-
12 ing one-half the area of any streets or alleys immediately
13 adjacent to the site to be developed.

14 (c) For mixed residential and commercial develop-
15 ments, the maximum number of dwelling units shall be de-
16 termined as follows: maximum number of dwelling units
17 equals the total tract area in square feet, minus the commer-

1 cial floor area in square feet divided by the tract floor area
2 ratio, multiplied by (ninety) units per acre.

3 IV. Additional Restrictions

4 (a) In addition to the restrictions set forth in subpar-
5 agraphs I, II, III of this section 4, the following restrictions
6 on use shall apply to that portion of the land described in sec-
7 tion 1 of this Act which lies between an easterly extension
8 of the south line of Oronoco Street on the north and a line
9 176.58 feet south of and parallel to the southerly line of Gib-
10 bon Street on the south.

9. 11 11 (1) The maximum height of any building shall not
12 exceed ~~fifty~~³⁰ feet above the ~~average ground elevation~~^{+ 3 Mean sea level} of the
13 building.

10. 14 (2) The maximum ratio of building floor area to area
15 of land, including streets, alleys, and other public rights-of-
16 way, shall not exceed ~~2.00~~^{1.5}.

17 (3) Any building or structure constructed, renovated,
18 or altered, in whole or in part, shall be subject to the archi-
19 tectural controls imposed by the city upon buildings or struc-
20 tures located in the city's old and historic district.

21 (4) The maximum number of dwelling units per acre
22 shall not exceed ~~fifty~~²⁵ five.

23 (b) In addition to the restrictions set forth in subpara-
24 graphs I, II, and III of this section 4, the following restric-
25 tions on use shall apply to that portion of the land described

1 in section 1 of this Act which lies east of a line running two
 2 hundred feet east of and parallel to the east line of Lee
 3 Street and Lee Street, extended, and which is bounded on
 4 the south by the north line of Pendleton Street and Pendle-
 5 ton Street, extended, and on the north by the north line of
 6 Third Street, extended:

7 (1) Except for restaurants, marinas, and other similar
 8 water-oriented commercial uses approved by the city, said
 9 land shall be used only for public parks, open space, and
 10 public recreational areas, including uses ancillary to the use
 11 of said public parks, open space, and recreational areas.

12 (2) No building or other structure authorized within
 13 said area by the city shall exceed thirty feet in height. *above*
+ 8.77 mean sea level

12 14 (3) ~~To the maximum extent feasible~~, any water-oriented
 15 commercial use authorized or permitted within said area
 16 shall be open and available to the public.

17 (c) In addition to the restrictions set forth in subpara-
 18 graphs I, II, and III of this section 4, the following restric-
 19 tion on use shall apply to that portion of the land described
 20 in section 1 of this Act which is bounded on the south by
 21 the south line of Pendleton Street and Pendleton Street,
 22 extended, and on the north by the north line of Third Street,
 23 extended.

13 24 (1) No building, ~~other than buildings~~ permitted under
 25 ~~subsection 4(c) IV (b) (1)~~ of this Act, shall be constructed

1 within one hundred feet of the shoreline of the Potomac
2 River as the same now exists, or as it may hereafter exist
3 following the completion of any bulkheading, filling, or
4 dredging permitted by this Act.

14, 5 (~~d) Nothing in subsection 4(c) IV (b) of this Act shall~~
6 be construed to prohibit the use of residential density and
7 floor area ratio credits from the lands described in said sub-
8 section to determine the maximum allowable residential den-
9 sity and floor area ratio of buildings and structures located
10 west of the area described in said subsection.

11 SEC. 5. The specific applicability of any of the uses set
12 forth in section 4 of this Act within the area described in
13 section 1 of this Act must be approved by a majority of the
14 city council of the city (hereinafter referred to as the "city
15 council"). The city council may impose such additional con-
16 ditions and restrictions, if any, upon the use of the land as it
17 deems proper to insure the health, welfare, and safety of the
18 citizens of the city and to insure the development of the area
19 in a manner consistent with the protection of the Potomac
20 waterfront in Alexandria. Before permitting any of the uses,
21 the city council shall consider the following:

22 (1) The arrangement and location of proposed build-
23 ing, structures, and spaces as they relate to the entire Po-
24 tomac River waterfront in Alexandria.

25 (2) The safe and convenient arrangement of pedestrian

- 1 circulation facilities, roadways, driveways, off-street parking
2 and loading spaces, lighting, and facilities for waste disposal.
- 3 (3) The location of and means of access to pedestrian
4 areas and the separation of such areas from vehicular ways
5 and parking and loading areas.
- 6 (4) The design of grades, pavings, gutters, and drain-
7 age necessary to handle storm waters and to prevent erosion.
- 8 (5) The provision of walls, fences, landscaping, and in-
9 creased setbacks when deemed necessary to minimize ad-
10 verse effects upon nearby properties and within the proposed
11 development.
- 12 (6) The treatment and extent of plaza, courts, terraces,
13 and other open areas necessary or appropriate to the use or
14 enjoyment of the development and the protection of the
15 environs.
- 16 (7) The distance of parking areas and buildings from
17 nearest single-family zoning and single-family development.
- 18 (8) The provisions for dedication of land for public
19 rights-of-way, parks, schools, and recreation space, when
20 necessary and appropriate to the development and the
21 environs.
- 22 (9) The treatment of off-street parking spaces, includ-
23 ing outdoor, in-structure, and underground parking.
- 24 (10) The effects of traffic, likely to be generated by.

1 any proposed development on nearby streets, highways, or
2 other public rights-of-way.

3 (11) The proximity to mass transit or other public
4 transportation facilities.

5 Where in the judgment of the city council it is reason-
6 able, fair, and practicable so to do, the city council in ap-
7 proving any use of the aforesaid land, or any part or parts
8 thereof or interests therein granted and conveyed to the city
9 hereunder, may make or require the reservation, granting,
10 or dedication of such easements in, on, over, under, and
11 across such land, or any part or parts thereof, as the city
12 council may deem necessary or appropriate for the purpose
13 of providing public access to the Potomac River.

14 SEC. 6. (a) In granting, conveying, selling, leasing, or
15 exchanging the lands or interests in lands granted and con-
16 veyed to the city by the Secretary under this Act, or any part
17 or parts thereof or leasehold or other interests or rights there-
18 in, the city shall receive in payment or consideration there-
19 for the fair market value ^{was} ~~thereof~~, ^{NOT} ~~such value to be determined~~ ^{of 655 + 43}
20 ^{the National Parks Service June 1972} ~~by mutual agreement between the Administrator of General~~ ^{2259.41.}
21 ~~Services Administration and the city but if after good-faith~~
22 ~~efforts they are unable to agree upon a price, then by an~~
23 ~~appraiser selected by the judge of the United States District~~
24 ~~Court for the Eastern District of Virginia, then sitting on or~~
25 ~~assigned to said court at Alexandria, Virginia, the cost of~~

15.

1 such appraisal to be borne equally by the United States and
 2 ~~the city~~. The net proceeds of such sales shall be retained and
 3 set aside by the city in a separate fund and shall thereafter
 4 be used by the city exclusively for the acquisition, develop-
 5 ment, and maintenance of the park areas and pedestrian mall
 6 required or contemplated by this Act. The city shall file an
 7 annual accounting with the Administrator of the General
 8 Services Administration, accounting for its use of any such
 9 proceeds. The phrase "fair market value" as used in this
 10 subsection shall be deemed to mean only the fair market value
 11 of the land or interest in land granted and conveyed to the
 12 city by this Act and which is to be conveyed, sold, leased,
 13 or exchanged by the city, such value to be determined as of
 14 the date of the conveyance. The phrase "fair market value",
 15 as used in this subsection, shall ~~not~~ include the value of any
 16 filling ~~or other improvements~~ placed on the land described
 17 in section 1 of this Act prior to the date of this Act.

18 (b) No purchaser, lessee, or other person, firm, cor-
 19 poration, trust, or entity acquiring or leasing any such lands
 20 or interests therein shall be required to see to the proper
 21 application of the purchase money, rentals, or other con-
 22 sideration therefor.

18, 23 SEC. 7. The city shall, within ⁵~~fifteen~~ years of the effec-
 24 tive date of this Act, create, develop, and maintain within
 25 the area granted and conveyed to the city pursuant to

19. 1 section 1 of this Act ~~or, with the approval of the Secretary,~~
 2 ~~from lands contiguous thereto,~~ a pedestrian mall freely
 3 accessible to the public, not less than twenty-five feet in
 4 width, along or above the western shore of the Potomac
 5 River as the same may now exist, or as it may hereafter
 6 exist following any dredging, filling, or bulkheading per-
 7 mitted or contemplated by the terms of this Act, which
 20. 8 said pedestrian mall shall provide access to ^{and vicinity of} the Potomac
 9 River. The Secretary may, in those instances where it may
 10 be necessary for the reasonable development of said mall
 11 or where circumstances make full compliance with the re-
 12 quirements of this section impractical or impossible, ap-
 13 prove a reduced width or an alternate location for any
 14 particular segment of the mall: *Provided*, That in the event
 15 a future change in conditions makes compliance with the
 16 requirements of this section practicable, the city shall be
 17 obligated to relocate or widen said mall, as may be neces-
 18 sary to comply with the requirements of this section. The
 19 mall shall in any event be located as close as practicable
 20 to the said western shore of the Potomac River.

21 SEC. 8. In addition to the pedestrian mall required to
 22 be created and maintained under the provisions of section 7
 21. 23 of this Act, the city shall, within ⁵ ~~fifteen~~ years of the effec-
 24 tive date of this Act, create, develop, and maintain one or
 25 more public park areas from the lands and interests in lands

1 granted and conveyed to the city pursuant to section 1 of this
 22. 2 Act or, ~~with the approval of the Secretary, from lands con-~~
 3 ~~tiguous thereto, which shall be accessible to the public and~~
 23. 4 provide access ^{and visibility of} to the Potomac River, and which said public
 5 park areas shall total at least eleven acres in area.

6 SEC. 9. The Secretary is authorized to file suit in the
 7 United States District Court for the Eastern District of
 8 Virginia against the city or its grantees to enforce any of the
 9 provisions of this Act, or to restrain any violation of the
 10 terms and conditions hereof, without regard to the amount in
 11 controversy.

24. 12 SEC. 10. ~~Notwithstanding anything to the contrary~~
 13 ~~hereinbefore provided in this Act, the Secretary may, upon~~
 14 ~~request of the city council, to be evidenced by a resolution~~
 15 ~~adopted at a regular public meeting by at least a majority of~~
 16 ~~the members thereof, and upon such conditions as he or his~~
 17 ~~successor in office shall deem to be in the public interest,~~
 18 ~~permit the deletion or elimination of or changes in or devia-~~
 19 ~~tions or variances from the approved land use plan or any or~~
 20 ~~all of the uses and conditions set forth in sections 4 and 5 of~~
 21 ~~this Act: Provided, however, That any such request of the~~
 22 ~~city council shall automatically be approved, without further~~
 23 ~~action, if the Secretary shall fail to act on any such request~~
 24 ~~within sixty days after the date upon which the request is~~
 25 ~~received by the Secretary.~~

25.
 New
 Working

The City shall complete before the bi-centennial
 year 1976 that portion of the Potomac Heritage Trail
 to pass along the Alexandria Waterfront either of
 temporary or permanent construction on lands conveyed
 by this Act.

1 SEC. 11. Nothing in this Act shall be construed to re-
 2 quire the city to change the character of any existing use of
 3 any land granted and conveyed to it hereunder, except for
 4 the provision of the public park areas and pedestrian mall
 5 required by sections 7 and 8 of this Act.

26.

6 SEC. 12. ^{Any} Violation of ~~any~~ of the provisions of this Act
 7 shall ~~in no event~~ be construed to effect a reversion or for-
 8 feiture to the United States of the land or any part thereof
 9 or rights or interests therein granted and conveyed to the
 10 city hereunder: *Provided, That* Nothing in this section shall
 11 effect the right of the Secretary to protect the parkland and
 12 pedestrian mall areas required by sections 7 and 8 of this
 13 Act by filing suit for reentry of said areas as provided under
 14 section 4 (b) of this Act.

27.

15 SEC. 13. Nothing in this Act shall be construed as
 16 changing, altering, increasing, diminishing, impairing, or af-
 17 fecting any right, title, or interest which the State of Vir-
 18 ginia or any instrumentality thereof or any person, firm, cor-
 19 poration, trust, or entity, other than the United States or
 20 an agency or instrumentality thereof, may lawfully own or
 21 be entitled to in any part of the land or rights or interest
 22 therein lying within the boundaries of the land described in
 23 section 1 of this Act; it being the purpose and intent hereof
 24 to grant and convey to the city only so much of said lands

1 and interests in lands as may be owned by the United States
2 or an agency or instrumentality thereof.

3 SEC. 14. Nothing in this Act shall affect in any way the
4 rights reserved to the United States of America in that cer-
5 tain deed, dated March 2, 1970, by and between the United
6 States of America as grantor and the city, as grantee, which
7 said deed is recorded in book 707 at page 327 of the land
8 records of the city of Alexandria, Virginia.

BASES FOR PROPOSED CHANGES

- Change 1. • Land Use Plan should show complete development planned for Federal Lands not just location of parks and mall, in order to protect the public from hazards of building on the Flood Plain.
- Change 2. • The Federal lands are in the Flood Plain. Gradual filling of rivers aggravates flow of waters, and leads to more fill narrowing the river unduly.
- Change 3. • The river should remain an open vista free of any buildings which block view of the river and its flow. (restaurants, office buildings, boatels etc. built on piles)
- Change 4. • Rivers should have impartial Federal agency study fill request for environmental impact.
- Change 5. • Same reason as above.
- Change 6. • Same reason as no, 4.
- Change 7. • To protect the public against future Federal expenditures for flood protection and flood relief.
- Change 8. • Better use of the waterfront can be made than serving the car.
- Change 9. • 30 foot buildings minimize blocking the view of the river - the air currents - and the view of the city from the river.
- Change 10. • To be consistent with the building height change no 9.
- Change 11. • F.H.A. prescribes 25 - 27 dwelling units per acre.
- Change 12. • All water oriented uses should be open to the public.
- Change 13. • First 100 feet of shoreline should be free of any construction.
- Change 14. • Density and floor area ratio credits should not go to private developers from public land for their sole benefit.
- Change 15. • Reasonable price can be determined at the time of legislation. (read Associate Director's letter, N. Park Ser.)
- Change 16. • Much filling has occurred in recent time in anticipation of the passage of the title bill.
- Change 17. • Most improvements on the Federal Land are of a very temporary nature and of little consequence.

- Change 18. • Five years is ample time to construct a pedestrian mall along the shore.
- Change 19. • Pedestrian mall should be on land conveyed in order to be assured the mall will be along the river and not behind buildings.
- Change 20. • Citizens should be able to see the river as well as get to the river on the mall.
- Change 21. • Five years is sufficient time for the city to construct parkland. No reason to wait for developers to do it for them. Parkland and mall would be completed for the bi-centennial.
- Change 22. • Parkland should be on land conveyed by the bill.
- Change 23. • Parkland should have vivibility of the river at all times. This park is a riverside park.
- Change 24. • Section 10 as written defeats the whole intent of the legislation by a whim of an unknown council or developer. Parkland and free and easy access to the waterfront should be FOREVER. The city has adequate controls over development through the city code.
- Change 25. • New Section 10. The city shall start immemately upon enactment of this Act, a bicycle trail along the shore of the Potomac River on lands conveyed. This trail maybe of a temporary construction until such time a permanent trail is established.
- A continous Bicycle trail from the Capitol to the Mt. Vernon estate and beyond is underway and the City of Alexandria should contribute its share to the completion.
- Change 26. • Interior should have a recourse if the city fails to carry out the legislation.
- Change 27. • This land along the Alexandria waterfront is too valuable a public rescourse to allow any misuse.

Change 28. page 10 - LINE 11 & 12

" 11 " 12-13

Add +3 ft above

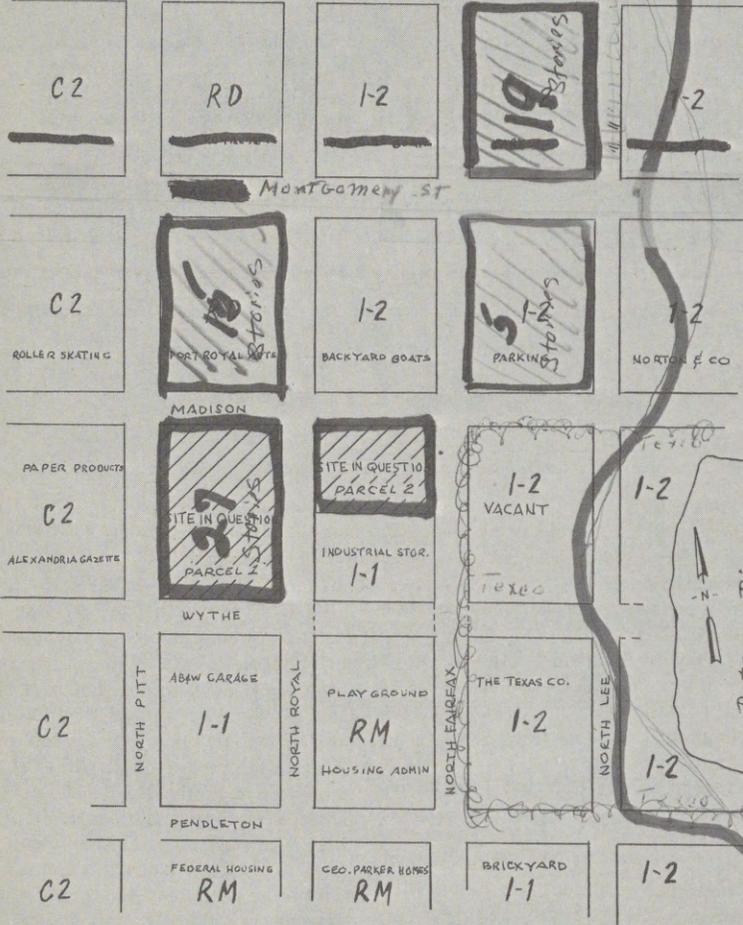
mean sea level

for building height

II. BASIC POSITION

- A. Historically the Potomac River has been an important and integral part of the City of Alexandria. The life of the river and the life of the City were closely linked. As the City grew in size, the river declined in importance and in quality. To the average Alexandrian today the river is only a thing to be crossed.
- B. The vital connection between the City and the river can be and should be reestablished. The river is potentially the most important natural resource in the City. No other Washington suburb has such a stake in reclaiming the quality of the river. No other suburb has the opportunity to establish or reestablish a lively, human urban waterfront as does Alexandria.
- C. The fact that this great resource has been and is being ignored or abused is not a sufficient reason for permitting private expropriation of what should be a public thing, the urban waterfront, no matter how attractive the proposed private use.
- D. The river and the waterfront should be made part of the life of the people of Alexandria; it should be accessible, visually and physically, to all of the people.
- E. The use and enjoyment of the City's prime location should not be restricted to a few wealthy individuals but as far as possible should be available to all the people.
- F. Filling the Potomac River to create land for the private advantage of a developer is a violation of public trust under which the public officials hold this property.

Bill not needed to bring desirable development



Alexandria Waterfront

Potomac River

*Journal*ALEXANDRIA JOURNAL
Dec. 16, 1971

Opinion

Page

Waterfront Choice

Pressure for the development of Alexandria's north waterfront is continuing to grow, as more and more plans are made for construction.

And it will develop. The only question is how it will develop.

The City of Alexandria has set up a series of actions which go about as far as a local government can to assure that the development will be good for Alexandria's citizens.

A special zoning category for planned unit, mixed use development gives planners and architects the freedom to be imaginative and good, but it nails down the developer to produce in detail what he says he's going to build.

City officials have made and are making a major effort to clear away the title problem. The proposed bill for Congress and the first few waterfront development plans show a substantial concern for the public interest.

In spite of this, those opposed to development have attacked, delayed and procrastinated, and thus prevented Congress from even considering the bill.

Now, one waterfront landowner has

proposed a new building—perfectly in compliance with existing zoning and well within his rights to build.

What is it?

It's a steel warehouse-type structure, designed to hold automotive supplies and such things.

It's big enough to obstruct part of the view of the river and the Capitol on the other side. It takes up a good bit of space. And presumably it will stay there until its owner decides it has served its purpose. Naturally the people who work there won't get much chance to enjoy the view, and other landowners in the area will not be particularly encouraged about their new neighbor.

The city hasn't the money to buy up all the waterfront land, to prevent this sort of thing.

Like we said at the beginning. The north waterfront is going to be developed. The only question is how it will develop.

Does Alexandria want steel warehouses, or quality, carefully controlled mixed use?

*Journal*ALEXANDRIA JOURNAL
JULY 15, 1971

Opinion

Page

Pass Waterfront Bill

We have been fully on record for some time, but the issue is important enough to bear repeating. We want to see the waterfront bill being sought by City officials passed in its present form just as rapidly as possible. It provides parks, public access, and the possibility of fine new construction.

The development of Alexandria's waterfront under conditions which permit maximum quality in the use of this superb location is one of the key, long range needs of the city, and, indeed, of the entire metropolitan area.

Present zoning and building regulations could permit a "chinese

wall" of office and/or apartments which would destroy for generations the chance to do something genuinely fine on the waterfront.

With the clearing up of the centuries-old problem of title to the waterfront land, it would become much easier for landowners to use the flexible but carefully controlled new C-O zone.

If Congress doesn't pass the bill in this session, then the likelihood that impatient landowners will go ahead with less desirable development is greatly increased.

Let's get it done. Now.

Journal ALEXANDRIA JOURNAL
 AUGUST 19, 1971

Opinion

Page

Where Not To Park

The United States government owns more than 761,000,000 (that's 761 million) acres of land in the continental United States. It owns more than 75 per cent of Arizona, for example. Closer home, it owns several million acres of Virginia. Even closer, it owns some land on the Alexandria waterfront. Jones Point, for example. It's a great spot for a park.

The government also has some very much disputed claims to some land in the waterfront area North of Jones Point. Much of it is under some very polluted water, and nobody, but nobody, knows the extent of the government's ownership.

The most generous estimates of the government's disputed claim give it 52 acres. Six acres are being purchased by the City of Alexandria in the Records Center transaction, leaving a maximum of 46 acres — some under water and some under a serious legal cloud.

Most of the fast land in the North waterfront area — east of Washington Street — is in the hands of developers and/or large corporations, with clear title and with zoning which would allow industrial plants and a "Chinese Wall" of highrise office construction.

Another portion of the waterfront area lies unkempt and underdeveloped because of the cloudy legal situation where title is concerned.

Under waterfront legislation unanimously approved by City

Council and now awaiting favorable action by the Department of Interior and Congress, the City would be able to create a situation encouraging carefully controlled mixed-use development with guarantees of 11 acres of parkland, a scenic walkway along the river and a vastly improved urban atmosphere.

Some good people, well meaning and intelligent, who love Alexandria and love Northern Virginia want the government to keep whatever undefined rights it may have in order that we may have more parkland.

We believe they are mistaken. The Journal doubts seriously the government would ever get around to making a park out of the area even if it could. Vitaly urgent matters such as the completion of Piscataway Park certainly should and would get priority.

The Journal also seriously questions the location of a park next to a power plant and just off the end of a jetport runway.

We simply do not and cannot believe that a disputed 46 acre claim, 46/761 millionths of what the government must supervise, in an area with a 200 year urban history, is the right place to fight for a larger park.

There are far better places in the government's 761 million acres to have parks. There are few if any better places for showplace urban development.

WRC-TV Editorial

"Alexandria Waterfront"

*Volume Four, Number Twenty-Nine
Broadcast; August 19 & 20*

Only the ghosts of the bustling shopping port of two hundred years ago remain today on the Alexandria waterfront. The land offers a beautiful view of the Potomac and is immensely valuable. But the area is dilapidated, overgrown with weeds and what is left, is industrial.

This sorry state of affairs exists because of a complicated title problem that makes it almost impossible to determine if much of the water front land belongs to the federal government or the State of Virginia.

The Alexandria City Council and the National Park Service, have come up with a plan that may bring the area back to life. Congress would transfer the ownership rights of the federal government to the city. The City Council then would be free to determine the use of the 52 acres of land.

The proposed plan cuts the present industrial zoning intensity in half, allows the city to have veto power on any commercial development, guarantees a minimum 11 acres for parkland and creation of a walkway along the river front. The Council also pledges preservation of the historic area and to keep landfill to a minimum.

