

APPENDIX B4

RESPONSES TO SECTION 106

CONSULTING PARTY COMMENTS



D . C . TO R I C H M O N D S O U T H E A S T H I G H S P E E D R A I L

Appendix B4

RESPONSES TO SECTION 106 CONSULTING PARTY COMMENTS

This Appendix Section B4 provides detailed responses to Section 106 Consulting Party letters, presented in the below order:

- National Trust for Historic Preservation B-306
- Civil War Trust B-313
- Hanover County Historical Commission B-315
- Historic Richmond B-317
- City of Alexandria - Planning and Zoning B-324

Additionally, Appendix E of the Final EIS details the comments and coordination for the Section 106 process.



November 7, 2017

Emily Stock, Manager of Rail Planning
 Virginia Department of Rail and Public Transportation
 600 East Main Street
 Suite 2102
 Richmond, VA 23219

**Re: Washington, D.C. to Richmond High Speed Rail Project
 Tier II Draft Environmental Impact Statement & Section 4(f) Evaluation**

Dear Federal Railroad Administration and DC2RVA Project Team:

On behalf of the National Trust for Historic Preservation, this letter serves as a comment on the Tier II Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for the Washington, D.C. to Richmond High Speed Rail Project (Project).

The National Trust is a privately funded nonprofit organization chartered by Congress in 1949 to facilitate public participation in the preservation of our nation's heritage, and to further the historic preservation policy of the United States. *See* 54 U.S.C. § 312102(a). With more than one million members and supporters around the country, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. In addition, the National Trust has been designated by Congress as a member of the Advisory Council on Historic Preservation, which is responsible for working with federal agencies to implement compliance with Section 106 of the National Historic Preservation Act (NHPA). *Id.* §§ 304101(8), 304108(a). In this case, the National Trust is participating as a consulting party in connection with the agency's ongoing review under Section 106. The National Trust also has a long-standing track record of advocacy to enforce compliance with Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303(c).

Potential Impacts to Shockoe Bottom are Not Adequately Considered.

For several years, the National Trust has been advocating for greater public awareness, commemoration and protection of the Shockoe Bottom area in Richmond. Shockoe Bottom was the center of Richmond's slave trade and played a pivotal role during the peak years of the nation's interstate slave trade. Slave-trade auction houses, offices, slave jails, and residences of the most prominent slave traders were scattered throughout Shockoe Bottom, a creek valley flowing into the James River. Today much of Shockoe Bottom has been razed and paved over. Nevertheless, archaeological remains endure, and Shockoe Bottom should be memorialized as sacred ground associated with suffering, injustice, and resistance to slavery.

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NATIONAL TRUST FOR HISTORIC PRESERVATION

Subsequent to NTHP's submittal of comments on the Draft EIS in this November 7, 2017 letter, DRPT met with the NTHP for three additional meetings as well as corresponded through over a dozen emails to share additional data on the Preferred Alternative, final list of historic properties, Project effect, and development of the Section 106 Draft Memorandum of Agreement (Appendix K of the Final EIS). The NTHP submitted a formal reply letter to the final roster of historic properties and effect on July 20, 2018, and the DRPT sent a written reply to their concerns on September 4, 2018. Additional comments were subsequently received from the NTHP on December 21, 2018. Copies of all correspondence including letters and minutes of meetings are provided in Appendix E of the Final EIS.

1. Alternative 6F (Full Service Staples Mill Road/Main Street Station) has been selected as the Preferred Alternative in Area 6 through Richmond. As defined in Section 4.3.6 of the Final EIS, the Preferred Alternative in Area 6 provides full service to two stations in Richmond, one serving downtown Richmond at Main Street Station and a second serving suburban Richmond at Staples Mill Road. As the downtown station, Main Street Station will provide convenient access to the residential, commercial and recreational resources in Richmond's Central Business District (CBD) and historic Shockoe Bottom. Sections 5.13 and 6.4 of the Final EIS discusses the potential impacts to registered historic sites near Main Street Station, including the aforementioned resources in Shockoe Bottom. Chapter 4.3.6 of the Final EIS further describes the infrastructure improvements proposed near Main Street Station in Area 6. Through review and investigation of historic records as reflected in Section 3.1, consultation with numerous agencies and consulting parties, and in comments received from the public and your agency, DRPT has reduced the facilities proposed for construction at Main Street Station to the minimum infrastructure necessary to deliver the service proposed in the DC2RVA Project. This includes a reduction in the design length of the platforms on the east and west sides of the station to remain south of East Broad Street, and to the minimum width feasible to support the forecasted level of ridership and services provided at the station.

(Responses are continued on next page)



November 7, 2017

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**NATIONAL TRUST FOR HISTORIC PRESERVATION
 (continued)**

The provision of a two-station alternative in Richmond allows for a distribution of ridership, parking and automobile traffic among the stations. Therefore, this minimizes the infrastructure required and potential impacts associated with Main Street Station. Additionally, DRPT has relocated the proposed construction of a maintenance and servicing facility at the former CSXT Brown Street Yard and a turning wye track at Hospital Street to a site near Bellwood Yard south of Richmond (see Section 4.3 and Appendix J of the Final EIS for additional detail) and removed a multistory parking deck in this area.

Throughout the Project and as highlighted by the avoidance efforts described above, FRA and DRPT understand the sensitivity and cultural significance of the Shockoe Bottom area. The Project, as currently designed, does not impact the known boundaries of identified archaeological sites. Based on consulting party feedback, the Lumpkins Jail/Devil's Half Acre site and the Graveyard for Free People of Color and Slaves, located north of Shockoe Bottom, have been added to the list of historic properties and carefully evaluated for impacts. FRA determined, and the DHR concurred, that the Project would have no adverse effect on these sites; however, FRA and DRPT recognize that unrecorded archaeological sites likely exist in the general Project vicinity and all efforts were made to minimize the limits of disturbance in this area due to the high probability for such unrecorded sites. Based on evaluations of historic properties in this area, resources associated with the antebellum occupation of this area, including the slave trade, are being avoided. However, several postbellum sites, buildings, and districts will be impacted. This includes sites 44HE1095, 44HE1097, and 44HE1098 (turn of the century warehouses). DRPT is fully committed to conducting full archaeological studies on these three sites in any area where disturbance cannot be avoided. In addition, three above-ground historic properties will be affected by the Project: the Shockoe Valley and Tobacco Row Historic District, Main Street Station, and the Seaboard Air Line Railroad.

