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on the Federal City



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June 18, 2020

Tara Morrison, Superintendent, National Capital Parks - East

1900 Anacostia Drive SE

Washington, DC 20020 Tara_Morrison@nps.gov

And to: https://parkplanning.nps.gov/Long_Bridge_WSOE.

Re: Protection of Wetlands - Long Bridge Project.

Dear Superintendent Morrison:

The Committee of 100 on the Federal City offers these comments and recommendations concerning National Park Service (NPS)'s May 21, 2020 *STATEMENT OF FINDINGS FOR EXECUTIVE ORDER 11990 (PROTECTION OF WETLANDS)*, *Long Bridge Project Environmental Impact Statement*. The Statement of Findings announced that the NPS has determined that the new Long Bridge construction would adversely impact wetlands within the Long Bridge Project Area, and recommends mitigation (page 8):

for the restoration of lost wetland functions and values, NPS would employ a 10:1 mitigation ratio (requiring 10.90 acres minimum) aimed at improving the overall functionality and values of near-by wetlands through the removal of invasive plant species.

As currently envisioned, the proposed mitigation is the removal of invasive plants at Kenilworth Park & Aquatic Gardens.¹

¹ The Committee of 100 agrees that removal of invasive plants is important. But the NPS proposes a limited, short-term removal program (*STATEMENT OF FINDINGS FOR EXECUTIVE ORDER 11990 (PROTECTION OF WETLANDS)*), (page 9):

[to] treat and/or remove invasive species twice a year for the duration of the bridge construction project (a minimum of 5 years).

NPS's proposal pales in comparison to what has been and continues to be accomplished by the Anacostia Watershed Society.

The Anacostia Watershed Society is restoring wetlands to their natural role as filters for pollution and sediment and habitat for a variety of wildlife. <https://www.anacostiaws.org/our-watershed/aws-faqs.html>.

Rather than removal of invasive plants, the Committee of 100 on the Federal City recommends the mitigation requirement be more appropriately applied to restoring the wetlands as part of the planned larger environmental restoration at Kenilworth Park. Restoration of the 80 acres of Kenilworth Park North (a part of Kenilworth Park Landfill – see Map 1, attached) will allow that area to be used for parkland and outdoor recreational activities as well as appropriate completion to the Anacostia Riverwalk Trail and will significantly benefit the local environment and the residents in this chronically underserved, isolated and largely forsaken area of the city:

In 1942 Kenilworth Park became the City dump.

Public housing was built here to accommodate families displaced by the Alley Dwelling authority in 1943, and again in the mid-1950s to house families displaced by urban renewal programs such as the “slum clearance” project in Southwest.

The area was then largely isolated from the rest of Anacostia with the construction of the six-lane Anacostia Avenue that began in 1954.

The neighborhood Safeway was looted during the 1968 riots and did not reopen.²

Restoring the Anacostia, “America’s Forgotten River,” One Plant at a Time

National Geographic. July 20, 2012. July 20, 2012

<https://blog.nationalgeographic.org/2012/07/20/restoring-the-anacostia-americas-forgotten-river-one-plant-at-a-time/>.

Anacostia Watershed Society-Invasive Plant Removal Volunteer Event <https://patch.com/maryland/hyattsville/ev--anacostia-watershed-society-invasive-plant-removad2c2a20454>

Watershed advocates have been working to remove invasive species wherever possible to help restore floral communities critical to watershed health, and to give native biodiversity a chance to return to the Anacostia watershed. <https://storymaps.esri.com/stories/2018/anacostia/4.html>

² In 1895 a real estate developer began a new suburb and wanted an elegant name for his development. His wife had just read Sir Walter Scott’s *Kenilworth*, set at Kenilworth Castle in England. Kenilworth development was built and the horse-drawn trolley line extended out H Street and Benning road and up what became Kenilworth Avenue to the new development. But the neighborhood deteriorated. In 1942 Kenilworth Park became the City dump and later an open burning site. In 1943, the Alley Dwelling Authority built public housing for the displaced families at Kenilworth. The neighborhoods adjacent to Kenilworth Park were built over what was a local horse-racing track until a Congressional anti-betting law effectively shut the race track down. The outline of its oval course still survives in the shape of the streets that surround the Mayfair Manor and Paradise-At-Parkside neighborhoods. In the mid-1950’s, housing for families displaced by urban renewal programs such as the “slum clearance” project in Southwest were built here. The Kenilworth area was effectively isolated from the east of Anacostia by the construction of the six-lane Kenilworth Avenue that began in 1954. The area deteriorated further and when the 1968 riots extended to Kenilworth, looters ransacked the neighborhood Safeway on Kenilworth Avenue, and it did not reopen. In 1971, a mayoral aide called the once-proud Kenilworth Courts “hell on earth.” The landmark Congressional “*Housing and Community Development Act of 1987*” was applied to Kenilworth and on October 25, 1988, and to much political and media fanfare, a ceremony was held in Kenilworth and renovations began. (The above description was summarized from *A DC Neighborhood by the Anacostia River – Kenilworth*. A 2006 booklet, funded by the Humanities Council of Washington, DC, with the sponsorship of Cultural Tourism DC, and in part by U.S. Department of the Interior, National Park Service Historic Preservation Fund grant funds, administered by the District of Columbia’s Historic Preservation Office)