WRC-TV feels the City Council of Alexandria is environmentally motivated, and its proposal should be approved by Congress as quickly as possible. Then, the citizens of that city should make sure that their elected officials keep their promise to maintain a large part of the waterfront in parkland and that the area is preserved with scenic and recreational values for all to enjoy and use.

The Alexandria Gazette

Wednesday, May 5, 1971

Waterfront Title Lag

Each new session of the United States Congress gets under way with exceeding lack of speed. When it convenes early in January time seems unlimited. Ample opportunity seems available to go through the slow motion of committee and subcommittee hearings on a host of measures, with those being supported by the Administration or the legislative leaders winning preference in scheduling. Time is a plentiful item, even enough to permit filibusters and other prerogatives. The main business of Congress is to enact the appropriation bills for the coming fiscal year, an urgent matter that has become more and more ignored.

Perhaps this is why the measure to clear the title to Alexandria's waterfront lands is moving so slowly as to seem almost at a standstill. In contrast to the alacrity which almost won clearance of the measure in the closing days of the 91st Congress, all that appears to have happened is the introduction of bills by Sen. William B. Spong Jr., in the Senate and by Rep. Joel T. Broyhill in the House of Representatives. Even the combined efforts of all of Virginia's 12 representatives in both Houses seems hardly enough to persuade the 535 members of Congress to precipitate action.

To Alexandria, in its fiscal plight, action on the waterfront now is of the essence. The Watergate developers would like to develop a high quality apartment complex at the north end of the city. The Board of Trade has general plans to induce further development of a commercial nature. None can become a reality without title clearance since no title insurer will underwrite insurance without clear legal title having been established. The same consideration would prevail for any commercial development along the lines of the city's waterfront development plans down at least as far as Gibbon Street.

Sen. Spong is pushing his bill, S.B. 1482 in the Senate, Rep. Broyhill is doing likewise for H.R. 7267 in the House. The latter is seeking to win his committee's support by using last year's public hearings on the measure instead of holding them once again. This process, if agreed to, might help.

Further support is needed. The Board of Trade is asking its members to write both Sen. Spong and Rep. Broyhill giving his support to both measures. All area businessmen, all taxpayers and all property owners should add their letter to the pile. They should write every member of Congress they know to support Senate Bill 1482 and House Resolution 7267. The need is urgent. We cannot afford idly to wait for the spirit to move our senators and congressmen while our taxable, developable waterfront continues in limbo.

The Alexandria Gazette.

"ALEXANDRIA'S OLDEST BUSINESS"

Established
February 5th, 1784

America's
Oldest
Daily

"And ye shall know
the truth and the truth
shall make you free."

John 8:32



C. C. CARLIN JR.
1900-1966

SARAH C. MESSER
Publisher, President and Editor

LEWIS A. STEARMAN
Vice President, Treasurer and General Manager

4

Tuesday, November 23, 1971

The Army, The City, The River

As negotiations and maneuvering go on, Alexandria's high hopes for early clearing up and development of the Potomac Riverfront seem to become stickier and stickier. What had once been a simple bill sent to Congress to clear title to waterfront land, which the city long has regarded somehow as its own, has led into a complexity of problems that most probably will have to be settled by a court and the very slow judicial process. Extensive plans had been projected that would have assured high quality development and an improved environment that could only accrue to the city's benefit. The legislation that barely escaped passage by House and Senate under unanimous consent rules was killed when the Interior Department withheld its approval last year. That small snag now appears to doom the long overdue waterfront development to the limbo of stagnation that has plagued it since the last cargo sailboat moved out with the tide.

A draft of a bill to quiet title, with restrictions against overdevelopment, is before the Secretary of Interior Rodger (Morton) awaiting his approval. Its form has been approved by City Council after extensive public hearings at which most local groups also supported it. But conservationists have aligned themselves against the measure, thus assuring a lively battle against it in Congress with the possible result that it will be voted down. Now the Army Corps of Engineers, which has stood idly by while large sections of land have been filled, has intervened. It asks control over future fill. Most owners of riparian rights have assumed in the past that they could fill their land out to the bulkhead line. To deny them this right now would seriously impair the values of the land they now hold. The federal government also is talking of asserting title to the land already filled, in good faith, by riparian owners over the centuries. It is all, indeed, a tangled mess of worms.

The only solution that we can foresee is the adoption of a willingness to compromise by all the parties concerned in the issue. A great deal of give and take must be shown or our most valuable asset, the waterfront, will return to the ugly stagnation that has plagued us these many years.

The Alexandria Gazette

Tuesday, January 5, 1971

The Waterfront Title Tilt

The 91st Congress died peacefully Saturday afternoon after possibly the longest session on record. It left behind it one of the greatest sins known to man — the good things it might have done and failed to do. Among these, as far as the City of Alexandria is concerned was its failure to enact legislation which would clear the title to waterfront land along the Potomac River. This record of inaction precludes for some time the possible development on the waterfront north of Queen Street for construction of any sort for, while the title is in doubt, no responsible title insurance agency will guarantee any mortgage loans on the property. Clear title out to the bulkhead line is essential. It throws into doubt the title well back of the shoreline. The cloud on a determination of what was the mean highwater mark in 1792 will remain a cloud on the title to much of the marginal land.

The request of City Council for a Congressional act to still any question of title, we noted at the time, came very late in the second session of the 91st Congress. On the basis of past history the clearance of title along the waterfront is a tortuous procedure. Sen. William B. Spong, the junior Democratic Senator from Virginia succeeded quite well in getting the necessary legislation twice through the upper chamber. Rep. Joel T. Broyhill, our Tenth District Republican, likewise did the best he could to get the bill to the floor of the lower chamber. Thus the measure could have sailed through under the unanimous consent rule.

At this point the Interior Department, on behalf of the National Park Service, intervened. The park service appealed to the House Committee on Interior and Insular Affairs to request delay on the legislation. One member of the committee agreed that he would interpose an objection that would short circuit quick action. As a result Broyhill abandoned efforts to bring the bill up in the House. Thus it died.

Efforts will be revived to enact the legislation at the start of the 92nd Congress which meets on Jan. 21. We doubt that the sledding will be so smooth this time. The Interior Department will undoubtedly insist that it go through regular channels of committee hearings and passage by the House and Senate. It is likely to raise the question of the Potomac River development compact which Virginia alone has ratified. This commitment has the backing of the conservationists. The Potomac River Commission, to be created under the compact, will have control of development along the waterfront.

Probably the best line of future development would be under the new cluster zoning that permits highrise construction of multipurpose buildings. This could be done in areas set back far enough to have a clear title to the land. Otherwise, we fear, the road to clearing title to the waterfront faces a long and wearing wait since it may be necessary for a judicial determination of the tangle before an unquestionable title can be had.

Despite the city's need for the tax revenue, it is pure dreaming to look for it to come overnight.



City of Alexandria, Virginia

June 16, 1972



All-America City

WILEY F. MITCHELL, JR.
Vice Mayor

The Honorable William S. Stuckey, Jr.
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Stuckey:

The purpose of this letter is to set forth the position of the City of Alexandria with regard to the Northern Virginia Conservation Council's suggestion that the Alexandria waterfront title bill be amended in such a way as to prevent the construction of the Alexandria Watergate project. The City feels that the suggestion in Mr. McCaw's letter to you of June 15 that the legislation on which the City and NVCC have agreed would give the Watergate "preferential" treatment is absurd. The fact is that the proposed amendment suggested by the NVCC would isolate the Watergate tract from all of the other tracts along the entire Alexandria waterfront and would subject it to severe and crippling penalties applicable nowhere else in the area to which the bill applies.

The "Watergate" amendment proposed by the Northern Virginia Conservation Council is simple. NVCC proposes, in a pointedly discriminatory manner, to tailor this bill in such a manner as to torpedo a project which:

1. Except for parkland, is located entirely outside of the area affected by this bill.
2. Is located entirely outside of the boundaries of the Alexandria Old and Historic District.
3. Is located on a site which for many years has been, and still is, zoned for highrise development.
4. Was approved unanimously by the Alexandria Planning Commission and the Alexandria City Council.
5. According to a survey conducted by the nationally known Oliver Quayle, has the support of more than 80% of the residents of Alexandria including, in the same approximate proportions, the residents of the Old and Historic District.
6. Covers with buildings only 20% of the total site area and provides both free public access to and visibility of the Potomac River.

7. Provides for a riverfront park approximately 100 feet wide and two blocks long which will be developed by Watergate but dedicated to the public.

NVCC proposes to bring about Watergate's demise by amending this bill in three respects:

1. The first amendment would deny to the Watergate site, and to the Watergate site alone, the density credits for parkland created east of the 1791 line which are made available to every other site and every other landowner affected by this bill.
2. Apparently recognizing that the density and height of development outside of the area affected by this bill are functions of local ordinances, NVCC also proposed to amend the bill so as to require the Secretary of the Interior, before approving the plan that the City is required by the bill to submit, to condemn, a "scenic easement", covering property owned by the Watergate west of the 1791 line, which would limit the height of any buildings on the site to five stories. Inasmuch as all of the property upon which the scenic easement would be obtained under this proposal is located west of the 1791 line, is in uncontested private ownership, and is currently zoned for highrise development, it is obvious that such easement could be obtained only by condemnation. Completely aside from the question of whether the public interest in the Potomac waterfront is best served by the construction of five story buildings providing almost total ground coverage, or by eighteen story buildings covering only 20% of the site and providing both free public access to and visibility of the river, it is obvious that such an endeavor would be tremendously expensive and time consuming. In addition, the ability of either the Secretary or the City to comply with any such mandate would depend not only upon their willingness to do so, but also upon the availability of sufficient funds. In the meantime, because the Secretary's authority to approve the City's plan would be suspended pending final and successful determination of the condemnation suit, any action in the Alexandria waterfront

area affected by this bill would be postponed indefinitely.

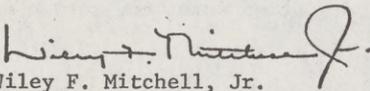
3. The NVCC also proposed that the bill be amended to prohibit any fill between Oronoco Streets and Queen Streets which is, of course, the precise area bordering the site on which the Watergate buildings are to be constructed. The City strongly feels that this suggestion is inconsistent with NVCC's general agreement with the City with respect to fill, and that any reduction in the amount of fill otherwise permitted under the bill would have to be accompanied by a concomitant reduction in the amount of required parkland. In any event, it is apparent that blocking the Watergate project is the sole purpose behind the suggestion that fill be prohibited between Oronoco and Queen Streets.

If NVCC loses the lawsuit it has filed in an attempt to block the Watergate project, I am confident that representatives of NVCC will concede that they want the waterfront park, which can be created only on filled land. If NVCC wins its lawsuit and Watergate is not built, I am equally confident that there would be no objection whatever from NVCC to the creation of a park in the area on filled land. This is precisely the type of arrangement which has been made to facilitate the construction of parkland along other areas of the waterfront.

In any case, it should be perfectly obvious that the NVCC's objection is not to the fill, but to the Watergate.

In short, the NVCC, having been unable to convince even a single member of either the Alexandria Planning Commission or the Alexandria City Council of the correctness of its views concerning Watergate, now wants to use this bill as a device to substitute its judgment for that of the City of Alexandria with respect to the Watergate project. The City feels that this is just plain wrong, and that any effort to move in that direction would seriously jeopardize a bill which holds great promise both for the City of Alexandria and for its Potomac waterfront.

Very truly yours,



Wiley F. Mitchell, Jr.

THE ALEXANDRIA WATERFRONT

Yvonne Weight
December 17, 1971

Prepared under the direction of Prof. James Brown in fulfillment of a legal research writing requirement at the George Washington University Law School.

TABLE OF CONTENTS

Introduction	1
Early charters and grants	3
Declaration of boundary in 1776	6
1785 trade compact	8
Alexandria as part of the District of Columbia	9
Retrosession of Alexandria	14
Maryland-West Virginia, Maryland-Virginia boundary dispute	17
Marine Railway v. U.S.	21
U.S. v. Martin	25
Boundary Commission Report	27
Summary of historical background	35
General law of navigable waters	36
Boundaries along navigable rivers	34
Trust doctrine: a proposal	42
Conclusion	45

CITATIONS

CASES

Bostick v. Smoot, 154 F. Supp. (D.C. Md. 1957).....	18
Herald v. U.S., 284 F. 927, (App. D.C. 1922)	20
Illinois Cent. R.Co. v. Illinois, 146 U.S. 387, 36 L.Ed. 1018, 13 S.Ct. 110 (1892).....	44
Marine Railway v. U.S., 257 U.S. 47, 55 L.Ed. 124 (1921)...	21
Maryland v. West Virginia, 217 U.S. 1, 30 S.Ct. Rep. 268, 54 L.Ed. 645 (1909); 217 U.S. 577, 30 S.Ct. Rep 630, 54 L.Ed. 888 (1910).....	17
Morris v. U.S. 174 U.S. 196, 19 S. Ct. 649, 43 L. Ed. 946 (1899)	5
Oklahoma v. Texas, 43 S. Ct. 221, 260 U.S. 606, 67 L.Ed. 428 (1922).....	39
Pennsylvania v. Wheeling & B. Bridge Co. 13 How. (U.S.) 518, 14 L. Ed. 249	9
Shively v. Bowlby, 152 U.S. 1, 38 L.Ed. 331, 14 S. Ct. 548 (1894).....	37
State v. Cleveland and P.R. Co., 94 Ohio St. 61, 113 N.E. 677 (1916).....	43
U.S. v. Martin, 177 F.2d. 733, (D.C. App., 1949).....	25
U.S. v. Pacheco, 2 Wall 587.....	5

MISCELLANEOUS

<u>American Jurisprudence</u> 2d, Waters secs. 477,502 (1964)...	39.40
Wm F. Carne, <u>The Alexandria Business Book</u> (1863).....	7
R.E. Clark, <u>Water and Water Rights</u> , sec. 36.336.4 (1967)....	5
11 <u>Corpus Juris Secundum</u> , Boundaries, sec. 34 (1963).....	39
65 <u>Corpus Juris Secundum</u> , Navigable Waters, sec. 10 (1963)...	36
F. Thorpe, <u>American Charters, Constitutions, and Organic Laws--</u> 1492-1908 (1902).....	4
Yannacone and Cohen, <u>Environmental Rights and Remedies</u> (1971).	42

In recent years, the City of Alexandria, the Department of Interior, land developers and environmentalists have been among the participants in a dispute over land ownership along the shores of the Potomac River in Alexandria, a dispute which reaches back to at least 1609. The controversy concerns the nature and degree of federal interest of approximately 33 acres of fast land and 22 acres of submerged land from Dangerfield Island (south of National Airport) to the southern tip of Alexandria, at Jones' Point.

The Federal government now claims an interest in that land along the Alexandria waterfront which lies to the East of the high water mark as it existed in 1791-- the year that Maryland ceded to the newly formed United States government that portion of land which was to be the District of Columbia and which included title to the bed of the Potomac River to the banks of Virginia at high water mark. One difficulty with that claim is that no one knows the precise location of the 1791 high water mark. The effect of the claim, however, is that the Department of Interior is pressing for a measure of control over any development which will occur following title-clearing legislation.

The land at present is a conglomeration of decaying warehouses, open fields, and low-cost industrial developments, since heretofore title insurance for high cost development has been unavailable. The potential for a future revitalization of this land has created a vast array of differing opinions regarding the wisest use of the land. Land speculators have pressed for high density development; many with environmental concerns have urged turning the waterfront into parkland; others opt for low-density commercial and residential facilities.

Because the present problem is a culmination of over 300 years of history, a review of those historical events which have affected the Alexandria waterfront is essential. This paper will first trace the history (including court decisions) of the Potomac River and its shores from 1632 to the present as that history specifically relates to the Alexandria waterfront. In addition it will be necessary to broaden the scope of the inquiry in order to examine the general body of case law of navigable waters and riparian ownership.

In so doing this paper will examine the rights of riparian owners to shores along navigable waters, the rights of the government to land which was once the bed of a navigable river--applying the principles so derived specifically to the Alexandria waterfront

in order to suggest possible resolution of various legal uncertainties. It is my intention therefore, to focus first on the history of the waterfront and the resulting specific problems which remain, and then to examine existing case law in order to focus on the present issues.

My purpose in tracing the history of the Potomac and looking at related case law is primarily to elucidate a subject about which many have opinions but fewer have much knowledge. In addition, I wish to demonstrate what I feel to be serious weaknesses in the government claim. That claim has, I believe, acquired more of an aura of veracity from being oft-repeated than it has acquired from its history.

The history of the Potomac River waterfront between what is now the District of Columbia and Alexandria can be taken back at least 300 years. Virginia had its beginnings in a series of Charters granted by Queen Elizabeth in the early 17th Century. Two charters were to Sir Walter Raleigh, and the last (in 1611-1612) (under which the first successful colony in Virginia-Jamestown, was begun) was to "The Treasurer and Co. of Adventurers and Planters of the City of London for the first Colony of Virginia" by letters-patent to "all those lands...lying (200 mi. North and 200 mi. South)... from Point Lookout...and all that space...of land lying from the (aforesaid) sea coast...to the sea west and northwest.

8F. Thorpe, (American Charters, Constitutions, and Organic Laws--

1492-1908, at 3802 (1902) hereafter cited as Charters. Such a grant as this obviously included the land later given to Lord Baltimore, just as obviously as it displayed a certain naive geography of the American continent. In any case, the land granted to the Adventurers and Planters was rather soon also granted to others.

On June 30, 1632, King Charles I granted to Cecilius Calvert, second Baron of Baltimore, his heirs, and assigns, that land which is now Maryland. Baltimore's grant along the west border was described as (beginning at the 40th Degree of North Latitude ("where New England is terminated") "unto the true meridian of the first fountain of the river of Pottowmack, then begin toward the South unto the further bank of the said river, following the same on the North and South unto a certain place called Cinquack." (Id., at 1678.).

It must be noted that the grant did not specify whether or not Lord Baltimore's holdings extended to high or low water mark on the Virginia shore. However, by the common law of the time, a grant including a river included by implication ownership to the high water mark on the opposite shore. In England, such grants were ordinarily on non-navigable rivers, which were any rivers

on which there were no tidal changes. "The shore on the sea, and of course the arms of the sea, is the land between ordinary high and low water mark; the land over which the daily tides ebb and flow. When, therefore, the sea or bay is named as a boundary, the line of ordinary high water mark is always intended where the common law prevails." (U. S. v. Pacheco, 2 Wall 587.) (Cases to the point are collected in 23 A.L.R. 757). That Lord Baltimore did receive a grant to the high water mark is undisputed in later history. (U.S. v. Morris, 174. U. S. 196, 43 L. Ed. 946, 19 Sup. Ct Rep. 649,)

"In England, in the 16th Century, an English subject was required to show that his grant of land was to low water mark. In the absence of proof of a specific grant of a tidelands, placement of the burden of proof on the subject could be decisive against him. This was the state of development of English law at the time of England's colonization of the eastern coastline of North America. The presumption of ownership in the Crown or in a state is part of the heritage which the U. S. received from England. R. E. Clark, Water and Water Rights § 36.336.4 (1967).

Secondly, it must be noted that Lord Baltimore received title to the Potomac River outright. The nature and extent of this title has been often debated, for the right of a sovereign to grant the bed of a navigable river to an individual for his own private use is debatable. It has been frequently asserted that the sovereign is to hold such river beds in trust for the use of the people, since the Magna Carta*.

* Clause 33 of the Magna Carta commands the king to remove kydells, or weirs, from the Thames, and the Medway, and throughout all England, except the seacoasts, so as to clear the streams for the free passage of both people and fish. 9 Hen. 3d A.D. 1225.

The trust doctrine and its applicability to the land in question will be discussed in a later section of the paper, as a highly useful principle to apply to future development of the waterfront area. The reason that the trust doctrine is set aside, so to speak, throughout the discussion of historical events is because the government is not (and undoubtedly never will be) basing its claims to the land on the notion that it is reclaiming land which it should be holding in trust.

Thirty-seven years after Lord Baltimore received his grant, the Governor of Virginia granted to Robert Howsing (orHowson) 6,000 acres of land "from the freshes of the Potomac River... extending down the Potomac River...including several small creeks and inlets for the said quantity of land." 2 Hen. Stat. At L. Ch. 1, at 229-250. The grant to Howsing included the shoreland now in dispute. Howsing assigned his patent, within a year, to John Alexander. From that time the Alexanders or their heirs or assigns have been in possession of the land now in question. There is no evidence to show that the proprietors under the 1632 Charter ever attempted to exercise any legal title to the Southern or Virginia shores of the Potomac from 1632 until the independence of Maryland in 1775.

In 1748, George Washington assisted in a survey of a portion

of the land granted to the Alexanders, and in 1749 laid out plots to be sold at auction for the new town of Alexandria. (See Map Appendix) By reference to Maps A and B, it can be seen that the river extended considerably further West at that time. Wharving and land fill began almost immediately, and Alexandria quickly became a major shipping center for the Potomac River region.

When Virginia declared her independence in 1776, she ceded any claims to the territories around her and confirmed her own boundaries:

"Such parts of the territory of Virginia as were contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina are hereby ceded, released, and forever confirmed, with all the rights of property, jurisdiction and government, and all other right whatsoever which might at any time hereofor have been claimed by Virginia, except the free navigation and use of the river Potomac and Pokomoke, with the property of the Virginia shores or stands bordering on either of said rivers, and all improvements which have been made or shall be made thereon." 7 Thorpe, Charters, at 3818-3819.

*Notes made by the young Washington when he assisted in laying out the town of Alexandria have been preserved.

"The course of the town of Alexandria, the meanders of the river.

S 84 1/2 et 3 chains

S 52 et. 17 L.

S 24 E 5 E 9 S

to a point at a small hickory above the landing place.

S.70 E.1 C 25 L.

S.45 E. 3 C 18 L.

from Wm. F. Carne, The Alexandria Business Book, at 5 (1863).

It must be noted here that Virginia emphatically asserted her rights to the Potomac and the use of the Virginia shores. Does this possibly indicate some prior disagreement with the colony of Maryland over the validity of those claims prior to 1776? No documents have been found which would shed any light on this subject, but one wonders if the framers of the Virginia Declaration of Independence were aware of the implications of the grant to Lord Baltimore, and were seeking to void any effects it might have of giving Maryland any interest in the Virginia shore line. In any case, the Maryland Declaration of Independence was silent as to her own state boundaries. Further research would be helpful to determine the significance of Virginia's particular assertion of her boundaries. For one thing, it would be of interest to determine whether the admission of the State of Virginia into the United States under the articles of Confederation or under the Constitution signified any acceptance of Virginia's right to "all improvements which have been made or shall be made" on the river.

After the Revolutionary War, Virginia and Maryland fell into disagreement over water rights, including the use of the Potomac by the citizens of both states. In 1785, during the

Articles of Confederation, Maryland and Virginia entered into a compact aimed at settling those disputes. The compact provided that "the citizens of each State, respectively, shall have full property rights in the shore of Potowmack River adjoining their land, with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharfs and other improvements so as to not obstruct or injure the navigation of the river, but the right of fishing in the river shall be common to and equally enjoyed by the citizens of both States; provided that such common right be exercised by the citizens of the one State to the hindrance or disturbance of the fisheries on the shore of the other State and that the citizens of neither State shall have the right to fish with nets or seans on the shores of the other." Article 7 provided that "the citizens of each State, respectively, shall have full property right in the shores of the Potowmack River."³

Later court decisions have interpreted the 1785 Compact as primarily a trade or commerce compact, but its importance as a historical document expressing the presumptions of the States of

3. This compact was ratified by the State of Maryland November 7, 1785 (see Kilty's Laws of Maryland, Ch. 1, § 7) and by the State of Virginia on January 3, 1786 (12 Hening Stat. at L. Ch. 27.) Furthermore, a compact between two states that the use and navigation of a certain river shall be free and remain open becomes a law of the Union. (Penn. v. Wheeling & B. Bridge Co. 13 How. (U.S.) 518, 14 L. Ed. 249.)

Maryland and Virginia regarding their boundaries at that time must not be underrated. Agreement to a compact which recognized the property of the citizens of the respective states, or limited fishing so as to not disturb the fisheries on the "shores of the other state" would seem to be a clear statement of recognition that in 1785 Maryland did not intend to assert title to the southern shores of the Potomac, which may have been hers by virtue of the grant to Lord Baltimore.