(Responses are continued on next page)

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November 7, 2017

Emily Stock, Manager of Rail Planning
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**NATIONAL TRUST FOR HISTORIC PRESERVATION
 (continued)**

Although the Project will result in an impact to these resources, the use of the area and station as a railroad terminal is consistent with the use of the existing and former passenger rail facilities at this location, thus further preserving the historic context in the area. Section 3.1.4 of the Final EIS provides an expanded discussion of the Main Street Station / Shockoe Bottom area, including comments and concerns from the Draft EIS related to historic context, history of the area, summary of previous cultural studies and summary of all work to-date including ongoing work since the issuance of the Draft EIS, the avoidance analysis, and future studies.

Regarding archaeological study outside of the limits of disturbance, however, DRPT has discussed the issue extensively with DHR and ACHP, and they have concluded that preservation in place is the priority, as archaeology can be a destructive science. As such, general archaeological protocol to avoid archaeological deposits will be employed during Project implementation, and areas outside of the limits of disturbance will not be the subject of additional excavation as part of the identification and evaluation studies. The Section 106 Draft Memorandum of Agreement (MOA), which is Appendix K of the Final EIS, outlining stipulations to mitigate adverse effects, has been developed based on feedback from consulting parties, property owners, and involved agencies and include a roster of tasks to be completed on all adversely affected resources, such as public interpretation, additional research, National Register documentation, archaeological data recovery, and more. This includes adverse effects to the Shockoe Valley and Tobacco Row Historic District and sites associated with the slave trade that are contributing elements to this district, including Lumpkins Jail/Devil's Half Acre.

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**NATIONAL TRUST FOR HISTORIC PRESERVATION
(continued)**

(Response to comment 1 on pages B-306 through B-308)

2. DRPT concurs with the National Trust for Historic Preservation’s comment and, as mentioned above in DRPT response #1, preservation in place of these resources is paramount. These resources will be avoided during Project construction.
3. Final EIS Section 5.20 addresses indirect and cumulative impacts, including potential impacts on historic properties, from the Preferred Alternative. Data was also distributed to all consulting parties via email and in person meetings (see Appendix E of the Final EIS). Based on comments received from the National Trust and similar comments from others, expanded discussion of potential indirect and cumulative effects on historic resources in Shockoe Bottom is included in Section 3.1 of the Final EIS.

The National Trust is working with local partners to add a memorial park on nine acres of historically significant land in Shockoe Bottom. Shockoe Bottom must be treated as a Site of Conscience, where the public can remember and learn about past struggles for freedom, and be inspired to work to address the contemporary legacies of injustice. The memorial park would include public interpretation of Lumpkins Jail (44HE1053) and the Burial Ground for Negroes (44HE1089), and it would directly abut the APE for the Project.

The DEIS states:

Two significant sites in the general area—Lumpkins Jail (44HE1053) and Burial Ground for Negroes (44HE1089)—are located outside of the APE, well to the west of the Project footprint (Figure 3.13-2). The Project would not impact these two sites or any associated resources. As such, these two resources, and similarly placed sites in other urban areas, are not on the list of historic properties. Should the limits of disturbance be expanded, the list will be revisited.

DEIS at 3-126 (see Fig. 3.12-2 attached to this letter). While the National Trust understands that restricting the APE to the limits of ground disturbance may make sense for many archaeological sites, that is not appropriate here. The APE for this Project should be expanded to include these sites.

- **The Archaeological Sites Associated with Shockoe Bottom are Not Limited to Significance Under National Register Criterion D for Data Recovery.**

Although most archaeological sites are considered National Register-eligible only under Criterion D, for the information they may be likely to “yield” through data recovery (36 C.F.R. § 60.4(d)), Lumpkins Jail and the Burial Ground also have *in-place* significance under National Register Criterion A, for their association with historical events. Even though the memorial park is still in its planning stages, Lumpkins Jail and the Burial Ground are already marked and include interpretative signage for the public. They are included in the stops on the Slave Trail, and are regularly visited by the public. In our view, Lumpkins Jail and the Burial Ground should be fully evaluated for their National Register eligibility as part of a larger district. We believe that additional archaeological research should be conducted as well in order to identify the potential for other sites and resources associated with Shockoe Bottom.

- **The Draft EIS Fails to Consider Indirect and Cumulative Impacts.**

The National Environmental Policy Act (NEPA) and Section 106 of the NHPA specifically require consideration of impacts that go beyond physical damage from ground disturbance. For example, the NEPA regulations explicitly require federal agencies to consider “Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate” 40 C.F.R. § 1508.8(b).

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“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” *Id.* § 1508.7.

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Section 106 also requires consideration of cumulative impacts. “Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” 36 C.F.R. § 800.5(a)(1). Adverse effects also include the “[i]ntroduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features,” *id.* § 800.5(a)(2)(v).

The Draft EIS fails to address the potential for these kinds of impacts on the historic resources of Shockoe Bottom, which are immediately adjacent to the Project.

The Burial Ground already serves as a memorial of sorts and attracts visitors as a place of quiet reflection. As a result, the fact that no ground disturbance will occur within the boundaries of Lumpkins Jail and the Burial Ground does not mean that they will not be negatively impacted by the Project. On the contrary, impacts to the site, including noise, vibration, visual impacts, and the cumulative impacts of reasonably foreseeable induced development, must be considered. There is currently no evaluation or consideration of these types of impacts on the historic sites. This omission must be corrected and addressed in the Final EIS, and through Section 106 consultation. Efforts to avoid, minimize or mitigate these impacts must also be considered.

The Draft Section 4(f) Evaluation Fails to Properly Evaluate the Potential for “Constructive Use.”

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Section 4(f) of the Department of Transportation Act is stronger than Section 106 and NEPA, because it requires more than procedural consideration of impacts, but includes a substantive prohibition on the “use” of historic sites for transportation projects, unless there is “no prudent and feasible alternative” to that use, and the project includes “all possible planning to minimize harm” to the sites. 49 U.S.C. § 303(c). The “use” prohibited under Section 4(f) is not limited to direct physical damage, but also includes “constructive use,” which is defined to include impacts from the proximity of a project that would “substantially impair” significant activities, features, or attributes of a historic place. *See CARE v. Dole*, 835 F.2d 803, 810 (11th Cir. 1988); *I-CARE v. Dole*, 770 F.2d 423, 441-42 (5th Cir. 1985); *Cf.* 23 C.F.R. § 774.15(a).

