

**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

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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

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NATIONAL PARK SERVICE

Tina M. Cappetta *2-4-2020*

Tina M. Cappetta

Date

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

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NATIONAL CAPITAL PLANNING COMMISSION



Marcel Acosta

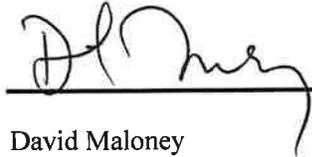
Date

Executive Director, National Capital Planning Commission

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DC STATE HISTORIC PRESERVATION OFFICER



David Maloney

Feb 4, 2020

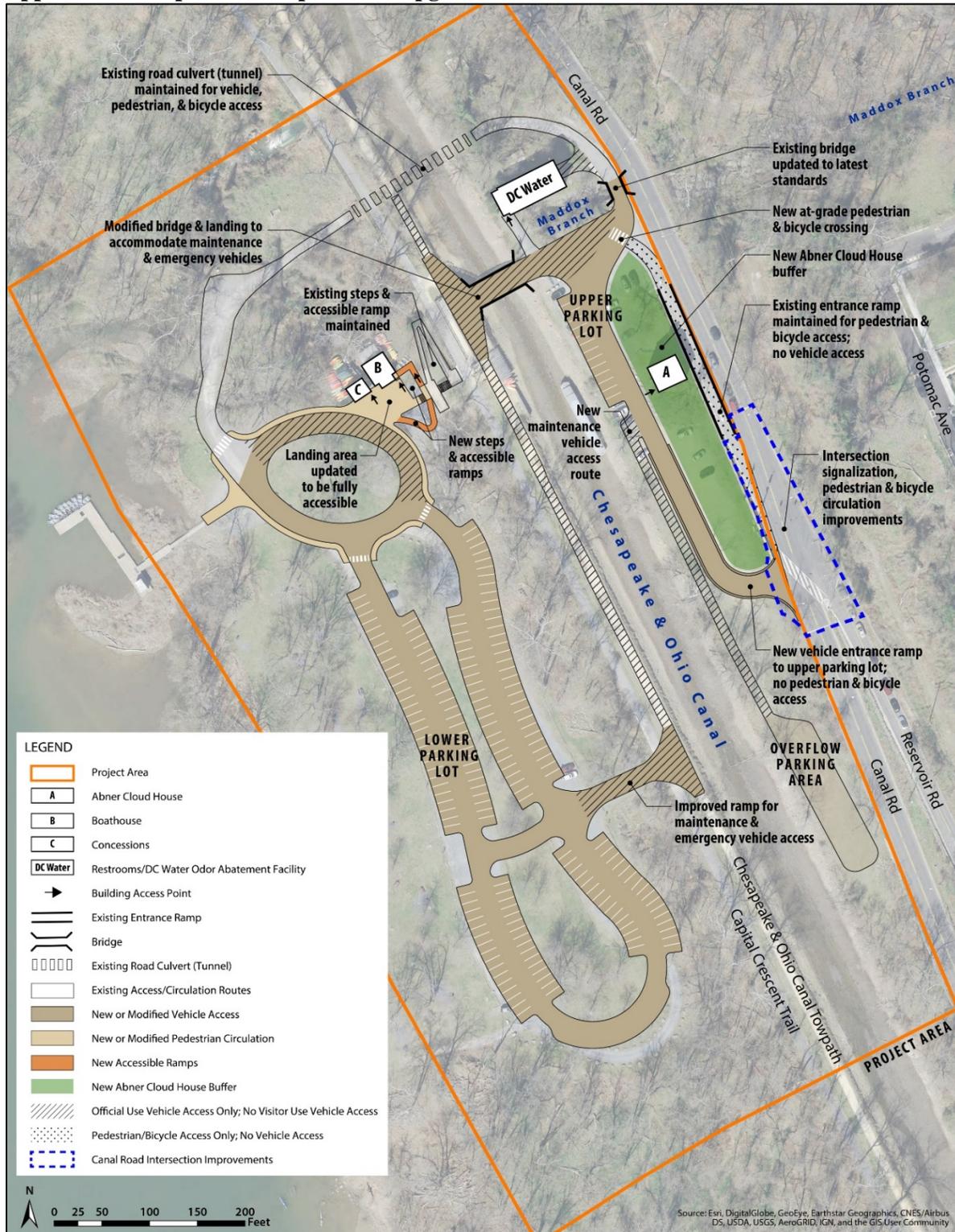
Date

District of Columbia State Historic Preservation Officer

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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.

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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)

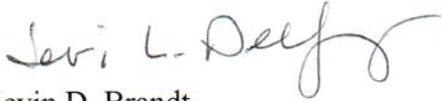
The project area is located on federal land between Canal Road and the Potomac River in the Palisades neighborhood of Washington, D.C. and is part of the Chesapeake & Ohio Canal National Historical Park. The C&O Canal National Historical Park (CHOH) administers the project area. The project involves 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.

