



Appendix F1

Section 106 Consulting Parties Correspondence

Appendix F1: Section 106 Consulting Parties

Table F1-1
Summary of Section 106 Consulting Parties Correspondence

Date	Organization(s)	Subject
July 3, 2020	New York State Historic Preservation Office (at New York State Office of Parks, Recreation and Historic Preservation) (NYSHPO)	Letter from FRA, initiating Section 106 review and requesting review of APE Memo and preliminary list of entities to be invited to participate as consulting parties
July 29, 2020	Delaware Nation; Delaware Tribe; Delaware Tribe of Indians, Oklahoma; Stockbridge-Munsee Community of Mohican Indians of Wisconsin; Shinnecock Indian Nation	Letter from FRA to Tribes, invitation to participate in Section 106 consultation
July 30, 2020	Delaware Nation; Delaware Tribe; Delaware Tribe of Indians, Oklahoma; Stockbridge-Munsee Community of Mohican Indians of Wisconsin; Shinnecock Indian Nation	Email from FRA to Tribes, invitation to participate in Section 106 consultation
July 30, 2020	Stockbridge-Munsee Community of Mohican Indians of Wisconsin	Email from Tribe to FRA, accepting consulting parties status
August 3, 2020	NYSHPO	Letter from NYSHPO to FRA, concurring with proposed APE and list of consulting parties
August 6, 2020	Invited Consulting Parties [See list below]	Letter and email from FRA, invitation to participate in Section 106 review as consulting parties
August 10, 2020	Amtrak	Email from Amtrak to FRA, accepting consulting parties status
August 17, 2020	Invited Consulting Parties [See list below] and Delaware Nation; Delaware Tribe; Delaware Tribe of Indians, Oklahoma; Stockbridge-Munsee Community of Mohican Indians of Wisconsin; Shinnecock Indian Nation	Email from FRA, circulating APE Memo
September 21, 2020	Invited Consulting Parties [See list below]	Email from FRA, reiteration of invitation to participate in Section 106 review as consulting parties
September 22, 2020	NYCLPC	Email from NYCLPC to FRA, accepting consulting parties status
September 23, 2020	ACHP	Email from ACHP to FRA, no decision on participation as consulting party at this time

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Date	Organization(s)	Subject
October 15, 2020	NYSHPO, NYCLPC, Stockbridge-Munsee Community of Mohican Indians of Wisconsin, Amtrak	Letter from FRA to NYSHPO and consulting parties, circulation of Historic Architectural Resources Background Study and effects determination, request for review and comment
November 13, 2020	NYSHPO	Letter from NYSHPO to FRA, non-concurrence with effects determination and request for additional information
December 12, 2020	NYCLPC	Letter from NYCLPC, response to APE Memo
January 12, 2021	NYSHPO, NYCLPC Stockbridge-Munsee Community of Mohican Indians of Wisconsin, Amtrak	Letter from FRA to NYSHPO, determination of No Adverse Effect with Conditions, request for review and comment
February 11, 2021	NYSHPO	Letter from NYSHPO to FRA, concurrence with determination of No Adverse Effect with Conditions
February 12, 2021	NYCLPC	Letter from NYCLPC to FRA, concurrence with determination of No Adverse Effect with Conditions
February 18, 2021	Stockbridge-Munsee Community of Mohican Indians of Wisconsin, Amtrak	Email from FRA to consulting parties, noting end of comment period
February 25, 2021	NYC Parks	Email from NYC Parks to FRA, consulting party request
March 1, 2021	NYC Parks	Email from FRA to NYC Parks, determination of No Adverse Effect with Conditions, request for review and comment
March 3, 2021	NYC Parks	Email from FRA to NYC Parks, consulting parties materials circulation

F1.1 LIST OF INVITED CONSULTING PARTIES

- Advisory Council on Historic Preservation
- Amtrak*
- Delaware Nation
- Delaware Tribe
- Delaware Tribe of Indians, Oklahoma
- Stockbridge-Munsee Community of Mohican Indians of Wisconsin*
- Shinnecock Indian Nation
- Eastern Delaware Nation
- Eastern Lenape Nation of Pennsylvania
- New York City Landmarks Preservation Commission*
- New York City Department of Parks and Recreation*
- Hudson River Park Trust
- Friends of the High Line
- Society for Industrial Archaeology
- Professional Archaeologists of New York City

Appendix F1: Section 106 Consulting Parties

- Anthracite Railroads Historical Society
- National Railway Historical Society
- Railway & Locomotive Historical Society
- Tri-State Railway Historical Society, Inc.

* = Organization accepted the invitation to be a Section 106 Consulting Party (in addition, the New York State Historic Preservation Office [at New York State Office of Parks, Recreation, and Historic Preservation] [NYSHPO] participated in the Section 106 consultation process)



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Ms. Nekole Alligood
Cultural Preservation Director
Delaware Nation
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005
Copy To: Erin Thompson-Paden and Dana Kelly

Re: **Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act Western Rail Yard Infrastructure Project, New York County, New York**

Dear Ms. Nekole Alligood:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which

included Section 106 reviews.² For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance for construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register*, Vol. 85, No. 115). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020.

As the lead Federal agency for the Project, FRA is contacting you to notify you about the Project and invite you to participate in Section 106 consultation. FRA is available for formal Government-to-Government consultation at your request, and we invite you to meet with FRA representatives for the purpose of sharing information and establishing protocols for ongoing communication as the Project is advanced. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

Through consultation, we hope to understand any concerns you may have regarding the Project's potential effects to historic properties of traditional or cultural significance to your Tribe, and provide an opportunity for your participation in the process of identifying cultural resources, assessing Project effects on those resources, and resolving any adverse effects.

Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Parties meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other project information is posted at www.westernrailyardinfrastructure.com and at Regulations.gov, Docket Number: FRA-2020-0039.

² *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014)

Western Rail Yard Infrastructure Project 4

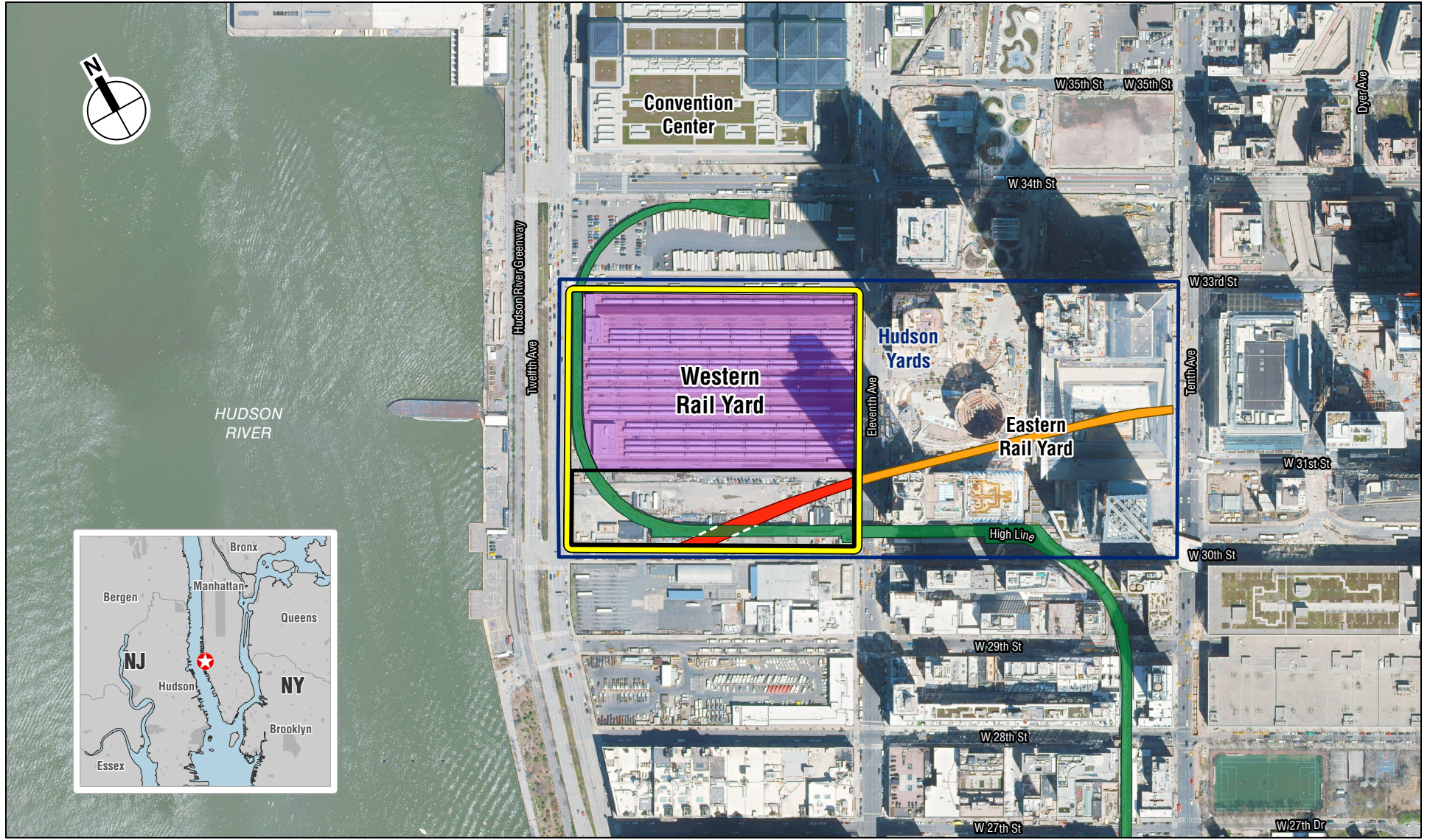
If you have any questions regarding the Project or are interested in participating in consultation, please contact me at laura.shick@dot.gov or (202) 366-0340. You may also respond via mail; however, FRA staff are only periodically able to check mail delivered to the USDOT headquarters building while we are working remotely.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

July 29, 2020

Ms. Erin Thompson-Paden
Director of Preservation
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005
Copy To: Nekole Alligood and Dana Kelly

**Re: Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Ms. Erin Thompson-Paden:

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¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

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Western Rail Yard Infrastructure Project 4

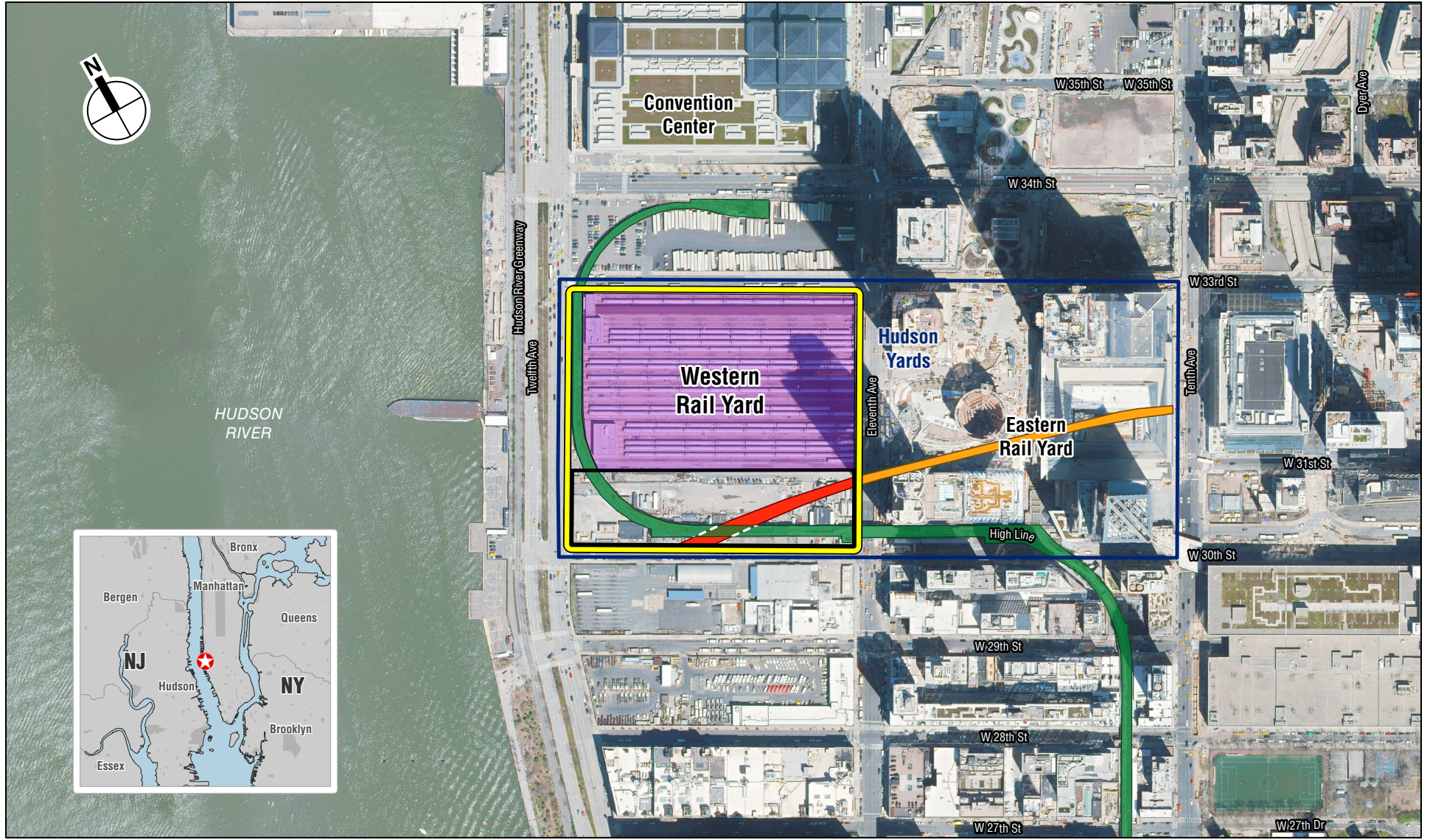
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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