- **The Proximity Impacts of the Project Would be Likely to Substantially Impair Significant Features and Attributes of the Historic Resources Associated with Shockoe Bottom.**

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In our view, the close proximity of the Project to the Lumpkins Jail and the Burial Ground sites, and the reasonably foreseeable indirect and cumulative impacts that would be caused by the Project, is likely to constitute a “constructive use” of these resources under Section 4(f). The Project could substantially impair the development and interpretation of Shockoe

**NATIONAL TRUST FOR HISTORIC PRESERVATION
(continued)**

(Response to comment 3 on previous page)

4. An expanded discussion of potential impacts to Shockoe Bottom historic properties is included in Section 3.1 of the Final EIS, including an evaluation of the applicability of constructive use under Section 4(f).
5. DRPT conducted additional review of prior studies on this area to ensure that the history is known prior to obtaining final effect determinations; as stated in DRPT response #1. Expanded discussion of the Main Street Station / Shockoe Bottom area, including details on all historical research conducted to date is presented in Final EIS Section 3.1.4. In addition, an examination on 4(f) use is presented in Final EIS Chapter 6.5 through 6.7. There are no constructive uses associated with the DC2RVA Project Final Section 4(f) Evaluation.

**NATIONAL TRUST FOR HISTORIC PRESERVATION
(continued)**

(Response to comment 5 on previous page)

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Bottom as a sacred memorial to the horrors of slavery, and could significantly interfere with the ability of the public to visit and appreciate a memorial park at Shockoe Bottom. Cf. 23 C.F.R. §§ 774.15(e)(1)(iii)-(iv), (e)(3)-(4). These potential impacts need to be thoroughly evaluated, and a plan to avoid, minimize, and mitigate these impacts must be developed. See Michael Paul Williams, *Environmental impact of rail project on Shockoe slave heritage is concerning*, Richmond Times-Dispatch, Nov. 6, 2017 (available at www.richmond.com/news/local/michael-paul-williams/williams-environmental-impact-of-rail-project-on-shockoe-slave-heritage/article_3ed7c8dc-343e-52fd-aa5c-42f10f686d4d.html).

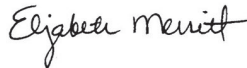
The information in the DEIS regarding the Lumpkins Jail and the Burial Ground completely fails to recognize and evaluate the nature and magnitude of the potentially significant adverse impacts to these historic resources. This must be remedied in order to comply with Section 4(f), NEPA, and Section 106.

Thank you for considering the comments of the National Trust for Historic Preservation.

Sincerely,



Sharee Williamson
Associate General Counsel



Elizabeth S. Merritt
Deputy General Counsel

Enclosure:
Draft EIS, p. 3-130, Fig. 3-13-2

- cc: Kerri Barile, Dovetail Cultural Resource Group
 Laura Shick, Federal Preservation Officer, Federal Railroad Administration
 John Winkle, Federal Railroad Administration
 Randy Brown, Federal Railroad Administration
 Sarah Stokely, Charlene Vaughn, and Reid Nelson,
 Advisory Council on Historic Preservation
 Marc Holma and Julie Langan, Virginia Department of Historic Resources
 John Morton, DC2RVA Project Manager
 Elizabeth Kostelny, Preservation Virginia

TIER II DRAFT ENVIRONMENTAL IMPACT STATEMENT

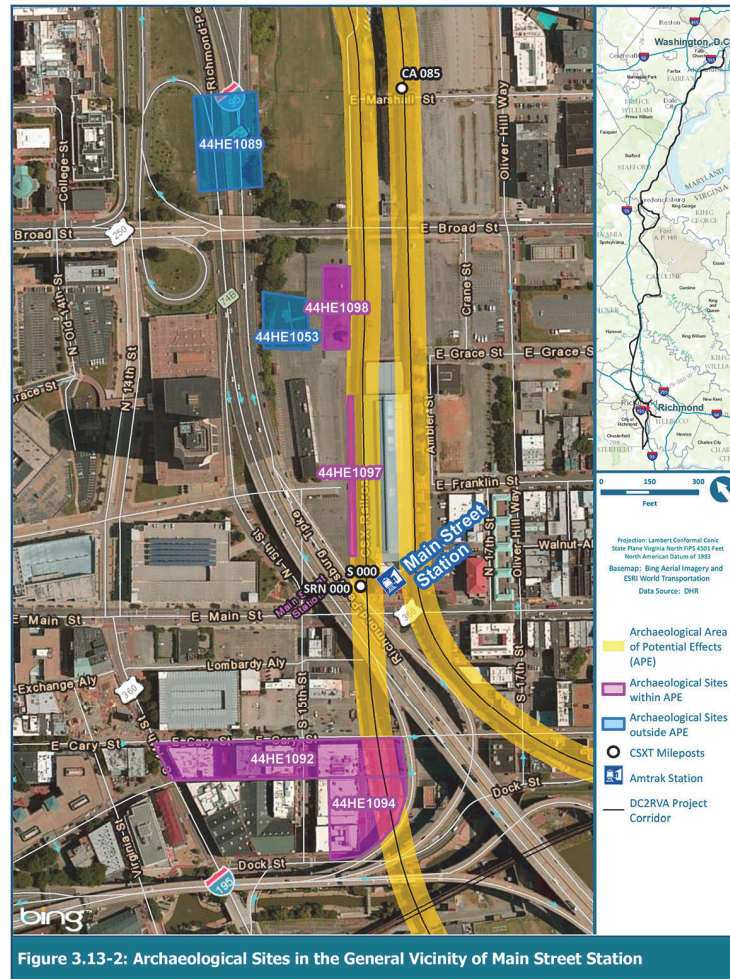


Figure 3.13-2: Archaeological Sites in the General Vicinity of Main Street Station

3-130



**NATIONAL TRUST FOR HISTORIC PRESERVATION
(continued)**

(No comments on this page)





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* Chairman Emeritus

November 3, 2017

Emily Stock
Manager of Rail Planning
Virginia Department of Rail and Public Transportation
600 East Main Street
Suite 2102
Richmond, VA 23219

Dear Ms. Stock:

I am writing on behalf of the Civil War Trust ("the Trust"), the nation's premier non-profit organization devoted to the preservation of America's hallowed battlegrounds. Although primarily focused on the protection of Civil War battlefields, through its Campaign 1776 initiative, the Trust also seeks to save the battlefields connected to the Revolutionary War and War of 1812. To date, the Trust has preserved more than 47,000 acres of battlefield land in 24 states, including 24,615 acres in the Commonwealth of Virginia.