It must be remembered that this Compact followed Virginia's Declaration of Independence by only nine years, and that one of the three commissioners who wrote the Compact also helped to frame the Virginia Declaration of Independence--George Mason. If the Compact did not appear in later years to more specifically assert Virginia's ownership of her shores and her rights to continue building out into the river, perhaps it is because the authors of the Compact felt that assertion had been made with sufficient clarity in 1776.

Following the establishment of the United States under the Constitution two years later, Alexandria's waterfront was part of the portion of land ceded by Virginia to be the Federal government to form the new seat of government, the District of Columbia. Virginia ceded to the Federal government on December 3, 1789

"..(A) tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of this state and in any part thereof so Congress may be law direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction as well as soil, as of persons residing or to reside thereon...". (13 Hen. Stat. at Large, Ch. 32.)

Section 2 provided that

"Nothing herein contained shall be construed to vest in the United States any right of property in the soil or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States."

Maryland, in turn, ceded to the federal government "...any district of this state, not exceeding ten miles square, which Congress may fix upon and accept for the seat of government of the United States." (1 Kilty's Laws of Maryland, Ch. 2,)

Congress, on July 16, 1790, by an Act entitled "An Act for establishing the Temporary and Permanent Seat of the United States" (Ch. 28, 1 Stat. 130), accepted the cessions of territory, (provided that the two ceded areas did not total more than 10 square miles), and authorized the president to appoint commissioners who would survey the district and have power to purchase and accept such land as the president should deem proper for the seat of the federal government. The commissioners were to provide suitable buildings for the accommodation of Congress, by the end of 1800, at which time the seat of the government of the United States

would be transferred to the district. The law also contained the following proviso,

".. That the operations of the laws of the state within the district shall not be affected by this acceptance until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide."

Maryland in turn ratified the previous act of cession (2 Kilty, Laws of Maryland, Ch. 45), but for some unknown reason the Virginia Legislature did not do the same with regards to the ceded Virginia land. In 1791, therefore, Maryland and Virginia both gave to Congress certain portions of their respective states as would be considered necessary to form a District of Columbia. It is important to note that nothing specific was said concerning the boundaries of this new district, nor the boundaries of either state prior to this cession. While title, as opposed to jurisdiction, may have passed at the time of cession, it is difficult to see how this title passed until the ceded portions of land had been surveyed. Until that time, all that had been established is that some portion of Maryland and some portion Virginia had been ceded; the precise location of the ceded land was as yet unknown.

The seat of the federal government was not to be removed to the new capitol until 1801. While the work of surveying and

plating the new federal city was done, Maryland and Virginia law was to be continued in their respective portion of the ceded territories-- until then, and until Congress should by law otherwise provide.

The work to establish the new district proceeded apace, and in 1801 the New District of Columbia was officially established. By an Act of February 27, 1801, (Ch. 15 § , 2 Stat. 103), Congress provided that the District of Columbia should be formed into two counties "...and the said river in its whole course through said district shall be taken and deemed to all intents and purposes to be within both of said counties." The Act once again affirmed that the laws of the two states should continue in force in their respective districts.

From that time until 1846, a portion of the city of Alexandria, including its entire waterfront, was a part of the District of Columbia. During that time no assertions were made by the United States Government to any of the shoreland in the City of Alexandria which may have been its by right of the cession of Maryland to the federal government. In fact, by an Act of May 13, 1826 (Ch. 45, § , U.S. Stat. 162), Congress gave to the Alexandria

* A convenient source for much of this material is A Digest of the Laws of the Corporation of the City of Washington, (1823)

Common Council extensive powers over the waterfront; "...the Common Council of Alexandria shall have power to...preserve the navigation of the Potomac River within their jurisdiction; to erect, repair, and regulate public wharves, deepen docks and basins, and to limit the extension of private wharves into the harbor."

Alexandria was apparently never completely satisfied with its role as part of the federal District. Complaints were frequent that the Virginia portion of the District was being neglected, and pressure to remove Alexandria from the District began as early as the 1820's. Finally, in _____, the citizens of Alexandria petitioned to be returned to Virginia. Their plea has a certain timeless appeal:

"The laws of Virginia as they existed on the 27th of February, 1801, with some few unimportant changes, are still in force with us. We are yet governed by antiquated English statutes, repealed even there half a century ago.

So mongrel and complicated is our present system, so patchwork in its nature, that to ascertain what the law is, we are, in many cases, compelled to resort to the revised code of Virginia of the last century (now nearly out of print) to the laws of Maryland and acts of Congress; and when we have undergone this labor, find it difficult to eviscerate from the chaotic mess the true meaning of the law.

In 1846, Alexandria county of the District of Columbia was retroceded to the State of Virginia--the federal government

decided that it would never require for governmental use the Virginia portion of the original district. The Act of Retrocession (July 9, 1846, Ch. 35, § , 9 U.S. Stat. at L. 35), recited that

"... (W)ith the assent of the people of the county and town of Alexandria, that portion of the territory of the District of Columbia ceded to the United States by the State of Virginia and all the rights and jurisdiction therewith ceded... are hereby ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction as well of soil as of persons residing or to reside thereon."

Again, nothing specific was stated concerning the river or the shoreland - the only express stipulation which Congress reserved to the federal government were "any right of property in the Customs House and the Post Office."

It is presently asserted that Virginia ceded to the District and received back from the District no more or no less than she had when the land opposite Alexandria was a part of Maryland. Therefore, it is argued, whatever right, title or interest the federal government has at present in the Virginia shore line must have arisen prior in time to the cession of the two states to the federal government. However, from 1791 to 1846, fill and wharfage continued along the waterfront, with either acquiescence

or direct approval of the federal government. While no express grant of the title to the waterfront was ever granted by the federal government, a long history of acquiescence coupled with a statutory permit by the government to improve the shore line along a navigable river, certainly creates a broad presumption of title in the shore property owner. And, if Congress did intend to reserve for itself title to those improvements made into the Potomac River during the time that Alexandria was a part of the District, it is surprising that that reservation of title was not included in the section of the act which reserved title to other government properties.

In the light of the foregoing history, the assertion of the federal government to title east of the 1791 high water mark requires careful scrutiny. The cession acts of 1791 expressly provide that the laws of Maryland and Virginia were to remain in effect over the ceded territories. Those laws, in insofar as the Potomac River and its shores were concerned, included the agreement reached by Maryland and Virginia in the 1785 Compact. Congress did not begin to supplant Maryland or Virginia law with District of Columbia for ten years more. It would seem a reasonable hypothesis that although title to the Alexandria waterfront may have vested in the federal government sometime during the year of 1791, that title was subject to qualifying laws and regulations

in force for some period of time thereafter which expressly permitted Virginia shore owners to fill and wharf out.

At the very least, the choice of the date of January 24, 1791, as the date from which title was acquired by the federal government, is odd; this is the date on which President Washington appointed three commissioners to lay off the territory of the District--hardly the most momentous occasion from which to date government acquisition of title.

The same uncertainties which confronted the establishment of the true border between the District and Virginia also persisted between Maryland and Virginia, or Virginia's successor to some Potomac shores, West Virginia. The Maryland-Virginia border was established by a Boundary line Commission arbitration in 1877, and the question of the West Virginia-Maryland border was judicially determined by the Supreme Court (217 U.S. 1, 30 S. Ct. Rep. 268, 54 L. Ed. ; 217 U.S. 577, 30 S. Ct. Rep. 630, 54 L. Ed.). Since both of these settlements required an examination of the nature and extent of interest of the successors of Lord Baltimore's grant in the southern or eastern shores of the Potomac, they are significant to the District of Columbia/Virginia controversy.

The arbitrators from Maryland and Virginia agreed that

"Virginia is entitled not only to full dominion over the soil to low-water mark on the south shore of the Potomac, but has a right to such use of the river beyond the line of low-water mark as may be necessary to the full enjoyment of her riparian ownership, without impeding the navigation or otherwise interfering with the proper use of it by Maryland, agreeably to the Compact of 1785." (The 1877 Compact is recited in Virginia Code Ann., Title 7, Ch. 1 7-7 (1950))

Furthermore, the low water mark was to be measured from one headland to another, without following indentations, bays, creeks, inlets, or affluent rivers. The opinions of the arbitrators were confirmed by the Legislature of Maryland, the General Assembly of Virginia, and by an Act of congress (Va., Act of 1877-78, Ch. 246; Md., Acts of 1878, Ch. 374; Act of March 3, 1879, Ch. 196, 20 Stat. at L. 481) Congressional approval contained the proviso that nothing in the award shall be construed to impair or in any manner affect any rights of jurisdiction of the U.S. in or over the waters of the Potomac.

Maryland has emphatically asserted her rights to the bed of the Potomac River up to low water mark on the Virginia side by granting licenses to take sand and gravel from the bed of the Potomac River, between the channel line nearest the Virginia side and the low water mark on the Virginia side. (Bostick v.

).

Speaking some years after the Maryland-Virginia border arbitration (1910), in the Maryland-West Virginia boundary dispute, Mr. Justice Day observed:

The arbitration of 1877 was before eminent lawyers and an elaborate opinion was rendered by them. They reached the conclusion that following the description in the Charter of Charles I to Lord Baltimore, the right or south bank of the river, at high-water mark, was the boundary between Maryland and Virginia...But the arbitrators proceeding to establish the boundary between the States in the light of subsequent events, after referring to the effect of long occupation upon the rights of States and nations, and declaring that the length of time that raises a right by prescription in private parties, took up the location of the boundary between the States along the Potomac River. The evidence is sufficient to show that Virginia, from the earliest period of her history, used the South bank of the Potomac as if the soil to low-water mark had been her own. She did not give this up by her Constitution of 1776, when she surrendered other claims within the charter limits of Maryland;...By the compact of 1785, Maryland assented to this,...Taking all this together, we consider it established that Virginia has a proprietary right to the Southern shore to the low water mark and appurtenant thereto, has a privilege to erect any structure connected with the shore which may be necessary to the full enjoyment of her riparian ownership, and which shall not impede the free navigation or other common use of the river as a public highway.

We agreed with the arbitrators in the opinions above expressed, that the privileges therein reserved respectively to the citizens of the two States on the shores of the Potomac are inconsistent with the claim that the Maryland boundary on the south side of the Potomac shall extend to the high water mark. There is no evidence that Maryland has claimed any right to make grants on that side of the river, and the privileges reserved to the citizens of the respective States in the Compact of 1785 and its subsequent ratifications indicate the intention of each State to maintain riparian rights and privileges to its citizens on their own side of the river.

This conclusion gives to Maryland a uniform southern boundary along Virginia and West Virginia at low water mark on the south bank of the Potomac River to the intersection of the north and south lines between Maryland and West Virginia, established by the decree in this case. This conclusion is also consistent with the previous exercise of political jurisdiction by the States respectively.

So, the boundary between Maryland and Virginia and the boundary between Maryland and West Virginia were satisfactorily settled 100 years ago, both accords reaching the same conclusion regarding the past history of the shoreline area, and both establishing the low water mark of the Virginia shore as the legal boundary, after taking into account the prescriptive rights of the riparian owners.

While neither the arbitration nor the Supreme Court decision was with any binding effect vis a vis the Virginia-District of Columbia boundary, it must be remembered that the factual situation in all three instances is almost identical.

In the absence of a clear-cut determination of the District of Columbia-Virginia boundary, litigation on the matter was inevitable. In a couple of cases involving fishing along the Virginia shore, the D. C. Court of Appeals asserted the rights of the federal government to the Potomac River up to high water mark on the Virginia side. Herald v. U. S., 284 F. 927, 52 App. D. C. 147 (1922), involved a man arrested for unlawfully using

dip net between high and low water mark on the Virginia shore of the Potomac. In upholding the jurisdiction of the D.C. courts, the court held that previous cases had settled the dispute as to where (high or low water mark) the boundary was along side the Virginia shore. The case said nothing about the land of the Virginia shore, nor did it assert government title to any fast land.

Marine Railway v. U. S., 257 U.S. 47, 55 L. Ed. 124 (1921), is now considered to be the definitive statement from the Supreme Court on the Alexandria waterfront, and is cited as evidence of the strength of the government title. Therefore, a clear understanding of the facts of Marine Railway and the holding of the court are essential.

In the course of deepening the channel of the Potomac River near Alexandria, the U.S. constructed a rip rap wall below the low water mark (i.e. in the bed of the river, between the low water mark and the channel). The material dredged from the bed of the river was deposited to the west of the wall, and by the end of 1911 the land thereby made was contiguous with Marine Railway's fast lands. On January 8, 1912, the United States caused a fence to be built, enclosing the reclaimed area, and posted signs that the land was government property and that

trespassers would be prosecuted. That night, Marine destroyed the fence, and entered into possession of the reclaimed land. The facts as stipulated in the briefs for the District of Columbia Court of Appeals state that

"The erection of said fence and the posting of the reclaimed area constitutes the first assertion by either the State of Maryland or by the United States of claim to the fee of the land under the waters within the said bay, cove, or inlet, or that the same was within the territorial boundary...or jurisdiction of either from 1669 up to the present." Brief for Appellant at 9. (Both appellant's and Appellee's briefs are in a book titled Battery Cove in the Virginia Room of the main Alexandria Library.)

In finding for the United States, Mr. Justice Holmes briefly reviewed the history of the waterfront, as a boundary. The original title of Maryland extended at least to the low water mark on the Virginia side, and any later grants made on the Virginia side were subordinate to Baltimore's grant. The cessions and recessions of land, were likewise of no effect, and, in the opinion of Holmes, "The compact between Virginia and Maryland in 1785 also seems to us to have no bearing upon the case. It says nothing about boundary terms." (66 L. Ed., at 130). Even if it was in force, it was abrogated by the cession of Alexandria to the District of Columbia. Furthermore, the assent by the United

States to the Virginia-Maryland arbitration did not affect the boundary of the District, and it is immaterial to the case that the low water mark was established as a running from headland to headland in such a way as to include within Virginia jurisdictions the cove in which the United States has filled. Lord Baltimore's grant cannot be so limited.

The court continues:

"The only important aspect of the last mentioned suggestion is in connection with a claim of prescriptive right. The land behind the filling of the United States is made land, and the fillings of the Alexandria side go below the original low water mark. In this case, however, there is no attempt to disturb the long maintained possession of such extension, whether originally warranted or not. The only question before us is of the rights of the United States to fill land that hitherto has been under water." (66 L. Ed. at 130).

Marine has no right to the reclaimed land by virtue of its ownership of the adjacent fast lands. "It may happen that such filling (sic) as is done in this case will interrupt previously existing access to the waterfront. But that does not affect the right of the United States to possession of the land. What other rights, if any, the plaintiff in error may have, does not concern us now." (66 L. Ed. at 131)

Because this case is now viewed as decisive of the United States' claim to all land east of the 1791 high water mark, it is

worthwhile to take a close look at what was actually decided here.

First, nowhere does the court say - nor did the government here ever assert - that the U. S. has right, title, or interest to those lands which filling had created to the east of the 1791 line. It only states that the title of Maryland extended at least to the low water mark. The court dismissed the 1785 compact and 1877 arbitration and then reminds us that it is not dealing with the question of rights which Marine may have in filling which went beyond the original high water mark. The only question which the Court saw before it was the right of the U. S. to fill where it filled. This the court said it could do. This was land below the low water mark; land which would be considered beyond the jurisdiction of any states whose boundaries are not fixed at mid stream but at low water mark. The adjacent riparian owner, here Marine, was not entitled to their land, which remained within the jurisdiction, presumably, of the United States. If the Marine case could be interpreted as giving the U. S. a right to any fast land claimed by her between the channel of the river and the low water mark, it would be instructive to examine

other cases where the United States has litigated with shore owners with regards to filled land on the Potomac River Shore.

In U. S. v. Martin (177 F. 2d 733 (D.C.App. , 1949); Cert. Den. 339 U.S. 957, 94 L. Ed. 1368 (1950), the United States brought suit to establish its title to certain land, along the Anacostia River (the Eastern branch of the Potomac)--in the neighborhood of South Capitol Street. The court held that the owner of riparian lands had a qualified right to make fills and build wharves in the river, subject to the powers of the U. S. regarding navigation. The United States lay claim to all land fill East of the high water mark of 1791, some of which was as much as 260-280 feet wide. The court held that riparian owners acquired ownership and title to the reclaimed land landward of the bulkhead line. The U.S. had title only to the street extensions and that land which lay between high water mark and the line of maximum depth of the river. The only superior power the United States has is in its constitutional power to regulate navigation, in the interests of which land could be taken from riparian owners. In that regard, the rights of the riparian owners were qualified.

The Martin case is especially pertinent to the present situation along the Alexandria waterfront. Both, of course, involved fill of the Potomac on land over which the federal government asserted title on the basis of the cession of title by the State of Maryland. The land over which the government asserted title was on land reclaimed landward of the bulkhead line by riparian owners, not land reclaimed ^{due} to government dredging of the Potomac River channel, as in Marine.

It may be helpful to distinguish Martin from Marine by postulating that case involving fill in navigable waters may fall into two categories: (1) Cases involving the rights of a riparian owner to fill out into a navigable river from his adjacent fast land, and (2) cases involving the rights of a governmental authority (or a valid successor in title) to fill the river bed, usually in the interests of improving navigation. Marine is, of course, in the latter category. The principles behind such cases--that the U. S. government has the right to improve the channel of a navigable river in the interests of navigation, such rights being an exercise of the government's paramount right to control navigation--is equally applicable in both cases. The

distinction, then, becomes--who made the fill? The court in Marine was reluctant to allow the adjacent landowner to acquire title to the substantial amount of land that was made dry by the operations of the government.

Although those applicable decisions set the legal boundary on the Virginia side as being at the high water mark, no boundary line has yet been surveyed. By the Act of March 21, 1934, Ch. 72, 48 Stat. 453, a Commission of three was established "For the purpose of surveying and ascertaining the boundary line between the District of Columbia and the State of Virginia." The Committee was authorized to take into consideration among other things,

"(T)he several decisions of the Supreme Court of the U.S., the findings of the Maryland-Virginia Boundary Commission of 1877, the Compact of 1785, the claims of ownership of the U. S. and all private persons and corporations along the Virginia shore line, and the equitable and prescriptive rights, if any, of the U. S. and private claimants growing out of long, continued, and uninterrupted possession." H.R. Rep No. 374, 14th Cong., 2d Sess. 1 (1934).

The Boundary Commission found that while Baltimore's grant unquestionably included the Potomac River to the high water mark on the Virginia shore, the heirs, assignees, and grantees of the 1669 Howsing patent on the Virginia side were never disputed by the proprietors of the 1632 Charter.

The Commission acknowledged that the 1785 Compact was essentially a trade or commerce compact, but the section giving citizens of each state respectively, full property rights in the shores of the Potomac River "is of great significance and importance, and it is to be remembered that this Compact was entered into and in full force and effect prior to the time that the District of Columbia was formed." (Id. at 5)

The Commissions noted that Virginia titles to the shore property were continued in the names of the individual private owners or their successors during the period of time that Alexandria was part of the District. Though the record is silent, according to the Commission, as to whether or not the ceded portion of Alexandria was assessed for tax purposes in the name of the individual landowners during 1791-1846, following retrocession the Commonwealth again assessed the property as land owned by private parties. (Id. at 8-9)

[The land in question has been consistently taxed by the Commonwealth prior to the time and continuously since 1846, and "at no time has the U. S. government ever attempted to exercise its authority, either tax or police, in the territory in dispute." (Id. at 13) In fact, the government has purchased parcels of land from private individuals in the disputed area, included land

which extended to the low water mark. "While this is not binding on the government as far as these proceedings are concerned, but it is evidence of the fact that the U. S. government has acquiesced in and certainly passively acknowledged the ownership of the property as vesting in private hands." (Id. at 15)

The Commissioners concluded, "By continued occupation, possession, and the exercise of ownership, from its earliest history, to the present time, Virginia has acquired and exercised full and complete sovereignty and jurisdiction over the territory." (Id. at 17).

The Commissioners noted that in the conclusion of their investigation, the City of Alexandria and the U. S. government had stipulated to the facts of the controversy. The following is a summary:

1. Boundary in 1791 was the highwater mark on Virginia shore.
2. This boundary continues to be the boundary as it existed in 1791 "except insofar as said high water line has been changed by the operation of purely natural causes or by artificial constructions erected at so remote a period and so continuously maintained and occupied as to warrant the conclusion that the boundary has been changed by prescription." (Id. at 18.)
3. The boundary agreed upon would be (roughly) the bulk-head line as established by the Secretary of War.

The Commission recommended that "In

"Inasmuch as this line (of 1791) cannot be definitely established, the only equitable way in which a fair line can be arrived at is by locating the low-water mark as of today and this Commission respectfully recommends as and for the boundary line existing and to exist between the District of Columbia and the Commonwealth of Virginia, the low-water mark on the Virginia shore running from headland to headland across creeks and inlets." (Id. at 19).

A bill was introduced H.R. Jan. 6, 1935) ratifying the report. After hearings and inspections on the ground the Committee decided to let the bill die in Committee, and an opportunity to clarify title along Alexandria's waterfront was once again not taken.

One of the main reasons, evidently, that the agreement was not confirmed by Congress was because it was felt that adequate legislation had been previously enacted to clear title to the waterfront.

The provisions for equitable adjustment which were in the 1930's viewed as possible means of settling the dispute, without ratifying the commission report were (1) Act of April 27, 1912, Ch. 94-96, 37 Stat. 93 and (2) Act of June 4, 1934, Ch. 375, 48 Stat. 836 -- authorized the Secretary of Interior (who has custody of the shores) to make equitable compromise of the claims of private individuals upon recommendation of the Attorney General and the National Capitol Parks and Planning Commission.

The former act provided that

"for the purpose of establishing and making clear the title of the United States it shall be the duty of the Attorney General of the United States to institute as soon as may be, or whenever in his judgment it is deemed proper, a suit or suits in the Supreme Court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest adverse to the complete title of the United States in and to any part or parcel of land or water in the District of Columbia,..including the shores and submerged or partly submerged land, as well as the beds of said waterways, and also the upland immediately adjacent thereto, including made lands, flats, and marsh lands."

It seems unusual, to say the least, that the United States government has chosen to press for new legislation as a means to arriving at a solution to the title problem along Alexandria's waterfront, when a legal means to a solution already exists. However, the government already has one strike against it, so to speak, under this act in the Morris case.

The 1945 Act which established the present boundary line between Virginia and the District of Columbia (Act of Oct. 31, 1945, Ch. 443, 59 U. S. Stat. 208), specified that

"Said boundary line shall begin at a point where the northwest boundary of the District of Columbia intercepts the high water mark on the Virginia shore of the Potomac River and following the present mean high water mark... (description of land along Arlington, National Airport) to 2nd Street,* in Alexandria, from 2nd Street to the present established pierhead line, and following said

* At far north end of town.

pierhead line to its connection with the District of Columbia/Maryland line; that whenever said mean high water mark is altered by artificial fills or excavations made by the U.S.--or by alluvian or erosion, then the boundary shall follow the new mean high water mark on the Virginia shore as altered, or whenever the location of the pierhead line."

Title 1, §102 then specified that

"All that part of the territory on the Virginia side lying between the boundary line as described in §101 and the mean high water mark as it existed in Jan. 24, 1791, is hereby ceded to and henceforth declared to be within the territorial boundary, jurisdiction, and sovereignty of the State of Virginia,; Provided, however, that concurrent jurisdiction over the said area is hereby reserved to the U.S." §103 of Title 1

Title 1, §103 provided that

"(N)othing in this act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the high water mark as it existed on January 24, 1791, and the boundary line as described in § 101, or to limit the rights of the U. S. to establish its title to any of the lands as provided by Act of Congress of April 27, 1912 (settling claims along the Potomac)."

§ 103 did not create or assert any new right, title, or interest which the U.S. did not have prior to the enactment of the Boundary Act. It merely reiterated its position that it would keep whatever it had--reserving the right to assert its title in the appropriate action--stated to be court action under established law.