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Project Location
Figure 1



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Chief Chester Brooks
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006
Copy To: Brice Obermeyer and Susan Bachor

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act Western Rail Yard Infrastructure Project, New York County, New York

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Western Rail Yard Infrastructure Project 4

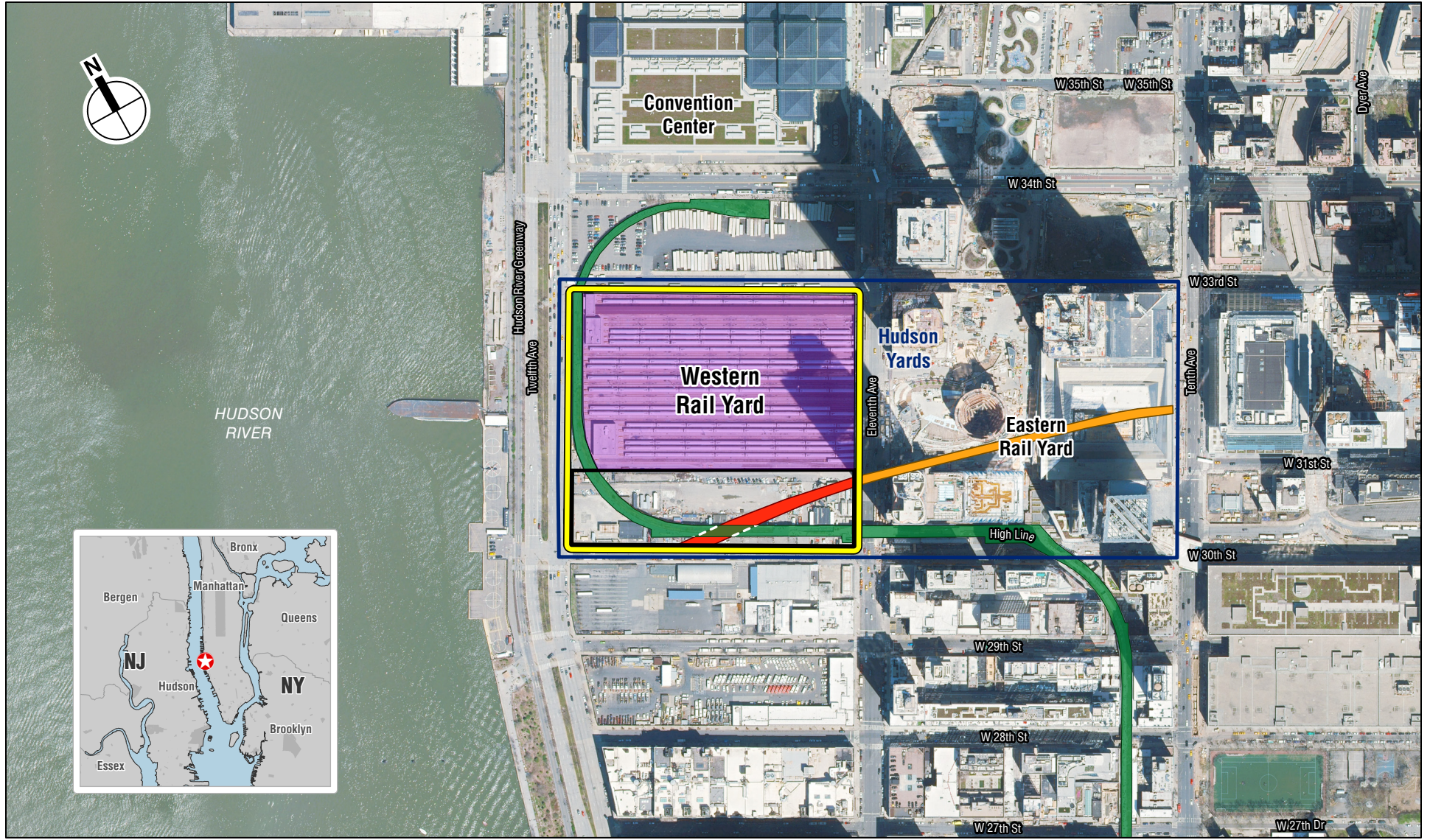
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Sincerely,

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Hudson Yards
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Dr. Brice Obermeyer
Delaware Tribe of Indians
Delaware Tribe Historic Preservation Office
Roosevelt Hall, Rm 212
1200 Commercial Street
Emporia, Kansas 66801
Copy To: Chief Chester Brooks and Susan Bachor

Re: **Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Dr. Brice Obermeyer:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

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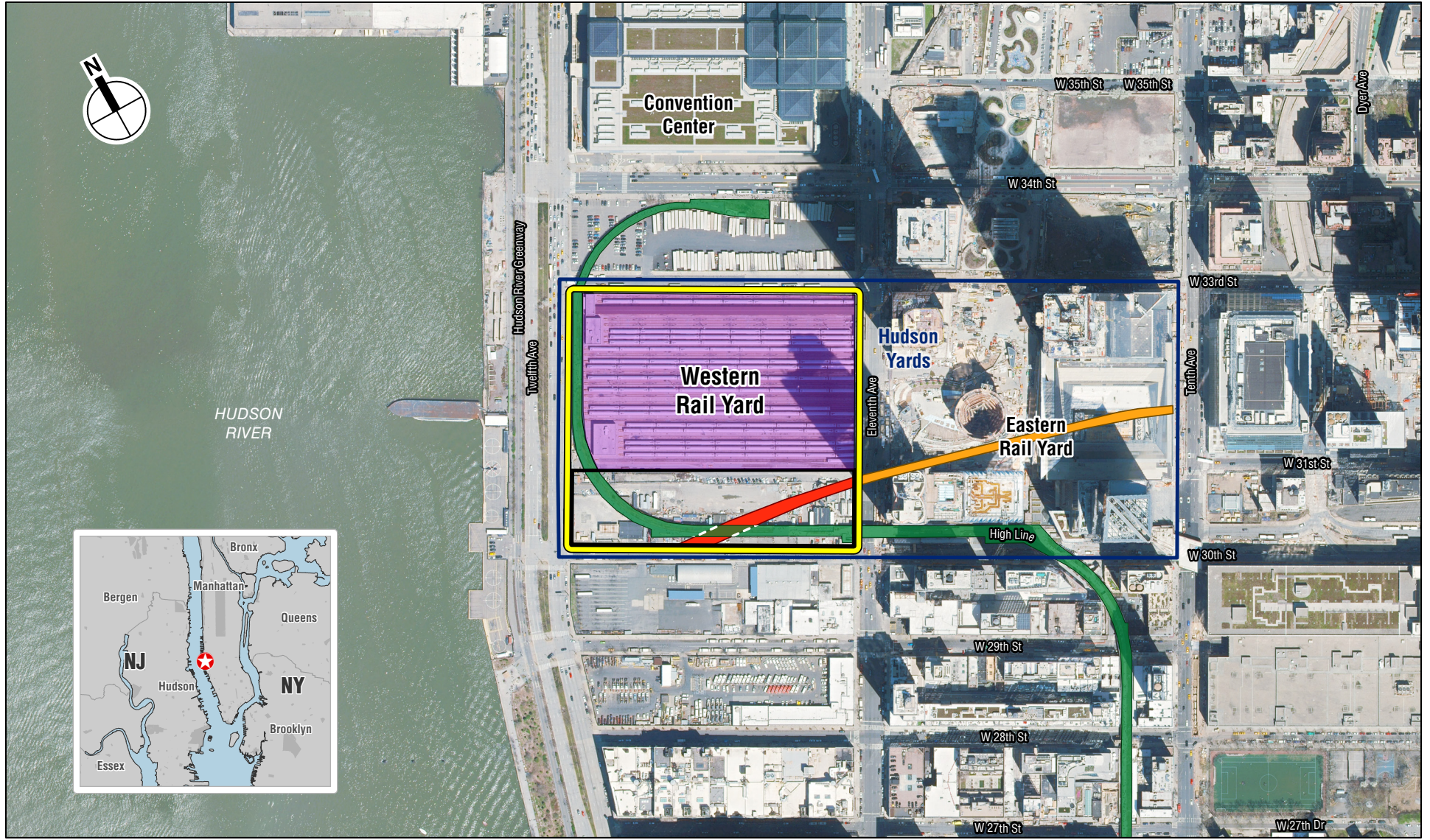
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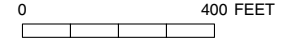
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
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1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Mr. David Martine
Tribal Historic Preservation Officer
Shinnecock Indian Nation
Cultural Resources Department
P.O. Box 5006
Southampton, New York 11969-5006
Copy To: Council of Trustees and Josephine Smith

Re: **Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act Western Rail Yard Infrastructure Project, New York County, New York**

Dear Mr. David Martine:

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Western Rail Yard Infrastructure Project 4

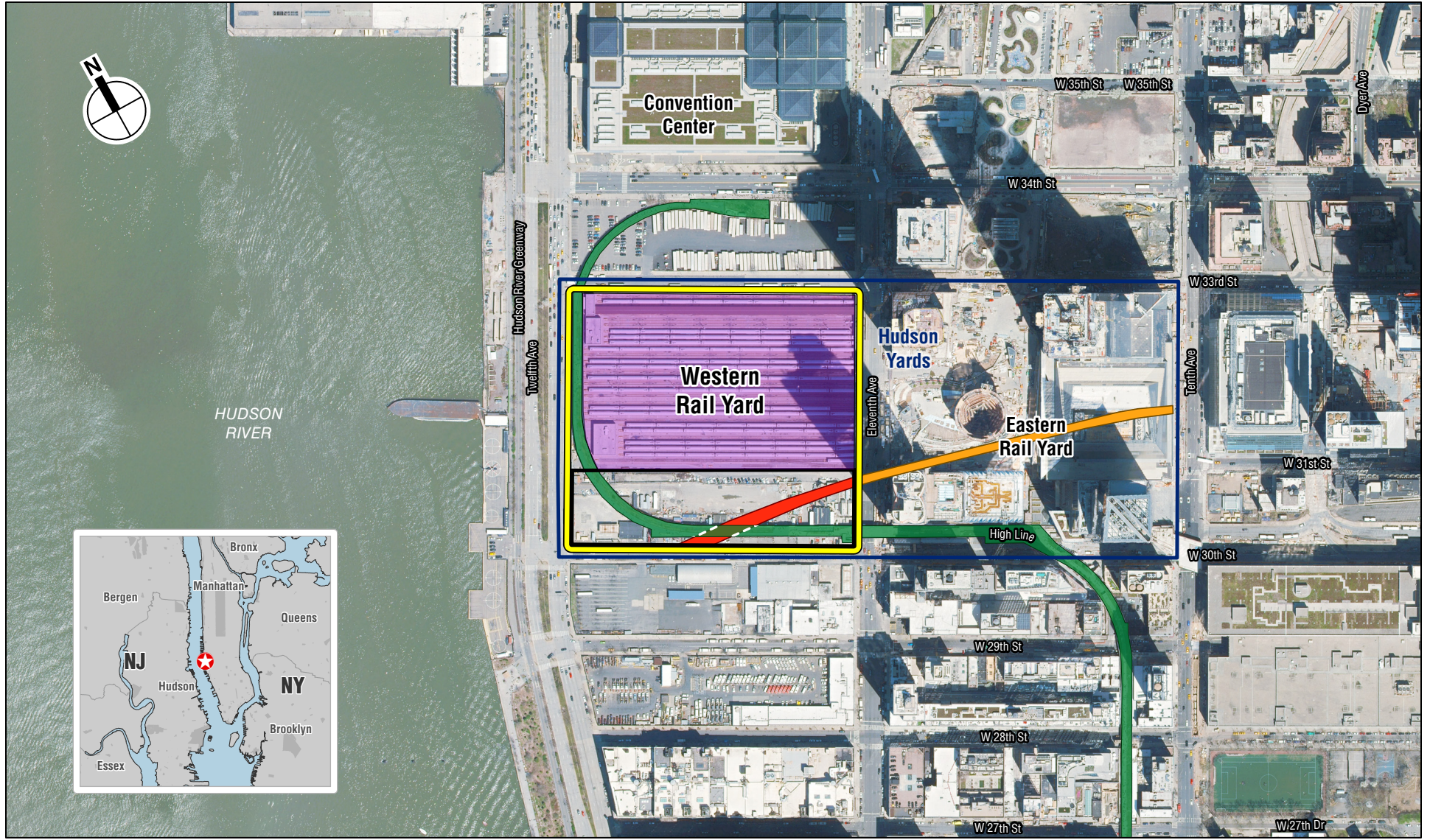
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U.S. Department
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1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Bryan Polite, Daniel S. Collins, Sr., Eugene Cuffee, II, Trustees
Shinnecock Indian Nation
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969-5006
Copy To: David Martine and Josephine Smith