In comments which the Trust sent to your attention on June 22, 2015, we commended the team behind the Washington, D.C., to Richmond Southeast High Speed Rail (DC2RVA) project for the appropriately careful way in which potential impacts to battlefields and related resources were being considered from the project's outset. In the formal description of the project's four-stage alternatives development screening process, for instance, prominently noted at the time was the fact that the first stage of the process would identify "fatal flaws" in proposed rail alignment options — with adverse effects to "historic resources listed in or eligible for the National Register of Historic Places" as well as "federal, state or local parks" specifically cited as examples of such flaws.

Recently, the Trust received a copy of the DC2RVA Tier II Draft Environmental Impact Statement (Draft EIS), and — on October 24, 2017 — representatives of the Trust had the opportunity to connect directly with Dr. Kerri Barile and members of the DC2RVA team writ large for a detailed breakdown of the findings of the Draft EIS centered specifically on battlefield resources. We were pleased to find that, as succinctly stated on pg. 4-155 of the Draft EIS, "Based on preliminary dialogues with DHR [the Virginia Department of Historic Resources], the Project would have No Adverse Effect on any of the 11 battlefields within the APE [Area of Potential Effects]."

Equally as encouraging to the Trust was, and is, the forward-looking commitment to maintaining the historic integrity of Virginia's battlefields that the DC2RVA team reaffirms clearly within the Draft EIS, also on pg. 4-155: "As Project plans are confirmed, the work would be evaluated to assure that character-defining features of the battlefields in general, and contributing elements specifically, are not altered or diminished during the Project." This is consistent with the commitment made by the DC2RVA team during the project's public debut.

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1. DRPT confirms that by selecting a Preferred Alternative that generally remains within the existing CSXT right-of-way through Central Virginia, the Project will not alter or diminish the character-defining features of the battlefields in general and contributing elements specifically.

Letter from the Civil War Trust (continued)

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November 3, 2017

As the Trust has emphasized previously, because of the presence of a number of Civil War battlegrounds within the project area between Washington and Richmond — including the Slaughter Pen Farm portion of the Fredericksburg Battlefield in Spotsylvania County, the Trust’s preservation of which remains the single most expensive private battlefield acquisition in American history — our organization has an abiding interest in continuing to monitor the DC2RVA effort. If the preliminary determination that neither the Slaughter Pen Farm nor any of the battlefields within the project’s APE will be subject to adverse effect as a result of the project is revised at any point, the Trust requests immediate notification of the new determination as well as the opportunity to consult with the DC2RVA team at the earliest possible time thereafter.

Further, we encourage the DC2RVA team to continue to consult with the National Park Service’s American Battlefield Protection Program (ABPP) in concert with its outreach to individual parks within the project area, such as Fredericksburg and Spotsylvania National Military Park. While any impacts to the landscapes and known surface or subsurface resources of the relevant battlefields are concerning on their face, long-term impacts to the battlefields’ viewsheds can be of immense concern as well; so, too, is the potential for inadvertent harm to resources which may have been overlooked to date. ABPP’s expertise in conducting KOCO military terrain analysis will be invaluable to the DC2RVA team in helping to avoid such harm, just as individual parks’ intimate knowledge of both the battlefield lands in their care and the surrounding viewsheds will help ensure that the preliminary determination of no adverse effect to these storied sites continues to hold true.

Now as before, the Trust looks forward to receiving and reviewing continued project updates from the DC2RVA team in the months ahead. Please do not hesitate to contact us directly with any questions at (202) 367-1861, and thank you for the opportunity to provide these updated comments on DC2RVA’s progress to date.

Sincerely,

O. James Lighthizer, President

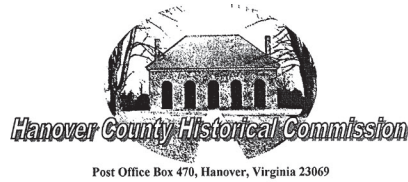
CC: Kerri Barile, Ph.D., RPA — President, Dovetail Cultural Resource Group
Paul Hawke — Chief, American Battlefield Protection Program
Julie Langan — Director, Virginia Department of Historic Resources

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CIVIL WAR TRUST (continued)

2. DRPT is committed to an open and continual dialogue with all consulting parties, including the National Park Service’s American Battlefield Protection Program ABPP and the Civil War Trust, during the entire Project process. This includes final design, after incremental improvements are scheduled and funding is established. Modifications to the list of historic properties and effect determinations have been disseminated upon receipt, followed by additional meetings and dialogues on the ensuing results.
3. DRPT will continue its ongoing dialogues with all consulting parties, including the ABPP and Fredericksburg and Spotsylvania National Military Park (FSNMP), to assure that all historic properties are thoroughly considered during final design in a manner consistent with DHR guidelines and Section 106 of the National Historic Preservation Act. At a meeting with DRPT on February 13, 2018, the DHR determined that KOCO analysis is not needed to determine Project Section 106 effects.



October 18, 2017

Emily Stock, Manager of Rail Planning
 Virginia Department of Rail and Public Transportation
 600 East Main Street, Suite 2102
 Richmond, VA 23219

Re: Washington D.C. to Richmond High Speed Rail Project
 Tier II Draft Environmental Impact Statement and Section 4(f) Evaluation Review

Dear Ms. Stock:

The Hanover County Historical Commission has reviewed the various studies on the DC to Richmond Southeast High Speed Rail Project and its possible routes through Hanover County and the Town of Ashland. They concur with the methodology of the studies and it appears that the studies have identified the historical and archaeological resources in the pathways of the possible routes, though the Commission cannot confirm that all resources have been identified. They noticed for some sites, the writers of the studies have included information provided by property owners, and the Commission recognized that some of that information was not accurate. They agree with the Dovetail Cultural Resource Group/DC2RVA Project Team's recommendations for further studies that will:

- Carry out any additional shovel tests needed along the possible rail routes and report the results of those tests identifying additional archaeological resources; and,
- Determine the National Trust eligibility status for all historic resources in the pathway of the possible rail locations or buffers, including the 122+ new reconnaissance levels surveys identified in the subject studies, and all existing reconnaissance level surveys of historic resources for which eligibility is not yet determined.

The Commission determined that the above information is necessary to better provide more accurate information on the historic resources in the pathway of the possible rail routes through Hanover County and the Town of Ashland. In addition, the listed information is necessary for the Commission to provide any meaningful comments regarding the possible negative impacts to the historic resources in Hanover County and the Town of Ashland.