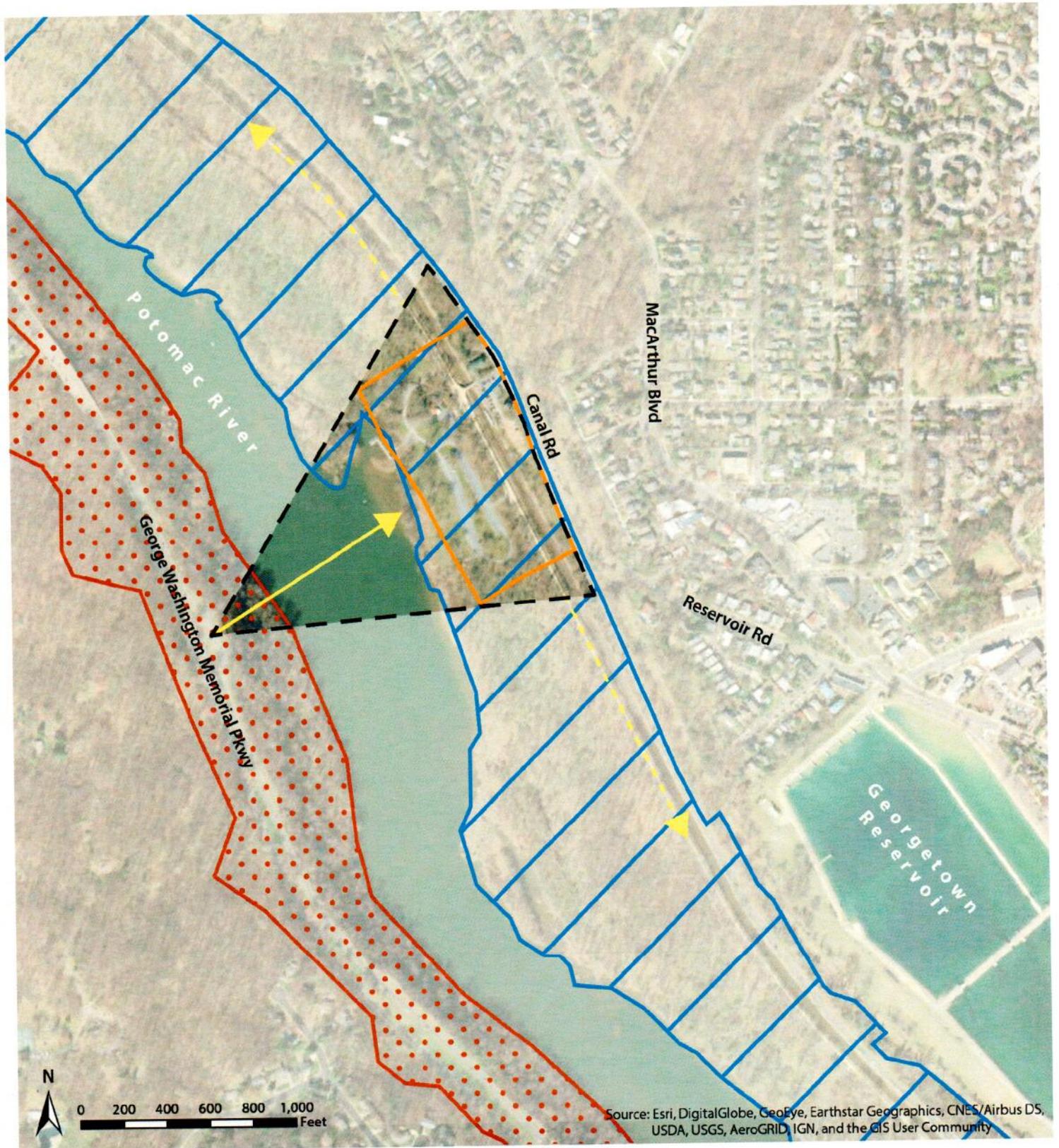
Sincerely,



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.

