



FINDING OF NO SIGNIFICANT IMPACT

FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Washington, District of Columbia

The National Park Service (NPS) prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the proposed transportation upgrades for the Fletcher's Boathouse area (Fletcher's cove) in Washington, DC. The purpose of the proposed project is to provide more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the Chesapeake & Ohio (C&O) Canal towpath, and the Capital Crescent Trail.

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), the regulations of the Council on Environmental Quality (CEQ) for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and NPS Director's Order (DO) 12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*. The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

SELECTED ALTERNATIVE

Based on the analysis presented in the EA, the NPS selected Alternative B: Upper Parking Lot Access Alternative (Preferred Alternative) (pages 7-10 of the EA) for implementation.

Vehicle Circulation - The selected alternative will separate the modes of traffic for visitors entering or exiting the project area. A new entrance ramp for vehicle access between Canal Road and the Fletcher's Boathouse site will connect to the upper parking lot. Pedestrians and bicyclists will be prohibited from using the new entrance ramp; however, the existing ramp will be retained for pedestrian and bicycle access but closed to most vehicles, except in cases where emergency vehicles require access.

The upper and lower parking lots will be resurfaced. The upper parking lot will be reconfigured west of the Abner Cloud House, with overflow parking available downstream of the entrance ramp. The reconfigured parking will increase the buffer around the Abner Cloud House. A new, unpaved access route parallel to the C&O Canal will link to an overflow parking area downstream of the entrance. This unpaved access route will also provide links to overflow parking during high use times. The lower parking lot will be reconfigured to improve parking efficiency and to accommodate large official use vehicles. The existing vehicle circulation loop north of the lower parking lot will also be modified to accommodate large vehicles.

In order to provide circulation between the upper and lower parking lots, the existing road culvert will be retained for visitors arriving by personal vehicle, bicycle, or on foot. The existing bridge over the Maddox Branch will be updated in its current location to meet the most recent applicable engineering standards.

Official Use Vehicle Circulation - A new, unpaved access route, approximately 10 feet wide and 345 feet long, parallel to the C&O Canal, will provide emergency and maintenance vehicle access from the upper parking lot to the area south of the new ramp between the C&O Canal and Canal Road, as well as an overflow parking area. The paved area south of the DC Water Odor Abatement Facility will be expanded to accommodate large official use vehicles.

The existing pedestrian bridge over the C&O Canal, which also serves official use vehicles (including emergency vehicles), will be replaced with a wider bridge. The bridge landing to the west of the canal will be modified to accommodate official use vehicles traveling to and from the towpath. The existing ramp for official use vehicle access between the towpath and lower parking lot will be improved to

provide better sight lines between vehicles on the ramp and pedestrians and bicycles on the towpath and Capital Crescent Trail. The ramp approach up to the towpath from the lower parking lot will be widened and vegetation obstructing sight lines will be removed.

Pedestrian and Bicycle Circulation - The existing steps and accessible ramp connecting the towpath, Capital Crescent Trail, boathouse, and concessions area will be retained. The landing area by the boathouse and concessions will be updated to meet accessibility standards, which will require modifications to the existing grade. To account for these grade modifications, two new sets of steps and accessible ramps will connect the landing area, boathouse, and the existing set of steps and ramp. Crosswalks and pedestrian pathways will be installed to facilitate safe pedestrian circulation.

Small-Scale Improvements - The NPS will work with the District of Columbia Department of Transportation to enable improvement of the pedestrian and bicycle access routes at the intersection of Canal Road, Reservoir Road, and the new ramp (Appendix A of the EA). The NPS will design the project site's access point so as not to preclude future improvements to Canal Road. Protective safety measures will be installed near the top of the existing ramp to separate pedestrians and bicycles from Canal Road vehicle traffic and prevent vehicle access to the ramp from Canal Road.

Signage will also be installed to direct safe circulation on site. An access gate will be installed along the approach road to the east entrance of the existing road culvert to prevent vehicle access during floods. The existing road culvert will also be signalized with a traffic signal or other indicator to safely accommodate two-way traffic.

RATIONALE FOR DECISION

The NPS selected Alternative B for implementation because it will result in fewer cultural resource impacts while meeting the project purpose and need. Alternative B will improve access to Fletcher's Boathouse from Canal Road and will improve official use and emergency vehicle circulation across the site. Alternative B will avoid adding a new visual element across the C&O Canal, create a larger buffer around the Abner Cloud House, result in less ground disturbance, and decrease total impervious surface at the site.

MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. Mitigation measures outlined in the EA are presented as Appendix A.

FINDING OF NO SIGNIFICANT IMPACT

As documented in the EA, the selected alternative has the potential for adverse impacts on historic buildings and structures, archeological resources, water resources, and visitor use and experience; however, the NPS has determined that the selected alternative can be implemented without significant adverse effects, as defined in 40 CFR §1508.27.

Implementing the selected alternative will result in detectable adverse impacts on historic buildings and structures, including direct, adverse impacts on the C&O Canal National Historical Park. The new entrance ramp and modifications to parking lots (including the overflow lot) and vehicle circulation areas will result in changes to the setting, circulation, vistas and views, and spatial relationships within the historic district and cultural landscape of the C&O Canal National Historical Park. The selected alternative will mitigate adverse impacts on the historic district by using materials (e.g., wood, stone) and a design that are compatible with the historic character of the landscape. The bridge replacement, surface materials for the updated fully accessible landing area and associated new sets of steps and accessible ramps, small-scale features associated with proposed upgrades throughout the project area (e.g., railings), and small-scale improvements (i.e., signalization at the Fletcher's Road Culvert, access gates, and signage) will be undertaken in a manner that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Natural materials will help screen the parking area and ramp to the upper parking lot from view. These materials could include wood fences, stone walls, stones, or natural vegetation. Consultation with the District of Columbia State Historic Preservation Office (DC

SHPO) will occur to develop strategies to ensure historic features of the C&O Canal National Historical Park are not damaged during construction. Overall, changes to the historic buildings, structures, historic district and cultural landscape will be noticeable but will not result in their delisting from the National Register of Historic Places (NRHP) or their eligibility for NRHP listing.

Implementing the selected alternative will result in detectable adverse impacts on archeological resources. The project's Area of Potential Effect (APE) has a high potential to contain undocumented prehistoric and historic archeological deposits, with the exception of those locations impacted by the installation of the Potomac Interceptor sewer system corridor and its associated odor abatement facility. The selected alternative will implement several transportation upgrades throughout the project area. Ground disturbance related to the proposed project elements could disrupt or displace unknown archeological resources and result in a loss of integrity of the archeological resource, resulting in an adverse impact. In order to avoid and minimize potential adverse impacts, the NPS will conduct archeological investigation for any areas of potential ground disturbance with moderate to high archeological potential, avoid disturbing known archeological resources during design and construction to the extent practicable, and minimize ground-disturbing activities to the extent practicable during the construction phase, including using existing vehicle circulation areas and construction methods that minimize land disturbance. The NPS will also develop a protocol for the unanticipated discovery of cemeteries or human remains for the construction contractor. If any Native American burials, cemeteries, or funerary objects are encountered, the NPS will contact federally recognized Tribes with affiliation in Washington, DC, in accordance with the Native American Graves Protection and Repatriation Act.

The selected alternative will implement a number of improvements throughout the project site and increase impervious surface area, the impacts of which will be offset by the installation of bioswales and porous pavement at the site: these changes will decrease the impervious area by approximately 0.1 acres (2.9 percent) and decrease stormwater runoff into nearby water bodies. Construction activities will increase the vulnerability of soil to water and wind erosion and potentially result in sedimentation of waterways during construction, resulting in temporary adverse impacts on water resources; however, the impacts will be short-term. In order to avoid and minimize these temporary impacts, the NPS will adhere to the requirements of permits, stormwater management plans, and erosion and sediment control plans. Following the construction period, the selected alternative will have beneficial impacts on water resources.

Implementing the selected alternative will have beneficial impacts on visitor use and experience through the implementation of a number of improvements throughout the project site that will provide safer visitor and official use vehicle, pedestrian, and bicycle access to/from the project area and circulation within the project area, and expand pedestrian access opportunities to the boathouse and concessions. Construction activities will temporarily close portions of the project area to visitors and could limit use of certain locations within the project area during the construction phase, resulting in temporary noticeable adverse impacts on visitor use and experience; however, the impacts will be short-term and phased over time.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Recommended:

Tina M. Cappetta
Tina M. Cappetta
Superintendent
Chesapeake & Ohio Canal National Historical Park
National Capital Area

2-4-2020
Date

Approved:

Lisa A. Mendelson-Telmini
Lisa A. Mendelson-Telmini
Acting Director
Region 1 - National Capital Area

Feb 6, 2020
Date

Documents appended to the FONSI include:

- Appendix A: Mitigation measures
- Appendix B: Non-impairment determination
- Appendix C: Public comment responses
- Appendix D: Section 106 coordination letters
- Appendix E: Memorandum of Agreement

APPENDIX A: MITIGATION MEASURES

HISTORIC BUILDINGS AND STRUCTURES

Disturbance of known historic resources will be avoided to the extent practicable during the design and construction of the selected alternative. The selected alternative will use materials (e.g., wood, stone) and a design that are compatible with the historic character of the landscape. The bridge replacement, surface materials for the updated fully accessible landing area and associated new sets of steps and accessible ramps, small-scale features associated with proposed upgrades throughout the project area (e.g., railings), and small-scale improvements (i.e., signalization at the Fletcher's Road Culvert, access gates, and signage) will be undertaken in a manner that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The NPS will also help screen the parking area and ramp to upper parking lot from view of the canal using natural materials. These could include wood fences, stone walls, stones, or natural vegetation. Consultation with DC SHPO will occur to develop strategies to ensure historic features of the C&O Canal National Historical Park are not damaged during construction.

Prior to design of the transportation upgrades, NPS will conduct an update to the Abner Cloud House Historic Structure Report, which was completed in 1966. The update will expand upon the minimal information and guidance for this significant historic structure provided in the current document. Also prior to design of the transportation upgrades, NPS will prepare a Cultural Landscape Report for the Fletcher's Cove area. This document will serve as a tool to protect the landscape's character-defining features from undue wear, alteration or loss as a result of the transportation upgrades.

ARCHEOLOGICAL RESOURCES

The NPS will undertake archeological investigation for any areas of potential ground disturbance with moderate to high archeological potential. Such investigations will include, at a minimum, pedestrian inspection, close-interval shovel testing, and/or mechanical removal of thick fill overburdens to test potential stable, buried surfaces as well as associated geo-archeological investigation to better identify areas with the greatest chance of containing buried surfaces with possible cultural components. All proposed archeological investigations will be planned in consultation with DC SHPO. The NPS will also develop a protocol for the unanticipated discovery of cemeteries or human remains for the construction contractor. If any Native American burials, cemeteries, or funerary objects are encountered, the NPS will contact federally recognized Tribes with affiliation in Washington, DC, in accordance with the Native American Graves Protection and Repatriation Act. The NPS will also avoid disturbing known archeological resources during design and construction to the extent practicable. During the construction phase, the NPS will minimize ground-disturbing activities to the extent practicable, including using existing vehicle circulation areas and construction methods that minimize land disturbance.