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HANOVER COUNTY HISTORICAL COMMISSION

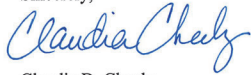
1. and 2. DRPT conducted additional studies, including an archaeological survey, architectural survey, and an intensive-level architectural study along with all applicable archival research and contextual reviews, prior to the Final EIS, based on the Commonwealth Transportation Board's recommendation of the Preferred Alternative. Appendix D of the Final EIS presents the resultant updated cultural resources reports. The additional studies included obtaining eligibility determinations for all buildings, districts, objects, structures, and sites within the Project Area of Potential Effects. All work complied with Section 106 of the National Historic Preservation Act and studies were coordinated with the County and the Department of Historic Resources (DHR). Information on any resource deemed a historic property was shared with the Hanover County Historical Commission to verify that character-defining features and notable contextual elements were included as applicable. The Final EIS defines Alternative 5A (Maintain Two Tracks through Town) as the Preferred Alternative in Area 5 through Ashland. Alternative 5A provides the railroad and roadway infrastructure required to support the railroad operations proposed in the DC2RVA Project. As presented in Section 5.13 of the Final EIS, Alternative 5A is expected to affect zero historic properties in downtown Ashland, as no additional infrastructure would be constructed within the Town of Ashland or outside of the CSXT railroad right-of-way through Hanover County. The exception to this includes the construction of new highway-rail grade separations where Vaughan Road (Archie Cannon Drive) and Ashcake Road cross the railroad to the north and south. There are no historic properties in the area of potential effects at the Ashcake Road intersection. There is one historic property at the Vaughan Road (Archie Cannon Drive) intersection: the Berkleytown Historic District. The FRA has determined, and the DHR concurred, that the Project will have an adverse effect and a Section 4(f) use of this resource. Stipulations to mitigate the adverse effect are set forth in the Section 106 Draft Memorandum of Agreement (Appendix K of the Final EIS).

(Responses are continued on next page)

Emily Stock, Manager of Rail Planning
October 18, 2017
Page Two

Therefore, in order to provide comments on the impacts of the possible rail route, the Hanover County Historical Commission recommends that the listed studies be completed and provided to all consulting parties for further comments. In addition, when a final route through Hanover County is chosen, and prior to engineering the actual route, the Commission requests that they be consulted and allowed to recommend possible remediation measures for each impacted historic resource.

Sincerely,



Claudia D. Cheely
Senior Planner II
Staff Liaison to the Hanover County Historical Commission

cc: Frank Harksen, Deputy County Administrator
Marc Holma, Virginia Department of Historic Resources
Dr. Kerri S. Barile, Ph.D., President, Dovetail Cultural Resource Group

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**HANOVER COUNTY HISTORICAL COMMISSION
(continued)**

Outside of Ashland, there are two additional historic properties within Hanover County—the Doswell Historic District and the Doswell Depot and Tower. The FRA has determined that the Project will have an adverse effect and a Section 4(f) use of both resources, and the impacts will be mitigated through the Section 106 process. See Chapter 5 and 6 of the Final EIS for details.

3. All consulting parties to the Section 106 process, including the Hanover County Historical Commission, will continue to be informed of all steps in the cultural resource process, such as stipulations set forth in the Section 106 Draft Memorandum of Agreement (Appendix K of the Final EIS), and upcoming meetings.

HISTORIC RICHMOND

(No comments on this page)



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Emily Stock, AICP
 Manager of Rail Planning
 Virginia Department of Rail and Public Transportation
 600 E. Main Street, Suite 2102
 Richmond, VA 23219

November 7, 2017

RE: Washington, D.C. to Richmond Southeast High Speed Rail Project
 Tier II Draft Environmental Impact Statement and Section 4(f) Evaluation
 Comments regarding Alternative Area 6: Richmond

Dear Ms. Stock,

Historic Richmond is a consulting party for the Washington, DC to Richmond Southeast High Speed Rail (DC2RVA Project). We thank you for providing the Executive Summary of the Tier II Draft Economic Impact Statement (EIS) along with an electronic copy of the Draft EIS. We are following up on the Draft EIS to provide our preliminary comments regarding the Build Alternatives in Area 6: Richmond. **Historic Richmond supports bringing full service to Main Street Station as presented in Build Alternative 6F, Full Service: Staples Mill Road / Main Street Stations.**

Historic Richmond is a non-profit dedicated to preserving Richmond's distinctive historic character, sparking revitalization, and championing our past and future architectural legacy.

Main Street Station was designed by the Philadelphia firm of Wilson, Harris and Richards. Construction began in 1900 and was completed a year later. It is a Beaux Arts masterpiece, heavily influenced by French Renaissance architecture with a bit of German flair. The building is distinguished by its gold Pompeian brick, steep terra cotta roof, numerous dormers, an ornate 110-foot clock tower, and terra cotta decoration. The Train Shed to the rear is the largest intact train shed in the United States. In 1970, the Main Street Station was listed on the National Register of Historic Places and, in 1976, it was elevated to a National Historic Landmark.

Building on history



HISTORIC RICHMOND (continued)

(No comments on this page)

Main Street Station was built when passenger trains were king. The Station marked the cross-roads for the then major north-south railroad, the Seaboard Air Line, and one of the major east-west railroads, the Chesapeake and Ohio. At the time, it was one of the largest crossroads and serviced more than a million passengers per year and was the home of the “Triple Crossing”. For more than a half century after it was built it was called “Gateway to the City.” We would like to see it once again become that Gateway.

Main Street Station is the only station that services the Central Business District and is consistent with FRA and CTB prior decisions. As such, Main Street Station must be part of the Richmond route. As a two-station alternative, Alternative 6F, Staples Mill Road/ Main Street Stations is the only alternative that meets all the requirements when considering the effects on corridor operations, including meeting on-time performance of 90% and accommodates freight operation and growth.

Main Street Station provides the traveling public with a connection to Richmond’s downtown. It is located within the Shockoe Bottom Historic District¹, one of the most historic and culturally significant neighborhoods in Richmond. Richmond’s central business district is home to the business and financial district, government center, contention center, restaurants, and amenities like the 17th Street Farmers Market Plaza and riverfront development. It is a walking district from Capitol Square, Virginia Commonwealth University, the Virginia Capital Trail, and the Canal Walk. The City’s most recent planning effort, the Pulse Corridor Plan states that “the uses around Main Street Station support the bustle of a train station with amenities that serve commuters, visitors, and a growing residential and employment base.”

Main Street Station provides expanded multimodal connectivity. It provides more than just access to downtown Richmond, it provides access to every other mode of transportation within the City. Currently, Richmond is implementing the Pulse Corridor Plan, which links the Main Street Station to the Bus Rapid Transit and bike sharing services. Parking is available and the highway is easily accessible next to the Station.