The assertion in this Act that the government claims land eastward of the January 24, 1791 high water mark is the first official assertion of that date, after the 1934 Boundary Commission report, which remain unenacted;

After examining the relevent historical documents, the choice of this date is somewhat of a mystery. It has been noted (P) that, even though 1791 was the date on which the District of Columbia was formed, the jurisdictions and laws of the two ceding states was continued in the District of Columbia for at least 10 years more. In fact, as we have seen, January 24, 1791, was merely the day on which President Washington named three commissioners to draw up a boundary line. Alexandria had not even been specifically designated as part of the District. It was not so named until March 30, 1791. Furthermore, the Act of recession can reasonably be construed as granting to the State of Virginia Alexandria's waterfront as it was then, especially in light of the permission of Congress to Alexandria to fill and wharf out. Perhaps 1846 is a more reasonable date from which the federal government can make a valid assertion of reclaimed land.

In summarizing the present situation of the Alexandria waterfront from its historical background, several conclusions can be

made and several unanswered questions can be stated.

First, at no time did Lord Baltimore's proprietary successors assert any claim to Virginia's shore land. The U.S. having received no better title from the State of Maryland than the State had for itself, the question must be examined as to whether or not prior to the time that the U.S. had received the cession for the District of Columbia, Maryland had already granted Virginia shore owners the right to make those improvements and fills which the federal government now claims title to.

Second, the United States government should, one would expect, be able to document its basis for claiming any land which has been formed east of the high water mark, of the specific date of January 11, 1791.

Third, the overwhelming mass of evidence shows that throughout the history of the Potomac River the U.S. government has acquiesced in or actively approved of individual landowners wharving and filling of shore lands along Alexandria, especially the period from 1791-1846.

Fourth, the U.S. has at no time taxed or otherwise exercised its jurisdiction over the land in controversy. On the contrary, it has even purchased some of the land it now claims an interest to from private owners.

Last, while the case law which deals directly with the Potomac River emphatically extends at least to Virginia's low water mark, none of these cases specifically assert that the government has any right, title, or interest to the fast lands which have arisen from the Potomac River since 1791.

At this point in our inquiry, some questions may have been clarified, but many remain. It becomes necessary to broaden the scope of the inquiry to look to related case law. In so doing, attention will be focused on the following problem areas:

1. What is the nature of the government interest in the body and beds of navigable waters, in general? Is that interest alienable, and, if so, how? Is there anything distinctive about the Potomac River as to separate it from this general body of law?

2. What is the nature of the rights of riparian owners along the shores of navigable rivers, to fill and wharf out? Is the Potomac River an exception?

3. Since the U.S. claim to the 1791 high water mark is essentially a claim that at that date the boundary between the District of Columbia and Virginia was established, it will be necessary to look at the law of boundaries. When the boundary between two jurisdictions is a river, and the shores of that river are changed by fill and/or by accretion, how is that boundary affected?

4. Last, what can be gleaned from this body of law to indicate a possible legal framework through which a solution can be found?

The power of control over navigable water by the federal government is derived from the Commerce Clause of the Constitution. States may exercise such control which is not inconsistent with the federal power; Congress has generally given the individual states extensive control over inner-state navigable waters which are declared to be part of the "navigable waters of the U.S.". (Navigable waters exclusively within the borders of a state are exclusively controlled by that state). "In the case of navigable waters in the District of Columbia, Congress has in addition to the plenary power to control navigable waters, it exercises proprietary powers over the land lying under the water and the sovereign power to regulate and control the water and the sovereign power to regulate and control their use for public purposes." (65 C.J.S., Navigable Waters, §10.)

All privileges granted to riparian owners on such navigable waters are subject to the paramount right of the federal government to control those waters in the interests of commerce and navigation. The nature of this navigation servitude on the Potomac was examined in United States v. Martin, supra, p. . . . The right of a riparian owner to fill or wharf out is a "qualified right" ..(E)xercise

of this qualified right does not affect the power of the United States with regard to navigation. Structures in the bed of a navigable stream...may be injured or destroyed without compensation by a federal improvement of navigable capacity."

This navigation servitude is not, however, uniquely different on the Potomac--the paramount rights of the United States to control navigation is explicitly adhered to on all navigable waters. The unique aspect of the Potomac River is that the federal government asserts title to the bed of the river--in other navigable waters, title to the bed of the river is vested in the individual states, which delineates its rights and responsibilities. (Shively v. Bowlby, 152 U.S. 1, 38 L. Ed. 331, 14 S. Ct. 548 (1894)).

In exercise of its authority to regulate navigable waters, the federal government may establish harbor lines, which define limits for the erection of wharves or piers (pierhead line) and for the filling of land below water (bulkhead line). As previously noted, the performance of work or the placing of structures in or across navigable waters has been prohibited unless recommended by the Corps of Engineers. Where, as in Alexandria, pierhead and bulkhead lines have been previously established by the Corps, such lines automatically authorized construction and filling within such limits until last year.

The use of the shore of the Potomac River is, therefore, subordinate to the powers of the U.S. to control commerce. The use of these shores by private individuals is, in addition, subordinate to the common law right of all people to use of the river.

The primary distinction between a riparian owner and the public in general vis a vis navigable water is that of access. The riparian owner has exclusive right of access over his own lands, whereas the public's right of access to the navigable water is restricted, generally, to public landings, highways, or other acceptable avenues of ingress and egress. (56 Am.Jur, Waters, §216).

The foregoing establishes the various rights and obligations vis a vis riparian owners, the public at large, and the U.S. as the sovereign power over navigable waters in a relatively static situation--that is, when the borders between the shore line and the water do not change. Additional legal problems arise when the shore line changes, either through gradual accretion or reliction or through artificial fill and reclamation or dredging. If the sovereign owns title to the bed of the navigable river, up to either high or low water mark, to whom does the land belong which arises by natural or artificial means below that mark? From the point of view of the government claim to title, this is essentially a boundary question.

Generally speaking, when a boundary or a tract of land is marked by a stream of water and the boundary is changed by accretion, reliction, or erosion, the boundary is between the tract of land and the water are changed accordingly. The owner of the riparian land thus gains or loses title to those portions of land. But, where the change takes place suddenly (or perceptibly), such a change works no change of boundary or ownership. (56 Am. Jur. Waters, § 477).

This doctrine is applicable between two state boundaries as well as to private land owners. Oklahoma and Texas disputed the boundary along the Red River, which had at one point in time been fixed at the southern bank of the river. As that river changed its course, the boundary became unclear. The court held

"The boundary..as it was in 1821...fixing the southern bank of the Red River as the boundary...constitutes the boundary between Oklahoma and Texas--subject to the application of the doctrine of erosion, accretion, and avulsion of any intervening changes." (Oklahoma v. Texas, 43 S. Ct. 221, 260 U.S. 606, 67 L.Ed. 428 ()).

Exceptions to this general rule arise when a boundary alongside a river is marked by a specific surveyed line. In such cases, the surveyed line remains the boundary. (11 C.J.S. , Boundaries, §34).

The sudden and perceptible shifts which are deemed to not

transfer title must be distinguished from the rights of the riparian owner to fill. Ordinarily, the owner of the shore or bed of a navigable stream or other body of water has been granted the right to reclaim the submerged land by filling out to the line of navigability. (56 Am. Jur., Waters, § 502.) And, as we have seen the establishment of a dock or harbor line pursuant to legislative authorization has been construed as giving the owners of the upland the privilege of filling to the bulkhead line and wharfing out to the pierhead line.

In applying the above principles of law to the Alexandria waterfront, one arrives at a nearly impossible conclusion; a riparian owner along the waterfront could get title to the land which he acquired by virtue of imperceptible and gradual erosion and reliction, as well as to land which he had lawfully reclaimed pursuant to authorization. He would not, however, acquire title to land which arose perceptibly or which he reclaimed without authorization. Separating the valid from the invalid addition to fast land would be virtually impossible, especially from 1791 down to the present.

In summary, it can be seen that government title to the beds of navigable waters, as well as so the body of the water itself, is substantially based on a strong historic tradition of common law and of constitutional law. The question that then arises is

the extent to which governments may alienate and have previously alienated their title to the beds of navigable waters. Following the cession, the history of the Alexandria waterfront, from 1791 to at least 1845, strongly suggests that the federal government has either expressly or impliedly permitted or acquiesced in private holdings alongside or in the bed of the Potomac. Whether or not such implied or expressed permission is sufficient to grant possessory rights to the private landowners depends to a large degree on the basis of the claim of the U.S.

The claim as asserted at present appears to be based on cession from Lord Baltimore's proprietary title. Such an assertion essentially creates a boundary dispute. The U.S. became, in 1791, the landlord of the land in question under such a proprietary grant. As such, the U.S. can lose its right, title, and interest by prescription, as the Supreme Court noted in Maryland v. West Virginia, Supra, P. . It seems very plausible that the history of the waterfront as we have examined it raises substantial grounds for asserting that the U.S. has lost its rights, title, or interest as a result of "an operation of natural causes, or by reason of artificial construction erected at so remote a period and so continuously maintained and occupied as to warrant the application of the principle of prescription." (Boundary Commission Report, Op. Cit. at 18). This would be a very strong argument

against government title, if the land claimed is asserted as being under proprietary ownership of the land.

However, there is one other substantial basis for a United States claim besides the claim or right from Lord Baltimore's title which has heretofore not been vigorously pressed.

In recent years increasing attention has been focused on the duties & obligations which the government owes to present and future generations to preserve and enhance our national heritage. One legal tool which has been applied to express such duties and obligations is the trust doctrine; these natural resources are held in trust by the government for the benefit of all. The government then is held to the normal duties of a trustee--"to preserve the resource and protect it against loss, dissipation or diminution and to act with diligence, fairness, and faithfulness in doing so, is well established in trust law." (Yannacone and Cohen, Environment Rights and Remedies, Ch. 2, § 7, 1971, at 19.

The trust doctrine has been specifically applied to the Potomac/River as interpretive of Lord Baltimore's grant, in Morris v. U. S., (174 U.S.196, /) ^{19 S.Ct. 649, 43 L.Ed. 946 (1899):} This case, (it will be recalled,) was an action to quiet title to property along the Potomac River in the District of Columbia. In holding against a claimant who claimed title to a stretch of the entire bed of the Potomac River, from the District of Columbia to the Virginia shore, the court observed "By that charter (of 1632) the dominion and property

in the navigable water and in the soils under them passed as part of the prerogative rights annexed to the political powers conferred on Lord Baltimore as a public trust for the common use and benefit of the whole community."*

The trust doctrine has been most widely applied in cases involving submerged lands beneath navigable waters. Some cases have held that no property held in trust can ever be alienated; others require that any alienation of such property to be done only express grants of the legislature and many decisions have closely questioned whether or not the public interest is served by a proposed conveyance of such property into private hands. Courts have, in other words, struck an uneasy balance between the rights of the public and the private property claims of riparian owners. "It may safely be said that there is scarcely any question which has caused greater conflict of opinion or produced more diverse results than that relating to the title of land under water. In many instances, different conclusions have been arrived at in the same jurisdiction under various circumstances. The courts have differed in the method of reasoning, as well as the ground upon which they have arrived at their conclusions (State v. Cleveland and P.R. Co., 94 Ohio St. 61, 113 N.E. 677, 679 (1916)).

*The Supreme Court in Marin, Railway, Supra, at. , termed the grant proprietary, so there is evidently no uniform agreement on this question.

A landmark case in this area is Illinois Cent. R. Co. v. Illinois, 146 U.S. 387, 36 L. Ed. 1018, 13 S. Ct. 110 (1892) where the State of Illinois brought suit to prevent the transfer to the Illinois Central Railroad of a substantial portion of the harbor on Lake Michigan, near Chicago. The court repeated that the title to the soil under the water was held in trust for the people of the State. "The interests of the people in the navigation of the waters and in commerce over them ^{may} be improved in many instances by the erection of wharves, docks, and piers therein, for which purposes the state may grant parcels of the submerged land; and so long as their disposition is made for such purposes, no valid objections can be made to the grants...But that is a very different doctrine from the one which would sanction the abdication of the general control of the state over land under navigable water of an entire harbor or bay...Such abdication is not consistent with the exercise of that trust." (36 L. Ed. at 1042) The thrust of such cases is, in any case, to emphasize caution with which the government should dispose of its control over submerged lands. Such grants must consistently be measured by the public interest.

Heretofore the trust doctrine has been most frequently asserted against state to require it to perform its fiduciary

duties--as when, for example, a grant of submerged lands is about to be made or has been made which is of very questionable benefit to the people as a whole. No cases have been decided in which the government has actively asserted the trust doctrine to lands which have been reclaimed from the beds of navigable waters over a long period of history. The ramifications of the government so asserting is potentially revolutionary--a precedent would be created for asserting that any land reclaimed from the bed of any navigable river is to be returned to the government or compensated for as having been improperly alienated from the trust res.

The creation of such a precedent is probably unlikely, unless the government feels it necessary to bolster their claims to the Alexandria waterfront by asserting title to it on the strength of the trust doctrine. Such a claim could be stronger than holding to the remnants of a boundary uncertainty, for only then can the government defeat assertions by riparian owners that these rights have been implied by actions of the government or acquired by prescription.

In conclusion, I would submit that the government claim to an interest in the Alexandria waterfront, as it has set forth its claim, is of debateable historic and legal validity. Those

documents which have been examined indicate that from the 17th Century down to the present either the colony or the State of Maryland, or its successor en title who acquiesced in or expressly granted to citizens of Virginia the rights to private property along the Potomac River shores in Alexandria, thereby changing the boundary between the District of Columbia and Virginia.

Therefore, the strength of the claim of the United States Government depends to a considerable degree on whether such implied or express permissions have gained for private property owners a stronger claim to the land via the doctrine of prescription than they might otherwise have. An assertion by the United States Government that the lands in question are trust lands is not untenable, but it is unlikely that such an argument would be advanced by the Government.

Legislation which might clarify this situation needs to strike a balance between the rights of private property owners - whatever those rights may be - in the felt necessity of the government to put controls on the granting of whatever claims to the land it might have. Judicious balance requires that neither interest be sacrificed at the expense of the other.

EXHIBIT 4

COMMONWEALTH OF VIRGINIA



SENATE

August 5, 1971

LEROY S. BENDHEIM
33RD SENATORIAL DISTRICT
ALEXANDRIA
P. O. BOX 136
ALEXANDRIA, VIRGINIA 22313

COMMITTEE ASSIGNMENTS:
FEDERAL RELATIONS, CHAIRMAN
FINANCE
COURTS OF JUSTICE
INSURANCE AND BANKING
WELFARE

Mayor Charles E. Beatley, Jr.
and Members of the City Council
Alexandria, Virginia

Gentlemen:

We write as Alexandria's elected members of the General Assembly to urge the Council, and through you, all Alexandrians, to support the proposed bill which is intended to clear title to the City waterfront. It is our combined judgment that without legislative action in the United States Congress to quiet title to land along the Potomac, this land, so valuable to public use and economic development, will become an increased burden rather than an asset to our city.

The proposed bill, containing minimum standards for future use, can be utilized by you as a basis for great public benefit and at the same time, help you to stimulate improvements which would exemplify Alexandria's progress as our city commences its important role as the gateway to Virginia in the coming Bicentennial.

If we can assist you in this effort, please do not hesitate to call upon us.

Sincerely yours,

Leroy S. Bendheim

James M. Thomson

Frank E. Mann



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

JAMES M. THOMSON
ALEXANDRIA
P. O. BOX 1138
ALEXANDRIA, VIRGINIA 22313

August 16, 1972

MAJORITY FLOOR LEADER

COMMITTEE ASSIGNMENTS:
PRIVILEGES AND ELECTIONS (CHAIRMAN),
APPROPRIATIONS
RULES

The Honorable Thomas F. Eagleton
Chairman, District of Columbia Committee
The United States Senate
New Senate Office Building
Washington, D. C.

Dear Senator Eagleton:

I am informed that your Committee will be holding a hearing on Senate Bill 3861, which deals with the Alexandria waterfront title property, at 9:30 A.M. on Thursday, August 17, 1972. I am indeed sorry that my schedule will not permit me to personally be present for this meeting. I would appreciate it, however, if this letter could be inserted as a part of the record of this hearing.

I have been greatly concerned about the deteriorated condition of the Alexandria waterfront for many years. I am personally aware of many instances in regard to specific property where this condition would have been rectified but for the cloud on the real estate titles in the area relative to the Federal Government interests.

While I have not been as deeply involved in the efforts concerning the Bill before you as I would have liked, I want your committee to know that I am in full support of Senate Bill 3861 (Alexandria Waterfront Title Bill) and urge you to act favorably in your consideration of it.

Thank you for your kind attention in this matter.

Sincerely,

James M. Thomson
James M. Thomson

EXHIBIT 3

STATEMENT TO THE ALEXANDRIA CITY COUNCIL DURING ITS CONSIDERATION OF THE WATERFRONT TITLE BILL ON AUGUST 10, 1971 BY JIMMIE H. SINGLETON, CHAIRMAN NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION

Mr. Mayor and Honorable Members of the City Council:

My name is Councilman Jimmie H. Singleton of the City of Falls Church and I appear before you as the Chairman of the Northern Virginia Planning District Commission, an organization of eleven local governments that is privileged to list your City as one of its most important members.

It is my distinct privilege to have this opportunity to address the Alexandria City Council as the Commission spokesman on the subject of the Waterfront Title Bill, a question of signal importance to our planning district.

The interest of the Northern Virginia Planning District Commission in this subject stems from the Virginia Area Development Act which charges the Commission with a responsibility to provide for the physical, economic, and social development of communities on a sound and orderly basis within a governmental framework and economic environment which will foster constructive growth and efficient administration.

Accordingly, at its regular meeting of July 29, 1971, the Northern Virginia Planning District Commission adopted Resolution P72-3, "A Resolution on the Alexandria Waterfront Bill" introduced by Commissioner William E. O'Neill, Jr., of the City of Alexandria. The Resolution reads as follows:

BE IT RESOLVED

That the Northern Virginia Planning District Commission does hereby recognize and approve in principle a proposed bill in the U. S. Congress, (namely, a bill to convey to the City of Alexandria certain Potomac River shoreline land areas located within the City of Alexandria and adjacent thereto in the bed of the Potomac River) to provide an appropriate governmental structure and economic environment to foster constructive growth and efficient administration of certain land areas in the City of Alexandria and within Northern Virginia region.

ADOPTED: July 29, 1971

In its final analysis, this adopted resolution of the Commission endorses the principle that local jurisdictions are best equipped to provide for the most efficient administration and more productive use of land, including the preservation of the environment.

The Commission holds that if the lands in question were to be conveyed to the City of Alexandria, thus removing any controversy over title, the Alexandria waterfront land would then be subject to a governmental structure capable of administering change and the physical, social, and economic development of the district area will have been advanced.

May I thank you for your courtesy and kind attention.

EXHIBIT 18

HUGH C. MULLIGAN
3305 ELMORE DRIVE
ALEXANDRIA, VIRGINIA 22302

CHAIRMAN
ALEXANDRIA REPUBLICAN
CITY COMMITTEE

TELEPHONE
663-1773

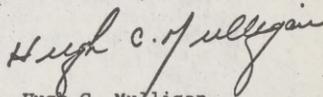
The following resolution was unanimously adopted by the Alexandria Republican City Committee at a meeting duly called and held on August 5, 1971:

"WHEREAS, title to the waterfront property between Gibbon Street and Third Street in Alexandria, Virginia, has long been in question, and

"WHEREAS, said property has long been in a state of neglect and in an undesirable condition for use by the citizens of Alexandria, and

"WHEREAS, we have confidence in our elected representatives on City Council to guide development of the Alexandria waterfront for the benefit of all the citizens of Alexandria;

"THEREFORE BE IT RESOLVED, that we hereby encourage the adoption of a bill to convey to the City of Alexandria, Virginia, certain lands along the Alexandria waterfront claimed by the United States, subject to the controls and restrictions set forth in the bill under consideration."


Hugh C. Mulligan
Chairman

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11296

EVALUATION OF FLOOD HAZARD IN LOCATING FEDERALLY OWNED OR FINANCED BUILDINGS, ROADS, AND OTHER FACILITIES, AND IN DISPOSING OF FEDERAL LANDS AND PROPERTIES

WHEREAS uneconomic uses of the Nation's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS national and regional studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS the Federal Government has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually disposes of thousands of acres of Federal lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS the availability of Federal loans and mortgage insurance and land use planning programs are determining factors in the utilization of lands:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of the executive agencies shall provide leadership in encouraging a broad and unified effort to prevent uneconomic uses and development of the Nation's flood plains and, in particular, to lessen the risk of flood losses in connection with Federal lands and installations and federally financed or supported improvements. Specifically:

(1) All executive agencies directly responsible for the construction of Federal buildings, structures, roads, or other facilities shall evaluate flood hazards when planning the location of new facilities and, as far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. With respect to existing Federally owned properties which have suffered flood damage or which may be subject thereto, the responsible agency head shall require conspicuous delineation of past and probable flood heights so as to assist in creating public awareness of and knowledge about flood hazards. Whenever practical and economically feasible, flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All executive agencies responsible for the administration of Federal grant, loan, or mortgage insurance programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future Federal expenditures for flood protection and flood disaster relief, shall, as far as practicable, preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

THE PRESIDENT

(3) All executive agencies responsible for the disposal of Federal lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, as may be desirable in order to minimize future Federal expenditures for flood protection and flood disaster relief and as far as practicable, shall attach appropriate restrictions with respect to uses of the lands or properties by the purchaser and his successors and may withhold such lands or properties from disposal. In carrying out this paragraph, each executive agency may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All executive agencies responsible for programs which entail land use planning shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

SEC. 2. As may be permitted by law, the head of each executive agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency.

SEC. 3. Requests for flood hazard information may be addressed to the Secretary of the Army or, in the case of lands lying in the basin of the Tennessee River, to the Tennessee Valley Authority. The Secretary or the Tennessee Valley Authority shall provide such information as may be available, including requested guidance on flood proofing. The Department of Agriculture, Department of the Interior, Department of Commerce, Department of Housing and Urban Development, and Office of Emergency Planning, and any other executive agency which may have information and data relating to floods shall cooperate with the Secretary of the Army in providing such information and in developing procedures to process information requests.

SEC. 4. Any requests for appropriations for Federal construction of new buildings, structures, roads, or other facilities transmitted to the Bureau of the Budget by an executive agency shall be accompanied by a statement by the head of the agency on the findings of his agency's evaluation and consideration of flood hazards in the development of such requests.

SEC. 5. As used in this order, the term "executive agency" includes any department, establishment, corporation, or other organizational entity of the executive branch of the Government.

SEC. 6. The executive agencies shall proceed immediately to develop such procedures, regulations, and information as are provided for in, or may be necessary to carry out, the provisions of Sections 1, 2, and 3 of this order. In other respects this order shall take effect on January 1, 1967.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 10, 1966.

[P.H. Doc. CG-8838; Filed, Aug. 10, 1966; 12:14 p.m.]

UNITED STATES
DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

TRANSMITTAL SHEET

Release
Number:

Date: June 13, 1968

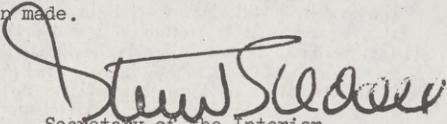
Part: 420 DM 2

Subject: REAL PROPERTY
Flood Hazard Evaluation

EXPLANATION OF MATERIAL TRANSMITTED:

This release, 420 DM 2, modifies the requirements for approval by Program Assistant Secretaries for acquisition and construction in flood hazard areas. Such approval may now be obtained at the time that new projects are under consideration and the boundaries thereof have been established.

Editorial changes have also been made.


Secretary of the Interior

FILING INSTRUCTIONS:

Remove:

420 DM 2
(1 sheet)
(Retain Appendix 1)

Insert:

420 DM 2
(1 sheet)

Replaces 5/22/67 (Release No. 940)

Department of the Interior
DEPARTMENTAL MANUAL

Real Property

Part 420 General

Chapter 2 Flood Hazard Evaluation

420.2.2C

C. Sites for proposed Federal construction or for Government utilization of privately owned rental buildings in flood zones. Each bureau or office shall make full evaluation of the flood hazard potential of sites when planning the location of new facilities, or for Government utilization of existing privately owned rental facilities, and, so far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains for such purposes.

(1) In the location and design of facilities, which by their very nature are best located on flood-plain areas (e.g. sewage-treatment plants), adequate provision shall be made to minimize inundation of such facilities, and to insure that any damage is held to a minimum, in the event of flooding.

(2) Technical data, interpretation and evaluation of such data, and advice upon the flood-hazard potential of sites for proposed or existing facilities are available from the Geological Survey. Where such services involve a substantial amount of investigation or manpower, the requesting bureau or office shall provide appropriate reimbursement.