WATER RESOURCES

The selected alternative will include permeable pavers for some parking in the designated upper lot parking areas, portions of the lower lot parking areas, and some pedestrian circulation facilities. Additionally, bioswales and bioretention facilities will be located in the lower lot. The NPS will participate in early coordination with the U.S. Federal Emergency Management Agency and the District Department of Energy and the Environment to mitigate impacts on water resources and to meet retention requirements. The NPS and/or its contractors will adhere to applicable Best Management Practices (BMPs) during the construction phases to minimize the erosion of exposed soils and the corresponding pollution and sedimentation. The NPS will adhere to the requirements of permits, stormwater management plans, and erosion and sediment control plans.

VISITOR USE AND EXPERIENCE

During construction, work activities will temporarily close portions of the project area to visitors and could limit use of certain locations within the project area. Construction will be phased over time and construction work will occur during off-peak visitor use periods where possible.

APPENDIX B: NON-IMPAIRMENT DETERMINATION

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the US Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 USC 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that the NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (54 USC 100101).

NPS Management Policies 2006, Section 1.4 explains the prohibition on impairment of park resources and values. While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

This determination on impairment has been prepared for the selected alternative described in this Finding of No Significant Impact. An impairment determination is made for the resource topics of historic buildings and structures, archeological resources, and water resources. These resources are considered fundamental to the Chesapeake & Ohio Canal National Historical Park because of the historical significance of the park. An impairment determination is not made for visitor use and experience because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values. This determination on impairment has been prepared for the action alternative described in Chapter 2 of the Fletcher’s Boathouse Transportation Upgrades EA.

HISTORIC BUILDINGS AND STRUCTURES

The project’s Area of Potential Effect (APE) includes the C&O Canal National Historical Park and a viewshed from the George Washington Memorial Parkway. The new entrance ramp and modifications to parking lots (including the overflow lot) and vehicle circulation areas would result in detectable direct adverse impacts on the C&O Canal National Historical Park through changes to the setting, circulation, vistas and views, and spatial relationships within historic district and cultural landscape of the C&O Canal National Historical Park. However, the preferred alternative would use materials (e.g., wood, stone) and a design that are compatible with the historic character of the landscape. The bridge replacement, surface materials for the updated fully accessible landing area and associated new sets of steps and accessible ramps, small-scale features associated with proposed upgrades throughout the project area (e.g., railings), and small-scale improvements (i.e., signalization at the Fletcher’s Road Culvert, access gates, and signage) would be undertaken in a manner that is consistent with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*. Natural materials would help screen the parking area and ramp to the upper parking lot from view. These materials could include wood fences, stone walls, stones, or natural vegetation. Consultation with the District of Columbia State Historic Preservation Office would occur to develop strategies to ensure historic features of the C&O Canal National Historical Park are not damaged during construction. While the preferred alternative would result in noticeable adverse impacts on the C&O Canal National Historical Park, these impacts would not result in the district’s delisting from the National Register of Historic Places (NRHP). Therefore, there will be no impairment to the park’s resources related to historic buildings, structures, historic district and cultural landscape because no major, long-term adverse impacts to those resources would occur from implementation of the preferred alternative.

ARCHEOLOGICAL RESOURCES

In general, the project's APE has a high potential to contain undocumented prehistoric and historic archeological deposits, with the exception of those locations impacted by the installation of the Potomac Interceptor sewer system corridor and its associated odor abatement facility. Any ground-disturbing activities planned outside of areas previously subject to intensive archeological excavation or deep mechanical disturbance have a high potential to encounter undocumented archeological sites or archeological deposits associated with known archeological resources (i.e., Abner Cloud House, Fletchers Boat House Archeological Site). The preferred alternative proposes several transportation upgrades throughout the project area, including upgrades near the Abner Cloud House and in the northern portion of the project area. Ground disturbance related to the proposed project elements could disrupt or displace unknown archeological resources and result in a loss of integrity of the archeological resource. The NPS would conduct archeological investigation for any areas of potential ground disturbance with moderate to high archeological potential, avoid disturbing known archeological resources during design and construction to the extent practicable, and minimize ground-disturbing activities to the extent practicable during the construction phase, including using existing vehicle circulation areas and construction methods that minimize land disturbance. The NPS would also develop a protocol for the unanticipated discovery of cemeteries or human remains for the construction contractor. If any Native American burials, cemeteries, or funerary objects are encountered, the NPS will contact federally recognized Tribes with affiliation in Washington, DC, in accordance with the Native American Graves Protection and Repatriation Act. Therefore, there will be no impairment to the park's resources related to archeological resources because no major, long-term adverse impacts to those resources would occur from implementation of the preferred alternative.

WATER RESOURCES

The project site is located directly adjacent to the Potomac River, contains the C&O Canal, and contains approximately 3.1 acres of impervious surfaces. During rainstorms, the primary flow of stormwater from the upper lot is into the C&O Canal, while the flow from the lower lot is into the Potomac River. The preferred alternative would implement a number of improvements throughout the project site and increase impervious surface area, which would be offset by the installation of bioswales and porous pavement at the site: these changes would decrease the impervious area by approximately 0.1 acres (2.9 percent) and decrease stormwater runoff into nearby water bodies. In order to mitigate impacts on water resources and to meet retention requirements, off-site facilities, regenerative stormwater conveyance credits, or the combination of the two would be needed. The NPS would participate in early coordination with the U.S. Federal Emergency Management Agency and the District Department of Energy and the Environment to address these concerns. Construction activities would increase the vulnerability of soil to water and wind erosion and potentially result in sedimentation of waterways during construction, resulting in temporary adverse impacts on water resources; however, the impacts would be short-term. In order to avoid and minimize these temporary impacts, the NPS and/or its contractors would adhere to applicable Best Management Practices (BMPs) during the construction phases to minimize the erosion of exposed soils and the corresponding pollution and sedimentation. The NPS would adhere to the requirements of permits, stormwater management plans, and erosion and sediment control plans. Therefore, there will be no impairment to the park's resources related to water resources because no major, long-term, adverse impacts to those resources would occur from implementation of the preferred alternative.

CONCLUSION

The preferred alternative would not result in major, long-term adverse impacts on park resources. Therefore, the preferred alternative would result in no impairment of park resources.

APPENDIX C: PUBLIC COMMENT RESPONSES

Topic	Comment/Concern Statement	Response
Support for Alternative B	Alternative B (Preferred Alternative) provides the best solution for access to the site.	Noted.
Support for Alternative C	Option for upper and lower modification seems best given most parking spots and safest/ easiest option for personal vehicles, pedestrian, and cyclists.	Noted. As noted on Page 12 of the EA, "Alternative B would result in fewer resource impacts while meeting the project purpose and need."
Support for the No Action Alternative	The entrance should remain in its current condition.	Noted. As noted on Page 12 of the EA, "Alternative B would result in fewer resource impacts while meeting the project purpose and need."
Purpose and Need	The EA does not sufficiently address the major challenge facing Fletchers, which is safely accessing it by foot or bike from the Palisades neighborhood.	The project does not preclude future improvements by the District Department of Transportation (DDOT).
Other Potential Alternatives and Additional Project Elements	The improvements to the cove also should consider public dock access to the canal and to the Potomac River.	The addition of a dock is beyond the scope of this project.
	The funding for this project would best be used by making the entrance (or bridge under the canal) to the lower parking lot area bigger and wider, thereby enabling a safer passage and the need for any emergency/repair vehicles.	Noted. In order to expand the existing tunnel, the depth of the tunnel culvert roadbed would be lowered. Debris and water would likely block this depressed roadway due to floodplains and the existing water table, thus reducing the effectiveness of this solution.
	There should also be more lighting in the lower parking area.	Noted. Lighting is outside the project scope.
	The lower portion of Reservoir Road that feeds on to Canal Road should be widened.	Noted. Widening Reservoir Road is outside the project scope.
	The EA should consider the public benefits to connecting Fletchers with other NPS assets along the Maddox Branch, including Battery Kemble Park	Noted. Connecting to other NPS assets along the Maddox Branch is outside the project scope.

Topic	Comment/Concern Statement	Response
Historic Buildings and Structures and Archeology	None of the proposed options provide any balance between vehicular access and historic preservation.	The project has been reviewed through the Section 106 process. As described on Page 19, the Preferred Alternative would minimize and mitigate adverse impacts on historic resources through adherence to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and mitigation. The NPS has also signed a Memorandum of Agreement with the DC SHPO.
	Before any digging can begin, there will need to be a comprehensive archaeological survey of the area to search for native American artifacts, and artifacts from the days of the active C & O Canal.	As noted on Page 23 of the EA, "in order to avoid and minimize potential adverse impacts, the NPS would undertake archeological investigation for any areas of potential ground disturbance with moderate to high archeological potential."
	The EA mentions the Palisades Trolley Trail Feasibility Study in the cumulative analysis for Water Resources and Visitor Use and Experience, but ignores the feasibility study in the cumulative analysis for Historic Buildings and Structures (Page 21) and Archaeology (Page 23).	The EA did not include the cumulative impacts on Historic Buildings and Structures because the project would be far enough removed from the C&O Canal, George Washington Memorial Parkway, and archeological resources so that no adverse impacts would occur.
Transportation Improvement Design and Coordination	DDOT's Traffic Engineering and Signals Division (TESD) contains multiple technical comments regarding the treatment of the entrance at Canal Road.	The information shown was intended to be illustrative, not proposed. NPS will coordinate with DDOT on the design to meet required standards.
	DDOT notes that the EA alternatives propose constructing new ramps with no pedestrian and bicycle access. DDOT foresees potential safety issues associated with pedestrians and bicyclists on the proposed access restricted ramps. Since multimodal safety falls under the purview of DDOT, we request that NPS consult with us during further design of these facilities.	The action alternatives provide direct, dedicated access for pedestrians and bicycles via the existing entrance ramp. NPS will consult with DDOT during further design of the facilities.
	If NPS plans to work within or use DDOT ROW to perform the project work, DDOT requests additional cooperation to understand ROW needs, specifically for the intersection signalization, pedestrian improvements, and the new vehicle entrance proposed in the EA.	Noted. NPS will consult with DDOT during further design of the facilities.

APPENDIX D: SECTION 106 COORDINATION LETTERS



IN REPLY
REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, M.D. 27140

June 14, 2019

Mr. David Maloney
State Historic Preservation Officer
District of Columbia, Office of Planning
1100 4th Street SW, Suite 650 East
Washington, D.C. 20024

Subject: Section 106 Consultation for Transportation Upgrades to Fletcher's Boathouse

Dear Mr. Maloney:

The National Park Service (NPS) wishes to formally initiate consultation with the District of Columbia Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove)

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHON) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites.

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,

Jeri L. DeYoung

Kevin D. Brandt
Superintendent

acting

Enclosure: Proposed Area of Potential Effect



IN REPLY
REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, M.D. 27140

June 14, 2019

Ms. Julie Langan
State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Subject: Section 106 Consultation for Transportation Upgrades to Fletcher's Boathouse

Dear Ms. Langan:

The National Park Service (NPS) wishes to formally initiate consultation with the Virginia State Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove)

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHON) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites.

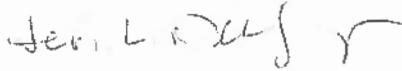
In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect, a portion of which includes Virginia, is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

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We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,



acting Kevin D. Brandt
Superintendent

Enclosure: Proposed Area of Potential Effect



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO
1.A.2. (CHOH)

June 26, 2019

Ms. Susan Bachor
East Coast Preservation Representative
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

Subject: Initiation of Section 106 Tribal Consultation for Transportation Upgrades to Fletcher's Boathouse Intersection along Canal Road, Washington, D.C.