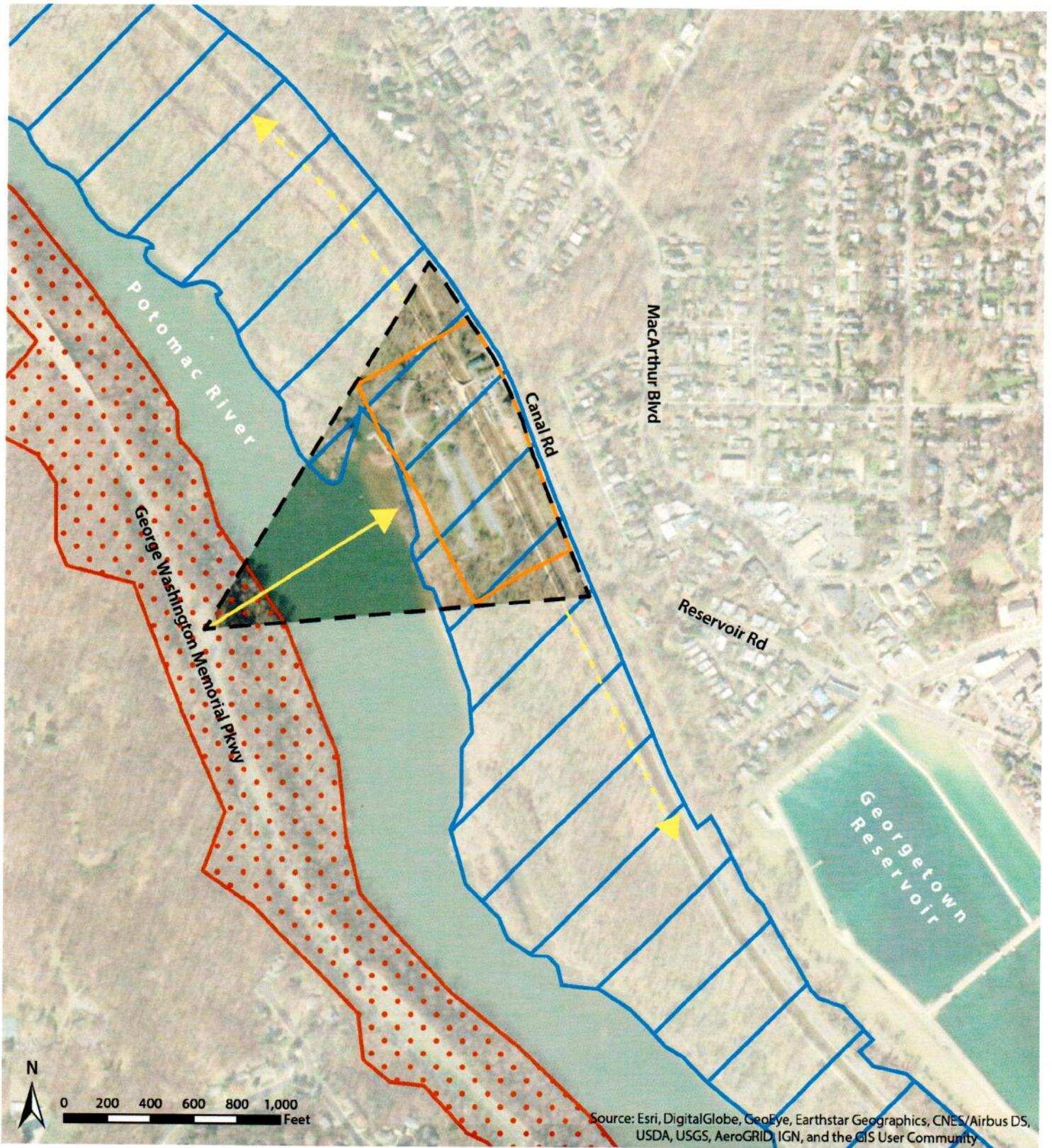
Sincerely,



Kevin D. Brandt
Superintendent

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

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:
I.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,

A handwritten signature in blue ink, appearing to read "K. Brandt".

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,



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.

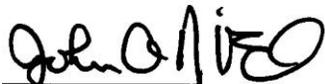
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the 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,



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,



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.

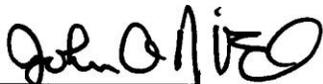
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report, including the Area of Potential Effect, has been prepared for the transportation upgrades at Fletcher's Boathouse. Described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the 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,



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 ANCs
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:

- | | |
|---|---|
| <ul style="list-style-type: none"> 1 Canal prism 2 Towpath 3 Abner Cloud House 4 Fletcher's Road Culvert | <ul style="list-style-type: none"> 5 Battery Kemble Culvert 6 Wasteweir #3 7 Fletcher's Boat House Fletcher's Office and Snack Bar and Metal Shed 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". The signature is written in a cursive style with a horizontal line underneath.

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.

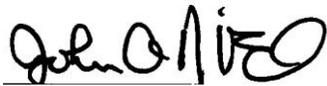
In compliance with 36 CFR Part 800.11(e), the enclosed AoE report has been prepared for the transportation upgrades at Fletcher's Boathouse. described in the AoE report, the NPS has determined that the preferred alternative would have no adverse effect on the George Washington Memorial Parkway because 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,



John A. Noel
Acting Superintendent

Enclosure



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler
Secretary of Natural Resources

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 that reads "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,



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, wasteweir 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