Re: **Government-to-Government Consultation with Native American Tribal
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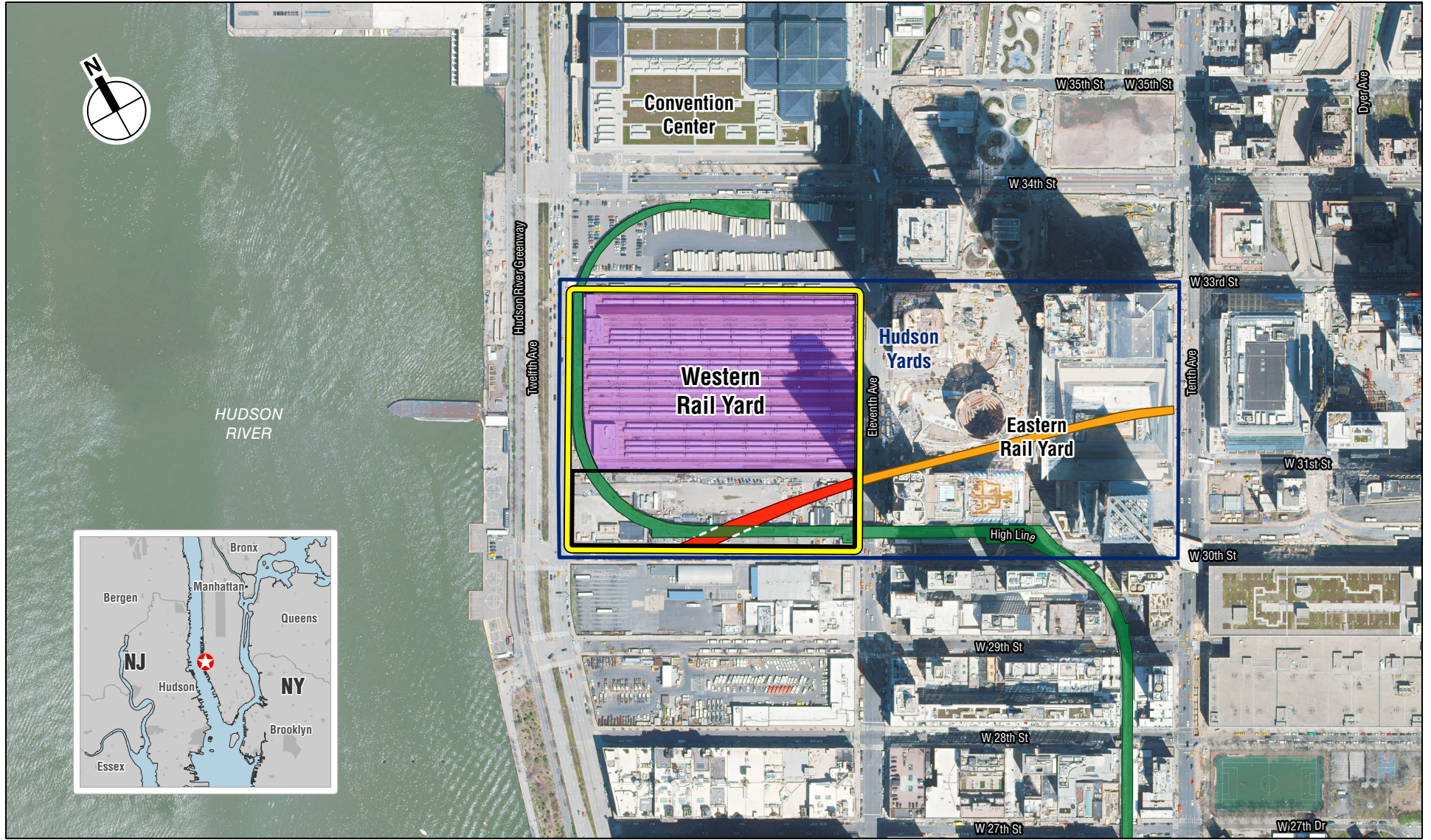
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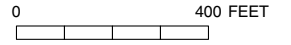
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Laura Shick
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Enclosures



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)



WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Mr. Nathan Allison
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohicans
Tribal Historic Preservation Office – New York Office
65 1st Street
Troy, New York 12180
Copy To: Shannon Holsey and Bonney Hartley

Re: **Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Mr. Nathan Allison:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which

included Section 106 reviews.² For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance for construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register*, Vol. 85, No. 115). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020.

As the lead Federal agency for the Project, FRA is contacting you to notify you about the Project and invite you to participate in Section 106 consultation. FRA is available for formal Government-to-Government consultation at your request, and we invite you to meet with FRA representatives for the purpose of sharing information and establishing protocols for ongoing communication as the Project is advanced. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

Through consultation, we hope to understand any concerns you may have regarding the Project's potential effects to historic properties of traditional or cultural significance to your Tribe, and provide an opportunity for your participation in the process of identifying cultural resources, assessing Project effects on those resources, and resolving any adverse effects.

Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Parties meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other project information is posted at www.westernrailyardinfrastructure.com and at Regulations.gov, Docket Number: FRA-2020-0039.

² *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014)

Western Rail Yard Infrastructure Project 4

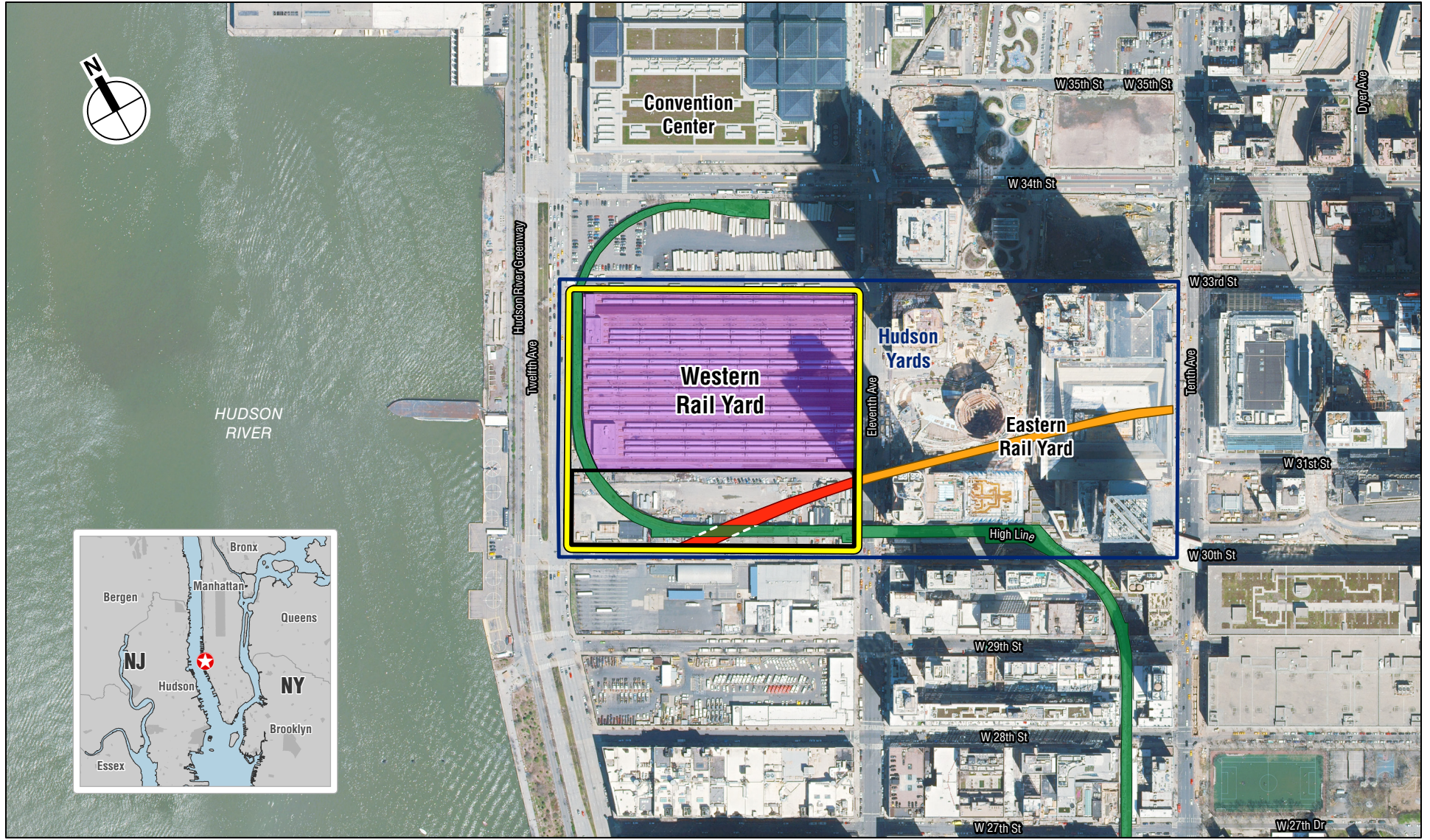
If you have any questions regarding the Project or are interested in participating in consultation, please contact me at laura.shick@dot.gov or (202) 366-0340. You may also respond via mail; however, FRA staff are only periodically able to check mail delivered to the USDOT headquarters building while we are working remotely.

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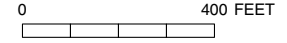
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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

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1200 New Jersey Avenue, SE
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July 29, 2020

President Shannon Holsey
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
N8476 MoHeConNuck Road
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Copy To: Nathan Allison and Bonney Hartley

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Western Rail Yard Infrastructure Project 4

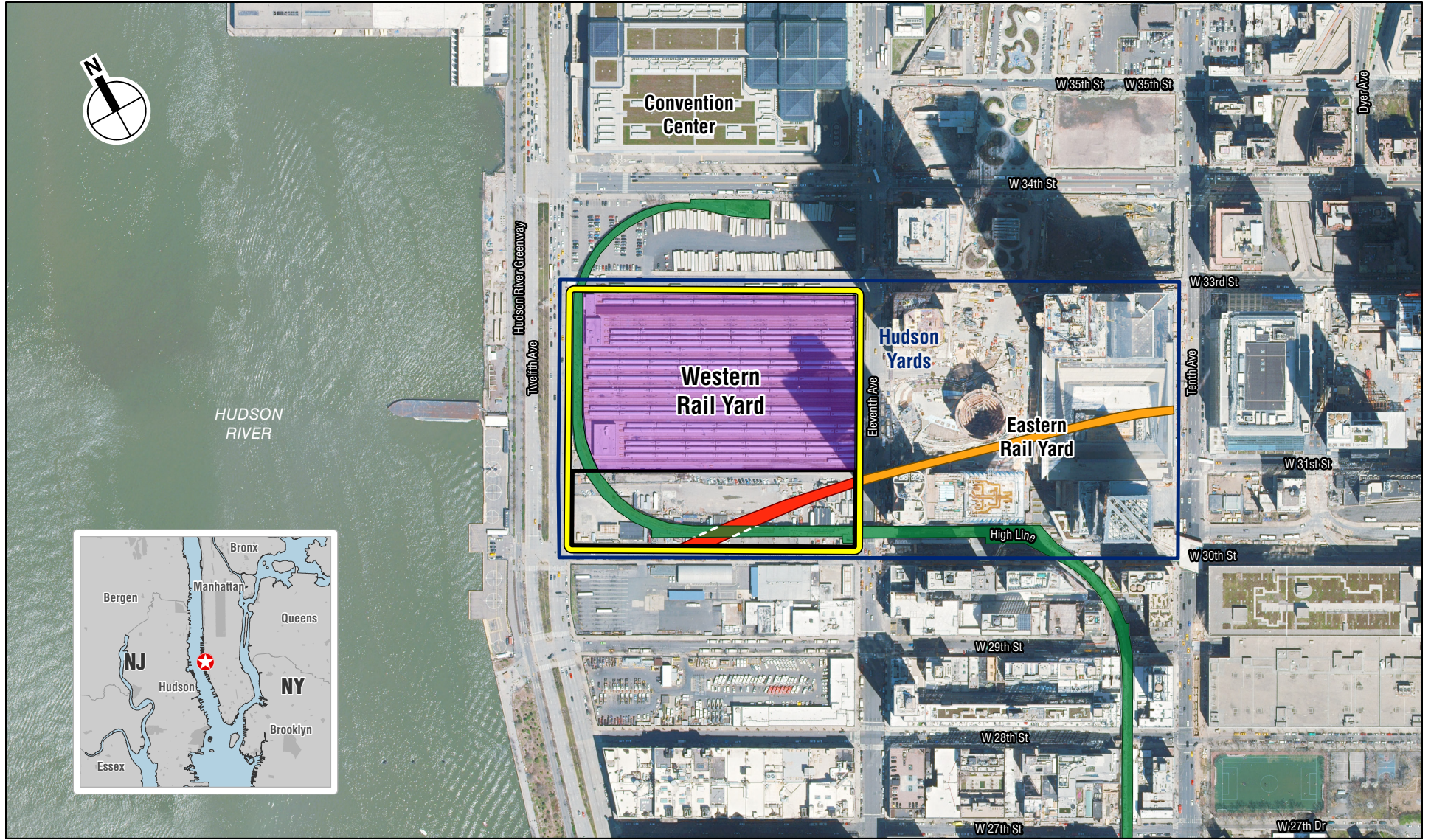
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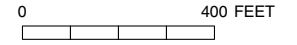
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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1

Western Rail Yard Platform Project
Section 106 Documentation
Proposed Area of Potential Effects (APE)
July 3, 2020