(3) Use shall be made of technical data on flood hazard potentials available from other Executive Agencies as set forth in Section 3 of Executive Order 11296, (Appendix 1). Where such technical data are available without cost, or at a lesser cost, to the bureau of office concerned, the interested bureau or office may utilize such information in lieu of information from Departmental sources.

D. Loan, grant and mortgage assistance. Before any loan, grant or mortgage assistance is approved for the design, location, development and construction of projects in areas subject to flooding, the administering bureau or office shall require that all applicants for such assistance give appropriate consideration to the flood risks involved, provide adequate information regarding flood hazards, and stipulate measures to be taken to avoid or mitigate flood damage to any proposed project or projects.

E. Encouragement of pre-emptive safe uses of flood-plain lands. In the administration of the land disposal program and respective grant-in-aid programs, to the extent practicable and permitted by law, preferential consideration shall be given to applications that would dedicate flood-plain lands to outdoor recreational and wildlife uses which involve little or no flood hazards to human life or to property.

Information and Evaluation. The heads of Bureaus and Offices may utilize the sources of technical information specified in Section 3 of Executive Order 11296, (Appendix 1) and may seek the advice of any other bureau or office in this Department in the evaluation thereof.

6/13/68 (Release No. 1045)
Replaces 5/22/67 (Release No. 940)

Department of the Interior
DEPARTMENTAL MANUAL

Real Property

Part 420 General

Chapter 2 Flood Hazard Evaluation

420.2.C

C. Sites for proposed Federal construction or for Government utilization of privately owned rental buildings in flood zones. Each bureau or office shall make full evaluation of the flood hazard potential of sites when planning the location of new facilities, or for Government utilization of existing privately owned rental facilities, and, so far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains for such purposes.

(1) In the location and design of facilities, which by their very nature are best located on flood-plain areas (e.g. sewage-treatment plants), adequate provision shall be made to minimize inundation of such facilities, and to insure that any damage is held to a minimum, in the event of flooding.

(2) Technical data, interpretation and evaluation of such data, and advice upon the flood-hazard potential of sites for proposed or existing facilities are available from the Geological Survey. Where such services involve a substantial amount of investigation or manpower, the requesting bureau or office shall provide appropriate reimbursement.

(3) Use shall be made of technical data on flood hazard potentials available from other Executive Agencies as set forth in Section 3 of Executive Order 11296, (Appendix 1). Where such technical data are available without cost, or at a lesser cost, to the bureau of office concerned, the interested bureau or office may utilize such information in lieu of information from Departmental sources.

D. Loan, grant and mortgage assistance. Before any loan, grant or mortgage assistance is approved for the design, location, development and construction of projects in areas subject to flooding, the administering bureau or office shall require that all applicants for such assistance give appropriate consideration to the flood risks involved, provide adequate information regarding flood hazards, and stipulate measures to be taken to avoid or mitigate flood damage to any proposed project or projects.

E. Encouragement of pre-emptive safe uses of flood-plain lands. In the administration of the land disposal program and respective grant-in-aid programs, to the extent practicable and permitted by law, preferential consideration shall be given to applications that would dedicate flood-plain lands to outdoor recreational and wildlife uses which involve little or no flood hazards to human life or to property.

Information and Evaluation. The heads of Bureaus and Offices may utilize the sources of technical information specified in Section 3 of Executive Order 11296, (Appendix 1) and may seek the advice of any other bureau or office in this Department in the evaluation thereof.

6/13/68 (Release No. 1045)
Replaces 5/22/67 (Release No. 940)



POTOMAC VALLEY CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

August 5, 1971

Secretary: Mrs. Hildegard Cannan
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Chairman: Walter S. Boardman

Treasurer: Robert J. Watson

URGENT NOTICE
OF
PUBLIC HEARING

YOU CAN HELP PREVENT THE GIVEAWAY OF FEDERAL LAND ON THE ALEXANDRIA WATERFRONT!

Citizens from the entire Potomac region can attend this hearing, apply to speak, and sign a petition to Interior Secretary Rogers Morton.

THE HEARING:

Date and Time: Monday, August 9, 7:30 P.M.

Place: Alexandria City Hall, Council Chamber, (2nd. floor)
Corner of King and Royal Sts. Enter from Royal St.

Held by: City Council of Alexandria.

Purpose: To discuss a draft bill for the U.S. Congress, which would deed the federal title (quit claim) to the land in question to the City of Alexandria, who have several builders and developers interested in building on the present waterfront land, and in extension of the landfill.

The bill to be discussed is a slightly amended version of earlier legislation sponsored by Sen. Wm. B. Spong, (S1462) and Rep. Joel Broyhill, (HR7267)

BACKGROUND:

The original boundaries of the State of Maryland extended across the Potomac River to the high water mark on the Virginia shore. Therefore when the present District of Columbia was ceded by Maryland to the Federal Government in 1791, it clearly extended to the high water line in Va.

During the intervening years, the actual water line has been changed by dredging and filling, BUT all waterfront "property" created by filling beyond the 1791 line has always belonged to the Federal Government, and does today.

Business establishments which may have encroached upon these public lands have no valid claim to possession, contrary to statements of those who advocate the "giveaway".

The Lands in question are now under the jurisdiction of the National Park Service (N.P.S.). The City of Alexandria has never requested the N.P.S. to improve the tract, or make it more attractive, and it lies today a lumpy, ragged area, largely unused, with no substantial structures except at the southern end, which has a few warehouses and wharves.

PARKLAND POTENTIAL:

Obviously the present 31 acres of land presents the N.P.S. with a golden opportunity of creating a beautiful waterfront park, at very little expense, greatly benefitting local citizens, and providing a gracious frontispiece for historic Alexandria.

Moreover it is an essential link in the strip of federally owned shoreline and parkway, extending to Mt. Vernon, hence a vital necessity for the "Potomac Heritage Trail" to be created along the river.

A bicycle trail could be built along this section of the George Washington Memorial Parkway, utilizing the land owned by the Federal Government in Alexandria. This type of trail could also become a valuable transportation adjunct, as more and more people take to bicycle commuting. Thus an invaluable strip of parkland would be created and its preservation insured for future generations.

CITY OF ALEXANDRIA---A Different Idea.

The Alexandria Planning Commission, and its City Council, on the other hand, support the proposed Federal Bills which would turn over to the city the federal interest in the entire 52 acres.

This transfer would enable developers and other business interests to obtain valuable waterfront property at very little cost, and construct high rise apartments, restaurants, theatres, stores and office buildings directly on the river.

The first premise of the bill is to declare the 21 acres now under water to be "non-navigable", thus taking it away from the purview of the Corps of Engineers, and placing it under the jurisdiction of the City of Alexandria, which could then permit it to be filled and built on.

Threat to Potomac Waterfront: The inevitable result of this plan would be a desecration of the Potomac shoreline far worse than that proposed at Hunting Creek a few years ago. A wall of luxurious high-rise facilities would ruin Alexandria's historic beauty, and in time, would create a wider poorer ghetto behind it.

POSITION OF THE NATIONAL PARK SERVICE:

"Incomprehensible" appears the only suitable description.

On June 10, 1971 it was announced to an incredulous public that the N.P.S. had agreed to the transfer of Federal Interest in 52 acres of valuable shorefront to the City of Alexandria, which would clear the way for private development. A "sop" of 11 acres for park and river access is included in the proposal.

Granting that the N.P.S. has neglected its property along the Potomac in Alexandria, this is no justification for turning it over to commercial exploitation to the exclusion of the public. The correction would be its development as a public recreation space.

The forthright statements of former Interior Secretary Hickel in opposing the building of apartments on a fill in Hunting Creek, are most pertinent here-:

" ---It is not in keeping with the widely publicized goal of this Department to preserve and protect the values of the Potomac River.

"The skyscape along the Potomac has been unnecessarily desecrated already.---- The further deterioration of "Washington's River" should be stopped and efforts be renewed to improve the river and restore its former attractiveness. The Department intends to firmly contest any needless filling of the Potomac, or affront to its landscape. The view of the river from our Nation's Capital parklands and the integrity of the parklands themselves must be protected and preserved."

Similarly, an editorial in the Washington Post, in April 1969 observes:- " The river belongs to the public. Any encroachment of it must be regarded as an outrageous grab of public property, which becomes especially indefensible when the result would be to destroy the natural beauty and utility of the river as such. The whole community, and not just the conservationists, ought to burn with indignation every time a suggestion is made for apartment sites or any comparable development."

Present status of transfer legislation-: The House and Senate bills still require approval by the Secretary of the Interior, and the Environmental Protection Agency. Congressional hearings are expected to be held, but are not yet scheduled.

IMPORTANCE OF A GOOD TURNOUT AND A PACKED ROOM at the August 9 Hearing in Alexandria:-

This will be a prime opportunity to vividly demonstrate public antagonism to the bill and the certain desecration of the riverfront which will ensue.

A poor turnout, indicating public apathy, would be disastrous, in that it might even bring cancellation of public hearings in Congress.

EVERYONE WHO CAN DO SO is urged to attend!

You need not speak,--just be there!

If you wish to speak, call Mr. Joseph Stephens, at 548-0114 immediately. He is an active opponent of the "land grab" proposal, and is compiling a list of speakers which must be presented at the start of the meeting.

YOU CAN ALSO WRITE LETTERS to-:

Hon. Rogers C.B. Morton, Secretary of Interior, Washington D.C. 20240
 Mr. George B. Hartzog, Director, Nat. Park Service " " "
 Mr. LeRoy A. Rowell, Nat. Capital Parks, 1100 Ohio Dr. D.C. 20242
 Senator Wm. B Spong, U.S. Senate, Washington D.C. 20510
 Rep. Joel Eroyhill, U.S. House of Representatives, D.C. 20515
 Rep Gilbert Gude, " " " " "
 and any other members of Congress you know to be interested.

ALEXANDRIA WATERFRONT ENDANGERED,-- See Page 4

POTOMAC VALLEY CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

Robert J. Watson, Treasurer:
2636 N. Marcey Rd.
Arlington, Va. 22207

NEWSLETTER
March 21, 1972

Editorial Board:
Mrs. Hildegard Cannon, Editor
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Mrs. Lucille Keyes, Associate Editor
Ann Cottrell Free
James S. Free
Elizabeth Hartwell

Council:
Matthew C. Andrea
Shirley A. Briggs
Grant Conway
Anson C. Courter
Philip J. Stone
Richard Van Wageningen

ASSATEAGUE ISLAND NATIONAL SEASHORE:

Engineers Want Large Concrete Pier,
Park Service Plans Appear Destructive.

Assateague is a spectacular place, but no more so than other magnificent beaches along our Eastern coast. One compelling fact about Assateague sets it apart:-

--it remains largely untouched by man, virtually the only stretch of wild ocean beach on the entire Atlantic coast.

Here one can look along the foaming waves punding and rolling on the empty sand, until they vanish in their own mists. Then walk to that point and still see only the waves, and perhaps some shorebirds and wildlife.

It was to preserve this exhilarating experience, even just to preserve the knowledge that it was there, that Assateague Island was made a National Seashore, (at a cost of \$20 million), in 1965. To keep just this one marvelous stretch of beachland, where man has made no significant intrusion, where all can see what the shore looked like when first seen by our forefathers. The legislative history of the Act, (Public Law 89-195) shows the intent of Congress to keep the natural beauty of the beach.

Army Corps of Engineers Plans "Research" Pier:

Said to be for purposes of studying and controlling shoreline erosion, the Corps plans a 25 foot high concrete pier, extending almost 1800 feet (six football fields long) into the Atlantic Ocean, with a 22-foot high laboratory building atop the dune end. It would be visible for 15 miles on good days, that is, from almost anywhere in the island.

Also required would be a 22-foot-wide paved road along 6 miles of beach to the location, about 8 miles south of the Maryland State Park, (which occupies 2 miles just south of the Sinepuxent bridge).

Question Whether Wave and Sand Study is Justified?

The Coastal Engineering Research Center of the Corps says that the pier is needed to increase knowledge of the tides, waves, sand movements, currents, and their effects on shoreline erosion along the East Coast.

-2-

Granting this may be a worthy objective, one wonders about the erosion effects of dredging for this pier, and the beach destruction from the road and its truck traffic.

Moreover, the Corps' own environmental statement emphasizes that beach conditions at Assateague are strikingly different from those at other locations. Opponents contend the pier could prove incapable of meeting its objective since research at Assateague would probably be inapplicable and useless elsewhere. We may recall the pockets of beach along New England's rocky coast, river-mouth beaches, inlets, and other variations, as well as effects of man-made groins, sea walls etc. at many locations,---none of these resemble Assateague!

"On-Site" Research Favored:

A statement from the Wilderness Society concludes "there is no evidence that any knowledge gained at the proposed pier will be superior to what the Corps is capable of developing at "on-site" studies, and that these programs, already in progress, should be continued, and not abandoned.

Alternatively, a less ambitious pier at a site having little if any adverse environmental impact could be constructed if proven necessary.

Conservation and Recreation Objectives at Assateague:

This unique stretch of unspoiled, publicly owned beach should be preserved, and its environment left undamaged. Here is the ONLY such long oceanfront where people in the Central Atlantic region can go and be away from man-made structures, to feel at one with the sea, the sand and the sky.

The very arguments advanced by the Corps for locating the pier there, "because it offers the best remote oceanic location and sufficient stretch of straight, uninterrupted beach", are precisely the reasons why nothing should be built there. The sweep of wild shoreline would be utterly ruined by this eyesore.

The barrier beach ecology of Assateague Island, including the migratory bird refuges and other wildlife values at Chincoteague National Wildlife Refuge should be kept competely free of adverse impacts and esthetic damage.

Pier Could Be Just a Starter:

If the proposed pier is built, we can look forward to the end of Assateague Island National Seashore as a viable ecological and environmental entity. This intrusion will lead to others, and each time it will be easier to secure approval by pointing to what has already been built.

Role of the National Park Service:

Apparently the Park Service granted approval for the pier in 1968, without a public hearing or other announcement. Further, rumors of elaborate "development" plans reached us over a year ago, but efforts then to obtain details were unsuccessful. Now the Assateague Sup't. is quoted as saying that an approved Master Plan includes motels, restaurants a marina, and a road running the length of the island.

Present Status of Engineers Request:

The Corps has submitted a draft environmental impact statement and invited comments. The deadline for these expired March 18. It is only a draft, however. It completely omits specific information on alternate sites.

-3-

Construction would start in August 1972, if approved.

The Environmental Protection Agency still has to pass on the Engineers' statement, under their responsibility to "review Federal actions for their environmental effects." They are now reviewing the pier proposal of the Corps, and will communicate their conclusions to it.

Opponents say the Corps' statement fails to provide a convincing argument that a pier should be placed at Assateague, or any where else.

WHAT YOU CAN DO:

The Army Corps of Engineers can be requested to hold public hearings. If this request comes from members of Congress, the Corps must comply.

Also, the N.P.S. could revoke its permit for construction of the pier even though Ass't. Sec. of Interior Nathaniel Reed has said he favors it.

LETTERS to each of these authorities could state your opposition to the pier on Assateague, and ask that the Engineers give full information on alternate sites.

1.) Ask U.S. Senators and Congressmen to make formal requests to the Corps of Engineers to HOLD PUBLIC HEARINGS, after 60 days' notice.

* Hon. John A. Blatnik, Chmn.
House Comm. on Public Works
U.S. House of Representatives
Washington, D.C. 20515

*Hon. Wilbur Mills
U.S. House of Representatives
Washington, D.C. 20515

----- hearing.)
(Cong. Mills has already stated publicly that he favors the

*Senator Charles M. Mathias Jr. , U.S. Senate, D.C 20510
(Known to oppose the pier, and could request hearings)

* Your own local Congressman and Senators.

Letters could emphasize that Assateague should remain unspoiled so that future generations can know and enjoy a natural barrier beach island.

2.) Army Corps of Engineers: Address; Col. Louis W. Prentiss Jr.
P.O. Box 1715, Baltimore, Md. 21203.

--asking that the Corps schedule a public hearing with 60 days notice.

3.) Department of Interior: They could be urged to revoke their approval of the pier, and reconsider their overall plans for Assateague until the Master Plan has been publicized for comment.

a) Hon. Rogers C.B. Morton b) Hon. Nathaniel Reed,
Sec. of Interior Assistant Sec. of Interior

c) Hon. George B. Hartzog Jr. All at: U.S. Dep't of Interior
Director, Nat'l. Park Service Washington, D.C. 20240

NOTE: Interior officials could be reminded that in 1969 they placed a 5 year moratorium on any development at Assateague. 2 yrs remain.

Another suggestion is that Interior be urged to promote removal of sections 7 and 9 by amendment to Public Law 89-195, which created Assateague I.N.S. These sections call for overnight accommodations, overdevelopment, and a large highway the length of the island.

-4-

➔ IMMINENT THREAT TO POTOMAC SHORELINE AT ALEXANDRIA:

Action is needed now to prevent the giveaway of Federal lands along the Alexandria waterfront to accommodate massive high-rise development, which will-:

- 1) Deface our National River at one of its most historic points,
- 2) Prevent establishment of much-needed public parks and block the optimum location of a vital sector of the Potomac Heritage Trail provided in the National Trails System Act of 1968,
- 3) Spoil the essential setting for the historic seaport of Alexandria and introduce further traffic congestion there.

A series of high-rise developments cutting off the City of Alexandria from the River, undertaken in a short sighted attempt to gain tax revenues, would sacrifice the community's major long-term assets:- its relationship with the Potomac and the potential charm of a recalined urban waterfront visually and physically accessible to residents and visitors alike.

The leading edge of this threatened disaster is the gigantic development planned by Watergate Improvements, Inc., encompassing four huge hexagonal structures, more than eighteen stories high, containing some 650 luxury apartments plus some 10,000 sq. feet of commercial space. For tenants, guests, and customers of this complex, only about 760 parking spaces will be provided by the developer.

Background and earlier developments pertinent to the Federal interest in this waterfront, and the Alexandria City Council's plans were discussed in the PVCRC Newsletter of August 5, 1971.

Late Developments:

1) Despite the fact that the U.S. Government has a long-standing claim to much of the affected property, the Alexandria City Council has proceeded with plans to permit construction of the Watergate complex, and on March 21 is expected to give final approval of the developers' proposed zoning and site plan.

2) The project will be given an additional boost if the Army Corps of Engineers allows the developers to fill the adjacent Potomac out to the legal "bulkhead line",- an operation which Watergate must undertake if it is to meet conditions previously laid down by the Council. Although the Corps has specified a deadline of March 20 for comments pertinent to its decision, conservationists hope they can be persuaded to hold a public hearing, at which opposing views can be tellingly presented.

3) Perhaps most ominous of all, reports indicate that in the U.S. Congress the House District Committee will soon revive a legislative proposal designed to give away the Federal claim to the vital Alexandria section of the Potomac shoreline,--that is, to the entire 52 acres (about 31 of which are now dry land) lying between the bulkhead line and the shoreline of 1791 -- now under the jurisdiction of the U.S. Department of Interior. On Wed. March 15, the Washington Post reported the Rep. Joel T. Broyhill had stated that the Committee "must give priority" to certain bills, including one which "would---clear up clouded titles to property on the Alexandria waterfront". Rep. Broyhill and Senator William B. Spong are sponsors of the proposed giveaway legislation. (Bills HR-7267 and S-1462).

WHAT YOU CAN DO: 1. The key to saving the Potomac shoreline at Alexandria lies in preserving the Federal interest, and using it as a positive planning instrument. Therefore the giveaway legislation must be blocked!

-5-

It is of the utmost importance that Members of Congress be alerted to this threat, and informed about the strength of public opposition. Write to any Senators or Representatives whom you know to be interested.

Letters could effectively be sent to all members of the House District Committee-: viz:

John L. Mc Millan, Chm., Thomas G. Abernethy, Charles C. Diggs Jr., G. Elliott Hagan, Donald M. Fraser, Andrew Jacobs Jr., Earle Cabell, Ray Blanton, W.S. Stuckey Jr., Abner J. Mikva, Arthur A. Link, Ronald V. Dellums, Edith Green, Walter E. Fauntroy, Ancher Nelsen, William L. Springer, Alvin E. O'Konski, William H. Harsha, Joel T. Broyhill, Gilbert Gade, Vernon E. Thomson, Henry P. Smith, Earl F. Landgrebe, and Stewart B. McKinney.

Address all U.S. House of Representatives,
Washington, D.C. 20515

2. Also, Sec. of Interior Rogers C.B. Morton can be made aware that citizens are expecting him to defend the vital public lands with which he is entrusted. He might be reminded the Department has previously planned to stop further deterioration of "Washington's River", to renew efforts to improve and restore its former attractiveness, and to firmly contest any needless filling of the Potomac, or affront to its landscape.

3. It would be helpful if many voices urged the Corps of Engineers to hold a public hearing on the Watergate fill proposal.

Address: John P. O'Hagan, Chief, Operations Division
Department of the Army, Baltimore District, Corps of Eng'rs/
P.O. Box 1715, Baltimore, Md. 21203

The Corps' permit is not intended to be based on narrowly technical grounds, but on the "public interest", factors affecting which are officially stated to include "navigation fish and wildlife, water wuality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people".

WHATEVER HAPPENED ABOUT----? (Previous items in PVCRC Newsletters)

DREDGING in Maryland waters of the Potomac just off Mason Neck:

The Maryland law prohibiting dredging that would be potentially harmful to natural wildlife and refuges on the river was UPHOLD by Anne Arundel County Circuit Court Judge Matthew S. Evans. This prevents the Potomac Sand and Gravel Co. from dredging either at Mason Neck or Massawoman Creek, or anywhere else in tidal waters of marshlands of Charles County. In a strong opinion, the Judge rejected all PS&G arguments. It has been learned that the Co. will again appeal.

PEPCO POWER PLANT AT SANDY POINT, on the Potomac.

The Maryland Department of Natural Resources has found the Sandy Point site in Charles Co. unsuitable, and Pepco has agreed to drop plan.

MC LEAN GARDENS:

Opponents of the huge apartment-office complex planned for this site by ITT appealed the approval of the D.C. Zoning Commission to the U.S. Court of Appeals. The Court struck down a similar proposal, under terms also applicable to McLean Gardens. New Zoning procedures must be submitted, and new hearings must be held.

-6-

NEWS FROM OUR MEMBERS

METR. WASHINGTON COALITION FOR CLEAN AIR:

Executive Director John Winder will be one of the Panelists discussing air pollution and EPA at the 12th Annual Conference on Business-Government Relations to be held at the Shoreham Hotel April 3-4.

Following a keynote address by EPA administrator William D. Ruckelshaus there will be a general session on four current environmental issues.

For further information, contact Dr. Jimmy D. Johnson, Director, Center for the Study of Private Enterprises, The American University.

686-2144

NATIONAL CAPITAL PARKS:

Noting that "Earth Week" will be held from April 16 to 22, NCP will sponsor a display with demonstrations and exhibit booths on the Washington Monument grounds on Sat. April 16. If your Organization would like to participate, or find out more details, call "Parks for All Seasons" office at 426-6770. This communication came from John Hake, Co-Ordinator, National Capital Parks Earth Week.

CAPITAL HIKING CLUB:

Has published its Spring 1972 Bulletin of Activities. The Club sponsors hikes or outings every Sunday of the Year. For a free copy of the Bulletin, call 337-8963 or 683-3624 (evenings only), or write George K. Ashenden, President, 1603 Preston Rd. Alexandria Va. 22302.

NORTHERN VIRGINIA BICYCLE ASSOCIATION: (Not members now, but hopefully soon)

The Northern Virginia Bicycle Association is being formed to provide a focus for information and activities concerning bicycling in the Northern Virginia area. Our primary goal is the promotion of safe cycling in this area through the establishment of bikeways and bike paths for recreation, commuting, and shopping. We hope to convince the governmental bodies in the Northern Virginia suburbs that bicycle transportation deserves their support. We hope to work with these governmental bodies in planning wisely for bicycle accommodations. To do this we will need the active participation of the many bicyclists in this area.

To demonstrate the need for bicycle paths and to provide the information necessary for the wise planning of routes we need to know how many riders there are and who rides where. To gain the support and influence needed to get things done, bicyclists need to speak with one voice on bicycle matters to local governmental bodies.

The Northern Virginia Bicycle Association hopes to provide this voice and to serve as a clearing house for bicycle related information. We plan to publish our newsletter, The Spokesman, approximately monthly to keep area cyclists informed of current bicycle news and information, pending legislation, trips, commuter groups, etc.

