

June 28, 2006

Mr. Joe Lawler
Regional Director, National Capitol Region
National Park Service
Ohio Drive, SW
Washington, DC

Re: Georgetown University Boathouse Proposal

Dear Mr. Lawler,

During the past year, an historic natural history event has taken place on the Potomac River. For the first time in decades, researchers from the U.S. Geological Survey (USGS) have documented that two gravid female shortnose sturgeon attempted to spawn in the Potomac in the vicinity of Little Falls, above Georgetown. The tagged fish have relocated for the summer to the lower Potomac. While the researchers could not document actual spawning this spring, their presence is vitally important to restoring these endangered fish to formerly occupied habitat.

Shortnose sturgeon once inhabited many east coast rivers. They have been listed as endangered species for many years. Researchers had not captured any in the Potomac since the mid-1970s. At that time, the water quality in the Potomac was at an all-time low. Since then, efforts to clean up the Potomac have produced significant results. Maybe, if we are extremely fortunate, the improved water quality is now adequate to provide suitable habitat for a population of shortnose sturgeon in the Potomac. The Audubon Naturalist Society wants to make sure that every agency and private citizens do all that we can to restore these magnificent fish.

Last September, USGS researchers tagged two gravid females in the lower Potomac. They were the only fish the researchers captured. Capturing gravid female sturgeon is highly unusual. Two reproductively-capable female fish offer great hope for re-establishing a sturgeon population in the Potomac.

The National Park Service indicates on page III-54 of the Environmental Assessment for the proposed Georgetown University boat house indicates that there are "...no Federally listed RT&E plant or animal species near the site." With the documentation by USGS that shortnose sturgeon are in and using the river above Georgetown, this is clearly erroneous. It also means that the Park Service has not yet consulted, as required by section 7(a)(2) of the Endangered Species Act (ESA) with the National Marine Fisheries Service about potential effects of construction of the proposed Georgetown University boathouse and dock/pier. ESA requires that any federal agency that proposes an activity that may affect a listed species or its habitat consult with either the Fish and Wildlife Service or National Marine Fisheries Service over the potential impacts of the proposed activity. The Park Service's environmental assessment fails to mention that Georgetown's proposed dock/pier will protrude from the shore into important habitat of

shortnose sturgeon. Construction of the pier/dock in association with the boathouse and frequent use clearly constitute interdependent actions that are inter-related to construction of the boathouse. The Services define these terms as follows:

Interdependent actions - actions having no independent utility apart from the proposed action. [50 CFR §402.02]

Interrelated actions - actions that are part of a larger action and depend on the larger action for their justification. [50 CFR §402.02]

The Audubon Naturalist Society believes strongly that the NPS needs to consult formally with NMFS regarding the potential impacts of building the dock/pier and its use. Failure to do so is a clear violation of the Endangered Species Act.

Please advise us immediately how NPS intends to meet its legal requirement to consult regarding potential impacts to shortnose sturgeon from the proposed project.

Sincerely,

Neal Fitzpatrick, Executive Director
Dolores Milmoie, Maryland Conservation Associate

cc: Mr. John Parsons
Mr. William A. Butler