Dear Ms. Bachor:

The National Park Service (NPS) wishes to formally initiate consultation with the Delaware Tribe of Indians Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove).

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. In addition to the canal itself, there are other known historic properties within the area of potential effect, to include one multicomponent prehistoric site (Fletcher's Boathouse Site, 51NW13, which primarily dates to the Middle Woodland period, 2700 to 1000 BP).

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,



Kevin D. Brandt
Superintendent

Enclosure: Index Map of Maryland
 Washington West Quadrangle
 Proposed Area of Potential Effect



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO
I.A.2. (CHOH)

June 26, 2019

Mr. Robert Gray
Chief
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

Subject: Initiation of Section 106 Tribal Consultation for Transportation Upgrades to Fletcher's Boathouse Intersection along Canal Road, Washington, D.C.

Dear Mr. Gray:

The National Park Service (NPS) wishes to formally initiate consultation with the Pamunkey Indian Tribe, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove).

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. In addition to the canal itself, there are other known historic properties within the area of potential effect, to include one multicomponent prehistoric site (Fletcher's Boathouse Site, 51NW13, which primarily dates to the Middle Woodland period, 2700 to 1000 BP).

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,


Kevin D. Brandt
Superintendent

Enclosure: Index Map of Maryland
 Washington West Quadrangle
 Proposed Area of Potential Effect

From: Jeri DeYoung
To: justin_eberson@nps.gov; Sale, Claire; andrew_landman@nps.gov
Subject: Fwd: [EXTERNAL] Transportation Upgrades to Fletcher's Boathouse (DHR File No. 2019-0242)
Date: Thursday, July 18, 2019 10:41:45 AM

FYI

Sent from my iPhone

Begin forwarded message:

From: "Labudde, Gregory" <gregory.labudde@dhr.virginia.gov>
Date: July 18, 2019 at 9:35:38 AM EDT
To: <jeri_deyoung@nps.gov>
Subject: [EXTERNAL] Transportation Upgrades to Fletcher's Boathouse (DHR File No. 2019-0242)

Dear Jeri DeYoung:

Thank you for initiating Section 106 consultation with the Department of Historic Resources (DHR) for the Transportation Upgrades to Fletcher's Boathouse. We believe that the area of potential effects (APE) should include all areas from which the undertaking is visible. Based on the information provided thus far, we agree that the APE should include a portion of the George Washington Memorial Parkway in Virginia.

We look forward to receiving project plans and a formal Assessment of Effects when available. Please reference DHR's project review file number (2019-0242) in future correspondence.

Thank you for your consideration of historic resources. Please contact me if you have any questions or if we may provide any further assistance.

Sincerely,

Greg LaBudde, Archaeologist
Review and Compliance Division
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
phone: 804-482-6103
fax: 804-367-2391
gregory.labudde@dhr.virginia.gov

APPENDIX E: MEMORANDUM OF AGREEMENT

**MEMORANDUM OF AGREEMENT
AMONG
THE NATIONAL PARK SERVICE
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
FLETCHER’S BOATHOUSE TRANSPORTATION UPGRADES
WASHINGTON, DC**

This Memorandum of Agreement (“MOA”) is made as of this 6th day of February, 2020, by and among the National Park Service (NPS), the District of Columbia State Historic Preservation Officer (DC SHPO), and the National Capital Planning Commission (NCPC) (referred to collectively herein as the

“Parties” or “Signatories” or individually as a “Party” or “Signatory”), pursuant to Section 106 of the National Historic Preservation Act (“NHPA”), 54 U.S.C. §§ 306108, and its implementing regulations 36 CFR Part 800 (“Section 106”) regarding the Fletcher’s Boathouse Transportation Upgrades in Washington, DC (Undertaking); and

WHEREAS, the NPS is proposing transportation upgrades for the Fletcher’s Boathouse area (Fletcher’s Cove) in Washington, DC on land administered by the NPS; and

WHEREAS, the approximately 15-acre Fletcher’s Boathouse project area is located on federal land between Canal Road and the Potomac River, adjacent to the intersection of Canal and Reservoir Roads; and

WHEREAS, the proposed transportation upgrades shown in Appendix A will allow more direct and safer transportation connections between Canal Road and the Fletcher’s Boathouse, the Chesapeake & Ohio (C&O) Canal towpath, and the Capital Crescent Trail; and

WHEREAS, the transportation upgrades are needed to address the following concerns and ongoing issues affecting the Fletcher’s Boathouse area: the single-lane entrance ramp provides the only access between the area and Canal Road for entering and exiting traffic, which can result in unsafe traffic situations; safe access from Canal Road’s eastbound/inbound traffic is nearly impossible due to the entrance ramp’s configuration immediately adjacent and parallel to Canal Road; the geometry and grade differential between the entrance ramp and Canal Road creates inadequate sight distances for entering and exiting traffic; a one-lane road culvert (tunnel) with low clearance and poor sight distance provides the only vehicle access to the larger, lower parking lot west of the C&O Canal; large fire trucks, ambulances, and river rescue crews are severely challenged in gaining unfettered access to the area during an emergency; large equipment and trucks have very limited access to the area to perform repair and maintenance to park facilities and the DC Water Odor Abatement Facility; existing pedestrian access routes to the project area from outside the park are unsafe and cause pedestrian/vehicular conflicts; and some portions of the area are not fully compliant with accessibility standards; and

WHEREAS, the proposed transportation upgrades constitute a federal Undertaking subject to review under Section 106 of the NHPA (Section 106) and NPS will be the federal agency responsible for compliance with Section 106, with the NCPC, and DC SHPO acting as cooperating agencies; and

WHEREAS, in accordance with NEPA, NPS prepared an Environmental Assessment (EA) for the transportation upgrades; and

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WHEREAS, pursuant to Section 106 federal agencies must account for the effects of their undertakings on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment; and

WHEREAS, in accordance with 36 CFR § 800(c), NPS initiated consultation with the DC SHPO and the Virginia Department of Historic Resources (VDHR) on June 14, 2019. Both letters can be found in Appendix B; and

WHEREAS, NCPC is a Signatory in the Section 106 process pursuant to 36 CFR § 800.3(f)(1), has approval authority over federal projects located within the District of Columbia pursuant to the National Capital Planning Act (40 U.S.C. § 8722(b)(1) and (d)) this approval would constitute an Undertaking as defined at 36 CFR § 800.16(y); and

WHEREAS, the NPS and NCPC have agreed that NPS will be the lead agency pursuant to 36 CFR § 800.2(a)(2) for the Undertaking to fulfill their collective Section 106 responsibilities; NCPC has elected to fulfill its Section 106 responsibilities by participating in this consultation and is a Signatory to this MOA pursuant to 36 CFR § 800.6(c)(2); and

WHEREAS, in letters dated June 26, 2019 and January 16, 2020 (Appendix C), NPS contacted the Pamunkey Indian Tribe, the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge-Munsee Community of Wisconsin (collectively referred to as "Native American Tribes" in this MOA), Federally recognized sovereign Indian Nations that have a government-to-government relationship with the United States and an interest in the area affected by the transportation upgrades pursuant to 36 CFR § 800.2(c)(2). NPS invited each of these Native American Tribes to be a Consulting Party and they are invited to concur with this MOA pursuant to 36 CFR § 800.6(c)(3), and both the Delaware Tribe of Indians and the Pamunkey Indian Tribe concurred by electronic email on January 15, 2020 and January 25, 2020, respectively; and

WHEREAS, the Delaware Tribe of Indians acknowledged NPS's invitation to consult in the Section 106 process by electronic mail on July 11, 2019 but stated their inability to attend; and the Pamunkey Indian Tribe and Delaware Nation did not respond, but continue to be included in the Section 106 process and have been invited to all consulting parties meetings; and

WHEREAS, NPS will notify the Native American Tribes if pre-historic resources are discovered through the phased identification and evaluation of archeological resources or in a Post Review Discovery; and

WHEREAS, in accordance with 36 CFR § 800.2(a)(4), NPS invited individuals and organizations with a demonstrated interest in the transportation upgrades and the public to participate as Consulting Parties in the Section 106 process. The full list of Consulting Parties is provided in Appendix D; and

WHEREAS, NPS in consultation with DC SHPO, VDHR, and the Consulting Parties, established the Project's Area of Potential Effects (APE), which includes properties in the District of Columbia and Virginia, as defined under 36 CFR §800.16(d). The APE is illustrated in Appendix E; and

WHEREAS, NPS identified five historic properties within the APE, including the C&O Canal National Historical Park (NHP) (designated a National Monument in 1961, listed in the National Register of Historic Places (NRHP) on October 15, 1966, and designated a NHP in 1971) and the George Washington Memorial Parkway (GWMP) (listed in the NRHP on June 2, 1995), as well as three

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archeological resources, 51NW006, 51NW013, and 51NW072 (see 2019 Phase IA Assessment by AECOM, DC SHPO Archeological Report #789); and

WHEREAS, NPS has determined the transportation upgrades may have adverse effects on the C&O Canal NHP due to the introduction of a ramp, changes to circulation, and small-scale improvements that would have visual effects, the alteration of historic fabric that would have direct effects, and construction-related activities that may cause temporary adverse effects; and

WHEREAS, NPS has yet to determine if archeological historic properties will be adversely affected by ground-disturbing activities associated with the proposed undertaking; and

WHEREAS, NPS has determined that the Undertaking will have No Adverse Effect on historic properties within Virginia, and the subsequent *Determination of Effect* in a letter dated January 16, 2020. Letter can be found in Appendix F; and

WHEREAS, NPS conducted two Section 106 Consulting Party meetings to provide opportunities for the Consulting Parties to comment on the development of the Action Alternatives, delineation of the APE, identification of historic properties, assessment of effects on historic properties, and potential resolution strategies. Summaries of each Consulting Party meeting can be found in Appendix G; and

WHEREAS, in consultation with the DC SHPO and Consulting parties, NPS determined that the alternatives proposed by the Project have the potential to result in adverse effects on the identified historic resources, namely the C & O Canal, as documented in the Notification of Adverse Effect Determination Letter, dated January 15, 2020, and provided in Appendix F; and

WHEREAS, in accordance with 36 CFR §800.6(a)(1), NPS notified the Advisory Council on Historic Preservation ("ACHP") of the adverse effects determination and provided documentation specified in 36 CFR §800.11(3) and on February 3, 2020, ACHP elected not to participate in consultation pursuant to 36 CFR 800.6(a)(1)(iv); and

WHEREAS, the NPS has sought and considered the views of the public on this Undertaking as evidenced by a public notice and public scoping comment period held April 15, 2019 through May 29, 2019; a public notice and public comment period held November 7, 2019 through December 13, 2019 regarding an EA, published November 7, 2019 as part of NPS's NEPA compliance and describing potential impacts to historic properties, and requested, received, and replied to the public's comments as documented in the Finding of No Significant Impact; and

NOW, THEREFORE, the NPS and Signatories agree that the Undertaking shall be carried out in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

STIPULATIONS

The NPS will ensure that the following measures are carried out.

I. GENERAL

A. APPLICABILITY

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1. NPS will use the terms and conditions of this MOA to fulfill its Section 106 responsibilities and those of other Federal agencies who designate NPS as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2). Federal agencies that do not designate NPS as the lead Federal agency remain individually responsible for their compliance with Section 106.
2. In the event that a Federal agency or other agency issues federal funding or approvals for the Undertakings associated with the Plan and the Plan remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with the Signatories. Any necessary amendments will be considered in accordance with Stipulation XII of this MOA.