Mr. Reed D. Hamilton, Dr. & Mrs. Gregg W. Dixon, Mr. & Mrs. David Blessing: Founders

Detach and return to No. Va. Bicycle Assoc., P.O. Box 2844, Arlington, Va. 22202

I wish to join NVBA and receive The Spokesman.

Name: _____

Address: _____

Zip Code: _____ Phone: _____

Age: _____ (All ages welcome!)

Bike routes most frequently traveled:

Where: _____ How often: _____

I would like to help:

- collect info & write items
 address and mail information
 correspond with other bike groups
 publicize NVBA
 contribute \$ _____

Suggestions:

Alexandria Waterfront — See p. 4 →

POTOMAC VALLEY CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

NEWSLETTER

June 30, 1972

Robert J. Watson, Treasurer:
2636 N. Marcey Rd.
Arlington, Va. 22207

Editorial Board:
Mrs. Hildegard Cannan, Editor
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Mrs. Lucille Keyes, Associate Editor
Ann Cottrell Free
James S. Free
Elizabeth Hartwell

Council:
Matthew C. Andrea
Shirley A. Briggs
Grant Conway
Anson O. Courter
Philip J. Stone
Richard Van Wageningen

GYPSY MOTHS COMING! What Shall We do?

Warnings of expected defoliation in Maryland and Virginia have been numerous this spring. While damage may not be extensive this year, it seems certain that next year will be worse. Herewith a few salient facts and suggestions.

1) How They Got Here:

This species is not native to the U.S., but results from the unintentional escape of a batch brought from France in 1869.

Female moths cannot fly, but males can and do. The pests are spread in two chief ways: 1. Egg masses laid on human conveyances such as cars, trailers and campers, are carried in from infested areas and hatch out the following spring, and 2. Young larvae can be blown for miles, riding the wind on their silken threads.

In New England and New York State they have coped with the plague all these years, but the last few summers have brought heavy invasions further south, into Pennsylvania, and these are now creeping into Maryland, D.C., and Virginia. Only male moths have so far been detected regionally, except for egg masses in two northern Md. counties. These were laid last summer, and it is quite possible that there are more eggs, not detected, which have hatched in the D.C. area and nearby.

2) Gypsy Moth Life Style: (Know thine Enemy).

There are four stages of the moth life cycle:-

EGGS: are laid during July and August. They are in clumps, or masses, resembling a small piece of chamois skin, about $1\frac{1}{2}$ by $3/4$ inches, (as big as your thumb). They are laid in shady protected places, on tree trunks, and on the undersides of mobile camping equipment. (More on eggs later). This stage lasts through the following winter, then hundreds of larvae hatch out from each one, in late April and early May.

LARVAE: or caterpillars, emerge, just as trees are leafing out, and satisfy their tremendous appetites on the leaves. They can "fly" from tree to tree on their silken threads. Feeding season last up to 12 weeks viz.: May, June and July, approximately.

PUPAE: The full grown caterpillars pupate by spinning a loose cocoon on the trunk of a tree or other nearby objects.

ADULT MOTHS: appear within 10 or 12 days, in late July and August.

-2-

The fertile females lay eggs for the next crop, then die.

3) Menu for Gypsy Moths:

The caterpillars (larvae) voraciously devour oak leaves, gray and river birches, poplar, willow, fruit trees, especially apples. Second choices are cherries, paper and yellow birches, sassafras, black tupelo and larches. As a last resort they will eat the needles of white pine, spruce and hemlock.

Their tastes, be thankful for small blessings, do not extend to red cedars, ash, chestnut, American holly, tulip trees or poplars, NOR flowering dogwood, or sycamores, yellow

One defoliation will not kill a healthy leafy tree such as an oak. They will quickly leaf out again when the insatiable caterpillars are replete, and turn to spinning their cocoons. A second or third defoliation does usually kill any tree, and pines, spruces etc. succumb the first time.

HOW CAN WE SAVE OUR TREES? --- Suggestions for Private Lawns & Gardens:

It is now accepted that the gypsy moth cannot be eradicated by wide-spread aerial spraying of DDT (not used any more and soon to be outlawed) or the less persistent insecticide, Sevin. Any community planning such action should forget it.

At this season caterpillars have hatched and are at work. So if defoliation is progressing, action must be directed at them.

1. Encourage natural predators: Certain mice, and birds eat great quantities of caterpillars. Those noisy grackles feed many beakfuls to their young. Chickadees, nuthatches, tufted titmice, cuckoos, and downy or hairy woodpeckers are known to eat up the egg masses.

Have you helped keep up a healthy bird population in your neighborhood? (By feeding in winter and leaving thickets and bushes for nesting) If not, start up now, and get your birds ready for next year!

Did you prevent squirrels from getting any food last winter? What a shame! They go over the tree trunks meticulously, eating up the pupae of the gypsy moths.

There are also other insects, some imported, which are parasitic to the moth eggs or larvae. Various flies, small wasps (harmless to humans) are being bred by State Agriculture Departments for this purpose.

2. Kill those Caterpillars yourself:

*** Tie a large burlap bag, its flap hanging down, around the trunk of large trees. At daybreak the caterpillars crawl down the trunk in search of hiding places on the ground. They crawl under the burlap bag from which they can be shaken out, collected and burned.

*** Similarly, a sticky substance known as Tanglefoot will trap the larvae on their daily migration. A 6 inch band is applied around the tree trunk, and this application repeated several times during the summer months. Squash the trapped creatures, or kill them by spot spraying.

Tanglefoot can also be applied to the burlap bag, avoiding the black mark it may leave on the tree trunks.

*** Thirdly, it has been observed that a common plastic sandwich wrap, such as Saran Wrap, is too slippery for the caterpillars to negotiate. If this is carefully wrapped around the tree by day, one can look for the frustrated larvae around the tree next morning.

-3-

3. Spot Spraying: If your favorite and valuable big shade tree is infested, Audubon authorities will look the other way of you get an expert to carefully spray it so as to protect its foliage. Preferably use the bacterial preparation *Bacillus Thuringiensis*, whose toxicity is confined to caterpillars, and not other animals. It also kills the larvae of beautiful and harmless moths and butterflies.

Commercially known as BT, it can be obtained from the Thompson-Hayward Chemical Co., 122 South Main St., Harrisonburg, Va. 22801. It may sell as Biotrol (powder), Thuricide (a liquid), or Dipel.

4. Egg Hunting: There are 8 or 9 months during which the egg masses are vulnerable, from late August, to late April the following year. Gypsy moth egg hunts make good conservation projects for home-owners and school children. Look for the oval patches of eggs plastered to tree trunks, the under sides of limbs, stone walls, and other protected places. Look under your car, camper or trailer, or other object left outdoors in summer.

Scrape off the eggs into a stout paper bag and burn them, or into a container of oil, or kerosene. Or destroy the eggs on the site by saturating them with creosote and fuel oil.

Each egg mass has up to 1000 eggs, so you can make a big dent this way. One energetic property owner was shaded by verdant trees as a result of such efforts, while neighbors baked in the sun through bare branches.

Widespread Infestation of State, National, or Private Forests:

When intensive aerial spraying of DDT was first used in New England, it did kill the moths, BUT it also killed off all other susceptible birds, animals and insects including those which would attack the gypsies. Moreover, the annihilation of the parasites resulted in even greater resurgence of the moths, since DDT never completely eradicates them.

A less persistent insecticide, Sevin (or carbaryl) is open to the same objections as DDT. Again the moths are not exterminated, and recovered rapidly, whereas their predators are more seriously affected and recover much more slowly, if at all.

Writing in the AUDUBON magazine for May 1972, Frank Graham Jr. states "Chemical control over large areas of Eastern woodlands cannot be justified by any yardstick". The natural insect predators are a better bet. Moreover, intense surges of gypsy moth populations are self limiting after a few years, and numbers crash as disease, starvation, and attack of parasites etc. take their toll.

Some areas which had been severely damaged are now moth-free, though receiving no treatment. Forests are healthy, but there are fewer oaks.

Lastly, the female moth's sex attractant has been synthetically imitated in a product called Displure. There are great hopes that this can be used to lure male moths to traps, and prevent fertilization of females.

No one any longer hopes to eliminate Gypsy Moths. They will spread, and there are some bad times ahead. But eventually we will strike a balance, and learn to live with them.

THE ALEXANDRIA WATERFRONT IS STILL THERE:New Legislation: A Few Gains, Much Lost, A Little Time Left.

The struggle of conservationists has been to maintain the magnificent natural setting of our national capital on the banks of a beautiful Potomac river. We have previously described the sad imbroglio which has kept Alexandria's riverfront unattractive so long, and the wonderful opportunity it presents for scenic and recreational enhancement of the capital area, were it "beautified" as a National Capital Park.

But the lure of commercial profit, both to builders and to the city of Alexandria has led to zoning approval of several huge apartment complexes, the largest by Watergate Improvements Inc., between Oronoco and Queen Sts., near the water's edge. Moreover, the city of Alexandria wants to have title to all the approximately 1.6 miles of riverfront "made" land between 3d St. at the north, and Gibbon St. to the south. This would permit them to approve any residential or commercial structure they wished.

A year ago, Rep. Joel T. Broyhill introduced a bill in Congress permitting the Federal Government to relinquish its title to the waterfront. Bitter opposition kept this action in check until last month, when more hearings were held and more opposition voiced.

The Revised Bill: Now a compromise of sorts has been reached in the drafting of a new bill (H.R. 15550) which would impose certain restrictions on the city:-

- 1) The city must get approval from the Department of Interior for its long range plans before the U.S. - owned 48 acres would be transferred.
- 2) Money paid to the city by private developers for this land is to be used exclusively for acquisition, maintenance and development of public parkland, and a 25-foot-wide pedestrian mall near the river.
- 3) About 24 acres in all would be kept as open spaces and public park.
- 4) Any new building between Oronoco and Gibbon Sts. must be in keeping with present Old Town density and height restrictions, i.e., not over 50 ft. high, subject to architectural controls, and at least 100 feet from the waterfront.
- 5) At the northern end new restrictions would apply, including a maximum 30 ft. height for buildings.

*****Note: None of these restrictions apply to the large and high Watergate structures, which would be just landward of the acreage in question.

It's Not All Roses: The Broyhill bill would allow the city to fill what is now 21 Acres of open river out to the bulkhead line, without obtaining a permit from the Corps of Engineers, or furnishing an environmental impact statement. Further, there would be no ^{rule} on the type of building thereon except that industrial development is excluded. Shops, motels, bathhouses, restaurants, a 200-car garage,--would be O.K.

Effect of the Recent Floods: (June 22-24, 1972)

The Potomac river flooded over the existing fill, or flood plain in the King St. region, and to some extent to the north. Knowledgeable persons are questioning the advisability of building in such precarious area. Geologists and hydrologists tell us the river will flood again it will always seek its own level, and that flood plains are more

-5-

suitable as riverside parks than built up residential sections.

Citizens File Lawsuit:

The Northern Virginia Conservation Council and 16 residents of Alexandria's Old Town have filed a suit asking for an injunction against construction of the huge Watergate apartment buildings and marina. The pending legislation would not prevent its construction. The lawsuit has not yet been heard.

Status of Transfer Legislation:

The Bill, now numbered H.R. 15550, has been moved out of the full District Committee and is ready for a floor vote in the House when Congress returns from recess on July 17.

Nevertheless, opponents of the project are trying to insert two amendments:

- 1) A requirement for Corps of Engineers approval for further filling, so that an environmental impact statement would have to be made.
- 2) That only "water-related" recreational uses should be allowed south of Oronoco St., viz: docks, wharves, marinas, boathouses, and open space along the river.

Time to Write; Time to Talk: There are over two weeks in which to lobby in person or by letters with your Congressman, or members of the District of Columbia Committee (See FVCRC Newsleter March 21, 1972), or any other member of Congress. Moreover, the Senate must also give approval, leaving another avenue of approach to defeat the bill.

Let us try to preserve the gracious setting of our National Capital area, as well as Alexandria, on an undefiled river front.

ACT NOW TO SAVE NEPA!

The National Environmental Policy Act of 1969 (NEPA) is now under attack on several fronts in Congress. This is the Act under which local environmentalists have blocked or delayed harmful dredging and filling of the Potomac at several points near Mason Neck, Construction of the Three Sisters Bridge, the portion of I-66 lying within the Beltway, as well as the Calvert Cliffs nuclear power plant on Chesapeake Bay. Elsewhere in the nation, the Cross-Florida Barge Canal, the Trans-Alaska Pipeline, and the Tennessee-Tombigbee Waterway, all vigorously opposed for their potential environmental damage, have been held up by recourse to this law.

The Act's principal provision is a requirement that any Federal agency contemplating a "major action" with "significant" environmental impact must prepare a formal description of the project and its probable impact, and include in this statement a consideration of possible alternative actions. Non-compliance, or merely perfunctory compliance -with this requirement has led to successful court action against many Federal projects. The Act also created the President's Council on Environmental Quality, and the Environmental Protection Agency.

"Pork Barrel" Interests Annoyed by NEPA:

Feeling against the Act is running high among Government official industrialists, and legislators whose pet projects have been side tracked.

-6-

According to the Washington Post of May 2, 1972, "Key members of the House Public Works Committee are exploring ways to exempt major Public works projects, such as dams, flood control works, and stream channelizations, (which are very destructive of natural streamside values) as well as federal highways, from NEPA. Rep. Jim Wright of Texas is quoted as seeking "something that will shortstop all of these little pestiferous suits that are hamstringing the programs". Rep. Robert E. Jones of Alabama reportedly said that environmental lawsuits " are being maliciously used to halt projects that Congress has worked for years and years to accomplish." (The Tenn.-Tombigbee Waterway was to have been in Alabama).

Relaxation of Controls for Nuclear Power Plants is Sought:

Spokesmen for electric power and petroleum interests have told the House Wildlife and Fisheries Committee that the nation's energy needs *passed* cannot be met without modification of NEPA, and legislation has already A the House which would allow the Atomic Energy Commission to issue temporary operating licenses for nuclear power plants deemed necessary to prevent acute power shortages, even though NEPA requirements have not been fully met,

This bill, H.R. 13752, has been held up in the Senate Committee on Interior and Insular Affairs after strenuous lobbying by representatives of the Sierra Club and Friends of the Earth. Potomac Valley conservationists can help block this measure by sending LETTERS or TELEGRAMS to members of this Committee-: Senators- (U.S.Senate, Wash. D.C. 20510)

Henry M. Jackson, Chmn. (Wash.)
Clinton P. Anderson (N. Mexico)
Alan Bible (Nevada)
George S. McGovern (S. Dakota)
Maurice R. Gravel (Alaska)
Len B. Jordan (Idaho)
Clifford P. Hansen (Wyoming)
Henry Bellmon (Oklahoma)

Frank Church (Idaho)
Frank E. Moss (Utah)
Quentin Burdick (N. Dakota)
Lee Metcalf (Montana)
Gordon L. Allott (Colorado)
Paul J. Fannin (Arizona)
Mark O. Hatfield (Oregon)
James Buckley (New York)

Safeguards for emission of nuclear radiation and thermal pollution are as important to Potomac Valley residents as to anyone else.

Water Quality Exemptions are also Sought:

Another pending bill whose passage might constitute a dangerous precedent for further emasculation of NEPA is H.R. 1403, which would exempt the water quality permit program, (under the Refuse Act of 1899) from compliance with NEPA. Communications regarding this bill should be sent to Rep. John D. Dingell of Michigan, who introduced it.

Thus the far-reaching benefits of NEPA, so essential to continuance of our health as a civilization, are under severe attack and in danger of being eroded away. In the words of George Alderson, Legislative Director for Friends of the Earth, "It's time for a nation-wide campaign to SAVE NEPA!"

"A BEAST-FILLED PARK EYED NEAR BOWIE"

(Headline in the Washington Post, Feb. 20, 1972)

A "Wild Animal Park" is being planned by two entrepreneurs backed by multimillionaire H. Ross Perot on a rural 280 acre tract 8 miles from the District of Columbia line. The body of the "Post" article follows-:

Wild Animal Park, (cont'd.) - 7 -

By Ivan G. Goldman
Washington Post Staff Writer
Texas multimillionaire H.

Ross Perot and two animal trainers from Ireland want to open a drive-through park on 280 acres near Bowie and fill it with about 450 African animals, including elephants, lions and baboons. According to the design, most animals would roam freely within the park and onto the 4-mile road meandering within it. Except for a few areas, visitors would be required to remain in their automobiles. The park would be enclosed by a 14-foot fence. Elephants would be separated from the road by a dry moat.

Perot and the animal trainers, brothers Frank and William Stephenson, have purchased an option on the Central Avenue (Rte. 214) tract, four miles west of Rte. 301 and about eight miles from the District line. They

have applied for zoning approval, and if it is granted they plan to open the park by the end of this year.

The Stephensons, who formerly worked for the Ringling Brothers and Barnum and Bailey Circus, have owned and operated a similar animal park for three years in Northern Ireland, about 65 miles north of Belfast.

Frank Stephenson says 22 such parks are scattered around the world already, four in the United States. The first American park was opened five years ago near Palm Beach, Fla.

"Our goal," Stephenson said, "is to keep the park in an absolutely natural state, so that visitors can see the animals in their natural state."

The 280-acre tract, hilly and about 35 per cent wooded. The remainder is used for pasture and tobacco.

The park would be open approximately from April through November, Stephenson said. Admission prices have not been decided, he said, but expectations are that 1,000 cars would visit the park each day.

The park in Florida charges \$2.95 for adults, and \$1.50 for children aged four through 14, officials there said.

The Stephensons and Perot have formed a corporation, C. T. Industries, Inc. They would not say how the stock is distributed or how much money would be invested in the park, but sources close to the operation said Perot holds a majority of the stock.

Jack Sloan, an official with the Prince George's County planning board, said he received the corporation's application for the special zoning exception Dec. 22.

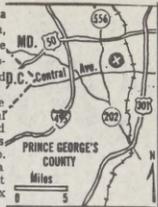
Sloan said the planning

board's staff would write a report on the application, and then send it on to the board for action. Final approval would be required from the County Council.

The animal park is the second major recreational proposal to be announced for suburban Maryland this month. The Marriott Corp. is seeking approval for a Disneyland-type amusement park on a nan 850-acre complex near Columbia.

Marriott's plans include a 200-acre preserve with hundreds of animals from all over the world in natural habitats. At the Marriott park, guests would travel in glass-roofed trains to see the animals.

An aide to Perot said the Stephensons approached Perot in June with their idea to open a park somewhere on the East Coast, and ultimately the choice was narrowed to the Washington area.



An "X" marks the spot of the proposed animal park approximately eight miles east of D.C. park, guests would travel in glass-roofed trains to see the animals.

RECORDED
MAY 4 1980

This type of "open Zoo" is growing in numbers across the country. It deserves careful examination.

Effects on the Local Environment: The residents of Bowie and vicinity foresee problems arising in the train of the great numbers of people drawn to this "attraction", viz:

- 1) Effects on adjacent land use: for public accommodations, food stands, souvenir shops, gas stations, motels, etc.
- 2) What water supply systems would be needed, and what sewage disposal system, and what about animal wastes?
- 3) Traffic congestion and litter problems, and need for new roads.
- 4) Destruction of grass and understory growth by the animals, leading to soil erosion and siltation.
- 5) Pollution by noise and odor, and possible animal diseases.

Effects on Wildlife: --Both in the source country and when living here.

Authorities seem to differ as to whether too many of these "zoos" would deplete African (or other) wild animals. We are told there are plenty of lions and elephants in Africa, and that no endangered species would be allowed in.

Yet some species are marginal and some experts look with disfavor on the whole idea of buying up wildlife for financial profit, saying it disrupts effective management of their home habitats.

If we must take the dwindling wild animals from their native haunts to exhibit for educational or amusement purposes, it is probably better to have them in simulated natural habitats than in roadside or conventional zoos. Perhaps the question is whether we want our scarce green countryside used THIS WAY, with all that it would entail.

TO EXPRESS YOUR VIEWS: Attend the Hearing July 10 at the Court House, Upper Marlboro, Md. at 9:30 A.M. Write now to Mr. Barry Cramp, Zoning Hearing Examiner. Written comments will be considered for 30 days thereafter, IF you were present July 10. Write to: People's Zoning Council, Room 215, County Service Bldg. Hyattsville, Md. 20781.

-8-

DEPARTMENT OF INTERIOR TO HOLD PUBLIC FORUM ON OUTDOOR RECREATION:

The Bureau of Outdoor Recreation announces the National Outdoor Recreation Planning Forum, open to the public, on July 11, 9:30 A.M., Auditorium, Dep't. of Interior, 18th and C Sts. N.W.

This forum, the last of ten held around the country, and right here in Washington, offers the first opportunity in 15 years for citizens to voice their opinions on recreation policy and planning.

To Submit a Statement: Call 343-5754 or 343-5736. Material will be sent you. Spoken testimony is limited to 10 minutes each.

Written statements may be sent in whether or not you attended, up to August 11, 1972.

TOPICS: The forum is wide open to ANY relevant input on recreation planning and policy making. Have you some pet ideas, (or gripes?) Here is your chance to tell them loud and clear, where it counts.

CLOSING OF BACK BAY REFUGE DELAYED: Dune Buggies Still Wreaking Havoc.

A surprising red-tape delay has put off hopes for this summer of closing the beach at Back Bay National Wildlife Refuge, (just below Virginia Beach) to dune buggies and other off-road vehicles.

Letters from conservationists (FVCR members were asked to write in our Feb. 8 1972 issue) helped to strengthen the hand of the Interior Dep't. in asking for a closing of this four-mile stretch between Virginia and North Carolina.

Even though the proposed closing is designed to protect the environment, Interior was required, somewhat unexpectedly, to file an environmental impact statement with the Council for Environmental Quality. The 90-day required waiting time between filing and actual closing would have thrown the date into August, when beach bugging is at its height, and thus would have caused an even wilder uproar than expected. It was decided, therefore, to close it in the Fall, when beach-buggy policing may be easier.

Vigorous, strongly worded conservation sentiment in favor of the proposed closing must be kept before officials, especially in this election year. (See FVCR Newsletter Feb. 8 for names). Congressman for the Back bay area is Rep. Thomas N. Dowling, U.S. House of Representatives, Washington D.C., 20515. Senator William B. Spong is up for reelection, and Senator Harry F. Byrd Jr. likes to know what we are thinking. (U.S. Senate, Wash. D.C. 20510)

There must be no "slip 'twixt the cup and the lip" in this operation, otherwise we can say goodbye to the protective dunes sheltering the shore-bird impoundments, and to the crustaceans along the beach, which is now being badly churned up as FUNmobiles are clogged in on week-ends at the rate of 200 an hour!

SETBACK FOR FILL AT CONRAD ISLAND (Bajamas Island) (FVCR bulletin Sep't. 3, 1971)

The Department of Interior has written the Corps of Engineers recommending that in view of the resulting environmental damage, the permit to reconstruct the island be denied.



POTOMAC VALLEY CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

August 16, 1972

Robert J. Watson, Treasurer:
2636 N. Marcey Rd.
Arlington, Va. 22207

Editorial Board:
Mrs. Hildegard Cannan, Editor
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Mrs. Lucille Keyes, Associate Editor
Ann Cottrell Free
James S. Free
Elizabeth Hartwell

Council:
Matthew C. Andrea
Shirley A. Briggs
Grant Conway
Anson O. Courter
Philip J. Stone
Richard Van Wageningen

To Members of the Senate Committee on the District of
Columbia:

Dear Senator

Eagleton,

I would like to present to you the views expressed in our Newsletters as they affect the proposed transfer of 52 acres of District of Columbia property on the Alexandria waterfront, as embodied in bill S-3861.

One of the prime objectives of our conservation efforts is to preserve and maintain the magnificent natural setting of our National Capital on a beautiful Potomac River.

To this end we generally oppose those actions or projects which would fill in, dredge, pollute or unnecessarily bridge the river, or permit large structures to be built near its banks, incompatible with the scenic grandeur of its shoreline and bluffs.

I am herewith sending you extra copies of three of our Newsletters setting forth the Alexandria situation as we see it. I earnestly hope you will give careful thought to these views, and try to visualize the immensity of the consequences (another Rosslyn?) which would follow, were S-3861 to be enacted.