Main Street Station is a connection to Richmond’s vibrant historic urban core. Shockoe Bottom has been the urban center of Richmond for centuries and, as such, nearly all of its resources are historic. While typically culturally significant resources are avoided in the design phase, we consider full rail service to the station to be a positive impact on Shockoe Bottom that will allow continue use and investment in Richmond’s historic building stock. Returning full service to Main Street Station is a commitment to downtown Richmond.

DC2RVA will enable passenger rail to be a competitive transportation choice for intercity travelers between DC and RVA. Any alternative that does not include full service within the urban core of Richmond is a disinvestment in downtown Richmond. While Staples Mill Station currently has the highest ridership volumes of any passenger rail station in Virginia, many city residents and businesses would be better served by full service at Main Street Station. As demographics change in the corridor, we are seeing a return to the city. As population in the corridor grows, Richmonders need reliable and safe travel options within the urban core.

¹ Shockoe Valley and Tobacco Row Historic District, National Register of Historic Places, listed 1981.

However, while we support bringing full service to Main Street Station, we do have concerns regarding the impact of this project on historic resources, particularly within the Shockoe Valley. The Shockoe Valley is the place of Richmond's societal origin and the cradle of our built environment and we strongly recommend that any and all potential impacts should be avoided, minimized, or mitigated through the following:

1. **Extra care should be taken to preserve historic structures in Shockoe Bottom.** Shockoe Bottom is the oldest historic district in Richmond and we do not support demolishing the Loving's Produce Company building. The Loving's Produce Company, located at the corner of E. Grace and Ambler Streets overlaps with the footprint of the proposed garage. This commercial building was constructed circa 1870, and is a contributing resource to the Shockoe Valley and Tobacco Row Historic District. We encourage the rehabilitation and reuse of this historic structure in accordance with the Secretary of the Interior's *Standards for Rehabilitation*.
2. **Commission a thorough study of the archaeological, historical, and cultural resources in Shockoe Bottom.** Expand the National Register Nomination to include the history of the slave trade and its role in shaping Richmond's cultural and architectural landscape. *The Cultural Context and Thematic Study for the Proposed Revitalize RVA Project*, prepared by Dutton + Associates in 2013, identified a number of areas with potential for significant archaeological deposits within the APE and should be further explored.
3. **Conduct a comprehensive archaeological survey.** A comprehensive archaeological survey should be completed for all areas with ground disturbance with the expectation that discovered historic resources be preserved and publicly interpreted. Shockoe Bottom contains significant archaeological remains and provides an opportunity to learn from our unexplored history. The African Burial Ground, Devil's Half Acre / Lumpkin's Jail Site, and other buried remains throughout Shockoe Bottom are extraordinarily significant archaeological, historical, and cultural resources because of their association with the nation's enslavement history. Particular care should be taken to protect these sites from harm.
4. **Create a Devil's Half Acre / African Burial Ground / Shockoe Bottom Memorial Park.** Donate funds to design and build an architecturally significant and inspiring heritage site in Shockoe Bottom commemorating the history of the slave trade and the lives, contributions and sacrifices of enslaved persons. Coordinate the donation of City of Richmond-owned property towards a memorial park. Archaeological remains should be commemorated in place.
5. **Encourage the City to adopt a form-based code or design overlay in Shockoe Bottom.** We encourage the adoption of a form-based code or creation of a design overlay district for new development in Shockoe to be based on the district's existing historic architectural character. Any new parking garage or associated resources should reflect and respect the historic character of the Shockoe Valley and Tobacco Row Historic District in location, height, scale, massing and, most importantly, design.
6. **Conduct additional research of Resources 127-6657 and 127-6658 before the route is finalized.** The Reco Biotechnology buildings, located at 710 Hospital Street, are located within the Right-of-Way of the proposed wye track near Hospital Street to turn passenger trains and related Hospital Street improvements. One of the current buildings was constructed in 1908 (much earlier than the 1946 and 1976 dates listed in the V-CRIS files) and our understanding is that the site has been in use since the late nineteenth century as part of Richmond Locomotive

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HISTORIC RICHMOND (continued)

1. The FRA and DRPT understand the sensitivity and significance of the Shockoe Bottom area, including the Loving's Produce Company, which is a contributing element to the National Register of Historic Places (NRHP)-listed Shockoe Valley and Tobacco Row Historic District. Loving's Produce Company was included in additional architectural studies completed by DRPT prior to the Final EIS, and was taken into consideration to avoid and/or minimize any impacts to the resource. The DHR determined that the resource is not individually eligible for the NRHP but remains a contributing element to the surrounding district. Alternative 6F (Full Service - Staples Mill Road/Main Street Station) was selected as the Preferred Alternative in Area 6 through Richmond. As defined in Section 4.3.6 of the Final EIS, Alternative 6F provides full service to two stations in Richmond, one serving Downtown Richmond at Main Street Station and a second serving suburban Richmond at Staples Mill Road. Chapter 4.3.6 of the Final EIS describes the infrastructure improvements proposed near Main Street Station in Area 6. Through review and investigation of historic records, consultation with consulting parties and other groups with a vested interest in area history, and in comments received from the public and Historic Richmond, DRPT has reduced the facilities proposed for construction at Main Street Station to the minimum infrastructure necessary to deliver the service proposed in the DC2RVA Project. This includes a reduction in the design length of the platforms on the east and west sides of the station to remain south of East Broad Street, and to the minimum width feasible to support the forecasted level of ridership and services provided at the station. In addition, a multistory parking deck east of Main Street Station has been removed from the plans. The provision of a two-station alternative in Richmond allows for a distribution of ridership, parking and automobile traffic among the two stations. Therefore, this minimizes the infrastructure required and potential impacts associated with Main Street Station.

(Responses are continued on next page)

However, while we support bringing full service to Main Street Station, we do have concerns regarding the impact of this project on historic resources, particularly within the Shockoe Valley. The Shockoe Valley is the place of Richmond's societal origin and the cradle of our built environment and we strongly recommend that any and all potential impacts should be avoided, minimized, or mitigated through the following:

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HISTORIC RICHMOND (continued)

Through these efforts, Project impacts have been minimized to the greatest degree possible. The Project is avoiding all recorded antebellum resources in the Shockoe Bottom area; no resources will be demolished. There will be direct impacts to three postbellum above-ground historic properties (Shockoe Valley and Tobacco Row Historic District, Main Street Station, and Seaboard Air Line Railroad). In addition, three turn-of-the-century eligible archaeological sites (44HE1095, 44HE1097, and 44HE1098) may be impacted by proposed construction. Any historic property that is adversely affected by the undertaking will be the subject of mitigation. See response to DRPT response to comment #2 below for additional details.