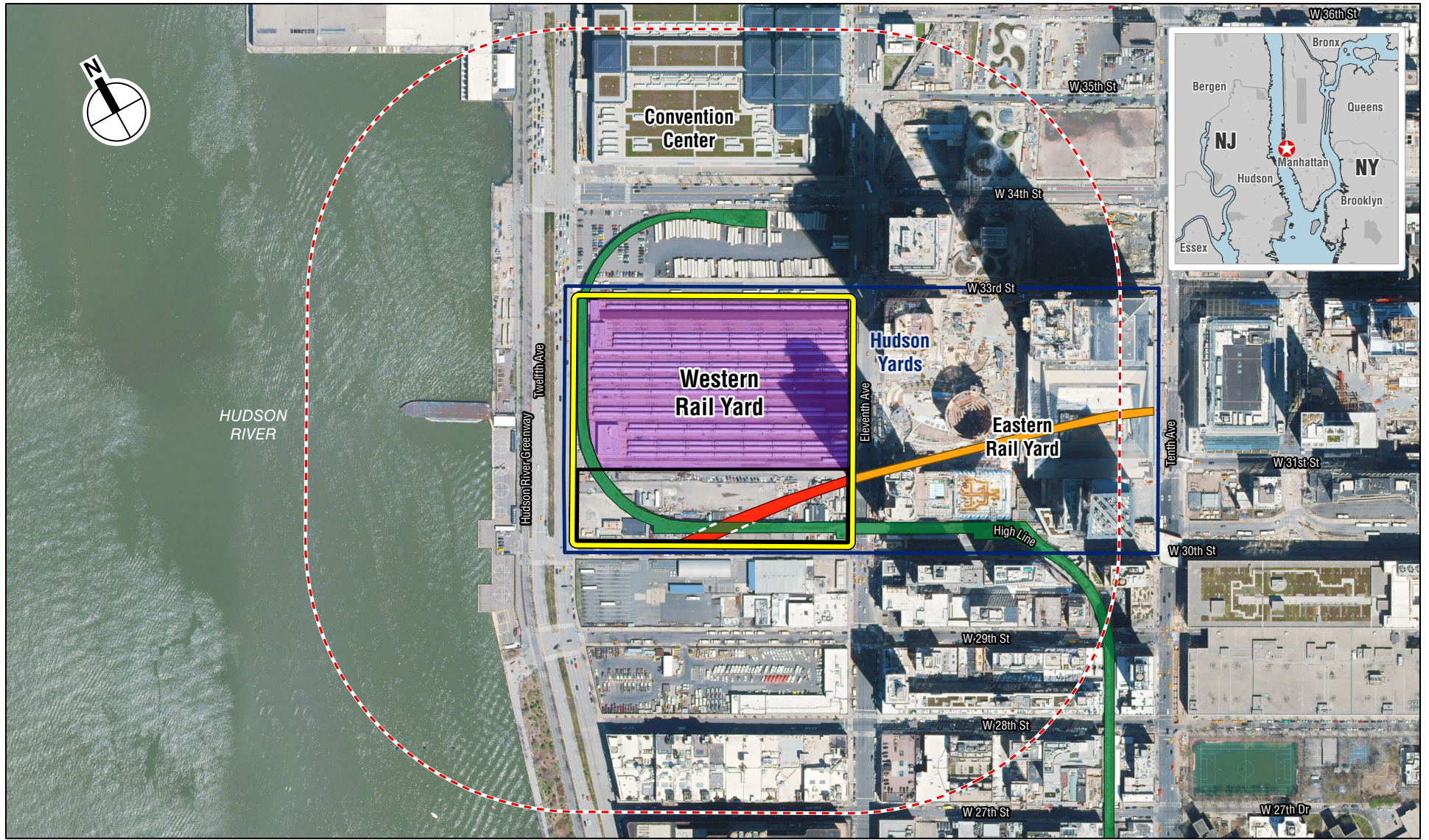
A. PROJECT OVERVIEW AND BACKGROUND

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (DOT) Build America Bureau (Bureau). The Federal Railroad Administration (FRA) is the lead agency preparing the environmental impact statement (EIS) to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other environmental laws. The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action would include: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action”, also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform as described below.

The two components of the Project have previously been reviewed in accordance with local, state, and federal environmental planning requirements as follows:

- The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) review for the Western Rail Yard Project (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). As part of that evaluation, New York State Office of Parks, Recreation and Historic Preservation (SHPO) determined that construction near and around the High Line in Western Rail Yard is appropriate (since historically buildings have been located in this manner) subject to the stipulations in a Letter of Resolution developed with MTA and the New York City Planning Commission. For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS*, which concluded that the Western Rail Yard was not sensitive for archaeological resources. In a comment letter dated April 29, 2009, SHPO confirmed it had no further archaeological concerns with the Western Rail Yard Project. The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution’s existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size).
- The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews¹ led by FRA, which included reviews

¹ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014).



- Project Site (Western Rail Yard)
 - Area of Potential Effects (see accompanying APE Memo)
 - Hudson Yards
 - Approximate Terra Firma Area
 - Proposed Platform
 - Existing Concrete Encasement
 - Proposed Tunnel Encasement
 - Existing High Line Park (Remains Unaltered)
- 0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1

in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended). In a letter dated April 1, 2013, SHPO confirmed the agency had no archaeological concerns regarding the concrete encasement. In a letter dated July 22, 2014, SHPO concurred with FRA's determination that the undertaking would have no adverse effects on historic properties provided that construction monitoring of the High Line would occur per the New York City Building Code *Technical Policy and Procedure Notice #10/88* (14PRO2712).

As described in the Notice of Intent (*Federal Register* [June 15, 2020/Vol. 85, No. 115]), the purpose of the Proposed Action is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the Yard, including new lighting, sprinklers, and an extensive platform ventilation system. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

FRA is coordinating the NEPA process for the Project with compliance with Section 106 of the National Historic Preservation Act (Section 106). FRA intends to identify a Preferred Alternative for the Project in the Draft EIS. The Project, which is also the undertaking for purposes of Section 106, would include the following major components:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform on the Western Rail Yard site, to be supported by approximately four hundred (400) caissons drilled up to 120 feet deep into bedrock below. The Platform would serve as the support for the as-of-right Overbuild of approximately 5.7 million gross square feet of new commercial, residential, and school uses and public open space.
- Installation of life safety and mechanical, electrical and plumbing support services for the Western Rail Yard, including new lighting, sprinklers and an extensive platform ventilation system, which would be integrated into the system for the Eastern Rail Yard site, across Eleventh Avenue.
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services. At its northern end, the Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment that is currently not in use because operations were moved offsite before construction of the adjacent Eastern Rail Yard. The cleaning platform and three LIRR service buildings on the western edge of the Western Rail Yard will be demolished to allow for the Platform construction. These structures have been built since the rail yard was reconstructed in 1986 and are not historic. Once construction of the Platform is completed, the cleaning platform will be reconstructed in its former location. Interim service buildings will be constructed on the western portion of the *terra firma* (at grade solid ground) site, adjacent Twelfth Avenue; LIRR's security fence would be extended around the interim service buildings site and would be controlled by LIRR. The service buildings will be reconstructed in approximately the same footprint, and in accordance with LIRR program requirements. The service buildings will be designed to comply with applicable codes for an enclosed rail yard, New York State Building Code requirements, and to meet accessibility requirements.

TUNNEL ENCASEMENT COMPONENT (RAILROAD RIGHT-OF-WAY PRESERVATION)

- The Tunnel Encasement would be an extension of the existing concrete casing, and would extend from Eleventh Avenue to 30th Street, to preserve railroad right-of-way through the southern portion of the Western Rail Yard site. This segment of Tunnel Encasement would connect to the recently constructed underground right-of-way preservation concrete casing, which begins just east of Tenth Avenue

(between 30th and 32nd Streets), runs beneath the Eastern Rail Yard, and terminates at the eastern edge of Eleventh Avenue just north of 30th Street (completed in 2015). The Tunnel Encasement would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high beneath Western Rail Yard. This Tunnel Encasement would be constructed through a *terra firma* portion of the Western Rail Yard site that will not be covered by the new platform. The Tunnel Encasement would originate at the western end of the underground concrete casing in the Eastern Rail Yard, extend under the Eleventh Avenue viaduct, and continue diagonally across approximately two-thirds of the Western Rail Yard, underneath a portion of the High Line², and end at 30th Street.

B. DEVELOPMENT OF THE AREA OF POTENTIAL EFFECTS

Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, or approve. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review is required. Federal agencies carry out their Section 106 obligations according to the regulations issued by the Advisory Council on Historic Preservation at 36 CFR Part 800. Section 106 is a four-step decision-making process; one required step is to define the Area of Potential Effects (APE), which is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). Historic properties are buildings, structures, sites, objects, or districts that are listed in or eligible for listing in the National Register of Historic Places (NRHP). The APE is influenced by the scale and nature of an undertaking.

The proposed APE described herein and depicted in **Figure 1** has been developed by FRA to account for potential effects of the Project on historic properties, based on the conceptual design for the Project available at this time. In general, potential effects on historic properties can include demolition, physical alteration, or damage, including effects caused by vibration; isolation of a historic property from its surrounding environment; and the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a historic property or that alter its historic setting and context.³ Effects may include reasonably foreseeable effects caused or enabled by the Project that may occur later in time, be farther removed in distance, or be cumulative with other effects from other projects. Adverse effects can occur when a project may alter any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

FRA anticipates that the following types of construction activities and permanent features would be necessary for the Project:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform, including new lighting, sprinklers and an extensive platform ventilation system, to be supported by hundreds of caissons drilled up to 120 feet deep into bedrock below;
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services.

² The High Line is an historic elevated former freight rail line, which has been converted into a public aerial linear park and greenway. The High Line was determined eligible for listing on the State and National Registers of Historic Places in 2004.

³ National Register Bulletin, Defining Boundaries for National Register Properties, prepared by the National Park Service.

At its northern end, Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment. The cleaning platform, and service buildings, will be demolished to allow for the Platform construction, and will be reconstructed as part of the Project, as described above. The interim service buildings will be constructed on the western portion of the *terra firma* site, adjacent Twelfth Avenue.

- Construction staging areas for the construction of the Platform (most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction). No off-site staging is anticipated.

TUNNEL ENCASUREMENT COMPONENT

- Excavation of approximately 66,000 cubic yards of soil and 14,000 cubic yards of rock for the construction of the Tunnel Encasement for the preservation of rail right-of-way. The volumes of soil and rock to be excavated have been estimated by Amtrak based on the Tunnel Encasement design; these volumes will be more precisely determined during the bid process for procuring the Tunnel Encasement construction contractor.
- Demolition of LIRR's Emergency Services Building (ESB) (a structure that primarily houses utility infrastructure) in the Western Rail Yard, temporary relocation of ESB functions, and reconstruction of the building following completion of the Tunnel Encasement. The temporary ESB functions will be located in the southeast corner of the Western Rail Yard on a small portion of existing elevated concrete (at street level to maximize flood protection). This relocation will provide redundant fire water sourcing to the yard, eliminating the need for the existing secondary water tank and fire pump room. Therefore, the interim emergency services facility will function essentially as a substation for emergency facility (not train) power and communications.
- Temporary underpinning of the High Line. Temporary underpinning may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. This work will include approximately 280 feet of underpinning and re-support onto new foundations of either total (both) columns or partial (one) columns, as described in more detail below. The westernmost 80 feet of underpinning on 30th Street will re-support columns of the High Line that would require re-support for the Hudson Tunnel mining approach.
- Construction staging areas for the construction of the Tunnel Encasement. Most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction. No off-site staging is anticipated.

In addition, the privately-funded Overbuild, which would be enabled by the Project, includes 5.7 million gross square feet of residential, commercial, school, and open space uses on top of the Platform and on the *terra firma* portion of the Western Rail Yard site. Construction of the Overbuild would introduce new, permanent visual components on the Western Rail Yard site.

The proposed APE for the Project is discussed in greater detail below. Existing conditions in the proposed APE are depicted in **Figures 2 through 5**.

C. DESCRIPTION OF THE PROPOSED AREA OF POTENTIAL EFFECTS

The proposed APE (depicted in red-and-white dash in **Figure 1**) encompasses the area 800 feet in all directions from the Western Rail Yard site boundary (depicted in yellow in **Figure 1**). The proposed APE takes into account construction-related effects as well as the visibility of permanent above-grade Project components, including the proposed Platform and Tunnel Encasement. The proposed APE also accounts for the potential indirect effects of the Overbuild. The proposed APE encompasses a sufficiently large area



Source: AKRF

View south from West 34th Street and Hudson Boulevard East 1



Source: AKRF

View south from West 34th Street and Eleventh Avenue 2



Source: AKRF

View southeast from northern end of High Line, near Twelfth Avenue and West 34th Street 3



Source: AKRF

Eleventh Avenue, view north from West 30th Street 4



Source: AKRF

South side of West 30th Street, west of Eleventh Avenue 5



Source: AKRF

West 30th Street, view west from Eleventh Avenue 6



Source: AKRF

View east toward project site, from Route 9A at West 30th Street 7



Source: AKRF

North side of West 29th Street, west of Eleventh Avenue 8



Source: AKRF

View southeast from High Line, from roughly West 31st Street 9



Source: AKRF

Eleventh Avenue looking north from near West 33rd Street 10



Source: AKRF

Route 9A, looking north from near West 33rd Street 11

to account for permanent visual impacts of the Project. The APE takes into consideration topography, vegetation, and the existing built environment that diminish sight lines. Field reconnaissance conducted by AKRF and information provided by the Project Sponsor regarding the characteristics of the Project components were utilized to help define the proposed APE. The analysis of potential effects to below-ground (archaeological) resources will be limited to the area of anticipated ground disturbance, which is within the Western Rail Yard site boundary.

The proposed APE for the Project is consistent with the APE developed for the 2009 SEQRA/CEQR FEIS for the Western Rail Yard site, and encompasses the smaller APE developed for FRA's previous evaluation of the entire right-of-way preservation concrete encasement (of which the Tunnel Encasement is the westernmost third segment, as described above).

PLATFORM COMPONENT

Potential effects as a result of construction of the Platform are included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. The Platform development would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Platform would not introduce any permanent visual components; it would be covered by the privately-funded, as-of-right Overbuild (described above).