B. TIME AND NOTIFICATIONS

1. All time designations are in calendar days unless otherwise stipulated. If a review period ends on a Saturday, Sunday, or Federal holiday, the review period will be extended until the first following business day.
2. All communication and notifications required by this MOA will be sent by email or other electronic means.

C. ROLES AND RESPONSIBILITIES

1. NPS

- a. NPS is responsible for promulgating and implementing the transportation upgrades after further developing and refining in order to avoid, minimize, and mitigate adverse effects on historic properties in accordance with Stipulation III.A.
 - b. Pursuant to 36 CFR §800.2(a)(2), NPS has the responsibility to ensure the provisions of this MOA are carried out.
 - c. NPS is responsible for all government-to-government consultation with federally recognized Native American Tribes.
 - d. NPS is responsible for coordinating Federal agencies' compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) within its jurisdictional areas.
 - e. NPS is responsible for enforcing the applicable provisions of the Archeological Resources Protection Act (ARPA 16 U.S.C. 470 aa et seq.), including but not limited to the issuance of permits, and investigation of any damages resulting from prohibited activities.
2. DC SHPO will review transportation upgrades submittals according to the time NPS defined within this MOA, and participate in consultation.
 3. As part of their regulatory authorities, NCPC and CFA will review transportation upgrades submittals based on the published schedules for their respective Commission review cycles and continue to participate in consultation, as requested by NPS.

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II. PERSONNEL QUALIFICATIONS STANDARDS

NPS will ensure that all historic preservation work performed by the relevant agency pursuant to Stipulations III and IV will be accomplished by or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications in the *Secretary of the Interior's Professional Standards* (48 Federal Regulation 44738-9).

III. ASSESSMENT AND RESOLUTION OF ADVERSE EFFECTS

A. *Design Review*: Design of transportation upgrades will undergo additional Section 106 review and consultation process pursuant to this MOA. The NPS shall further develop and refine the transportation upgrades to avoid, minimize and mitigate adverse effects on historic properties, seeking comments from the Signatories and Consulting Parties, and finalize all determinations of effect as described in the *Assessment of Effects Report* through future consultation.

1. Determination of Adverse Effect: If NPS determines that the project will result in an "Adverse Effect," or intensified or cumulative "Adverse Effects," it will notify the Signatories in writing, provide sufficient documentation to support its determination; share the determination via email, post each project submittal and determination to NPS's PEPC website for Consulting Party review, and consult further with the Signatories and Consulting Parties to seek ways to avoid, minimize, and mitigate those additional "Adverse Effect(s)."
 - a. The Signatories and Consulting Parties shall have thirty (30) days from receipt/posting of an adequately documented submission to review and comment on the determination. The DC SHPO shall have an additional fifteen (15) days to review and comment to take into account the comments of Consulting Parties and other Signatories. These review periods will occur prior to conducting a Consulting Parties meeting, if required.
 - b. The NPS will consult with the DC SHPO to determine if a Consulting Parties meeting(s) is required in accordance with Stipulation III.A.1.c and will allow for sufficient time for consultation as appropriate.
 - c. If all parties agree that avoidance is possible, NPS will modify its plans accordingly, document the finding with the DC SHPO, and implement the phase(s) in the manner that avoids the "Adverse Effect(s)."
 - d. If avoidance is not possible, NPS shall consult further with the Signatories and Consulting Parties to identify ways to minimize or mitigate the "Adverse Effect(s)."
 - e. The process for identifying archeological historic properties and determining if there will be Adverse Effects to archeological historic properties and associated avoidance, minimization, and mitigation measures are outlined under Stipulation IV. Archeology.
2. Consulting Parties and the public will continue to have the opportunity to comment on the design of the transportation upgrades pursuant to this MOA.
 - a. NPS will establish a schedule for design-specific Section 106 consultation pursuant to 36 CFR § 800.6 with critical dates and identified opportunities for providing input. NPS will

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keep the Consulting Parties and the public informed of the established schedule via email and the PEPC website.

- b. NPS will provide draft documentation to the Signatories and Consulting Parties, who will review the documentation and provide written comments to NPS within thirty (30) calendar days.
- c. If DC SHPO or NCPC requests a consultation meeting after receipt of the Design Submissions, the NPS shall meet with the Signatories and Consulting Parties within thirty (30) calendar days of the request for a meeting provided the request was within the Design Submission review period.

B. Mitigation

- 1. Surface materials for the updated fully accessible landing area and associated new steps and accessible ramps, small-scale features associated with proposed upgrades throughout the project area (e.g., railings), and small-scale improvements (e.g., signalization at the Fletcher's Road Culvert, access gates, and signage) will use materials such as wood or stone and a design that are compatible with the historic character of the landscape. These design actions will be undertaken in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 2. NPS will help screen the parking area and ramp to upper parking lot from view of the canal using natural materials. These could include wood fences, stone walls, stones, or natural vegetation.
- 3. Consultation with DC SHPO will occur to develop strategies to ensure historic features of the C&O Canal NHP are not damaged during construction.
- 4. The new bridge replacement over the C&O Canal will use materials and a design that are compatible with the historic character of the landscape. These design actions will be undertaken in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 5. Prior to design of the transportation upgrades, NPS will prepare a Historic Structure Report (HSR) for the Abner Cloud House. The HSR will guide preservation maintenance of the Abner Cloud House.
- 6. Prior to design of the transportation upgrades, NPS will prepare a Cultural Landscape Report for the Fletcher's Cove area. This document will serve as a tool to protect the landscape's character-defining features from undue wear, alteration or loss as a result of the transportation upgrades.
- 7. If adverse effects to archeological properties are identified, NPS will propose minimization and appropriate treatment measures, that may include, but not be limited to data recovery and/or, depending upon the significance of the resource(s) identified, propose a resource-specific Memorandum of Agreement (MOA) to resolve adverse effects. If data recovery is selected as a mitigation measure, the work shall proceed in accordance with procedures outlined in Stipulation IV. Archeology.

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C. Construction Management Plan

1. The NPS will minimize temporary construction effects to historic properties from noise and vibration and visual effects using a variety of construction management techniques. Visual effects will be minimized to the extent practicable by providing appropriate screening between construction staging areas and cultural resources, limiting the size of construction staging areas, and/or locating them away from sensitive views and viewsheds.
2. The NPS will develop and implement a construction management plan to ensure that both noise and vibrations are controlled throughout the project.
3. The NPS will develop and implement a plan for visual screening of construction areas throughout the construction of the project.

IV. ARCHEOLOGY

NPS will continue identification and evaluation of archeological historic properties in accordance with 36 CFR § 800.4 and 800.5 and in consultation with the DC SHPO.

- A. The NPS will ensure identification, evaluation, and mitigation, if necessary, of archeological resources in the APE are accomplished in accordance with the *Secretary of the Interior's Professional Standards* outlined in Stipulation II as well as the DC SHPO *Guidelines for Archaeological Investigations in the District of Columbia*, applicable Secretary of the Interior's Standards, and appropriate ACHP guidance <https://planning.dc.gov/page/archaeology-district-columbia>.
- B. NPS will conduct investigations (e.g., Phase IB, Phase II) to identify archeological historic properties within the APE, determine if the project will have an adverse effect on archeological historic properties, assess if measures can be implemented to avoid or minimize the adverse effect, and if not, determine appropriate mitigation measures to resolve the adverse effect. All Phase IB/Phase II archeological investigations will follow the guidelines noted in Stipulation IV.A. and will only occur after a work plan has been reviewed and approved by the DC SHPO and NPS has issued an ARPA permit. Archeological investigations within the APE may include, but not necessarily be limited to, geoarcheological analysis, geophysical survey, and/or excavation of shovel test pits, test units, and/or mechanically excavated trenches. The work plan will include the following items:
 1. Procedures if archeological historic properties (e.g., NRHP-eligible resources) are identified;
 2. Provisions for a site visit by the DC SHPO, Signatories, Native American Tribes, and Consulting Parties;
 3. Methods for the analysis of artifacts and archeological data as well as the reporting of draft results, draft report review times, submission of the final report.
 4. Preparation of collections and data for curation by consultant to an approved curatorial facility including the methods of delivery/ transmittal of collections, data sharing with DC SHPO, and the timeline for completion.

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- C. The NPS will consult with the DC SHPO and any Native American Tribes, previously identified in this MOA, who assign cultural affiliation to the project site regarding the identification of archeological historic properties within the APE. The DC SHPO and any Native American Tribes shall have thirty (30) days from receipt/posting of an adequately documented submission to review and comment on the identification measures. Should it be determined that the undertaking will have an adverse effect on archeological historic properties, the procedures for consultation, including identification of measures for avoidance, minimization, and/or mitigation will follow those outlined in Stipulation III.A.1.
- D. Data Recovery (Phase III) Investigations – If an adverse effect to an archeological historic property cannot be avoided or minimized and data recovery is selected as a form of mitigation, the scope and nature of the work shall be determined in consultation with the DC SHPO as well as Native American Tribes and Consulting Parties and will occur only after a work plan has been reviewed and approved by the DC SHPO and NPS issues an ARPA permit.
- E. For all archeological studies undertaken on NPS property, NPS will ensure permanent curation for long-term management and preservation of the archeological collections, field records, images, digital data, maps, and associated records in accordance with 36 CFR § 79, *Curation of Federally-Owned and Administered Archeological Collections*, and the relevant DC SHPO Guidelines. A digital copy of all field records, reports, and collections data will be supplied to DC SHPO. All work will conform with *Director's Order #28A: Archeology*, NPS's management policies, and the resource's archeology program practices.

V. POST-REVIEW CHANGES

If NPS proposes changes to the transportation upgrades that may result in additional or new effects on historic properties, NPS will notify DC SHPO, VDHR, and Signatories of such changes. Before NPS takes any action that may result in additional or new effects on historic properties, DC SHPO, VDHR, Signatories, and other consulting parties as appropriate, must consult to determine the appropriate course of action. This may include, as appropriate, revision to the APE, assessment of effects to historic properties, or development of additional mitigation measures to resolve adverse effects. The MOA would be amended, as necessary, pursuant to Stipulation XII.

VI. POST-REVIEW DISCOVERIES

- A. If newly identified historic properties are discovered during Plan construction or unanticipated effects on known historic properties are identified, NPS will comply with 36 CFR § 800.13 by consulting with DC SHPO and, if applicable, federally recognized Indian Tribes that may attach religious and/or cultural significance to the affected property; and by developing and implementing avoidance, minimization, or mitigation measures with the concurrence of DC SHPO and, if applicable, federally recognized Indian Tribes.
 - 1. NPS will immediately cease all ground disturbing and/or construction activities within a fifty (50)-foot radius of the discovery. NPS will not resume ground disturbing and/or construction activities until the specified Section 106 process required by this MOA is complete.
 - 2. NPS will immediately notify the DC SHPO, should a potentially eligible archeological resource or human remains be identified.