2. Resources in Shockoe Bottom, along with the proposed Memorial Park area, are discussed in Chapters 3 through 5 of the Draft EIS, and within several technical reports in the Draft EIS Appendix R (cultural resource technical reports) as well as Final EIS Chapters 5 and 6 and Appendix D to assure that these historic places are taken into consideration during Project planning. Additionally, Section 3.1.4 of the Final EIS provides an expanded discussion of the Main Street Station/Shockoe Bottom area, including comments and concerns from the Draft EIS related to historic context, history of the area, summary previous cultural studies, a summary of all work to date including ongoing work since the issuance of the Draft EIS, a description of the avoidance analysis performed, and future studies. The Section 106 Draft Memorandum of Agreement (Appendix K of the Final EIS) outlining stipulations to mitigate adverse effects to six historic properties in this area expounds on studies being completed as part of the Project. A recommendation on expansions to the NRHP nomination, or recordation of a new district, would likely be part of the ensuing recommendations for this area by the City of Richmond beyond the DC2RVA Project. However, DRPT recognizes the importance of this area and have committed to working with the City to define the boundaries of this district and to work with local interest groups to understand the history of this area as a stipulation for adverse effects to the surrounding Shockoe Valley and Tobacco Row Historic District.

(Responses are continued on next page)

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HISTORIC RICHMOND (continued)

3. The DC2RVA limits of disturbance (LOD) have been the subject of a Phase IA archaeological reconnaissance and predictive model and Phase IB surveys, which included noting previously recorded sites and recording new resources in any area where ground-disturbing activities may occur. The predictive model and survey report can be found in Appendix R of the Draft EIS. The addendum archaeological survey report can be found in Appendix D of the Final EIS. DRPT minimized the Project footprint to the extent possible to avoid both identified and unknown archaeological resources, including Lumpkins Jail/Devil's Half Acre and the Burial Ground, among others, such as eliminating the multistory parking deck planned for east of Main Street Station. The Project, as currently designed, does not impact the known boundaries of these sites. At the request of consulting parties, Lumpkins Jail and the Graveyard for Free People of Color and Slaves, located just north of Shockoe Bottom, were added to the list of historic properties in the APE (see Section 5.13 of the Final EIS), and the FRA determined that the Project will have no adverse effect on these resources. The DHR concurred. FRA and DRPT fully recognize that unrecorded archaeological sites likely exist in the general Project vicinity. DRPT is fully committed to conducting full archaeological studies on any area where disturbance cannot be avoided. Details on the data recovery efforts are outlined in the Section 106 Draft MOA (Appendix K of the Final EIS). Regarding archaeological studies outside of the limits of disturbance, however, DRPT has discussed the issue extensively with the DHR, and the DHR has concluded that preservation in place is the priority, as archaeology can be a destructive science.
4. Mitigation for adverse effects to the Shockoe Valley and Tobacco Row Historic District, as outlined in the Section 106 Draft MOA (Appendix K of the Final EIS), include studies that will aid in this process. The Historic Richmond Foundation and the City of Richmond, as consulting parties, are involved in developing the Section 106 Draft MOA.
5. Comment noted. DRPT would comply with all City standards and codes during final design of the Project, after incremental improvements are scheduled and funding is secured.

(Responses are continued on next page)

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HISTORIC RICHMOND (continued)

6. The resource was preliminarily recorded during architectural studies associated with the Project in 2016, and the building was the subject of additional investigation in 2017/2018. In addition, the parcel was studied for potentially intact archaeological remains in 2018. Copies of the 2018 architectural report and archaeological study can be found in Appendix D of the Final EIS. Upon review of the data, DHR determined that this building is not individually eligible for the National Register of Historic Places. As such, this parcel is not listed as a historic property in the Final EIS. However, the building and its landscape were noted during the planning process, and DRPT removed the need for modifications to this property by eliminating planned construction for a wye in this area; refer to Appendix J of the Final EIS for details on the revised Richmond area turning wye and service yard location that is part of the Preferred Alternative, which is also summarized in Section 4.6 of the Final EIS.

Works, later known as the American Locomotive Works. We believe that this building is potentially eligible for listing on the National Register of Historic Places.

7. **Coordinate with other projects.** The Virginia Department of Transportation is working on I-95/Broad Street interchange upgrades in the Shockoe Valley. The combined impact on historic resources in Shockoe Bottom of these projects should be evaluated.

If Build Alternative 6F, Full Service: Staples Mill Road / Main Street Stations is not selected, then Historic Richmond supports single a station alternative on either Broad or Boulevard. Historic Richmond will provide additional comments if/when a preferred route is changed.

We appreciate the opportunity to consult on this project and hope you will take our comments into consideration. Please do not hesitate to contact us with any questions.

Sincerely,



Cyane Crump
Executive Director
Historic Richmond

cc: Dave Meyers, President, Historic Richmond Board of Trustees

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HISTORIC RICHMOND (continued)

(Response to comment 6 on previous page)

7. Potential construction elements of the I-95/Broad Street Interchange Improvements and VDOT studies on historic resources in Shockoe Valley associated with this undertaking were taken into consideration during the Project as background data and to assure consistent methodologies and resource evaluations. Chapter 3 of the Final EIS includes the results of the background review completed as part of the Project including details on the Shockoe Bottom area and I-95 street improvements as they relate to the current Project area. Additionally, the referenced project has been added to the indirect and cumulative effects section, both in terms of potential impacts on land use and historic properties; refer to Section 5.20 of the Final EIS.

Section 106 Comments on DC2RVA

1 message

Catherine Miliaras <Catherine.Miliaras@alexandriava.gov> Fri, Nov 10, 2017 at 5:20 PM
 To: Kerri Barile <kbarile@dovetailorg.com>
 Cc: Al Cox <Al.Cox@alexandriava.gov>, Preservation <Preservation@alexandriava.gov>, Allan Fye <nathaniel.fye@alexandriava.gov>, Ramiro Rios <ramiro.rios@alexandriava.gov>

Hi Kerri,

I am writing to provide a few additional comments as part of our Section 106 review and I apologize for not getting them to you earlier this week. As you will see, they are more clarification matters than issues or concerns. We think that the cultural resources reports are very thorough, well-organized and easy to understand. The meeting a few weeks ago was also quite productive.