TUNNEL ENCASEMENT COMPONENT

Construction of the railroad right-of-way preservation Tunnel Encasement is included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. Construction of the Tunnel Encasement would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Tunnel Encasement would not introduce any permanent visual components above grade.

CONSTRUCTION STAGING AREAS

The proposed APE includes the construction staging areas for the Platform and the Tunnel Encasement. At-grade and subsurface ground disturbance would occur in these areas, which could directly impact archaeological resources if any are present. The construction staging areas would not have permanent visual impacts. Therefore, the potential for construction-related impacts for these two Project components would be limited to a 100-foot buffer around the Western Rail Yard site boundary, that falls within the 800-foot APE.

UNDERPINNING OF STRUCTURES

Underpinning, which consists of the re-supporting of the below-grade foundations of an existing building or structure on new foundations, may be required beneath the High Line where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. In general, beams will be installed across the proposed open cut (one on each side of the columns), the High Line columns will be supported on those beams utilizing brackets mounted to the columns, new foundations will be built down to the concrete casing roof of other new deep foundations, and support of the High Line will be transferred onto these new, permanent foundations.⁴ Underpinning

⁴ In accordance with High Line Park's easement to utilize the rail structure, which states that the original rail use must be able to be restored, the underpinning for permanent re-support of the High Line incorporates full historic rail live loading, which is significantly greater than the current park use.

the High Line would not have permanent visible impacts. The potential for construction-related impacts for this work, which could occur as a result of vibration from construction activities, falling debris, and/or inadvertent damage caused by heavy machinery, among other things, would be limited to a 100-foot buffer around the portions of the High Line to be underpinned, that falls within the 800-foot APE.



Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:24 PM

To: "nalligood@delawarenation.com" <nalligood@delawarenation.com>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, "epaden@delawarenation-nsn.gov" <epaden@delawarenation-nsn.gov>, "dkelly@delawarenation-nsn.gov" <dkelly@delawarenation-nsn.gov>, WRY Project <WRYProject@dot.gov>

Dear Ms. Alligood,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](https://www.volpe.dot.gov) | Web: www.volpe.dot.govOffice: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov*Advancing transportation innovation for the public good***2020_07_29_Delaware Nation_Alligood.pdf**

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:23 PM

To: "epaden@delawarenation-nsn.gov" <epaden@delawarenation-nsn.gov>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "nalligood@delawarenation.com" <nalligood@delawarenation.com>, "dkelly@delawarenation-nsn.gov" <dkelly@delawarenation-nsn.gov>

Dear Ms. Thomas-Aden,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](https://www.volpe.dot.gov) | Web: www.volpe.dot.govOffice: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov*Advancing transportation innovation for the public good***2020_07_29_Delaware Nation_Thompson-Aden.pdf**

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:22 PM

To: "bobermeyer@delawaretribe.org" <bobermeyer@delawaretribe.org>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "cbrooks@delawaretribe.org" <cbrooks@delawaretribe.org>, "temple@delawaretribe.org" <temple@delawaretribe.org>

Dear Dr. Obermeyer,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](#) | Web: www.volpe.dot.gov

Office: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:19 PM

To: "DavidMartine@shinnecock.org" <DavidMartine@shinnecock.org>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "counciloftrustees@shinnecock.org" <counciloftrustees@shinnecock.org>, "josephinesmith@shinnecock.org" <josephinesmith@shinnecock.org>

Dear Mr. Martine,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](#) | Web: www.volpe.dot.govOffice: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov*Advancing transportation innovation for the public good***2020_07_29_Shinnecock Indian Nation_Martine.pdf**

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:19 PM

To: "counciloftrustees@shinnecock.org" <counciloftrustees@shinnecock.org>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "josephinesmith@shinnecock.org" <josephinesmith@shinnecock.org>, "DavidMartine@shinnecock.org" <DavidMartine@shinnecock.org>

Dear Mr. Polite, Mr. Collins, and Mr. Cuffee, Trustees,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](#) | Web: www.volpe.dot.gov

Office: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:20 PM

To: "shannon.holsey@mohican-nsn.gov" <shannon.holsey@mohican-nsn.gov>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "bonney.hartley@mohican-nsn.gov" <bonney.hartley@mohican-nsn.gov>, "nathan.allison@mohican-nsn.gov" <nathan.allison@mohican-nsn.gov>

Dear President Holsey,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.govOffice: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov*Advancing transportation innovation for the public good***2020_07_29_Stockbridge-Munsee Community of Mohican Indians of Wisconsin_Holsey.pdf**

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Rebecca Kriss <rkriss@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

WRY Project <WRYProject@dot.gov>

Thu, Jul 30, 2020 at 3:21 PM

To: "nathan.allison@mohican-nsn.gov" <nathan.allison@mohican-nsn.gov>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, "shannon.holsey@mohican-nsn.gov" <shannon.holsey@mohican-nsn.gov>, "bonney.hartley@mohican-nsn.gov" <bonney.hartley@mohican-nsn.gov>

Dear Mr. Allison,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.govOffice: 617-494-2147 | Fax: 617-494-2789 | Cell: 857-600-6265 | Email: rebecca.blatnica@dot.gov*Advancing transportation innovation for the public good***2020_07_29_Stockbridge-Munsee Community of Mohican Indians of Wisconsin_Allison.pdf**

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Jennifer Morris <jmorris@akrf.com>

RE: Section 106 Consultation - Western Rail Yard Infrastructure Project

1 message

Nathan Allison <nathan.allison@mohican-nsn.gov>

Thu, Jul 30, 2020 at 4:40 PM

To: WRY Project <WRYProject@dot.gov>, Shannon Holsey <Shannon.Holsey@mohican-nsn.gov>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Jennifer Morris <jmorris@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>

Ms. Shick,

Good afternoon. Thank you for requesting comments from the Stockbridge-Munsee Community Tribal Historic Preservation Office. We have received both requests associated with the proposed Western Rail Yard Infrastructure Project. In accordance with Section 106 of the National Historic Preservation Act, the SMC THPO will review the document and respond back shortly with comments, if any we should have.

Since January I am the point-of-contact for all Section 106/NEPA reviews as well as state and local consultation requests. Ms. Hartley has transitioned to focus on NAGPRA and repatriation concerns for the Tribe. Future correspondence and consultation requests can be directed to me. Please see my contact information below for your records. We do ask that all consultation requests and associated documents be submitted electronically via email.

Please let me know should you have any questions.

Best,

Nathan

Nathan Allison

Tribal Historic Preservation Officer & Archaeologist

Stockbridge-Munsee Mohican Tribal Historic Preservation

Extension Office

65 1st Street

Troy, NY 12180

(518) 244-6891

nathan.allison@mohican-nsn.govwww.mohican-nsn.gov***Hours of Operation Update: Mon.-Thur. 7 am -5:30 pm***

From: WRY Project <WRYProject@dot.gov>
Sent: Thursday, July 30, 2020 3:21 PM
To: Shannon Holsey <Shannon.Holsey@mohican-nsn.gov>
Cc: Shick, Laura (FRA) <Laura.Shick@dot.gov>; Nathan Riddle <nriddle@akrf.com>; Jennifer Morris <jmorris@akrf.com>;
Rebecca Kriss <rkris@akrf.com>; WRY Project <WRYProject@dot.gov>; Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>;
Nathan Allison <nathan.allison@mohican-nsn.gov>
Subject: Section 106 Consultation - Western Rail Yard Infrastructure Project

Dear President Holsey,

Please find the attached correspondence from the Federal Railroad Administration regarding Government-to-Government Consultation pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Becky Blatnica

Becky Blatnica, AICP

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

[55 Broadway, Cambridge MA 02142](#) | Web: www.volpe.dot.gov

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Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:25 PM

To: jloichinger@achp.gov

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

Dear Ms. Loichinger:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

 2020-08-06_ACHP_Loichinger.pdf
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Ms. Jaime Loichinger
Assistant Director, Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Jaime Loichinger:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.³ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing

³ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (NY SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The proposed Platform and mixed-use development (Overbuild) were reviewed in 2009 in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process for the Western Rail Yard Project (08PR03724, 08PR04116) as documented in the *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which included Section 106 reviews.⁴ For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which

⁴ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York.* (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York.* (FRA and Amtrak, November 2014)

concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance, as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and NY SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance from construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020. In its response to FRA dated August 3, 2020, NY SHPO indicated that it concurs with FRA's proposed Area of Potential Effects (APE), and noted that it has no archaeological concerns with the proposed undertaking. The Project APE is described in **Figure 1**.

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If you have any questions regarding the Project or wish to be a Section 106 consulting party, please contact FRA by email at WRYProject@dot.gov. FRA appreciates your interest in the Western Rail Yard Infrastructure Project.

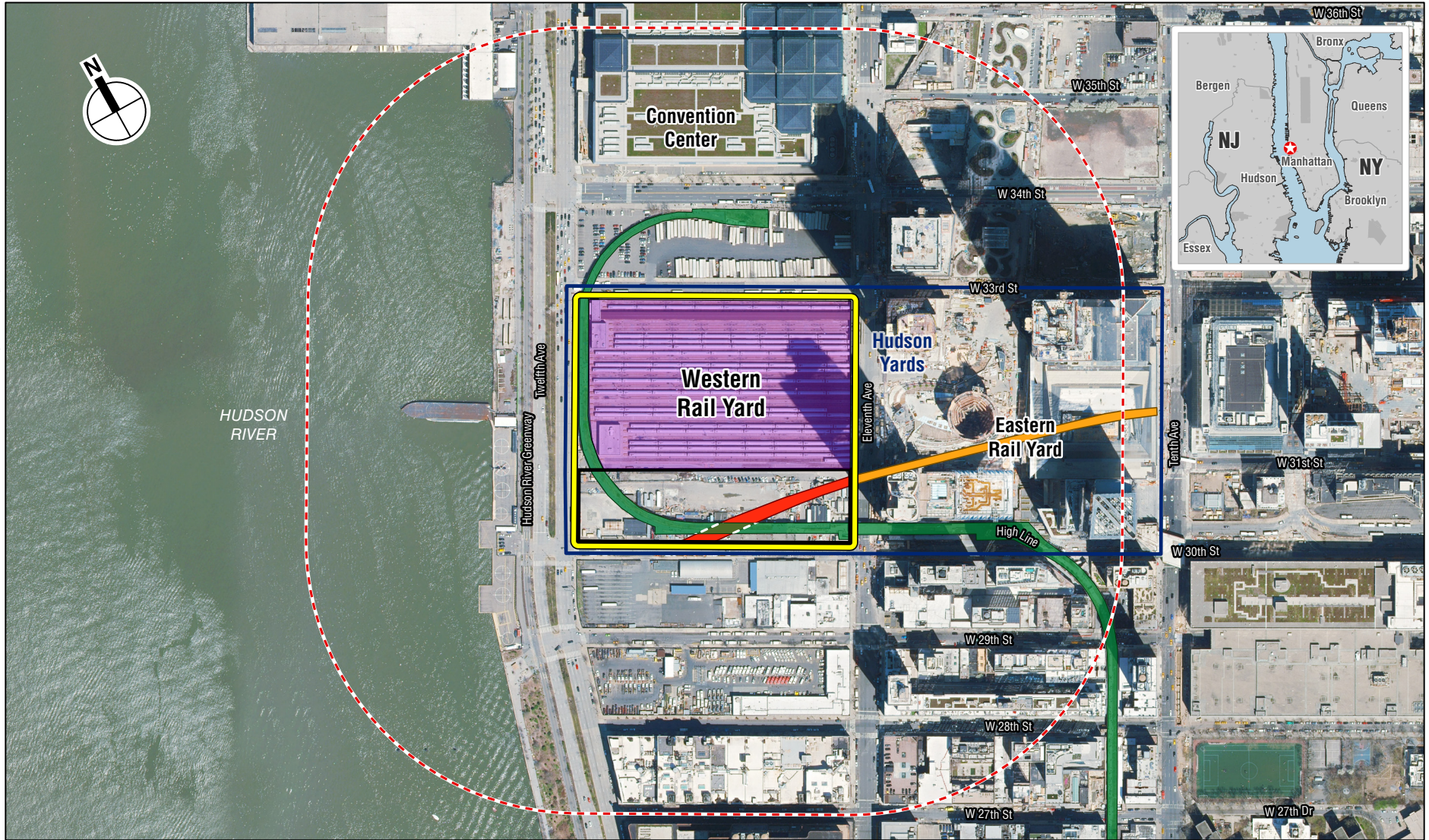
Western Rail Yard Infrastructure Project 4

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Area of Potential Effects
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:28 PM

To: sstokely@achp.gov

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>


Dear Ms. Stokely:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Ms. Sarah Stokely
FRA Liaison, Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Washington, DC 20004

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Sarah Stokely:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.⁵ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing

⁵ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (NY SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The proposed Platform and mixed-use development (Overbuild) were reviewed in 2009 in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process for the Western Rail Yard Project (08PR03724, 08PR04116) as documented in the *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which included Section 106 reviews.⁶ For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which

⁶ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014)

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If you have any questions regarding the Project or wish to be a Section 106 consulting party, please contact FRA by email at WRYProject@dot.gov. FRA appreciates your interest in the Western Rail Yard Infrastructure Project.