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3. NPS will inform the Signatories of the discovery and their projected path forward to comply with Section 106 within fourteen (14) calendar days and the plan to move forward.
 4. The Signatories will review the documents and provide written comments to NPS within seven (7) calendar days.
 5. NPS will consider the written comments to the fullest reasonable extent. Should NPS object to any comments made by the Signatories, NPS will provide a written explanation of their objection and will consult with the Signatories to resolve the objection. If no agreement is reached within thirty (30) calendar days following receipt of a written explanation, NPS will request the ACHP to review the dispute in accordance with Stipulation X.
 6. If no Signatory provides written comments within the agreed upon time. NPS will assume they have no comments regarding the discovery and may then proceed with the submitted plan.
- B. Treatment of Human Remains. In the event that human remains, burials, or funerary objects are discovered during construction of the Project or any action taken pursuant to this MOA, NPS shall immediately halt subsurface construction disturbance in the area of the discovery and in the surrounding area where additional remains can reasonably be expected to occur and shall immediately notify NCPC, DC SHPO, and the District of Columbia Chief Medical Examiner ("CME") of the discovery under DC Code Section 5-1406 and other applicable laws and regulations.
1. If the CME determines that the human remains are not subject to a criminal investigation by federal or local authorities, NPS shall comply with the applicable federal or local laws and regulations governing the discovery and disposition of human remains and consider the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (2007).
 2. For actions involving Native American human remains or burials, the appropriate Native American Tribes and the DC SHPO will be consulted to determine a treatment plan for the avoidance, recovery or reburial of the remains.
 3. For actions involving Native American human remains or burials, NPS shall comply with applicable laws in accordance with provisions of the Native American Graves Protection and Repatriation Act, as amended (Public Law 101-601, 25 USC 3001 et seq) and regulations of the Secretary of the Interior at 43 CFR Part 10.

VII. CONFIDENTIALITY

- A. If disclosure of location information could result in the disturbance of a cultural resource, all Signatories to this MOA will ensure shared data, including data concerning the precise location and nature of historic properties, archeological sites, and properties of religious and cultural significance, are protected from public disclosure to the greatest extent permitted by law, in accordance with 36 CFR. § 800.11(c), Section 304 of the NHPA, Section 9 of the Archeological Resource Protection Act of 1979, and Executive Order on Sacred Sites 13007 F.R. 61-104 dated May 24, 1996.

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- B. NPS standard policies, Director's Orders #28 and 28A and NPS management policies will be followed. In accordance with ARPA, the Superintendent of each park is the arbiter for what information can and cannot be released publicly.
- C. Consulting Parties and members of the public are not entitled to receive information protected from public disclosure.

VIII. DURATION

This MOA will expire if its terms are not carried out within ten (10) years from the date of its execution. Six (6) months prior to expiration, NPS may consult with the Signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation XII below.

IX. MONITORING AND REPORTING

NPS will provide DC SHPO and NCPC with a summary report detailing work undertaken pursuant to the MOA's terms each year until the MOA expires or is terminated. This report will include any scheduling changes proposed, any problems encountered, and any disputes or objections received in NPS's efforts to carry out the terms of this MOA. The report may be in the form of a letter transmitted via email.

For mitigation measures, NPS will provide Signatories with a progress report on the successful implementation of those measures at least annually via NPS's PEPC website (<https://parkplanning.nps.gov/>) or in the form of a letter transmitted via email.

X. Dispute Resolution

- A. Should any Signatory to this MOA object at any time to any actions proposed, or the manner in which the terms of the MOA are implemented, NPS will consult with such Signatory to resolve the objection. If NPS determines that such objection cannot be resolved within thirty (30) calendar days, NPS will:
 - 1. Forward all documentation relevant to the dispute, including NPS's proposed resolution, to the ACHP with a copy to the other Signatories to this MOA and request that ACHP provide NPS with its comments on the resolution of the objection within thirty (30) calendar days of receiving the documentation.
 - 2. If the ACHP does not provide comments regarding the dispute within the thirty (30) calendar day time period, NPS will make a final decision on the dispute and proceed accordingly.
 - 3. NPS will document this decision in a written response to the objection that takes into account any timely comments regarding the dispute from the Signatories and provide the ACHP and Signatories with NPS a copy of such written response.
 - 4. NPS may then proceed according to its decision.
 - 5. The Signatories remain responsible for carrying out all other actions subject to the terms of the MOA that are not the subject of the dispute.
- B. Should a Consulting Party object to the proposed action or the manner in which the terms of the MOA are implemented by submitting its objection to NPS in writing, NPS will notify the other

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Signatories and NPS will take the objection into consideration. NPS will consult with the objecting party and, if that party so requests, the other Signatories for not more than thirty (30) calendar days. In reaching its decision regarding the objection, NPS will take into consideration any comments from the objecting party and the Signatories. Within fourteen (14) calendar days after closure of the consultation period, NPS will provide the objecting party and the Signatories with its final decision in writing.

XI. ADOPTABILITY

In the event that a Federal agency other than NPS is considering providing financial assistance, permits, licenses, or approvals for the Plan, such Federal agency may become a Signatory to this MOA as a means of satisfying its Section 106 compliance responsibilities. To become a Signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA, and identifying the lead Federal agency for the Undertaking. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within thirty (30) calendar days or the approval will be considered implicit. Any other modifications to the MOA will be considered in accordance with Stipulation XII.

XII. AMENDMENTS

Any Signatory to this MOA may request that it be amended. The Signatories will consult for no more than thirty (30) calendar days (or another time period agreed upon by all Signatories) to consider such amendment. The amendment will be effective on the date a copy, signed by all the Signatories, is filed with the ACHP.

XIII. TERMINATION AND WITHDRAWAL

If any Signatory to this MOA determines that the terms of the MOA will not or cannot be carried out, that Signatory will immediately notify the other Signatories in writing and consult with them to seek resolution or amendment pursuant to Stipulation XII of the MOA. If within sixty (60) days a resolution or Amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories. Once the MOA is terminated, and prior to work continuing on the Undertaking, NPS must either (a) execute a new MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR§ 800.7. NPS will notify the Signatories as to the course of action it will pursue.

XIV. SIGNATURES AND EFFECTIVE DATE

This MOA will become effective immediately upon execution by all Signatories. Execution and implementation of this MOA evidences that NPS has considered the effects of this Undertaking on historic properties, afforded the ACHP a reasonable opportunity to comment, and satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

SIGNATURES FOLLOW ON SEPARATE PAGES

ATTACHMENTS

Appendix A: Proposed Transportation Upgrades

Appendix B: SHPO Letters

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix C: Native American Tribe Letters

Appendix D: List of Consulting Parties

Appendix E: Area of Potential Effect

Appendix F: Determination of Effects Letters

Appendix G: Consulting Parties Meeting Notes

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

SIGNATORY PAGE

NATIONAL PARK SERVICE

Tina M. Cappetta 2-4-2020

Tina M. Cappetta

Date

Superintendent, Chesapeake & Ohio Canal National Historical Park, National Park Service

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

SIGNATORY PAGE

NATIONAL CAPITAL PLANNING COMMISSION

Marcel Acosta

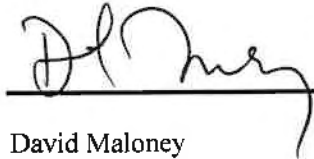
Date

Executive Director, National Capital Planning Commission

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

SIGNATORY PAGE

DC STATE HISTORIC PRESERVATION OFFICER

A handwritten signature in black ink, appearing to read "D Maloney", is written over a horizontal line.

David Maloney

Feb 4, 2020

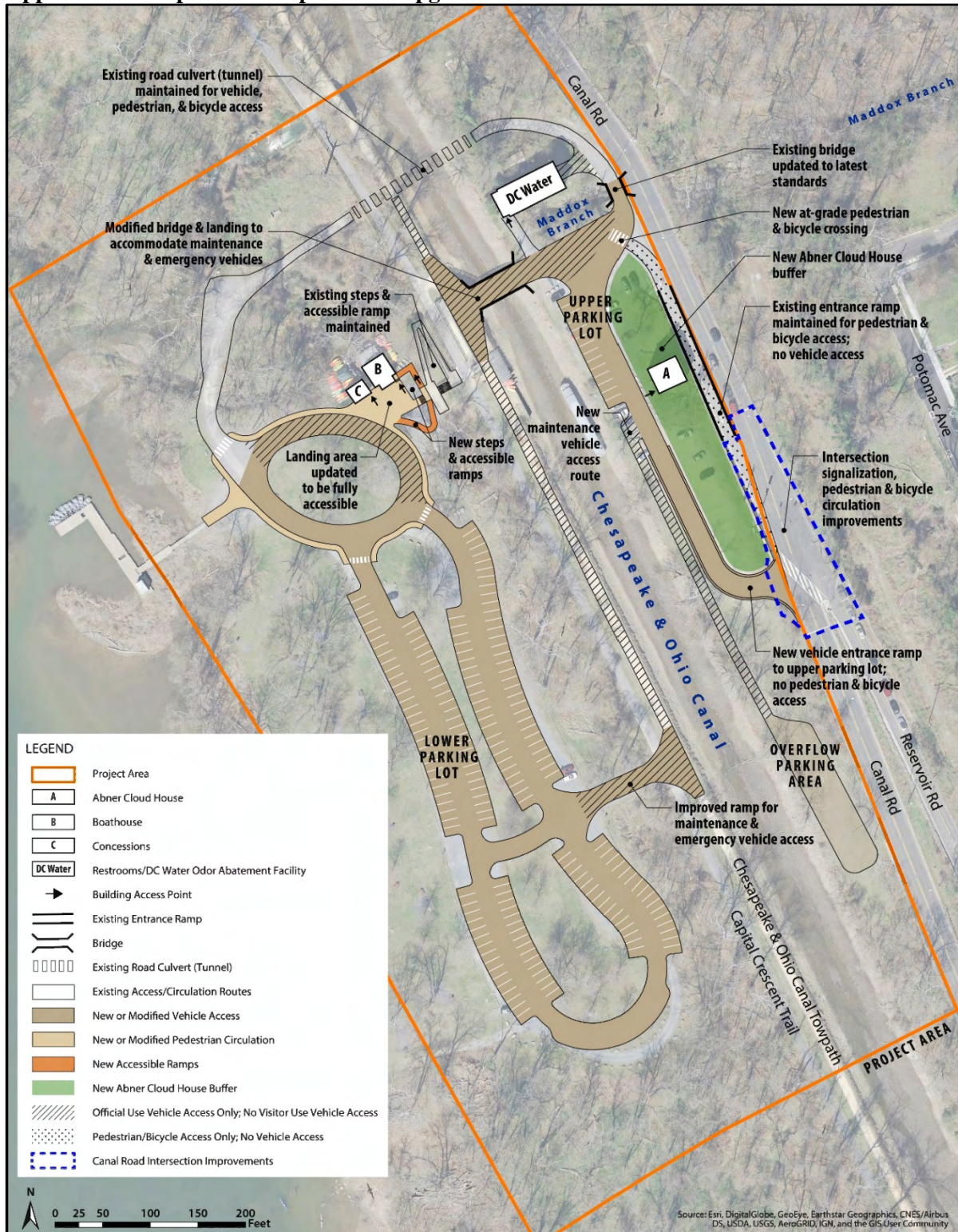
Date

District of Columbia State Historic Preservation Officer

Memorandum of Agreement

FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix A: Proposed Transportation Upgrades



Note: The existing ramp would be retained for pedestrian and bicycle access but closed to most vehicle access, except in cases where emergency vehicles require access for the Abner Cloud House.

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix B: SHPO Letters



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, M.D. 27140

IN REPLY
REFER TO:

June 14, 2019

Mr. David Maloney
State Historic Preservation Officer
District of Columbia, Office of Planning
1100 4th Street SW, Suite 650 East
Washington, D.C. 20024

Subject: Section 106 Consultation for Transportation Upgrades to Fletcher's Boathouse

Dear Mr. Maloney:

The National Park Service (NPS) wishes to formally initiate consultation with the District of Columbia Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove)

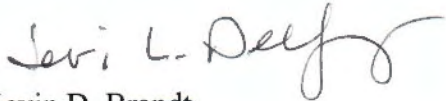
The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites.