“From forest to farmland, white suburb to urban African-American community, rural road to commuter highway, city dump to riverside park, this is the story of the past of Kenilworth, full of life and change.” (*Id*, page 29.)

A beautiful and livable Washington, DC for all.

The NPS is currently reviewing environmental remediation options and one such option will likely include some form of restoration of the shoreline immediately adjacent to the Anacostia River at the Kenilworth Park site. While this proposed Long Bridge mitigation would not cover the cost of that remediation, it would do measurable good and help renew attention to the need for that remediation and significantly contribute to the remediation process. This will ensure the investment will return several times its costs as it increases habitat, improves resiliency, removes the contamination permanently, and make a truly unique urban natural environment safe and accessible for locals and visitors

Restoring wetlands at Kenilworth Park would achieve the goals of NPS Director's Order #77-1: *Wetland Protection and Procedural Manual #77-1*:

NPS 77-1 §2.1: "no net loss of wetlands." In addition, the NPS will strive to achieve a longer-term goal of net gain of wetlands.

Id., §5.2.3:

...long-term (permanent) wetland degradation or loss must be offset through wetland compensation. For the NPS, compensation refers primarily to restoring natural wetland functions in degraded or former natural wetland habitats on NPS lands

And, (*id.*, § 5.5):

Where natural wetland functions have been degraded or lost due to previous ongoing human activities Highest priority should be placed on restoring pre-existing wetland habitats and processes.

What is now the Kenilworth Park was once a dump - the former municipal solid waste landfill operated by the District of Columbia from 1942 until 1970. Trucks dumped garbage onto the banks of the Anacostia River, filling in the marshes and wetlands. The Kenilworth Park area was used for open burning of trash until 1968 when Kelvin Tyrone Mock, a seven-year old boy, was trapped and killed by the flames. NPS capped the landfill in the 1970s. Initially, DC built soccer fields, football fields, and tennis courts on the 80-acre plot, also known as Kenilworth Park North. The parkland and athletic facilities were needed to serve the communities of Mayfair and Parkside, economically disadvantaged areas largely isolated from the city by the river to the west, the now-abandoned Pepco generating station to the south and the six-lane Kenilworth Avenue to the east (see attached Map 1).

In 2004 Congress authorized transferring administrative jurisdiction over the 80-acre northern part of Kenilworth Park Landfill, Kenilworth Park North, located north of Watts Branch) to the District of Columbia to be "used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities;"³ However, concerns about contamination of the soil resurfaced, slowing down and eventually halting proposed

³ **PUBLIC LAW 108-335**—OCT. 18, 2004, 118 STAT. 1351 SEC. 344. Transfer to the District of Columbia. Section 344(b).

recreational uses.⁴ Because of the nature of the contamination, the site is being evaluated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also referred to as a Superfund Site.

https://www.nps.gov/nace/learn/management/upload/Kenilworth-Fact-Sheet_August-2013_final.pdf. The NPS, together with Department of Energy and Environment are charged with coming up with a clean-up plan. Environmental clean-up investigations began in earnest in 2007. Since then, there have been several reports and most recently a Remedial Investigation Addendum issued in June 2019 concerning ground water contamination.

Two schools are located near Kenilworth Park North - Kenilworth Elementary School and Neval Thomas Elementary School whose playground borders the site.⁵ Kenilworth Park North's abandoned athletic fields should not be used because of the contamination and they are officially closed. Nevertheless, Kenilworth Park North continues to be used because there is no other parkland to serve children and families in this isolated east-of-the-river community.⁶ In 2018, the District Department of Transportation regarded the contamination as sufficiently significant that DDOT re-routed the Anacostia Riverwalk Trail around the site to avoid the contamination (please see attached Map 2).⁷ Restoration of the wetland adjacent to Kenilworth Park, together with the now-being planned environmental remediation of Kenilworth Park North, will allow the Anacostia Riverwalk Trail to be relocated, adjacent to the restored wetland (See Map 2, the proposed Phase 2 Realignment), and thereby enable the relocated Riverwalk Trail and the restored wetland to be used for educational, and recreational purposes.⁸

⁴ **Surficial Soil Quality Assessment** - Report 3, Appendix E, pages 2-3. June 2019

“Beginning in 1998 there were multiple, increasingly more detailed, investigations of the Site, which culminated in RI reports for KPN (E&E, 2007) and KPS (E&E, 2008).”