Western Rail Yard Infrastructure Project 4

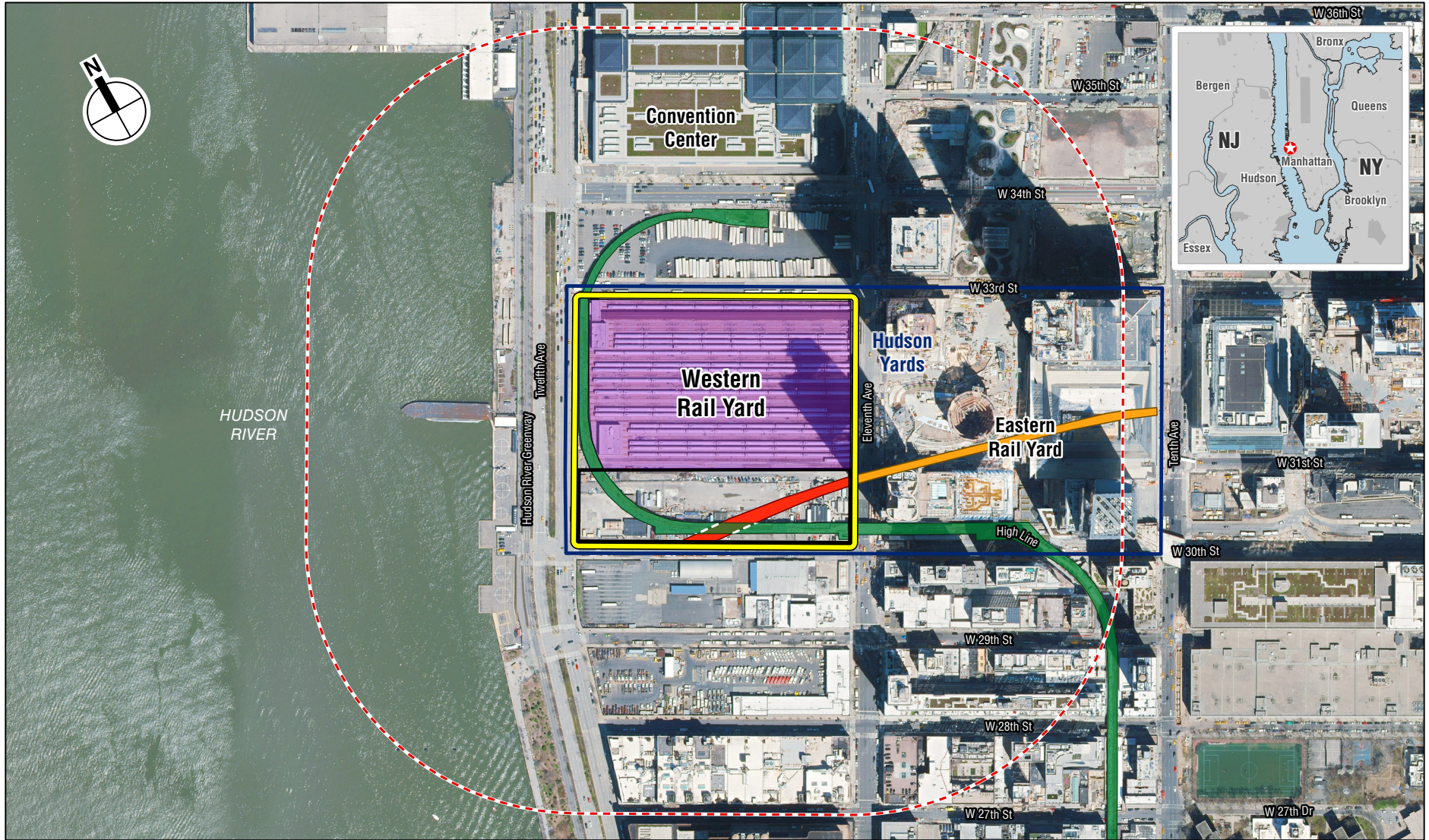
Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



- Project Site (Western Rail Yard)
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:23 PM

To: johnette.davies@amtrak.com

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

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Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Ms. Johnette Davies
Senior Historic Preservation Specialist
Amtrak 30th Street Station
2955 Market Street, Mailbox 55
Philadelphia, PA 19104

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Johnette Davies:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

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¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

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² *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014)

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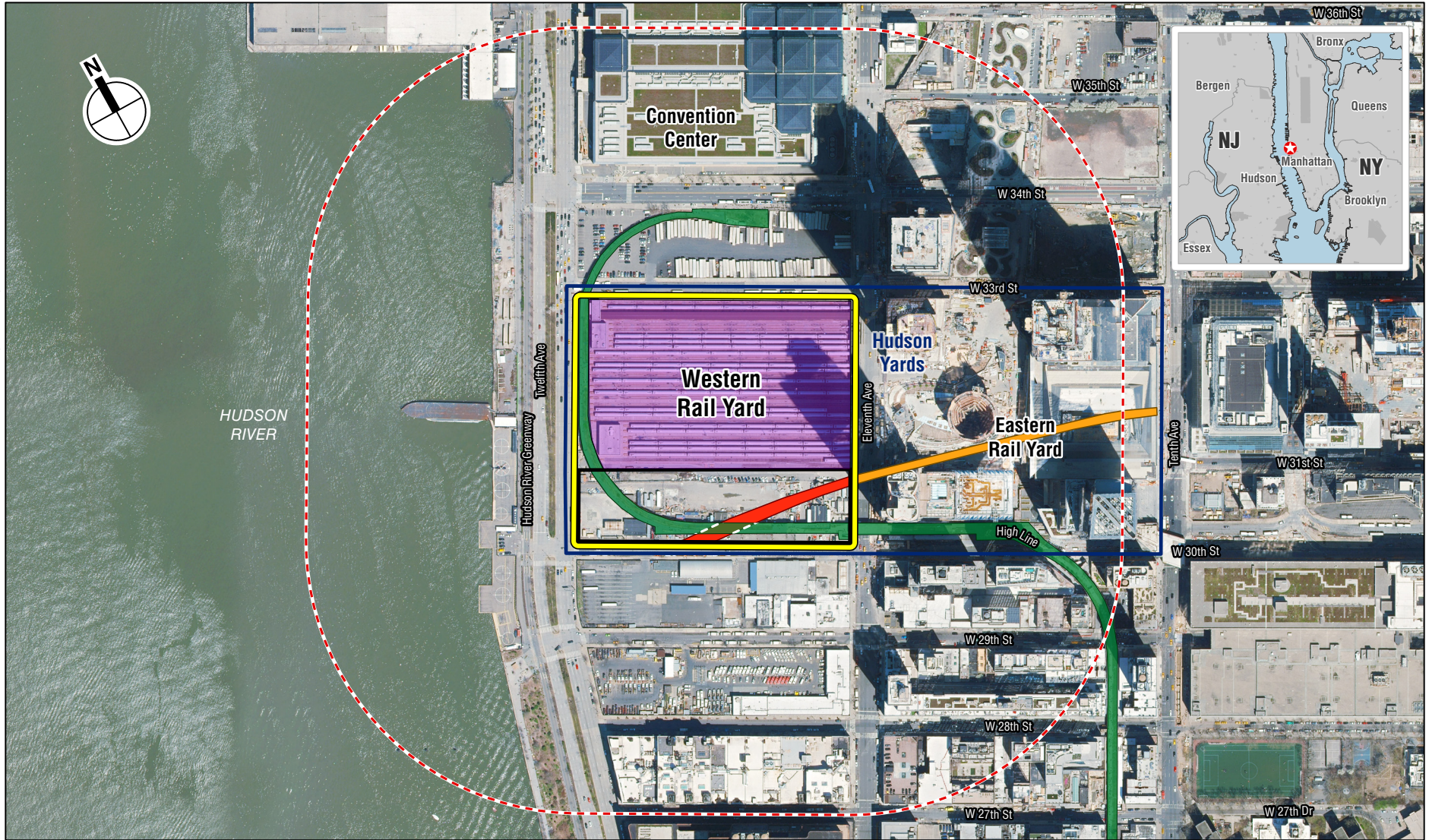
Western Rail Yard Infrastructure Project 4

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Area of Potential Effects
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:42 PM

To: president@anthraciterailroads.org

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

Dear Mr. Gabriel:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

 **2020-08-06_ARHS_Gabriel.pdf**
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Mr. John Gabriel, Jr., President
Anthracite Railroads Historical Society
P.O. Box 519
Lansdale, PA 19446-0519

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Mr. John Gabriel, Jr.:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹⁹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

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If you have any questions regarding the Project or wish to be a Section 106 consulting party, please contact FRA by email at WRYProject@dot.gov. FRA appreciates your interest in the Western Rail Yard Infrastructure Project.

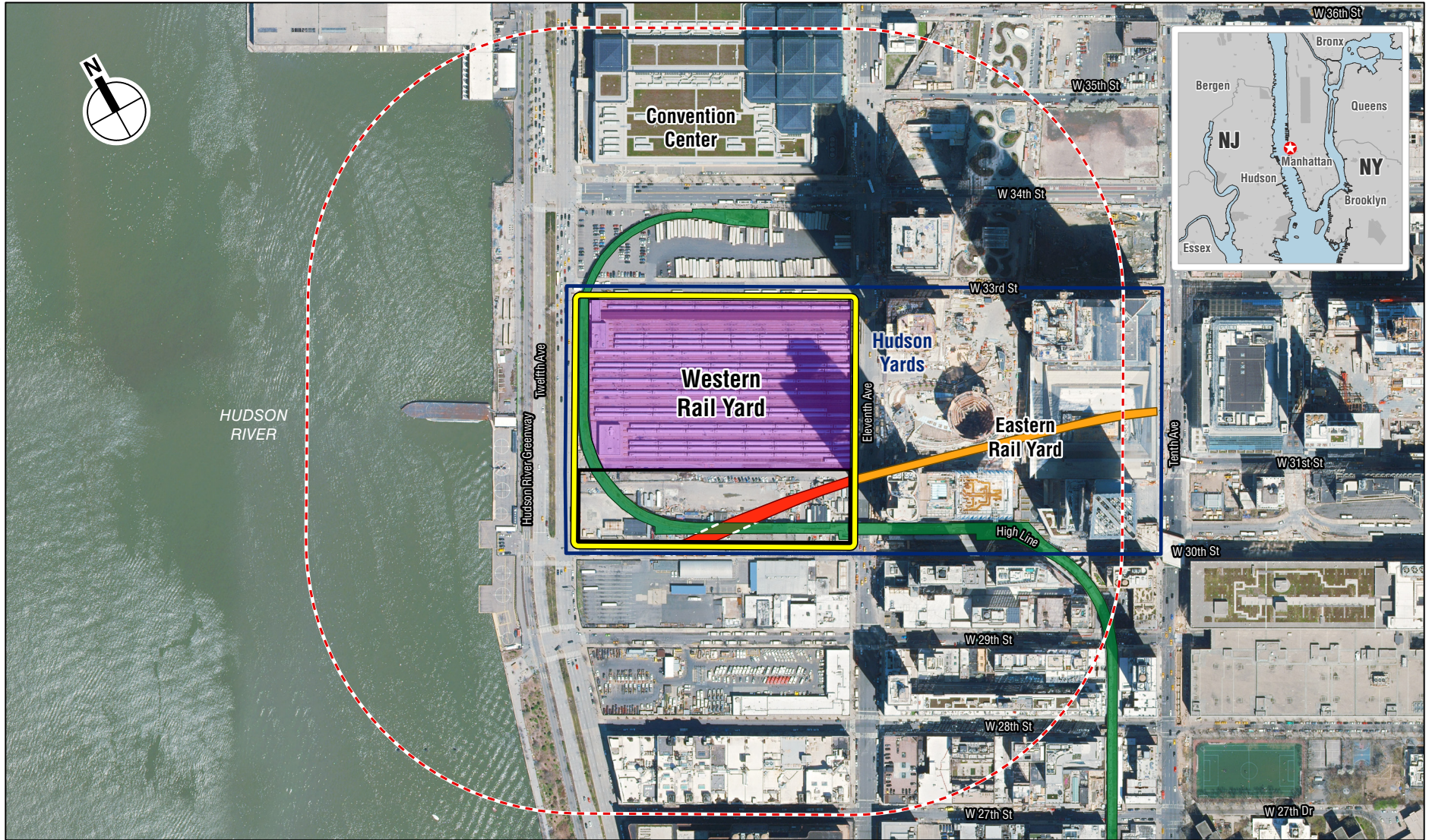
Western Rail Yard Infrastructure Project 4

Sincerely,

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Area of Potential Effects
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:30 PM

To: corrine.remington@yahoo.com

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

Dear Ms. Remington:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

 **2020-08-06_Eastern Delaware Nation_Remington.pdf**
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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 6, 2020

Ms. Corrine Remington, Secretary
Eastern Delaware Nation
Boro Line Road
Dushore, PA 18614

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Corrine Remington:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

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Western Rail Yard Infrastructure Project 4