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

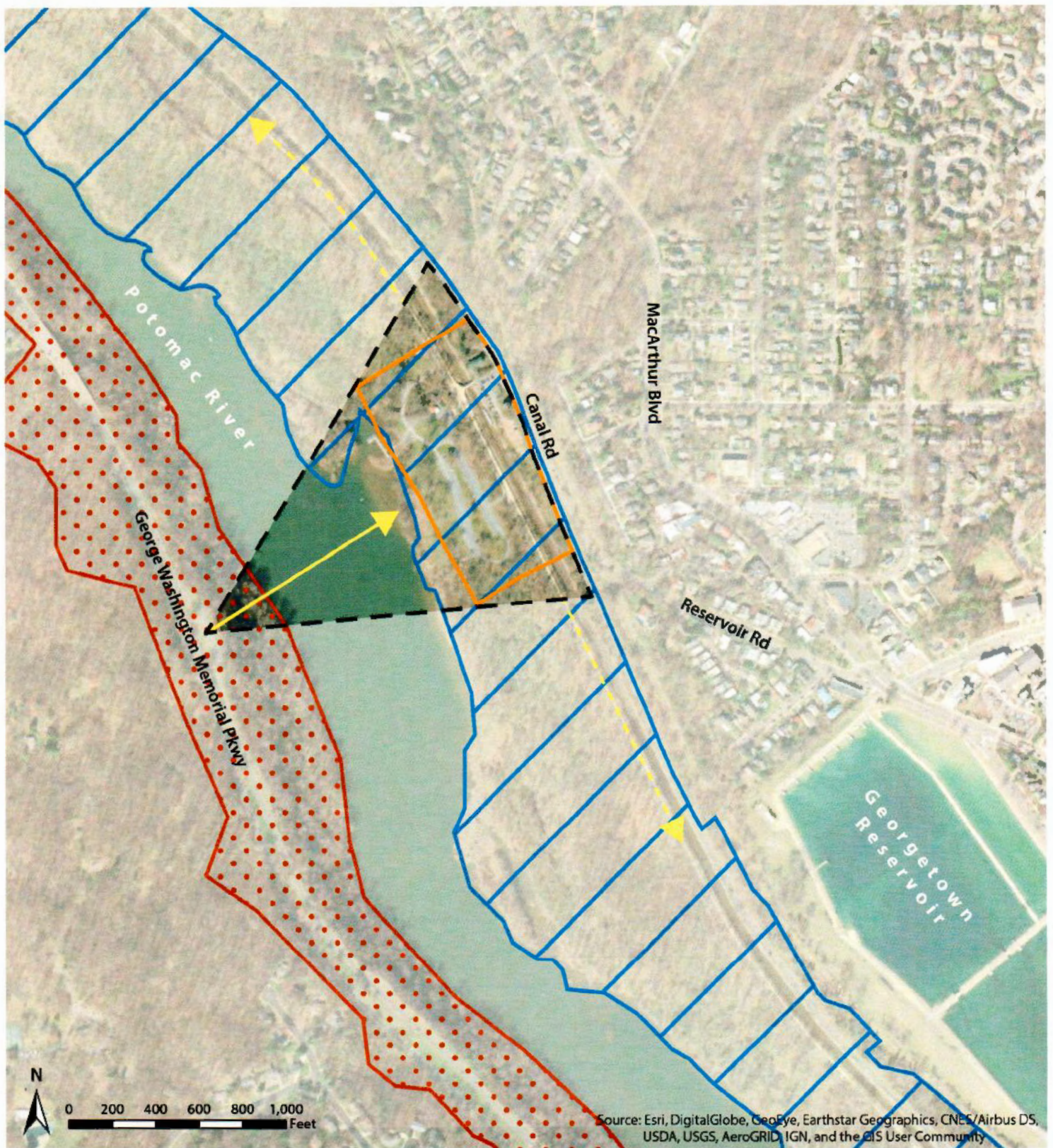
Sincerely,









Kevin D. Brandt
Superintendent

acting

Enclosure: Proposed Area of Potential Effect



LEGEND

-  Project Area
-  Draft Area of Potential Effect (APE)
-  Chesapeake & Ohio Canal National Historical Park Historic District
-  George Washington Memorial Parkway
-  Viewshed in the APE
-  Continuing view outside the APE



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, M.D. 27140

IN REPLY
REFER TO:

June 14, 2019

Ms. Julie Langan
State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Subject: Section 106 Consultation for Transportation Upgrades to Fletcher's Boathouse

Dear Ms. Langan:

The National Park Service (NPS) wishes to formally initiate consultation with the Virginia State Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove)

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites.

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect, a portion of which includes Virginia, is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

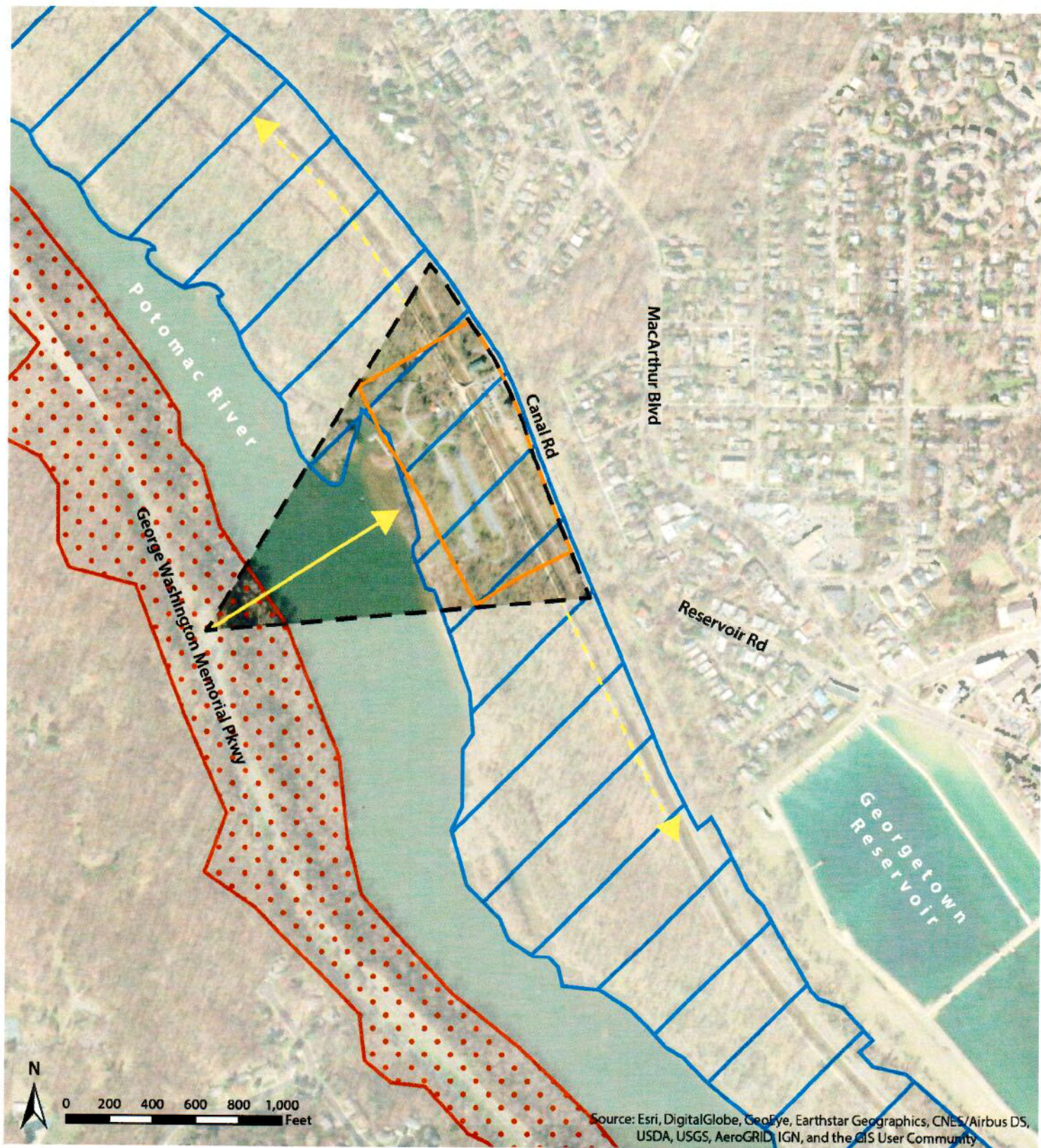
Sincerely,









Kevin D. Brandt
Superintendent

att:ing

Enclosure: Proposed Area of Potential Effect



LEGEND

-  Project Area
-  Draft Area of Potential Effect (APE)
-  Chesapeake & Ohio Canal National Historical Park Historic District
-  George Washington Memorial Parkway
-  Viewshed in the APE
-  Continuing view outside the APE

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix C: Native American Tribe Letters



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:
1.A.2. (CHOH)

June 26, 2019

Ms. Susan Bachor
East Coast Preservation Representative
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

Subject: Initiation of Section 106 Tribal Consultation for Transportation Upgrades to Fletcher's Boathouse Intersection along Canal Road, Washington, D.C.

Dear Ms. Bachor:

The National Park Service (NPS) wishes to formally initiate consultation with the Delaware Tribe of Indians Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove).

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. In addition to the canal itself, there are other known historic properties within the area of potential effect, to include one multicomponent prehistoric site (Fletcher's Boathouse Site, 51NW13, which primarily dates to the Middle Woodland period, 2700 to 1000 BP).

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,



Kevin D. Brandt
Superintendent

Enclosure: Index Map of Maryland
 Washington West Quadrangle
 Proposed Area of Potential Effect



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:
1.A.2. (CHOH)

June 26, 2019

Mr. Robert Gray
Chief
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

Subject: Initiation of Section 106 Tribal Consultation for Transportation Upgrades to Fletcher's Boathouse Intersection along Canal Road, Washington, D.C.

Dear Mr. Gray:

The National Park Service (NPS) wishes to formally initiate consultation with the Pamunkey Indian Tribe, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove).

The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal National Historical Park is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. In addition to the canal itself, there are other known historic properties within the area of potential effect, to include one multicomponent prehistoric site (Fletcher's Boathouse Site, 51NW13, which primarily dates to the Middle Woodland period, 2700 to 1000 BP).

In accordance with the National Environmental Policy Act (NEPA), the NPS will prepare an Environmental Assessment (EA) that will address this project. The NPS intends to coordinate consultation and NEPA review per Advisory Council on Historic Preservation (ACHP) regulations (36 CFR 800.8) and to consult the public per 36 CFA 800.3(e) in public meetings and through our Planning, Environment, and Public Comment (PEPC) website (<https://parkplanning.nps.gov/>). It is anticipated that these outreach efforts will accommodate both NEPA and the Section 106 processes, although NEPA and the Section 106 processes are on two separate, but parallel tracks.

The proposed Area of Potential Effect is shown in the attached map. However, at this early stage, we are unable to make any determination of effect. The NPS is seeking ways to avoid and minimize the potential for adverse effects on historic properties. Once determined, the NPS will prepare a formal Assessment of Effects for the project.