⁵ **Anacostia Riverwalk Section 3-Realignment** Env Ass 2011, NPS, page 37: “Four of the five neighborhoods in the project area — Kenilworth, Mayfair, Eastland Gardens, and River Terrace — abut Anacostia Park and have direct access to the park via local roads and Anacostia Avenue.”

⁶ *Id.* page 56: “The no action alternative represents the current [2011] conditions in the project area, with limited and discontinuous bicycle and pedestrian access between the riverfront and adjacent communities.”

⁷ The Anacostia Riverwalk Trail is generally located on the banks of the Anacostia except in order to avoid the contamination of Kenilworth Park North, it had to be re-routed through the residential areas of Mayfair/Parkside. *Id.* page 16.

⁸ NPS 77-1, §5.7 states: *Compliance with the Executive Order 11990 Directive to "Enhance the Natural and Beneficial Values of Wetlands"*

Under most circumstances, NPS Management Policies do not support "enhancement" of wetland resources beyond natural levels. Therefore, for purposes of implementing E.O. 11990, the term "enhancement" refers to enhancing wetland values, where appropriate and practicable, by using wetlands for educational, recreational, scientific, and similar purposes that do not disrupt natural ecological functions.

The June 2019 Addendum⁹ concluded that ground water does not appear to be a problem, but a new feasibility study is required for the surface and subsurface soils, including waste materials in the land-fill for the 80 acres in Kenilworth Park North.¹⁰ That new feasibility study is now underway, and the Committee of 100 recommends the remedial alternatives include restoration of the shoreline immediately adjacent to the River at the Kenilworth Park site as wetlands. The area north of Kenilworth Park consists of the Kenilworth Aquatic Gardens, the shoreline of which consists of restored wetlands (see attached Map 3)¹¹. The southern part of Kenilworth Park would remain under NPS jurisdiction and has been designated a Natural Resource Area¹² and the Committee of 100 suggests that the shoreline in that area also be restored as wetlands. That, combined with wetland restoration of the shoreline of the 80-acre DC site, would significantly increase the amount of wetlands on the east side of the River.

The area east-of-the-river is underserved for parkland and the isolated communities adjacent to Kenilworth Park have only unofficial access to this contaminated site. To make Kenilworth Park safe for use as parkland requires completion of the environmental cleanup. This has dragged on now for at least 12 years.

By advocating that the Long Bridge wetlands mitigation be applied to Kenilworth Park, the Committee of 100 is hopeful this will bring attention to the need to begin the required clean-up. It is a “win/win/win” for the National Park Service, City residents, and the environment. We trust you will give this proposal serious consideration. If you have questions or need further information on this proposal, please do not hesitate to contact Monte Edwards at monte.edwards@verizon.net.

Sincerely



Kirby Waring, Chair Committee of 100 on the Federal City

⁹ *REMEDIAL INVESTIGATION ADDENDUM REPORT*FINAL**, Kenilworth Park Landfill, National Capital Parks - East Washington, DC, June 2019, NPS. The Report also concluded that no further environmental remediation is needed for the 30 acres of Kenilworth Park that will not be transferred to DC (Kenilworth Park South) since the use of that portion of the Park will be limited to (page 1):

[A] Natural Resources Recreation” area, which is designed to protect natural areas and provide passive recreational opportunities that result in relatively little contact with Site soils (i.e., walking, jogging, cycling, and bird watching). The only recreational development currently envisioned for KPS is the planned extension of the Anacostia Riverwalk Trail, a paved walking and cycling trail that currently passes over the northern area of KPN.

¹⁰ *Id.* page 40.

¹¹ The wetlands and marshes of Kenilworth Aquatic Gardens survived because of the efforts of the owners, who had been operating *Shaw’s Water Gardens* at that location and did a brisk trade in cut lily and lotus flowers, sending thousands of blooms to elegant hotels like the Waldorf-Astoria in New York City. In 1912, the Army Corps of Engineers began dredging the Anacostia and filling in the wetlands and marshes with the dredged material. They reached Shaw’s Gardens in the 1930’s. Shaw’s garden opposed the dredging and the Corps of Engineers issued a condemnation order. The owner of Shaw’s Gardens fought the condemnation order and in 1938 Congress authorized purchase of the Gardens and they became part of Anacostia Park. <https://www.nps.gov/keaq/learn/historyculture/people.htm>

¹² *Id.* page 4.

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Map 1.



The Kenilworth dump sites. *Image* by National Park Service.

Map 2



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Kenilworth Aquatic Gardens Wetlands

<https://www.fws.gov/wetlands/data/Mapper.html>