1. What did you find out about the survey of those properties located west of the rail lines, east of the Rosemont Historic District and north of Alexandria Union Station? I saw that properties on Mt Vernon Ave were surveyed but it looks like properties located on East Linden, East Maple and East Walnut should have been surveyed. I suspect they would be considered contributing resources to an expanded Rosemont Historic District (that area is known as East Rosemont).
2. Please change references to Alexandria Depot to "Alexandria Union Station" as that was the historic name and how it is labeled in the National Register nomination
3. Please add that the Mt Vernon Memorial Highway is also located in Alexandria (in addition to Fairfax and Arlington) in Table 5-1 on ROAF segment)
4. For the George Washington Junior High School at 1005 Mt Vernon Ave, we have had a PIF prepared. Let me know if you have a copy of that or would like one.
5. When you mention the Parker-Gray District in the text, (e.g., 5-25), please refer to it as its NR name "Uptown/Parker-Gray Historic District." The neighborhood was historically known as Uptown and only came to be known as Parker-Gray after the two Parker-Gray Schools were demolished and so it is important to maintain both names.
6. Keep us apprised of the design of any walls associated with the expanded rail as we are interested in understanding visual impacts from and to the historic districts and NHL.

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Please let me know if you have any questions and we look forward to continuing to participate in this process.

Thanks,

Catherine K. Miliaras, AICP
 Principal Planner, Historic Preservation
 City of Alexandria, Virginia
 Department of Planning & Zoning
 703.746.3834 (direct)
www.alexandriava.gov/preservation

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CITY OF ALEXANDRIA, DEPARTMENT OF PLANNING AND ZONING

[Note that while the letter from the City of Alexandria Department of Planning and Zoning is in reference to Section 106 review, DRPT provided responses in the same format as other letters received with comments on the Draft EIS.]

1. DRPT has worked with the City of Alexandria to clarify the issues referenced in this comment. DRPT revisited this area to ensure that all resources over 48 years in age were recorded in the area of potential effects (APE) and shared the results with the City as well as the Virginia Department of Historic Resources (DHR). This includes additional reconnaissance and intensive architectural studies, additional archaeological work, and revisiting several resources as requested by the locality, including an evaluation of the East Rosemont Historic District. Appendix D of the Final EIS has copies of all the additional 2018 technical reports. Based on analysis and coordination associated with the Final EIS, there are eight historic properties within the Project APE. All eight have been evaluated and coordinated with the DHR regarding effect: RF&P Railroad (adverse effect; use); Mount Vernon Memorial Highway (no adverse effect; de minimis use); George Washington Junior High School (no effect; no use); Parker-Gray Historic District/Uptown (no adverse effect; no use); Rosemont Historic District (no adverse effect; de minimis use); Alexandria Union Station (no adverse effect; de minimis use); George Washington National Masonic Memorial (no effect, no use); and Phoenix Mill (no adverse effect, no use). Alexandria Archaeology concurred with these determinations in a letter dated July 11, 2018.
2. DRPT agrees that the term "Alexandria Union Station" reflects its historic name and how it is labeled in the National Register nomination. Draft EIS references to the "Alexandria Depot" are corrected in the errata table for the Draft EIS, which is Appendix A of the Final EIS.
3. DRPT concurs that the Mount Vernon Memorial Highway is located in Alexandria in addition to Arlington and Fairfax Counties. This change has been made, as applicable, within the Final EIS.

(Responses are continued on next page)

Section 106 Comments on DC2RVA

1 message

Catherine Miliaras <Catherine.Miliaras@alexandriava.gov> Fri, Nov 10, 2017 at 5:20 PM
 To: Kerri Barile <kbarile@dovetailorg.com>
 Cc: Al Cox <Al.Cox@alexandriava.gov>, Preservation <Preservation@alexandriava.gov>, Allan Fye <nathaniel.fye@alexandriava.gov>, Ramiro Rios <ramiro.rios@alexandriava.gov>

Hi Kerri,

I am writing to provide a few additional comments as part of our Section 106 review and I apologize for not getting them to you earlier this week. As you will see, they are more clarification matters than issues or concerns. We think that the cultural resources reports are very thorough, well-organized and easy to understand. The meeting a few weeks ago was also quite productive.

1. What did you find out about the survey of those properties located west of the rail lines, east of the Rosemont Historic District and north of Alexandria Union Station? I saw that properties on Mt Vernon Ave were surveyed but it looks like properties located on East Linden, East Maple and East Walnut should have been surveyed. I suspect they would be considered contributing resources to an expanded Rosemont Historic District (that area is known as East Rosemont).
2. Please change references to Alexandria Depot to "Alexandria Union Station" as that was the historic name and how it is labeled in the National Register nomination
3. Please add that the Mt Vernon Memorial Highway is also located in Alexandria (in addition to Fairfax and Arlington) in Table 5-1 on ROAF segment)
4. For the George Washington Junior High School at **1005 Mt Vernon Ave**, we have had a PIF prepared. Let me know if you have a copy of that or would like one.
5. When you mention the Parker-Gray District in the text, (e.g., 5-25), please refer to it as its NR name "Uptown/Parker-Gray Historic District." The neighborhood was historically known as Uptown and only came to be known as Parker-Gray after the two Parker-Gray Schools were demolished and so it is important to maintain both names.
6. Keep us apprised of the design of any walls associated with the expanded rail as we are interested in understanding visual impacts from and to the historic districts and NHL.

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Please let me know if you have any questions and we look forward to continuing to participate in this process.

Thanks,

Catherine K. Miliaras, AICP
 Principal Planner, Historic Preservation
 City of Alexandria, Virginia
 Department of Planning & Zoning
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CITY OF ALEXANDRIA, DEPARTMENT OF PLANNING AND ZONING (continued)

4. Based on the coordination between DRPT and City of Alexandria to clarify this issue, DRPT determined the PIF for George Washington Junior High School would not be submitted to the DHR in time for evaluation prior to completion of the Final EIS. Based on an analysis of the project plans in this area, the FRA has determined that the DC2RVA Project will have no effect on this resource. The DHR concurred with this determination in a letter dated June 28, 2018.
5. DRPT agrees that the term "Uptown/Parker-Gray Historic District" matches its National Register name. Draft EIS references to the "Parker Gray District" are corrected in the errata table for the Draft EIS, which is Appendix A of the Final EIS.
6. All consulting parties to the Section 106 process, including the City, will continue to be informed by FRA and DRPT of all steps in the cultural resource process, such as stipulations set forth in the Section 106 Draft Memorandum of Agreement (see Appendix K of the Final EIS), or upcoming meetings. See Appendix E of the Final EIS for copies of all Section 106 Project correspondence.