Sincerely yours,

Hildegard W. Cannan

(Mrs.) Hildegard W. Cannan


 POTOMAC VALLEY CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

Robert J. Watson, Treasurer:
2636 N. Marcey Rd.
Arlington, Va. 22207

August 30, 1972

Senator Thomas F. Eagleton, Chairman
Senate Committee on the District of Columbia
U.S. Senate
Washington, D.C. 20510

Editorial Board:
Mrs. Hildegard Cannan, Editor
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Mrs. Lucille Keyes, Associate Editor
Ann Cottrell Free
James S. Free
Elizabeth Hartwell

Council:
Matthew C. Andrea
Shirley A. Briggs
Grant Conway
Anson O. Courter
Philip J. Stone
Richard Van Wagenen

Dear Senator Eagleton;

Having sat in at your hearing on the Alexandria Waterfront question, (Senate Committee on D.C., Aug. 17, 1972), I was greatly impressed with your fair-minded efforts to comprehend the situation.

Because of this, as well as other evidence of your concern for the benighted, disenfranchised District, we are now sending you our Newsletter regularly.

Here is an extra copy of the August 28 issue for your personal reference. On page 5 et seq. we discuss the Alexandria waterfront once again. I should like to direct your special attention to the paragraph on page 6, suggesting that a bill be introduced to confirm the Federal ownership of the land in question, rather than the bill (S-3861) which would give it away.

In discussion with several others, we see no reason other than the "clouded" title, and presumed difficult litigation, for the Department of Interior (National Park Service) to hesitate in claiming those areas. If Congress can clarify the title by passing a bill, why should it have to be one which cedes title to Alexandria? Why not pass a bill firmly establishing the Federal title?

Our other comments are in the article enclosed, as well as the three previous ones sent you August 16.

We are buoyed by the hope that perhaps you as well as other members of the Senate D.C. Committee will become our "friends at court".

Most sincerely yours,

Hildegard H. Cannan
(Mrs. Hildegard Cannan, Newsletter Editor)

→ → → ALEXANDRIA WATERFRONT:- SENATE HEARINGS HELD, P5

C&O CANAL: WHAT "AGNES" DID: WHAT TO DO - P 7

POTOMAC RIVER CONSERVATION AND RECREATION COUNCIL

Washington, D.C.

NEWSLETTER
AUGUST 28, 1972

Robert J. Watson, Treasurer:
2636 N. Mansey Rd.
Arlington, Va. 22207

OFFICIALS PLAN TO TUNNEL FREEWAY UNDER
LINCOLN MEMORIAL AND TIDAL BASIN.

(Public hearing Wed. Sept. '6, 7:30 P.M.)

The worst consequences of Washington's "Inner Loop" Freeway Plan have been coming home to roost one by one. Back in the 1950s and 1960s when newspaper maps showed these dotted lines all over our most treasured areas, (the Potomac River, Rock Creek Park, Potomac Park and the Tidal Basin), one could turn the page in vague disbelief. Not any more. Now they are like bad dreams about to come true.

The magnificent scenic and monumental aspects of our National Capital are sacred to millions who visit yearly, and to all Americans, except, apparently, the road builders. It is the voteless citizens of Washington who have given their time and strength in heroic efforts to preserve these amenities as a heritage for future generations, tirelessly confronting the very powers one would expect to be doing this job, i.e. the local and Federal governments.

To date, citizens have prevented, or staved off several ruinous proposals: the North Central Freeway, Three Sisters Bridge, and others. As noted in our Newsletter of Nov. 2, 1971, this Lincoln Memorial (South Leg) project has been lurking in the wings all the time.

Highway Department Presents Details:

On August 5, 1972, the D.C. Department of Highways raised the curtain on three plans for this South Leg, and announced hearings. In a handsome brochure prepared by a private consulting engineer firm in co-operation with the Federal Highway Administration, it describes the advantages to be gained in glowing words. The actual diagrams, with their wide black swaths, seem more realistic and truthful.

No discouraging word is heard throughout the presentation. Justification is based largely on congestion from expected increase in traffic. Only automobiles are considered, and there is almost no mention at all of the rapid transit subway (Metro) system now being built all over town, and no assessment of its effect on motor traffic.

Details of the three highway plans, with "environmental considerations" are given in the booklet:- " I-695, South Leg Freeway, Design Hearing Information, March, 1972. Dep't. of Highways and Traffic, D. of C."

Editorial Board:
Mrs. Hildegard Cannan, Editor
4201 Massachusetts Ave., N.W.
Washington, D.C. 20016
WO 6-5173

Mrs. Lucille Keyes, Associate Editor
Ann Cottrell Free
James S. Free
Elizabeth Hartwell

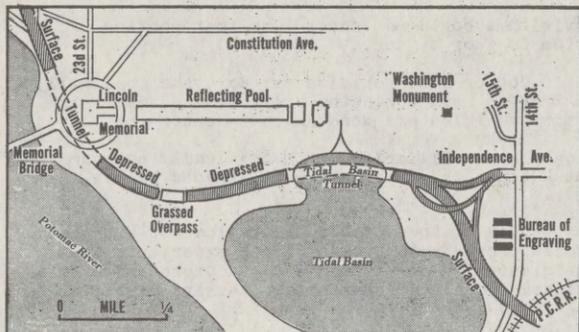
Council:
Matthew C. Andrea
Shirley A. Briggs
Grant Conway
Anson O. Courter
Philip J. Stone
Richard Van Wasagen

-2-

Copies of this booklet may be obtained at Room 517, 415 - 12 St. N.W. from 8:15 A.M. to 4:45 P.M.; on week days, or by calling 629-2858.

Three Designs Proposed: In each case the freeway will be six lanes wide and have a center divider and paved side strips in addition, or 104 feet in all.

DESIGN A:



Proposed West Potomac Park freeway would include two tunnels, depressed roadway.

This map, from the Washington Post, Aug. 9, 1972, shows Design A.

It would tunnel under the west side of the Lincoln Memorial, continue as an open trench 14.5 ft. deep replacing Independence Ave., tunnel again under the Tidal Basin, and surface to join the South-west freeway.

DESIGN B: Proposes a tunnel all the way from just north of the Memorial, passing under the Reflecting Pool, Independence Ave. and West Potomac Park, under the Tidal Basin, emerging just before it reaches 14 St. and Maine Ave.

DESIGN C: Would involve only the Lincoln Memorial tunnel portion of Design A, and rejoin the present (but "improved") Independence Ave.

***** ALL OF THESE PLANS ARE COMPLETELY UNACCEPTABLE, owing to their devastating effect on the beauty and dignity of this most precious of our capital's historic settings.

DESIGN D: is NO NEW FREEWAY AT ALL. The Booklet states that "in this case, heavy use of park roads will continue, and they will become more inadequate as traffic volume increases. Visual confusion and deterioration of green areas near the roads will follow."

Items: ** The tunnel entrances and exits will be over 100 feet wide, clearly visible, and placed about 200yds. on either side of the Memorial, at the cost of many magnificent trees, especially some large elms along the Reflecting Pool.

As can be seen at Washington Circle, trees do not grow back above tunnels.

** These portals will exude NOISE and FUMES. The tunnels would also require ventilation stacks 50 feet high

** Harsh lighting will be needed for the tunnels. At night this will detract from the awe inspiring view of the Memorial and the softly illuminated statue within.

** The second tunnel will destroy the serenity of the Tidal Basin

-3-

and its cherry trees. In fact, some cherry trees will be destroyed.

- ** Even the depressed road won't be out of sight or sound (at 104 feet wide) and its fences, banisters, lights and roaring noise will be an ever present offensive discord in an area near the river which is both a national shrine, and a lovely peaceful retreat at off hours.
- ** West Potomac Park would be effectively sliced in half, except for one "grassed overpass", and walking from the Washington Monument grounds to the Tidal Basin and Cherry trees would be difficult or impossible.
Thus citizens or visitors could no longer tour that portion of Mall and Park either on foot or by car.
- ** Built to accommodate 90,000 or more vehicles per day, the road will inevitably pour more traffic onto congested city streets, requiring new parking lots as more vehicles are encouraged to enter the city.
- ** A severe air pollution threat will arise, with the deadly carbon monoxide predicted at 4 times the level where it affects health (and driving ability).
- ** Lastly, the beautiful marble of the Lincoln Memorial cannot withstand this corrosive air pollution. In the words of one expert, it is in danger of becoming a "giant Alka-Selzer tablet". as ozone and nitric acid (from nitric oxides) are already eating away at its marble.

Now to quote from the Highway Department Booklet: (Paraphrased in part).

Present traffic in West Potomac Park and Independence Ave. is over 67,000 vehicles daily, and rising. There have been 400 accidents there in 4 years. This detracts from the park's amenities.

(There is no mention of the expected effect of the subway on this traffic projection.)

Benefits:

1. Independence Ave. can be abandoned in favor of a Park Road system.
Comment: (What's wrong with the present Park Road system?)
2. The South Leg will form a continuous link both with I-66 coming off the Roosevelt Bridge, and with the Potomac River freeway planned along the Georgetown waterfront.
(Comment: I-66 is held up in the courts and may never be built through Arlington. The Potomac River freeway may be blocked too, and is a long way from construction.)
3. Northwest Washington will be more accessible to Southwest.
(This requires an Interstate Freeway?)
4. Hazardous conflicts between Park users and vehicle traffic will be reduced. (?No users, no conflict).
5. Recreational and visual qualities of West Potomac Park will be restored to their condition before there was so much traffic.
Park "usability" will be enhanced. (No comment)

-4-

Social, Economic and Environmental Aspects: (As per Highway Booklet)

1. Transportation: Mobility will be improved within the city and for the many visitors to the shrines in the area. Current surface traffic detracts from appreciation of the monuments.

2. Disasters and Emergencies: This connection could be strategic for the dispatch of military or government vehicles.

3. Employment and Economic Effects: Construction will benefit both skilled and unskilled labor and minority enterprises.

4. Financing: As the cost will be borne by the Federal Aid Highway Administration, Fund, there will be no cost to D.C.

No acquisition of private property will be required. (It runs entirely through public park property)

5. Neighborhood Effects; and Displacement of Families: This will be insignificant as there are no business, religious, or educational institutions (in the park). No families will be displaced.

6. Parks and Recreation and Landmarks: Design A will cause the loss of 40 cherry trees, Design B = 65. They cannot be replanted, but new ones can be put in later.

This National Park area will be UPGRADED. Shrines and Landmarks will be enhanced.

7. Aesthetics and Visual Disturbances: Present heavy traffic and noise detracts from this impressive area. New grassy plots will replace some present surface roads, and there will be replanting; all improvements.

8. Conservation: No significant effect on wildlife or plantings as the area is not a refuge and contains no endangered species. Birds and animals will not be permanently damaged or displaced.

Trees and shrubs now there were planted by man, hence can be replaced. Some trees are old and may die anyway.

9. Air Quality: As stringent emission controls are soon going into effect in D.C., the increase in cars will not be a relevant air pollution factor -- if the new standards are met.

10. Noise: Present 63 decibels will go to 62.

11. Use of Space: Since the area is parkland, there will be no "air rights" structures.

Snow removal is also described, but there is no reference to any snow job.

In summary it seems their main reasons for building the South Leg are to improve the very qualities which others predict will be degraded. One searches in vain for a truly compelling justification. Even the usually cautious Washington Post and Mr. Wolf von Eckardt consider this one freeway plan which ought to be dropped.

→ FAIR WARNING! We have been sending our Newsletters to some of you in hopes you would either be interested, or eventually pay dues. Stringent finances force us to limit mailings. If we have not heard from you for 2 years or so, THIS MAY BE YOUR LAST NEWSLETTER! (Sorry!) ←

-5-

Additional sessions will be held on Sept. 7, and on subsequent days if necessary.

THE HEARING ON THE SOUTH LEG:

Date and Time: Wednesday, Sept. 6, 7:30 P.M. (Note evening hour!)
Place: Dept't of Commerce Auditorium, on 14th St. N.W. between Constitution Ave. and E St., Washington.

Held By: Office of the Mayor-Commissioner.
Chairman: Mr. Sam Starobin, Director of the Department of General Services, will be Hearing Officer.

Purpose: "To consider alternative LOCATIONS and DESIGNS for a proposed limited access highway connecting I-66 (at the Roosevelt Bridge) & I-95."

Note: According to law, (1966 Highway Act, Section 4(f)), alternatives to be considered include NO ROAD AT ALL. Also, Federal regulations of the Dep't. of Transportation permit public comment on the NEED FOR as well as the location of Federal Aid Highways.

"Interested parties are invited to present statements concerning the social, economic, environmental and other effects of the alternatives, and consistency with local planning objectives."

A Draft Environmental Statement, and other pertinent material may be seen at the 12th St. address at top of p.2.

"So that names may be placed on the witness list, individuals and representatives of organizations who wish to be heard are requested to furnish in writing, name, address, and telephone no., organization affiliation if any, and approximate amount of time required, to-

Mr. Martin K. Schaller, Executive Secretary, office of Mayor-Commissioner Room 528, District Building, Washington D.C. 20004,

→ NOT LATER THAN 5:00 P.M. SEPT. 1, 1972. Others present may also be heard after those on the list have been called and heard."

"Persons may make oral statements and/or file written statements which will be made part of the Hearing Record. The record will be open for written statements for 10 days after adjournment of the hearings."

"Information, comments, and data from the hearing will be evaluated by the D.C. Dep't. of Highways and Traffic, which will select a design and recommend it to the U.S. Dep't. of Transportation. Further action on this project is subject to the approval of DOT."

"The public will be kept informed of these steps through official notices published in the local news media."

↓ ALEXANDRIA WATERFRONT:

SENATE COMMITTEE ON D.C HEARS ARGUMENTS.

Record Open for Comments Until Sept 6, 1972.

The "compromise" bill, H.R. 15550, described in our issue of June 30, 1972, was removed from the agenda of the full House of Representatives on August 14, and never voted on. Now it has reached the Senate Committee on D.C., as S3861.

-6-

To review: This proposal is to transfer federal land of major environmental significance to the city of Alexandria, for sale to developers.

The expected consequences have long since been made abundantly clear. Twenty-one acres of what is now POTOMAC RIVER will be filled as far out as the Corps of Engineers allows, and on the 53 acres of old and new waterfront land as many commercial and high-rise structures will be built as can be squeezed out of an agreement with the Dep't. of Interior.

Not only is this action contrary to the public interest, but it sets a precedent in the worst tradition of land disposal. Alexandria on the Potomac, our once proud and precious historic city, will boast a cluttered eyesore of modern structures desecrating its waterfront: "Watergate on the Potomac" ? or Rosslyn II?

Senators at Hearing Grapple with Complexities:

The Committee, chaired by Senator Thomas F. Eagleton, sought to grasp this complicated situation, as presented by witnesses with diametrically opposing convictions.

Alexandria officials stated that title to the land would enable them to revitalize the community, bringing employment and prosperity to replace a "blighted area now eating the heart out of our city".

As we have suggested in three previous issues, this strategic waterfront should be retained by the National Park Service and developed entirely as public parkland, completing an unbroken stretch along the river from the Memorial bridge to Mt. Vernon.

The reasons for past neglect by the Park Service are vague. One "side" states the Federal government does not have clear title, and that the best way to improve the area without protracted court litigation is to give it to the city of Alexandria. Conservationist are convinced that the Federal title is clear and that Interior could use any one of several procedures to move in and develop the area into a National Capital Park.

➔ Why Congressional Legislation?

The fact that an Act of Congress is deemed necessary to transfer the area would seem an admission of Federal ownership. Further, if Congress can clear the title by legislating to give it away, why could it not equally well pass a bill declaring the waterfront to be Federal property? Then pressure could be brought on Interior and the NPS to expeditiously convert it to a park. WANTED! Members of Congress to introduce such a bill!

NATIONAL IMPORTANCE OF POTOMAC RIVER and SHORELINE:

The Potomac is generally considered to be our "National River", and within 10 odd miles each side of the capital it is a national landmark of far more than local concern.

In recent years the Dep't of Interior has acted to preserve and maintain the natural beauty of the Potomac as it rolls past the Nation's Capital. Large structures have been kept away from its banks and much effort has been spent to keep the shoreline in its natural state.

It would seem a bad precedent indeed if this tradition of wise use of our river vista should not be continued and enforced. Readers are urged to make their views known to members of the Senate District Committee, and the Department of Interior:-

-7-

Members of the Senate Committee on the District of Columbia:

Senators: Thomas F. Eagleton, Chairman. James Buckley
 Charles M. Mathias Daniel Inouye
 Adlai Stevenson John Tunney

Address all at: U.S. Senate, Washington, D.C. 20510

Ask that your letter be made part of the record of the hearing of August 17, 1972, and be sure it is mailed to reach them by Sept. 6th !

Let the Senators know your views on S3861, which would transfer the Federal interest in this important potential parkland. If you agree, suggest that Federal ownership be clarified by an act of Congress, or other procedure, rather than abandoned.

At the very least, urge that glaring loopholes in the bill S3861 be removed before it is presented to the Senate for a vote.

(For details on amendments, call Mrs. Marian Agnew, 538-5688)

Letters may also be written to officers in the Department of Interior:-

Hon. Rogers C.B. Morton, Secretary
 Hon. Nathaniel P. Reed, Assistant Secretary
 Mr. George B. Hartzog Jr. Director, National Park Service

Address the above at U.S. Dep't. of Interior, D.C. 20240

Mr. Russell E. Dickenson, Superintendent, National Capital Parks
 Mr. Leroy Rowell, Superintendent, South NCP.

1100 Ohio Drive S.W., Washington, D.C. 20242

ON THE C&O CANAL -- TOTAL DISASTER.

The rains and floods of hurricane "Agnes" brought indescribable ruin along most of the Canal, and there is little hope of adequate repair in sight.

Many millions of dollars will be required, but nothing has been appropriated. Vigorous public demand for funds is desperately needed.

With the swirling waters went many bridges, large sections of the tow-path, and all the long hard work, hopes, and careful plans for development as a National Park. The much fought over Master Plan is at present largely irrelevant.

The public, stunned by this calamity, has not called loudly enough for action. Now a massive outcry is essential to obtain requisite funds.

Two places where pressure from the public can be most effective are:-

- 1) The White House, (President Nixon) whose influence affects the Office of Management and Budget, but who is minimizing spending.
- 2) Congress. The Appropriations Committees of both houses.

WRITE- President Richard M. Nixon, The White House, Washington, D.C.

Send a copy of your letter to Mr. Caspar Weinberger, Director
 Office of Management and Budget, Executive Building
 Washington, D.C. 20500

Write, Wire, or Visit : In the U.S. Senate, Washington, D.C. 20510

- Senator Alan Bible, Chm. Subcommittee on Parks and Recreation,
- Senator Charles M. Mathias (Maryland)
- Chairman, Senate Appropriations Committee.

In the House of Representatives-: Washington, D.C. 20515

- Hon. Julia Butler Hanson, Chairman, House Subcommittee on Appropriations for Interior and Agriculture
- Hon. John Saylor, House Committee on Interior and Insular Affairs.

AND -- Your own Senators and Congressman, be they local or from elsewhere.

Points that could be made include-:

- 1) Although Congress has appropriated \$1.5 Billion for private Flood relief, none of this is available for damaged public facilities such as the C&O Canal.
- 2) A large recreation area, vital to thousands of people in the greater Washington area (and many thousands more in the region) has been completely washed out, is useless as a park, and restoration is urgently needed.

OPPORTUNITY FOR NEW PARKLAND AT BELTSVILLE:

- **Unspoiled Wooded Acreage of Federal Lands Declared Surplus.
- ** Local Citizens Fighting to Keep It Green.

As the Dep't. of Agriculture is closing down and relocating some of its facilities at the 1900 acre Beltsville Research Center, 500 acres of prime forest land, declared surplus, is being eyed by other Federal Agencies.

Spearheaded by the Calverton Citizens Association, 5 surrounding groups have joined with the Md. Nat. Parks & Planning Comm. in a lawsuit preventing the Treasury Dep't. from building a Law Enforcement Training Center on this spot; a complex which would utterly destroy the natural values.

Citizens have asked the Bureau of Outdoor Recreation of the Dep't. of Interior to consider aquisition of the acreage under the "Legacy of Parks" program. A number of uses for this and future available parcels at the site are under consideration by Interior. The "Year 2000" Plan calls for the entire Beltsville Center to remain as open space.

Here is an opportunity for preserving a substantial Open Space and making it available to the public for outdoor recreation. But there is imminent danger that Federal Agencies will gobble it up piecemeal, to build one or another facility. The public should insist that its heritage of forests and meadows be preserved by the Government and not further destroyed.

LETTERS: To- Mr. William E. Rennebohm, Chief, Div. Planning & Research
Bureau of Outdoor Recreation, Dep't. Interior, D.C. 20240

Congressman Lawrence Hogan, U.S. House of Rep's., D.C. 20515

Mr. John Ehrlichman, Assistant to the President
Property Review Board, The White House, D.C. 20500

A SURVEY OF OPINION IN ALEXANDRIA, VIRGINIA
ON THE PROPOSED WATERGATE APARTMENT
PROJECT

Study #1463

February 1972

Prepared by

OLIVER QUAYLE AND COMPANY
Station Park Building
141 Parkway Road
Bronxville, New York

A WORD ABOUT THIS SURVEY

This report gives the results of an opinion survey conducted among 18-year-old and older residents of Alexandria, Virginia to determine whether they approve or disapprove of Watergate Improvement Associates' request for a re-zoning to permit the construction of a high-rise apartment project along the Potomac River in Alexandria's north waterfront area.

The opinions of city residents expressed in this report were gathered by trained members of this firm's field staff who conducted personal interviews with 255 18-year-old and older residents of Alexandria who represented an accurate cross section of the city's population. Interviewing was done between Friday, February 11th, and Tuesday, February 15th, 1972.

The Sample The sample of respondents used in this study was drawn by statistician Leon Rosenbluth on a modified area probability basis. Under this system the number of sampling points is controlled by the cluster size (the number of interviews taken at each point). To obtain a true cross section of the city's population, the cluster size was kept small for with only a few interviews at each point and with a wide spread of points throughout the city, an accurate replication of the population in miniature is assured.

Our experience shows that cluster sizes of between four and six interviews per point provide not only accurate representational samples but also efficient study designs. In this sample of Alexandria a cluster size of five was used at 51 points yielding a total sample of 255 city resident respondents whose opinions are given in this report as accurately reflecting the opinions of all Alexandria residents, 18-years-old and older.

This type of sampling, as used by Oliver Quayle and Company, has produced accurate measurements of opinion in innumerable election situations. For example, in the 1968 Presidential Election, using our national sample of 1500 voters, in a survey conducted two to three days prior to the election, survey results were within one percentage point of the actual results expressed by over 73 million voters on Election Day across the nation. In the 1970 New York State Election for U. S. Senator between James Buckley, Richard Ottinger, and Charles Goodell, utilizing our statewide voter sample of 800 voters and again with interviewing done within two to three days of the actual election, our survey produced results within one half of one percent of the actual results expressed by 5.8 million New York State voters in that election.

In this sample of Alexandria, sampling points were selected by first arranging the city's 28 precincts in order of size according to the total votes cast in each in the 1968 Presidential Election. Precincts for sampling were then selected on a random basis proportionate to the actual votes cast for each candidate in that election, and results from the selected precincts were then validated against actual results within one half of one percent. Finally, age and sex quotas, based on the 1970 census, were assigned to each sample point.

Interviewing All interviews were conducted in the homes of respondents. Interviews with men were done after 5:00 P.M. or over the weekend except in cases where a man was working a night shift. In most cases interviews with black residents were conducted by black members of our field staff and interviews with white respondents by white interviewers. No respondent was given any idea as to the sponsor of the survey. In fact, this information is

never given to members of our field staff. Each respondent was assured of complete personal anonymity.

The Questionnaire The questionnaire designed and used for this study made ample use of graphic and visual material including a detailed description of the proposed project, pictures of it as it would appear when completed, and a map showing the proposed project's location in relation to all areas of the city. The description, pictures, and map are shown at the end of this report. In total, the questionnaire comprised 13 closed-end queries or the type in which the respondent selects from multiple choices offered him.

Analysis The report which follows will show the questions, as asked, and the statistical results obtained along with explanations of these results when this is felt to be necessary.