We look forward to consulting with you on this project. If you have any questions, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management for CHOH at 301-714-2210 or via email at jeri_deyoung@nps.gov.

Sincerely,



Kevin D. Brandt
Superintendent

Enclosure: Index Map of Maryland
 Washington West Quadrangle
 Proposed Area of Potential Effect



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 16, 2020

Ms. Susan Bachor
East Coast Preservation Representative
Delaware Tribe of Indians
PO Box 64
Pocono Lake, PA 18347

Subject: Delaware Tribe of Indians Consultation on Transportation Upgrades at
Fletcher's Boathouse in Washington, DC

Dear Ms. Bachor:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to continue consultation with the Delaware Tribe of Indians, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove) in Washington, DC. As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from November 7 to December 13, 2019.

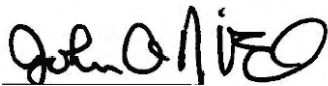
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with you, DC State Historic Preservation Office, and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel", written over a horizontal line.

John A. Noel
Acting Superintendent

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 16, 2020

Erin Thompson
Historic Preservation/106 Director
Delaware Nation
PO Box 825
Anadarko, OK 73005

Subject: Delaware Nation Consultation on Transportation Upgrades at Fletcher's
Boathouse in Washington, DC

Dear Ms. Thompson:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to continue consultation with the Delaware Nation, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove) in Washington, DC. As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from November 7 to December 13, 2019.

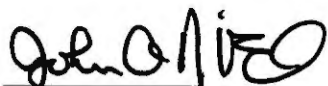
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with you, DC State Historic Preservation Office, and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel", written over a horizontal line.

John A. Noel
Acting Superintendent

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 15, 2020

Mr. Robert Gray
Chief
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

Subject: Pamunkey Indian Tribe Consultation on Transportation Upgrades at
Fletcher's Boathouse in Washington, DC

Dear Mr. Gray:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to continue consultation with the Pamunkey Indian Tribe, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove) in Washington, DC. As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from November 7 to December 13, 2019.

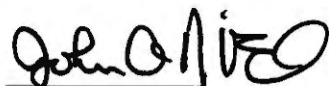
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with you, DC State Historic Preservation Office, and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel", is written over a horizontal line.

John A. Noel
Acting Superintendent

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 16, 2020

Bonny Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Historic Preservation Office
65 1st St.
Troy, NY 12180

Subject: Stockbridge-Munsee Community Consultation on Transportation
Upgrades at Fletcher's Boathouse in Washington, DC

Dear Ms. Hartley:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to initiate consultation with the Stockbridge-Munsee Community, Band of Mohican Indians, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove) in Washington, DC. As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from November 7 to December 13, 2019.

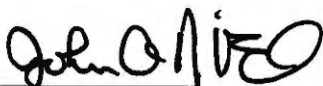
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with you, DC State Historic Preservation Office, and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel", written over a horizontal line.

John A. Noel
Acting Superintendent

Enclosure

Memorandum of Agreement
FLETCHER’S BOATHOUSE TRANSPORTATION UPGRADES

Appendix D: List of Consulting Parties

National Capital Planning Commission
U.S. Commission of Fine Arts
U.S. Fish and Wildlife Service
U.S. Environmental Protection Agency
U.S. Federal Highway Administration
District of Columbia State Historic Preservation Office
Executive Office of the Mayor
Council District of Columbia
Office of ANC
ANC 3D
District of Columbia Department of Transportation
Virginia Department of Historic Resources
Committee of 100
DC Preservation League
Preservation Action
Preservation Action
The Cultural Landscape Foundation
DC Preservation League
National Trust for Historic Preservation
Eastern National
National Parks Conservation Association
Delaware Nation
Darwina Neal
Linda Binsted
Pamunkey Indian Tribe
Delaware Tribe of Indians
C&O Canal Association
Colonial Dames of America, Chapter III
Coalition for the Capital Crescent Trail
Trout Unlimited
Georgetown Heritage
Friends of Fletchers Cove

Memorandum of Agreement

FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix E: Area of Potential Effect



LEGEND

- Project Area
- Draft Area of Potential Effect (APE)
- Chesapeake & Ohio Canal National Historical Park Historic District

Chesapeake & Ohio Canal National Historical Park Historic District
Contributing and Potentially Contributing Resources:

- | | |
|---|--|
| 1 Canal prism | 5 Battery Kemble Culvert |
| 2 Towpath | 6 Wastewer #3 |
| 3 Abner Cloud House | 7 Fletcher's Boat House Fletcher's Office and Snack Bar and Metal Shed |
| 4 Fletcher's Road Culvert | 8 Bike Shop |

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix F: Determination of Effect Letters



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 15, 2020

Mr. David Maloney
State Historic Preservation
Officer District of
Columbia, Office of
Planning 1100 4th Street
SW, Suite E650
Washington, DC 20024

Subject: State Historic Preservation Office Consultation on Transportation
Upgrades at Fletcher's Boathouse in Washington, DC

Dear Mr. Maloney:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to continue consultation with the District of Columbia Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove). As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have an adverse effect on historic properties.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to comment on a range of potential concepts. Two Section 106 consulting parties meetings

occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from December 17 to January 15, 2019.

In compliance with 36 CFR Part 800.11(e), the enclosed AoE report has been prepared for the transportation upgrades at Fletcher's Boathouse. As described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with your office and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel", written over a horizontal line.

John A. Noel
Acting Superintendent

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 16, 2020

Ms. Julie Langan
State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Ave.
Richmond, VA 23221

Subject: State Historic Preservation Office Consultation on Transportation
Upgrades at Fletcher's Boathouse in Washington, DC

Dear Ms. Langan:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to continue consultation with the District of Columbia Historic Preservation Office, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove). As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from December 17 to January 15, 2019.

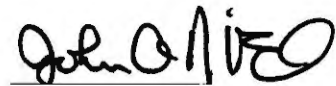
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report has been prepared for the transportation upgrades at Fletcher's Boathouse. described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS will continue to work with your office and other consulting parties to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel".

John A. Noel
Acting Superintendent

Enclosure



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

January 24, 2020

Ms. Tammy Stidham
Deputy Associate Regional Director
National Park Service - National Capital Area
110 Ohio Drive SW
Washington, D.C. 20242

RE: *Assessment of Effects, Cultural Resources Technical Memorandum, Fletcher's Boathouse
Transportation Upgrades*
DHR File No. 2019-0242

Dear Ms. Stidham:

The Department of Historic Resources (DHR) has received for our review and comment the technical memorandum referenced above prepared by AECOM in November 2019. Our comments are provided to the National Park Service (NPS) as assistance in meeting its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800.

Based on the information provided, DHR's concurs with the NPS's determination that the Fletcher's Boathouse Transportation Upgrades project in Washington, D.C. will have *no adverse effect* on historic properties within Virginia. DHR has no additional comments on this undertaking.

Thank you for your consideration of historic resources. If you have any questions or if we may provide further assistance, please do not hesitate to contact me at gregory.labudde@dhr.virginia.gov or (804) 482-6103.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg LaBudde".

Greg LaBudde, Archaeologist
Review and Compliance Division

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391



United States Department of the Interior

NATIONAL PARK SERVICE
Chesapeake & Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 27140

IN REPLY REFER TO:
10.B (CHOH)

January 16, 2020

John M. Fowler, Executive Director
Advisory Council on Historic Preservation
401 F Street NW
Suite 308
Washington, D.C. 20001

Subject: Advisory Council on Historic Preservation Consultation on Transportation
Upgrades at Fletcher's Boathouse in Washington, DC

Dear Mr. Fowler:

The National Park Service (NPS), Chesapeake & Ohio (C&O) Canal National Historical Park (NHP) wishes to initiate consultation with the Advisory Council on Historic Preservation, in accordance with 36 CFR 800.3 of Section 106 of the National Historic Preservation Act of 1966, as amended, regarding proposed transportation upgrades to the Fletcher's Boathouse area (officially named Fletcher's Cove). As detailed in the enclosed Assessment of Effects (AoE) report, the NPS has determined that the project will have no adverse effect on the George Washington Memorial Parkway but will have adverse effects on the C&O Canal NHP.

The project will allow more direct and safer transportation connections between Canal Road and the Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the C&O Canal NHP. The C&O Canal NHP administers the project area. The project involves constructing a new entrance and upgrading internal roads and parking areas in the project area to provide a more direct and safer connection between Canal Road and Fletcher's Boathouse, the C&O Canal towpath, and the Capital Crescent Trail. The C&O Canal NHP is listed in the National Register of Historic Places and the DC Inventory of Historic Sites. The George Washington Memorial Parkway, listed in the National Register of Historic Places, affords views of the project site.

A public meeting, consulting parties meetings, and the NPS Planning, Environment, and Public Comment (PEPC) website were used to involve the public in the Section 106 process. A National Environmental Policy Act (NEPA) public scoping comment period, including a public meeting, offered an opportunity for comment between April 15, 2019 and May 29, 2019, during which the public was introduced to the project and invited to

comment on a range of potential concepts. Two Section 106 consulting parties meetings occurred in 2019. The project's AoE was released to the public on November 7, 2019, and a 30-day comment period was held from November 7 to December 13, 2019.

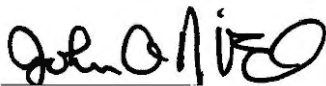
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because vegetation removal would be minimal, and the overall natural, vegetated character of the broad view from the South Donaldson Scenic Overlook across the Potomac River Gorge would be retained.

Also as described in the AoE report, the NPS has determined that the preferred alternative would have an adverse effect on the historic structures and cultural landscape of the C&O Canal NHP. The proposed transportation upgrades would have an adverse effect on the C&O Canal NHP as a result of the new entrance ramp and modifications to parking lots and vehicle circulation areas through the changes in the setting, circulation, vistas and views, and spatial relationships within the site.

The NPS looks forward to working with you, DC State Historic Preservation Office, and other consulting parties to continue to identify ways to avoid, minimize, or mitigate adverse effects through the design process. The NPS will seek to execute a Memorandum of Agreement to resolve the adverse effects in accordance with 36 CFR Part 800.6.

For questions or clarifications regarding this notice, please do not hesitate to contact Jeri DeYoung, Chief of Resources Management, at jeri_deyoung@nps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Noel".

John A. Noel
Acting Superintendent

Enclosure

Memorandum of Agreement
FLETCHER'S BOATHOUSE TRANSPORTATION UPGRADES

Appendix G: Consulting Parties Meeting Notes

Fletcher's Boathouse Transportation Upgrades

Section 106 Consulting Parties Meeting

July 29, 2019

1:30 p.m.

U.S. Commission of Fine Arts Conference Room

Agencies: Joel Gorder, Laurel Hammig, Allison Young (National Park Service-National Capital Region, via phone); Jeri DeYoung, Justin Ebersole (National Park Service-Chesapeake & Ohio Canal National Historical Park); Jonathan Rogers (DDOT); Carlton Hart, Lee Webb (National Capital Planning Commission); Frederick Lindstrom, Dan Fox, Mary Catherine Bogard (U.S. Commission of Fine Arts); Tim Dennee (DC State Historic Preservation Office)

Attendees: Kay Titus, Martina Caputy (Colonial Dames of America); Mike Bailey (via phone), Mark Binstead (Friends of Fletcher's Cove)

Project Team: Alan Harwood, Claire Sale, Rachel Lloyd, Lauren Tuttle (AECOM)

Introduction

Everybody introduced themselves.