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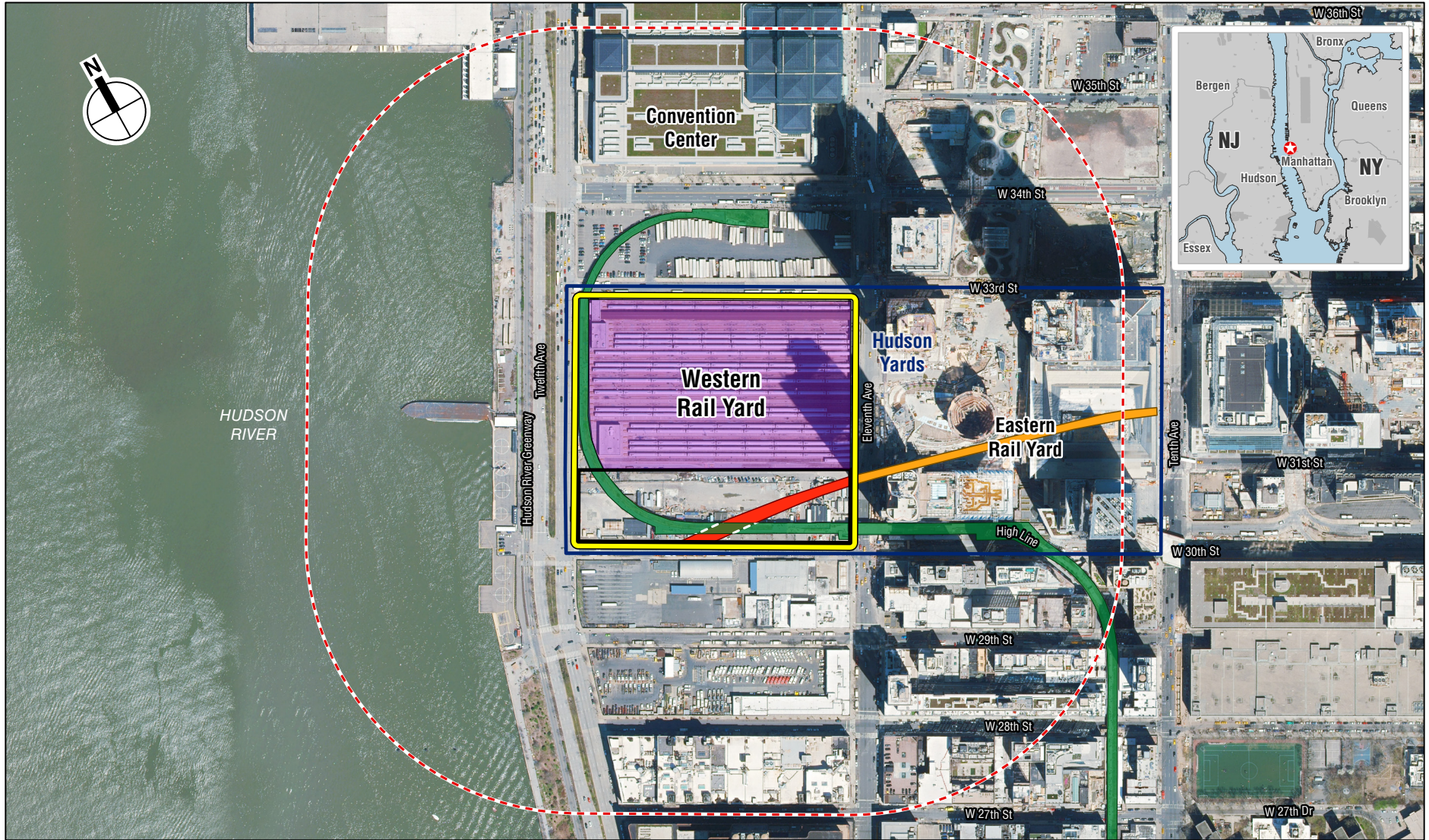
Sincerely,

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



- Project Site (Western Rail Yard)
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- Hudson Yards
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:44 PM

To: mjconnor_rr_@hotmail.com, dstart.elhs@gmail.com

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

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Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Mr. Michael J. Connor, President
Erie Lackawanna Railroad Historical Society
c/o David Start, Membership Chairman
22 Ice Plant Road
Lafayette, NJ 07848-2403

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Mr. Michael J. Connor:

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Western Rail Yard Infrastructure Project 4

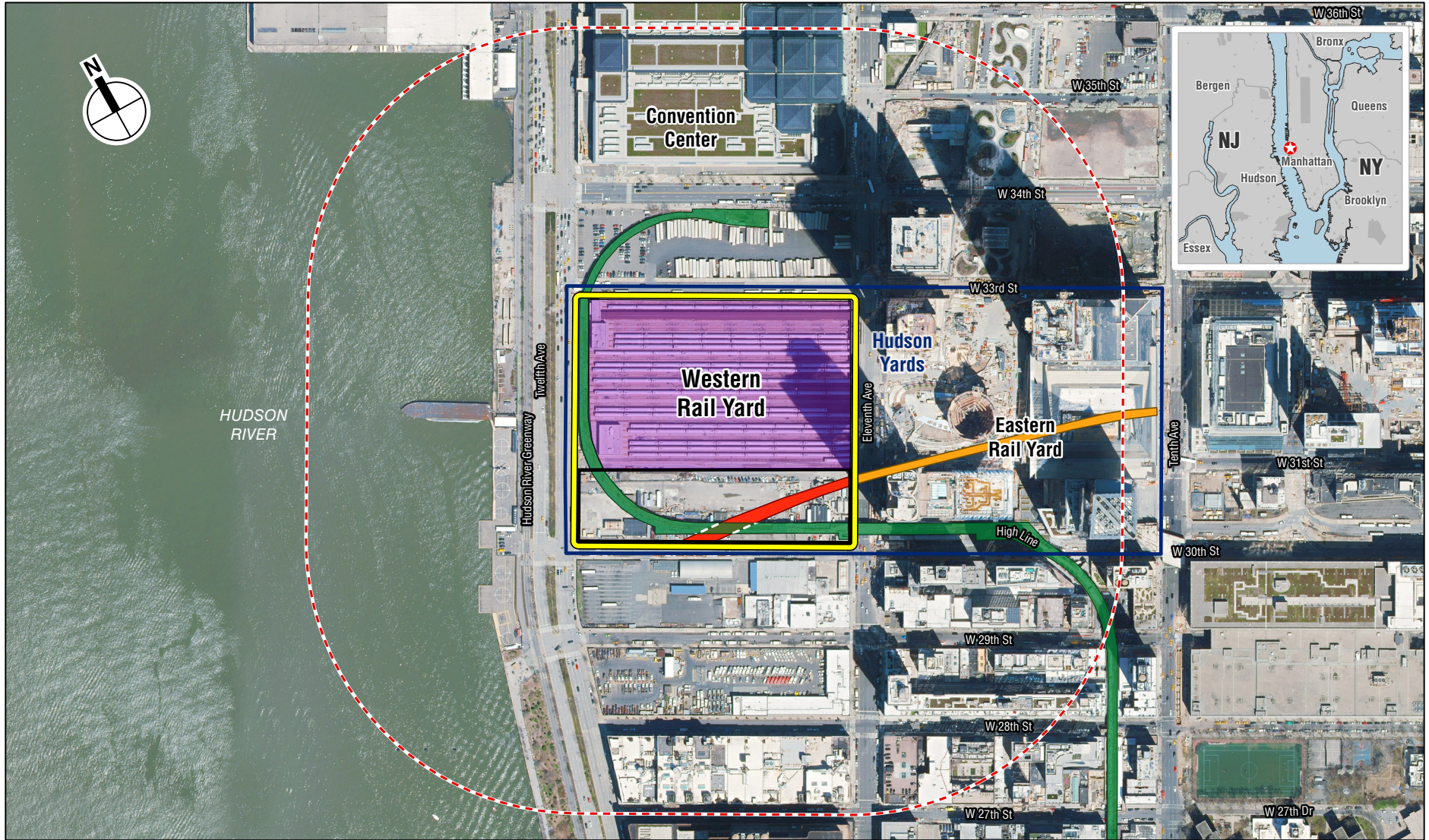
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Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

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Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:38 PM

To: robert@thehighline.org

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Mr. Robert Hammond
Co-Founder and Executive Director
Friends of the High Line
820 Washington Street
New York, NY 10014

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Western Rail Yard Infrastructure Project
New York County, New York**

Dear Mr. Robert Hammond:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹³ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing

¹³ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (NY SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The proposed Platform and mixed-use development (Overbuild) were reviewed in 2009 in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process for the Western Rail Yard Project (08PR03724, 08PR04116) as documented in the *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which included Section 106 reviews.¹⁴ For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which

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concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance, as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and NY SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance from construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020. In its response to FRA dated August 3, 2020, NY SHPO indicated that it concurs with FRA's proposed Area of Potential Effects (APE), and noted that it has no archaeological concerns with the proposed undertaking. The Project APE is described in **Figure 1**.

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Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Parties meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other project information is posted at www.westernrailyardinfrastructure.com and at Regulations.gov, Docket Number: FRA-2020-0039.

If you have any questions regarding the Project or wish to be a Section 106 consulting party, please contact FRA by email at WRYProject@dot.gov. FRA appreciates your interest in the Western Rail Yard Infrastructure Project.

Western Rail Yard Infrastructure Project 4

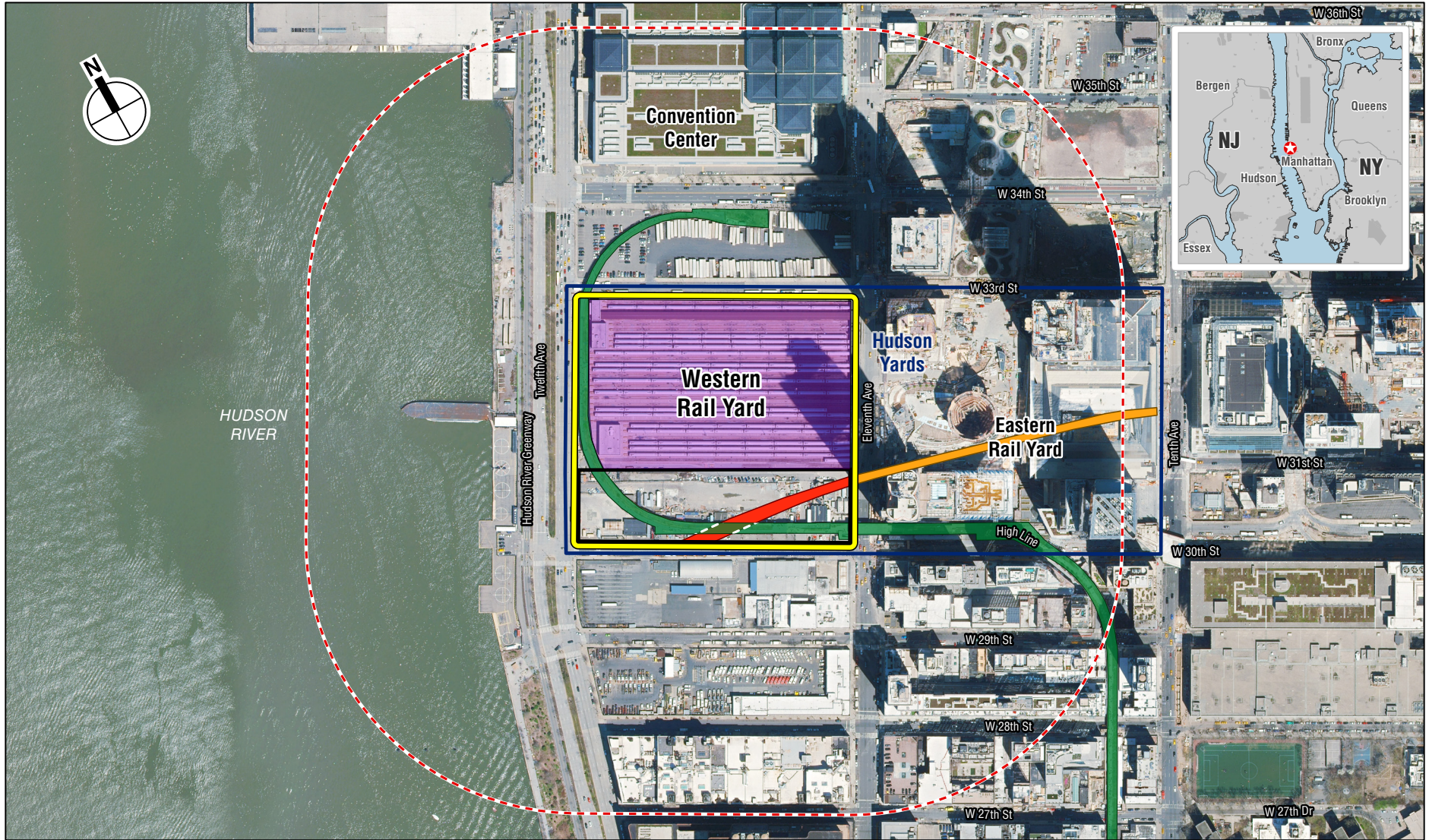
Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



- Project Site (Western Rail Yard)
- Area of Potential Effects
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
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- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:37 PM

To: "Doyle, Noreen" <ndoyle@hrpt.ny.gov>

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>


Dear Ms. Doyle:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Ms. Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40, 2nd Floor
353 West Street
New York, NY 10014

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Noreen Doyle:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity

¹¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

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Western Rail Yard Infrastructure Project 4