Area Description In analyzing city residents' opinions we have divided the city into three geographic areas: Eastern, Central, and Western. They are defined as:

<u>Eastern</u>	-	1st, 3rd, and 5th Wards
<u>Central</u>	-	2nd, 4th, and 6th Wards
<u>Western</u>	-	7th and 8th Wards

Monition: Should any portion of this report be quoted inaccurately or incompletely in the press or any other public medium or quoted without giving a definition of the sample, its size, and the method and timing of interviewing, Oliver Quayle and Company reserves the right to make all of this information public including the complete results of this study.

ANALYSIS

After screening out nonresidents of the City of Alexandria, and those under 18 years of age, we asked adult residents how long they had lived in the city. We then asked the following question, to see how satisfied or dissatisfied Alexandria's residents are with how the city has changed, developed, and grown in recent years:

"Now I'd like to have your general feeling about the way the City of Alexandria has changed, developed, and grown over the past few years -- are you very satisfied with the way it has changed and developed, slightly satisfied, slightly dissatisfied, or very dissatisfied with the way it has changed and developed?"

Our first table shows how the city's adult population answered this question.

SATISFACTION WITH HOW CITY OF ALEXANDRIA HAS CHANGED,
GROWN, AND DEVELOPED IN RECENT YEARS

	<u>All Respondents:</u>	
	<u>With Unde-</u> <u>ecided In</u>	<u>With Unde-</u> <u>ecided Out</u>
	<u>%</u>	<u>%</u>
Very satisfied	35	38
Slightly satisfied	28	30
Slightly dissatisfied	18	19
Very dissatisfied	12	13
Not sure	7	-
* * * * *		
Satisfied		68
Dissatisfied		32

The great majority of the city's adults express satisfaction with the growth, development, and change that has taken place in the city in recent years. Fully 63 percent of all respondents, and 68 percent of those with an opinion, say they are very satisfied or slightly satisfied. Those who feel they are very satisfied far outnumber those who say they are very dissatisfied -- by 38 percent to 13 percent among those with an opinion.

Attitude Toward Proposed Zoning Change

Respondents were then read the following:

"Speaking about changes in Alexandria, I'd like to have your ideas on a proposal that you may have heard or read about. It is described on this card and here are architect's drawings of how it will look (HAND RESPONDENT WHITE CARD AND PICTURES). Its proposed location in relation to where you live is shown on this map (HAND RESPONDENT MAP).

Will you please read this proposal over carefully as I read it to you and study the pictures and map. Take your time."

The white card explaining the proposed high-rise apartment project, two color drawings of what it would look like, and the Alexandria city map showing the proposed location are shown at the end of this report.

The interviewers then took back the white card, pictures and map, and asked the following question:

"This Watergate apartment project cannot be built on the proposed location unless its sponsors' application for a re-zoning of this land from its present heavy industrial zoning to a "CO" or a planned unit development zoning is approved by a vote of the Alexandria City Council. How do you feel about this?"

Do you feel the City Council should vote to approve of this re-zoning application and allow the construction of this Watergate project on this site or do you feel the Council should vote to maintain the present zoning and not allow the project to be built here? (If "undecided") Well, which way do you lean?"

Here are the results to this question:

ATTITUDE TOWARD ALEXANDRIA CITY COUNCIL APPROVING
RE-ZONING APPLICATION TO ALLOW CONSTRUCTION
OF WATERGATE PROJECT (FIRST ASKING)

	<u>All Respondents:</u>	
	<u>With Unde- cided In</u>	<u>With Unde- cided Out</u>
	<u>%</u>	<u>%</u>
Approve re-zoning	57	66
Lean toward approving re-zoning	13	15
Maintain present zoning	15	18
Lean toward maintaining	1	1
Not sure	14	-
* * * * *		
Approve or lean toward approval		81
Maintain or lean toward maintaining		19

Almost six out of ten residents (57 percent) say they feel the City Council should vote to approve the re-zoning application necessary to construct

the Watergate project. An additional 13 percent say they lean toward the Council approving the re-zoning change. Less than one resident in five feels the City Council should vote to maintain the present zoning (15 percent say maintain the present zoning while one percent say they lean that way), and 14 percent are not sure how they feel the City Council should vote.

We have summarized at the bottom of the table opinion on this question. Very strong public support exists for a City Council vote in favor of re-zoning to permit the Watergate project. Fully 81 percent of all respondents with an opinion favor or lean toward re-zoning, with but 19 percent opposed to re-zoning or leaning toward opposing the proposed change.

Attitude Toward Proposed Zoning Change -- Second Asking

The interviewers next read the following to respondents:

"Getting back to the proposed Watergate project, people who are opposed to it and who have asked the City Council to deny the application for re-zoning say:"

(CARD READING AS FOLLOWS WAS GIVEN TO RESPONDENT TO STUDY AS INTERVIEWER READS IT ALOUD)

"People who are opposed to Watergate say:

1. The 18 story or 180 foot height of the buildings is too high, will spoil the waterfront and city residents' view of it, and will create an excessive population density of 108 apartments per acre.
2. Redevelopment of the Alexandria waterfront should be undertaken by public agencies, and the entire area should be a public park.
3. The filling in of the land to the bulkhead line is a poor idea because it will narrow the river at that point."

The card stating the above objections to the project was taken back from respondents. Interviewers next read the following to respondents:

"People who are in favor of building the Watergate project and who have asked the City Council to grant the necessary zoning say that:"

(CARD READING AS FOLLOWS WAS GIVEN TO RESPONDENT TO STUDY AS INTERVIEWER READS IT ALOUD)

"People who are for Watergate say:

1. It will revive and improve what is now an industrial slum area because it will be a prestigious residential development and will set an example for the future development of the Alexandria waterfront.
2. The project will be built on stilts so as to leave the river view visible to town people. It will also leave 80 percent of the land open and landscaped, and will provide all the residents of Alexandria with a recreational and park area.
3. Like Watergate in Washington, which is the District of Columbia's largest taxpayer, this project will provide the City of Alexandria with a substantial new and needed source of tax revenue."

The card stating the above advantages to the project was taken back from respondents. The interviewers then again handed respondents the folder containing the white card explaining the Watergate project, the two drawings, and the city map showing its proposed location. Respondents were asked to look over these materials once more, with instructions printed on the questionnaire for the interviewers to allow ample time for the respondents to restudy them.

We then asked the following question:

"You've now heard both the major arguments for and the major arguments against this Watergate project and arguments such as these often cause people to change their minds. Now tell me, how do you feel the City Council should vote on this re-zoning application?"

Do you feel the Council should vote to approve of this re-zoning application allowing the construction of the Watergate apartments on this site or do you feel the council should vote to maintain the present zoning of this site and not allow Watergate to be built here? (If "undecided") Which way do you lean?"

Results are shown in our next table.

ATTITUDE TOWARD ALEXANDRIA CITY COUNCIL APPROVING
RE-ZONING APPLICATION TO ALLOW CONSTRUCTION OF
WATERGATE PROJECT (SECOND ASKING)

	<u>All Respondents:</u>	
	<u>With Unde-</u> <u>cided In</u>	<u>With Unde-</u> <u>cided Out</u>
	<u>%</u>	<u>%</u>
Approve rezoning	62	68
Lean toward approving rezoning	14	15
Maintain present zoning	14	15
Lean toward maintaining	2	2
Not sure	8	-
* * * * *		
Approve or lean toward approval		83
Maintain or lean toward maintaining		17

Comparing this table with the one shown on page 6 we see that presentation of arguments for and against re-zoning, plus restudy of the materials outlining and showing what the project would look like and where

it would be located, reduces the "not sure" opinion from 14 percent to 8 percent in this second asking. Prorating out this 8 percent undecided opinion, we also see that the second asking produces a slight shift toward even greater approval of the re-zoning necessary to construct the Watergate project: 83 percent of residents with an opinion say they approve of a City Council vote in favor of re-zoning, or lean that way:

	<u>All Respondents:</u> <u>(With Undecided Opinion Out)</u>	
	<u>First</u> <u>Asking</u>	<u>Second</u> <u>Asking</u>
	%	%
Approve or lean toward approval of zoning change	81	83
Maintain existing zoning or lean toward maintaining present zoning	19	17

The Key Groups

Our next step in this analysis is to examine the preferences for and against the proposed zoning change by key subgroups within the city's adult population. Over-all results in the next table are based on our second asking of this question, results to which are shown in the table on page 9. For ease in reading, we have combined those in favor of changing the zoning or leaning that way, and those who want to maintain the present zoning, or lean that way. Across the top of the table we have shown these over-all results, based on those with an opinion. The undecided percentage is shown in parentheses to the extreme right. Down the side of the table we have listed the various subgroups, with the size of each subgroup in

the total adult population shown in parentheses immediately to their right. The table should be read horizontally, comparing how the various subgroups distribute against the underlined over-all results at the top of the page.

KEY GROUP ANALYSIS

<u>All Adult Residents of Alexandria Who:</u>			
	<u>Approve or lean toward approval of zoning change</u>	<u>Prefer to maintain present zoning or lean toward main- taining zoning</u>	<u>Not Sure</u>
	<u>%</u>	<u>%</u>	<u>%</u>
<u>Over-all</u>	<u>83</u>	<u>17</u>	(<u>8</u>)
<u>Sex</u>			
Male (49)	83	17	(8)
Female (51)	82	18	(8)
<u>Race</u>			
White (85)	81	19	(7)
Black (15)*	88	12	(18)
<u>Economic Level</u>			
Upper and upper-middle (19)*	81	19	(-)
Middle (69)	83	17	(8)
Lower (12)**			
<u>Age</u>			
18-34 (39)	87	13	(7)
35-49 (30)	80	20	(7)
50 and over (31)	78	22	(8)
<u>Home or Apartment</u>			
Owner (59)	80	20	(6)
Rentor (41)	85	15	(11)
<u>Type of Dwelling</u>			
House (72)	80	20	(7)
Apartment (28)	85	15	(9)
<u>Length of Residence in Alexandria</u>			
7 years or less (42)	84	16	(8)
8 - 15 years (20)*	78	22	(7)
16 years or longer (38)	82	18	(8)
<u>Area of City</u>			
Eastern (30)	81	19	(12)
Central (32)	83	17	(3)
Western (38)	82	18	(8)

*Base too small for statistical reliability.

**Base too small for statistical validity.

Sex Men and women are equally favorable to the proposed zoning change. Over 80 percent with an opinion in both cases approve of the change or lean that way. Less than 10 percent of men or women are undecided.

Race Just over 80 percent of white respondents with an opinion are for the zoning change. We have starved black respondents, as our numerical base is on the small side for us to have confidence in its statistical reliability. With this caveat, we see that blacks with an opinion are even more favorable to the zoning change than whites are (88 percent are for it or lean that way). Black residents of the city are also a good deal more undecided than whites are, since 18 percent are not sure, compared to but 7 percent of whites.

Economic Level We have single starved upper and upper-middle class residents, as we again have too few for statistical reliability. These most affluent residents of Alexandria differ from other subgroups in only one respect: none of them are undecided about the proposed zoning change. Fully 81 percent in total are for it, or lean toward the City Council changing the zoning to allow the Watergate project to proceed.

Age Support for changing the zoning law is high in every subgroup, ranging from 78 percent approval among those 50 and older to a high of 87 percent for the change or leaning that way among those under 35 years of age.

Type of Dwelling, Owners and Rentors Support for the zoning change is at the 80 percent level or higher among all those with an opinion here -- whether they own or rent their home or apartment, or live in a house or apartment. Those living in apartments, or renting their home or apartment (most of whom live in apartments) are slightly more favorable to the zoning change than home or apartment owners (most of whom are homeowners) and those who live in houses as opposed to apartments.

Length of Residence in Alexandria Length of residence in the city of Alexandria has little bearing on attitudes toward the proposed zoning change. Those who have lived in the city from 8 to 15 years (a group too small for us to have real confidence in) are least favorable to the change necessary for the Watergate project to proceed. But even here 78 percent of those with an opinion approve or lean toward approval. Those who have lived in the city longer than 15 years, or less than 8 years, are above the 80 percent approval figure in both cases.

Area of City The only difference by area of the city is in the size of the undecided opinion. Those in the Eastern area of the city as shown in our area description on page 3 are above average in terms of being undecided (12 percent), while very few are undecided in the Central area (only 3 percent). Among those with an opinion there are no meaningful differences; over 80 percent in all three areas favor the zoning change, including those in the Eastern area where the proposed Watergate project would be located.

To conclude this analysis, this study finds that most adult residents of Alexandria are satisfied with how their city has changed, grown and developed in recent years. When given a detailed explanation of the proposed Watergate project, plus drawings and a map showing the site location to study, and after being presented with arguments for and against the project, the great majority of Alexandria residents say they favor a City Council vote in favor of a zoning change which would permit Watergate's construction. Among the 92 percent with an opinion, 68 percent say they favor the necessary zoning change, with an additional 15 percent saying they lean toward the zoning change. This 83 percent approval level is substantially the same in all major subgroups in the adult population -- among blacks as well as whites, among the young versus the middle aged versus the older, and among residents living in the area in which the new project would be built as well as those living in other areas of the city.

Watergate Improvements, Inc., sponsors of Washington's Watergate project, propose building a \$25 million upper-middle income high-rise apartment project to be located (as shown on the attached map) on six acres of land, presently zoned for heavy industrial use, along the Potomac River in Alexandria's north waterfront area.

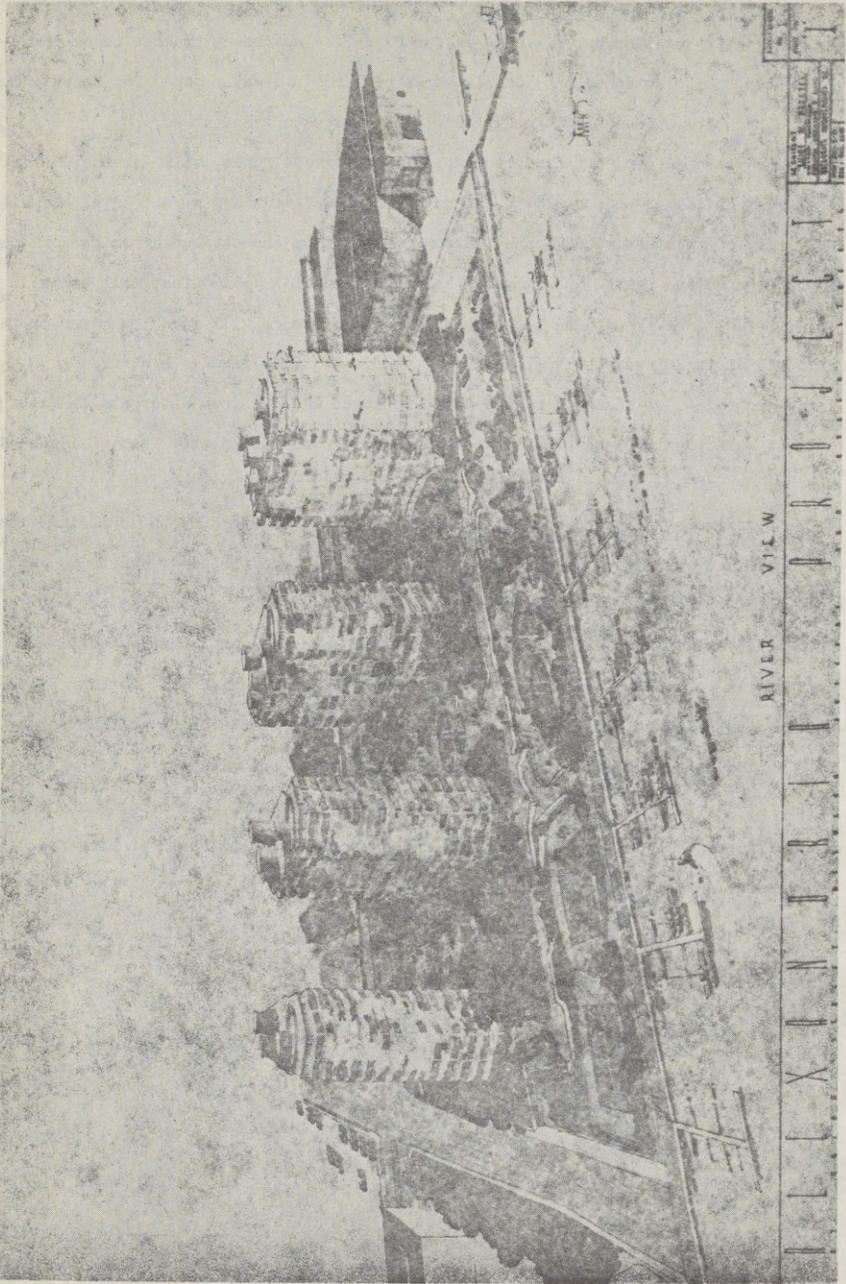
The proposed project, financed entirely by private funds, will include four 18-story apartment buildings set on stilts extending them 20 feet above street level and will primarily contain efficiency, one bedroom, two bedroom and three bedroom condominium (owner-owned) and rental apartments. Each building will be 180 feet tall and will be arranged side-ways on the site so that their thin ends will face the river on the east and Alexandria on the west and their wide sides will face each other.

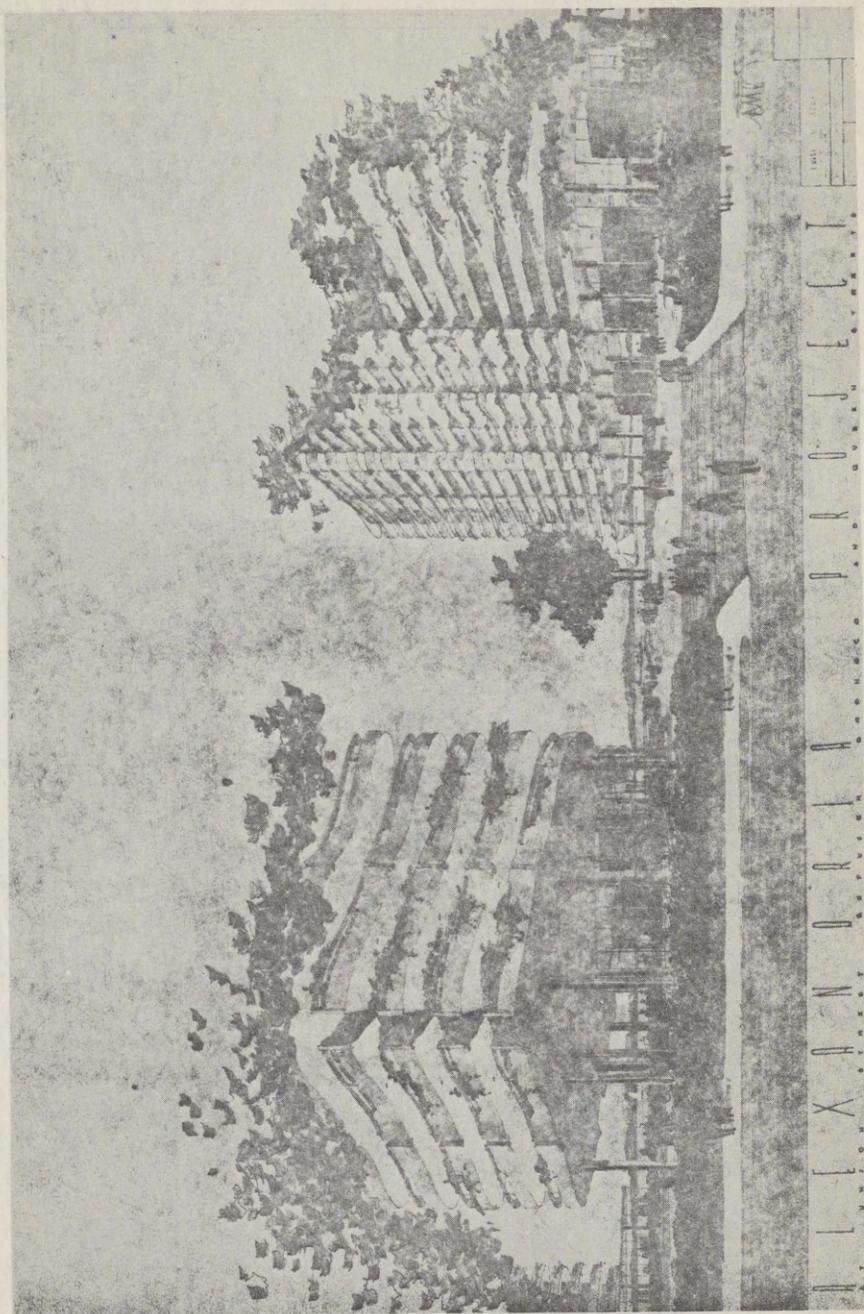
The project is designed by the same architect who designed Watergate in Washington, and the buildings will have both recessed and extended balconies. They will contain a total of 648 apartments with a density of 108 apartments per acre.

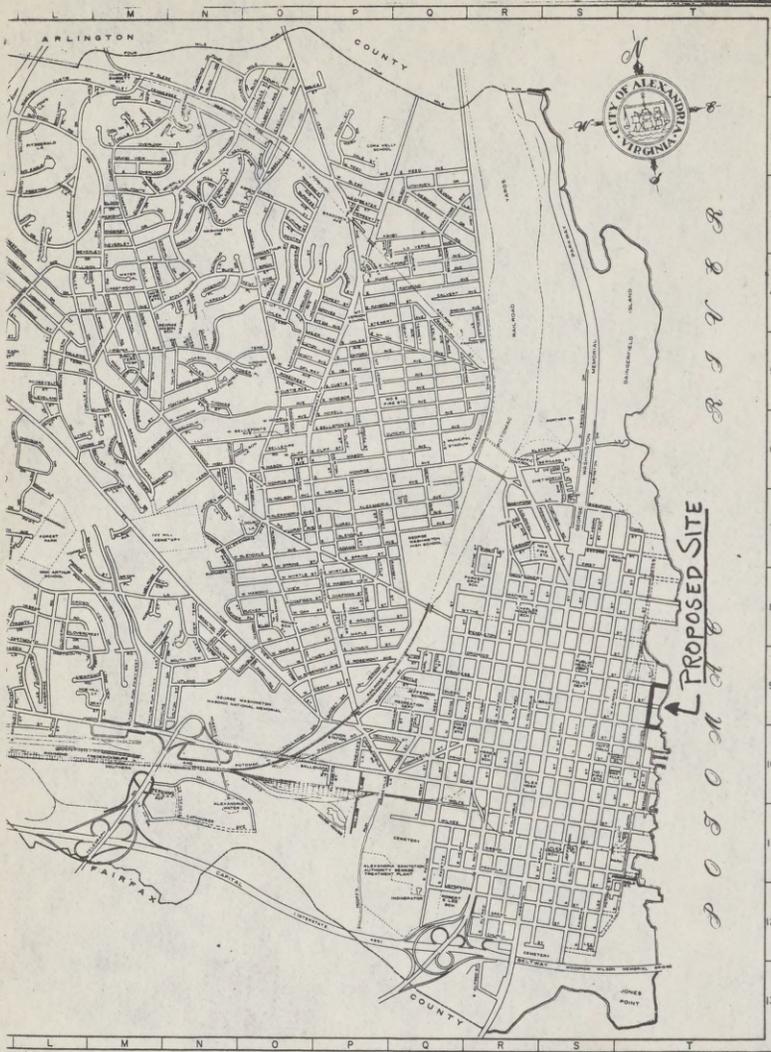
Approximately 20 percent of the land area will be covered by the buildings leaving 80 percent in open space. The land will be extended into the river about 100 feet by land fill to the present bulkhead line now occupied by other riverfront properties. Along this entire frontage a park and recreation area including tennis courts and a marina will be established for the use of all Alexandria residents. Parking spaces for 760 cars will be provided with 90 percent of these spaces being built underground.

At the present time the land to be built on is an open industrial storage area. It is bordered toward the city by new town houses and to the north and the south by industrial warehouses. Under present zoning laws it could be used for 7 story high warehouses extending to the street lines.

Questions 5 and 9







PROPOSED SITE

- Q-11
 - R-9
 - P-1, Q-1
 - M-6, Q-5
 - Q-11
 - S-11
 - L-4
 - H-5
 - E-5
 - A-6
 - O-5
 - R-8
 - 1
 - A-9
 - 2
 - D-1
 - C-1
 - H-2, G-2
 - H-2
 - H-1
 - I-1
 - 3
 - S-9
 - S-10
 - R-10
 - S-10
 - S-9
 - S-9
 - M-1
 - C-1
 - P-10
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11
 - 12
 - 13
- Q. 1482) 6-11-68
- Q. 1589) 22-4-69
- T-11
- S-7
- A-6
- H-1