Presentation

Overview of Undertaking

Claire Sale (AECOM) reviewed the Fletcher's Boathouse transportation upgrades project purpose and need, site context, and the site's existing conditions and pedestrian/bicycle, visitor use vehicle, and official use vehicle circulation.

Site History

Claire reviewed the history of the site as shown on 1797, 1855, 1861, and 1887 maps. The presentation also included aerial imagery of the site from 1999 and 2018.

Review of Draft Area of Potential Effect

Claire presented the draft Area of Potential Effect (APE). Contributing resources to the Chesapeake & Ohio (C&O) Canal National Historical Park Historic District in the APE include the canal prism, towpath, Abner Cloud House, road culvert (tunnel) at Fletcher's, Battery Kemble culvert, wasteweer no. 3, and prehistoric and historic archeological sites. The boathouse (1962) is a potentially contributing resource.

Alternatives

Claire presented the following two alternatives:

- Alternative 1B (new entrance ramp to upper lot)
- Alternative 3 (new entrance ramp to upper lot and new bridge to lower lot)

The presentation also described how pedestrians, bicycles, visitor use vehicles, and official use vehicles would circulate in each alternative, as well as 3D model images of each alternative.

Discussion

Topography

CFA staff stated that cross-sections of the project site and alternatives would be helpful to understand the site's elevation changes. NCPC staff also stated that it is difficult to understand the topography of the site.

In Alternative 3, the clearance between the towpath and the new ramp over the towpath is 10 feet. Frederick requested that the overhead clearance be re-evaluated to determine if it would accommodate emergency vehicles on the towpath. The group suggested that emergency vehicles requiring towpath access south of the new ramp could alternatively access the towpath from the lower lot via a new access ramp to the towpath. Emergency vehicles requiring towpath access north of the new ramp could continue to use the existing bridge over the canal.

Abner Cloud House

Colonial Dames of America (CDA) representatives noted that ambulances will need to use the existing entrance ramp to access the Canal Road-side door (and second floor) of the Abner Cloud House in the event of an emergency. The CDA will also need vehicle access on this ramp to bring equipment into the second floor. The CDA representatives noted that the Abner Cloud House is the oldest house on the C&O Canal.

Canal Road and Entrance Ramp Intersection

CDA representatives noted that ladder fire trucks have used the existing entrance ramp in the past. The existing entrance ramp is fine for vehicle access to Fletcher's Boathouse unless vehicles abuse the ramp (e.g., make U-turns from Canal Road).

Alternatives 1B and 3 do not differ in where the new entrance ramp intersects at Canal Road. DDOT staff requested details about the new intersection.

SHPO staff stated that upgrades to the Canal Road and entrance ramp intersection can be treated separately from upgrades elsewhere within the project site.

Parking

CDA representatives recalled that parking directly adjacent to the Abner Cloud House was a problem before boulders were placed around the house.

Overall, attendees questioned the need for an increase in the number of parking spaces in the alternatives. CFA staff requested a survey of how much the existing upper and lots are currently used, noting that the parking lots in the alternatives should not be designed to accommodate occasional special event parking.

NCPC staff also questioned whether the number of parking spaces is necessary and if other parking available north or south of the project site along Canal Road is currently available. A shuttle used to transport visitors from other parking lots to the project site could be an avoidance measure.

CFA staff stated that Alternative 1B would be unattainable because the alternative would increase parking in the lower lot, but not improve access to the lot.

Paving

Alternatives 1B and 3 would pave all visitor use vehicle circulation areas, including the upper and lower lots.

NPS staff stated that the number of parking spaces in the lower lot would be reduced in the alternatives to protect the Abner Cloud House. Attendees stated that paving would disturb the setting of the Abner Cloud House.

CFA staff asked if other alternatives to paving exist. Claire stated that concrete curb stops could regularize parking.

Friends of Fletcher's Cove (FFC) representatives asked if the upper lot could remain gravel. CDA representatives stated that the upper lot currently becomes slurry-like when it rains and drains quickly. She does not think that the ground would be able to support asphalt.

Other Alternatives

CFA staff asked if the alternative designs could prioritize pedestrian access instead of vehicle access. Alternatives could also consider public transportation access to the project site. Fred stated that nearby neighborhood access and pedestrian connections from outside the project site need to be explored.

CFA staff recommended that the project team explore new entrances to Fletcher's Boathouse from Canal Road farther upstream and downstream. They noted that transportation upgrades proposed in the alternatives are located too densely within the project site. FFC representatives stated that four locks for the skirting canal are located north of the project site. The preservation of these locks should be considered if a north entrance alternative is considered.

CFA staff asked if there are any at-grade vehicle crossings of the towpath along the C&O Canal. NPS staff stated that such crossings exist in the western part of the C&O Canal, where pedestrian and bicycle traffic on the towpath is sparser than at Fletcher's Boathouse. DDOT staff noted that additional potential challenges of an at-grade visitor use vehicle crossing of the towpath at Fletcher's Boathouse include cyclists traveling at high speeds and preventing visitor use vehicles from driving down the towpath.

CFA staff asked if another tunnel could provide vehicle access to the lower lot. NPS stated that flooding of the tunnel would be an issue. CFA staff stated that Alternative 1B would not be viable then if the existing tunnel is subject to flooding. FFC representatives noted that flooding of the Potomac River is generally predicted days in advance, and therefore Fletcher's Boathouse can prepare for river flooding.

Overall, attendees would like to see more alternatives. NCPC and CFA staff stated that the alternatives need to be more preservation-focused for the Section 106 process. CFA staff stated that the alternative design and preservation need to work together. They also requested that the alternatives minimize impacts on historic resources, improve stormwater management, and improve access. NCPC staff stated that the alternatives should incorporate avoidance and minimization measures before mitigation measures. The project appears to already be at the mitigation measure identification stage.

NCC staff asked about the timeframe for the project. NPS stated that the project does not currently have funding for project implementation.

Next Steps

- NPS will re-evaluate the project alternatives

Fletcher's Boathouse Transportation Upgrades

Section 106 Consulting Parties Meeting

October 21, 2019

2:15 p.m.

National Park Service-National Capital Area Headquarters

Agencies: Tammy Stidham, Joel Gorder, Laurel Hammig, Allison Young (National Park Service-National Capital Area); Karen Arey (National Park Service-Denver Service Center); John Adams, Justin Ebersole (National Park Service-Chesapeake & Ohio Canal National Historical Park, via phone); Lee Ellen Carter (Federal Highway Administration-EFH HD); Ted Van Houten (DDOT); Carlton Hart (National Capital Planning Commission); Frederick Lindstrom (U.S. Commission of Fine Arts); Tim Dennee (DC State Historic Preservation Office)

Attendees: Rod Mackler (C&O Canal Association); Mark Binstead (Friends of Fletcher's Cove, via phone); Mark Blumenthal

Project Team: Alan Harwood, Claire Sale, Rachel Lloyd, Lauren Tuttle (AECOM)

Introduction

Everybody introduced themselves.

Presentation

Overview of Undertaking

Claire Sale (AECOM) reviewed the Fletcher's Boathouse transportation upgrades project purpose and need, and the site context.

Review of Draft Area of Potential Effect

Claire reviewed the draft Area of Potential Effect (APE) and contributing and potentially contributing resources to the Chesapeake & Ohio (C&O) Canal National Historical Park Historic District in the APE.

Existing Conditions

Claire reviewed the site's existing conditions and pedestrian/bicycle, visitor use vehicle, and official use vehicle circulation. An elevation section of the site and the site's environmental constraints were also presented.

Review of Alternatives Considered but Dismissed

Claire presented several alternatives considered but dismissed, including below-grade and at-grade crossings of the canal and various configurations and locations of ramps and bridges connecting Canal Road and the project area. These alternatives were dismissed from further consideration because they would not meet the project purpose; create vehicle, pedestrian, and cyclist conflicts; create a five-way intersection at Canal Road; add features that would likely experience flooding and drainage issues; and/or result in greater adverse impacts on resources among other reasons.

Alternatives

Claire reviewed the two alternatives, Alternative 1B (new entrance ramp to upper lot) and Alternative 3 (new entrance ramp to upper lot and new bridge to lower lot), presented at the July 29, 2019 Section 106 consulting parties meeting and updates to these alternatives based on comments received.

Updates to the Upper Parking Lot Access Alternative (previously Alternative 1B) included the reconfiguration of the upper parking lot west of the Abner Cloud House, expansion of the Abner Cloud House buffer, and addition of an overflow parking area downstream of the entrance ramp. Parking surfaces, the new steps and accessible ramps added near the boathouse and concessions, and the updated fully-accessible landing area would be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Upper Parking Lot Access Alternative was identified as the Preferred Alternative.

Updates to the Upper and Lower Parking Lot Access Alternative (previously Alternative 3) included the addition of an overflow parking area downstream of the entrance ramp. How pedestrians, bicycles, visitor use vehicles, and official use vehicles would circulate in each alternative, as well as elevation sections and 3D model images of each alternative, were also presented.

Review of Determination of Effects

Both alternatives would result in no adverse effect on the George Washington Memorial Parkway and potential adverse effect on archeological resources. Both alternatives would also result in an adverse effect on the C&O Canal National Historical Park due to changes in the setting, circulation, and spatial relationships within the site. The Upper and Lower Parking Lot Access Alternative would result in a greater adverse effect on the C&O Canal National Historical Park than the Upper Parking Lot Access Alternative due to the addition of a bridge over the canal, relocation of the upper parking lot, and paved parking lots and vehicle circulation areas. Potential avoidance, minimization, and mitigation measures were also reviewed.

Discussion

NCPC staff recommended expanding the Abner Cloud House buffer to include all area between the house and upper parking lot/vehicle circulation areas.

CFA staff stated that the bridge over the canal would have an impact regardless of the structure's design.

DC SHPO asked if there would be a scenario where NPS would allow visitor use vehicle access to the lower parking lot if only part of the lower parking lot was flooded. NPS stated that it would not allow access in the event of flooding.

DDOT stated that they support making the intersection of Canal Road, Reservoir Road, and the Fletcher's Boathouse entrance smaller.

Mark Blumenthal asked about the pedestrian and bicycle improvements at the Canal Road intersection and potential connections to the Palisades Trolley Trail. NPS would coordinate with DDOT on both of

these improvements. The Canal Road intersection improvements could include new crosswalks and a protective wall or barrier extending from the existing stone wall to provide additional pedestrian and cyclist protection from Canal Road traffic.

DDOT does not currently have any plans for Reservoir Road, but the signalization of the Canal Road Reservoir Road intersection would be coordinated with the new Fletcher's Boathouse entrance.

NPS stated that the piers on the new vehicle entrance ramp to the upper parking lot may be incompatible with the historic character of the landscape. Piers would also create a maintenance challenge.

DC SHPO stated that the alternatives would also result in adverse effect from the removal of trees to add the overflow parking area.

Section 106 consultation was initiated with the Virginia State Historic Preservation Office (SHPO).

DC SHPO stated that a Memorandum of Agreement (MOA) would be appropriate for this project. Adverse effects may be mitigated with design and materials. The MOA should state that consultation would continue through design. NPS stated that the MOA should also address archeological resources.

Rachel Lloyd (AECOM) stated that a challenge of the *Secretary of the Interior's Standards for the Treatment of Historic Properties* is that the design and materials of additions should match the historic character of the landscape, but the additions should not suggest that they were part of the original design.

Next Steps

- NPS will prepare a MOA
- NPS will release the Environmental Assessment and Assessment of Effects the first week of November