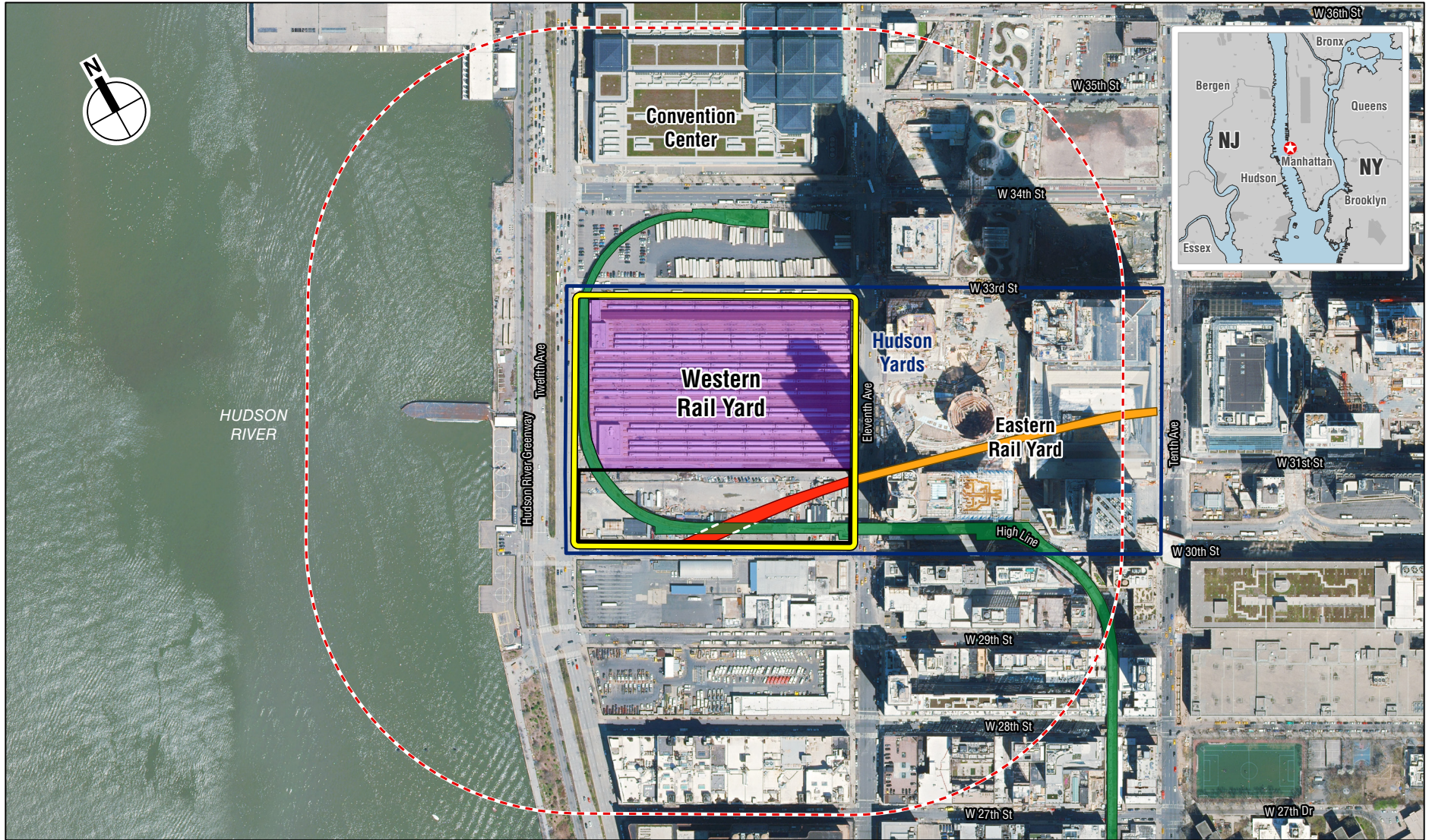
Sincerely,

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



- Project Site (Western Rail Yard)
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:32 PM

To: info@lenape-nation.org

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>

To the Lenape Nation of Pennsylvania:

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Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 6, 2020

Lenape Nation of Pennsylvania
169 Northampton Street
Easton, PA 18042

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

To Whom It May Concern:

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Western Rail Yard Infrastructure Project 4

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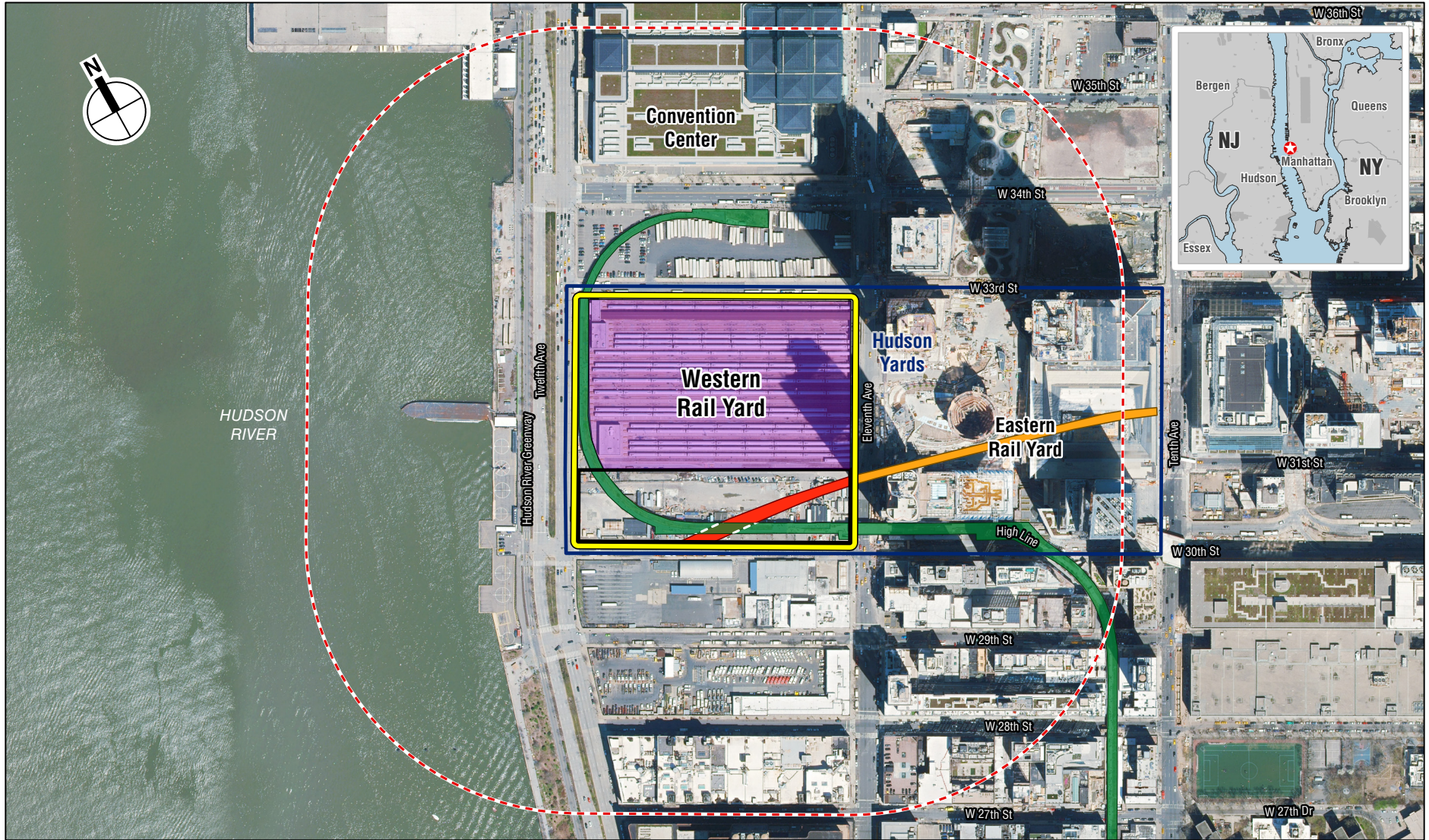
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Laura Shick
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Enclosures

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- Existing High Line Park (Remains Unaltered)

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1



Keri Cibelli <kcibelli@akrf.com>

Section 106 Consultation - Western Rail Yard Infrastructure Project

Jennifer Morris <jmorris@akrf.com>

Thu, Aug 6, 2020 at 8:46 PM

To: nrhs-nyc@msn.com

Cc: "Shick, Laura (FRA)" <Laura.Shick@dot.gov>, Nathan Riddle <nriddle@akrf.com>, Rebecca Kriss <rkriss@akrf.com>, WRY Project <WRYProject@dot.gov>, Stephen Holley <sholley@akrf.com>, Keri Cibelli <kcibelli@akrf.com>, "Poole, Andrea (FRA)" <andrea.poole@dot.gov>, "Blatnica, Rebecca (Volpe)" <Rebecca.Blatnica@dot.gov>


Dear Mr. Papp:

Please find the attached correspondence from the Federal Railroad Administration regarding Consulting Parties pursuant to Section 106 of the National Historic Preservation Act for the Western Rail Yard Infrastructure Project in New York County, New York.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Sincerely,

Jennifer Morris
on behalf of
Laura A. Shick
Supervisory Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov

 **2020-08-06_NRHS_Papp.pdf**
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 6, 2020

Albert L. Papp, Jr., President
National Railway Historical Society, Inc.
New York Chapter
121 Northfield
Millington, NJ 07946

**Re: Invitation to be a Section 106 Consulting Party
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Mr. Albert L. Papp, Jr.:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.²³ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing

²³ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (NY SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The proposed Platform and mixed-use development (Overbuild) were reviewed in 2009 in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process for the Western Rail Yard Project (08PR03724, 08PR04116) as documented in the *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which included Section 106 reviews.²⁴ For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which

²⁴ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014)

concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance, as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and NY SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance from construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020. In its response to FRA dated August 3, 2020, NY SHPO indicated that it concurs with FRA's proposed Area of Potential Effects (APE), and noted that it has no archaeological concerns with the proposed undertaking. The Project APE is described in **Figure 1**.

As the lead Federal agency for the Project, FRA is contacting you to notify you about the Project and invite your organization to participate in consultation pursuant to Section 106. As a consulting party, you will have an opportunity to share your views regarding the potential effects of the Project on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider possible solutions to resolve any adverse effects together with FRA, NY SHPO, and other consulting parties. Information you may wish to share regarding potential historic properties in the APE or issues to be considered in the Section 106 process is welcome, particularly regarding changes in the built environment since 2009 and 2013/2014. If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Parties meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other project information is posted at www.westernrailyardinfrastructure.com and at Regulations.gov, Docket Number: FRA-2020-0039.

If you have any questions regarding the Project or wish to be a Section 106 consulting party, please contact FRA by email at WRYProject@dot.gov. FRA appreciates your interest in the Western Rail Yard Infrastructure Project.

Western Rail Yard Infrastructure Project 4

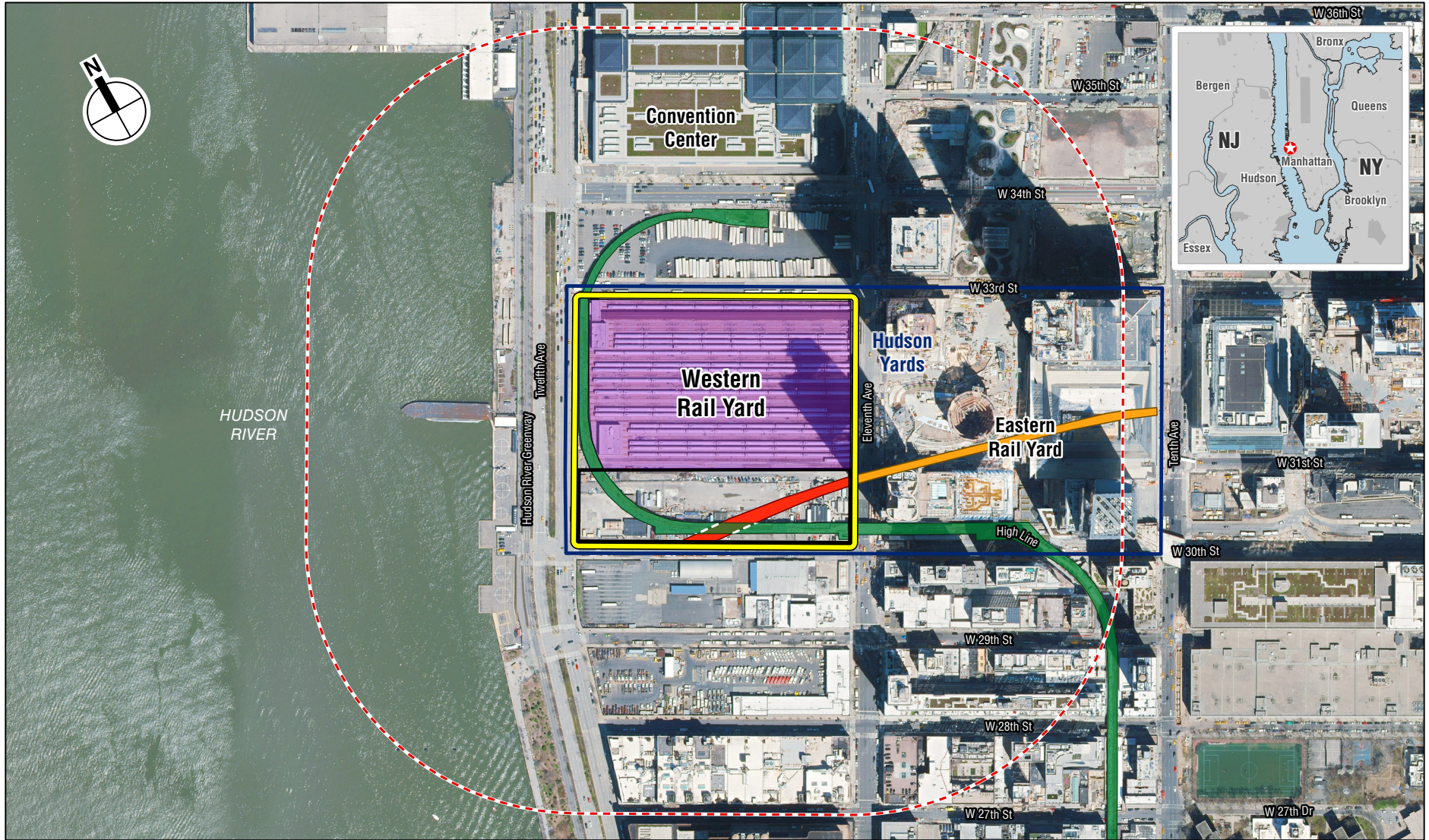
Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYSDOP), 2018 Imagery



WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effects

Figure 1