Appendix K

Cultural Resources

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K1. Section 106 Effects and Section 4(f) De Minimis Determinations

DOVETAIL
CULTURAL RESOURCE GROUP

Knowing the Past—Building the Future

June 30, 2014

Mr. Marc Holma
Division of Resource Services and Review
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

SUBJECT: Southeast High Speed Rail Project/Access Roads
DHR File No.: 2001-1460
Richmond, Virginia to North Carolina State Line
Funding: Federal and State
REVISED SECTION 106 PROJECT EFFECTS RECOMMENDATION

Dear Mr. Holma:

The North Carolina Department of Transportation (NCDOT), in conjunction with the Virginia Department of Rail and Public Transportation (DRPT), and the Federal Rail Administration (FRA) are currently conducting environmental studies for the Southeast High Speed Rail project (SEHSR). The SEHSR project involves the development, implementation, and operation of high speed passenger rail service in the approximately 500-mile travel corridor from Washington, DC through Richmond, Virginia and Raleigh, North Carolina to Charlotte, North Carolina.

The project involves two general types of work: modifications to the rail corridor to accommodate high speed rail and changes to the surrounding road system to eliminate at-grade road crossings. The corridor between Richmond and the North Carolina state line has been the subject of several cultural resource investigations over the past decade. This includes the Area of Potential Effect (APE) surrounding the rail corridor itself as well as all the APE of all road modification areas surrounding the rail line. Several alternatives were under consideration during the Draft Environmental Review Statement (DEIS) process (VA1, VA2, and VA3; VA4 was also under review in some locales as an avoidance alternative). All of these alternatives received cultural resource evaluations. The results of these studies have been individually coordinated with the Virginia Department of Historic Resources (DHR), including the submission of reports and DSS/V-CRIS forms to the agency as well as formal resource eligibility recommendations for listing on the National Register of Historic Places (NRHP).

In November 2009, Dovetail authored a letter detailing the cultural resource studies completed within the APE and offering recommendations on project effect for NRHP-eligible architectural resources within all project alternatives. No effects recommendations on archaeological sites were given at that time, as the Phase II archaeological testing was to be completed once a Preferred Alternative was selected. Based on that letter, the DHR concurred with effects recommendations on a total of 57 resources based on the assumption that the Preferred Alternative would utilize

avoidance alternatives rather than alternatives that impacted historic resources (Appendix A, p. 10). A summary of the effects determinations rendered by the DHR in November 2009 is below listed by resource number.

No Effect: Wynnhurst (012-5044), Tourist House (012-5052), Chester #94 Masonic Lodge (020-5443-0002), Evergreen (026-0023), Courtworth (026-5021), Boisseau's Store/Warehouse/ Dwelling (026-5026/5027), Granite Hall (058-0118), Smelley House (058-5028), Bracey Historic District (058-5081), Wright Farmstead (058-5090), Ellerslie (106-0001), Manchester Warehouse Historic District (127-0457), Lucky Strike Tobacco Warehouse (127-6179), Bank Building (257-5004), Honeymoon Hill Farm (257-5008), and Mayton House (257-5009).

No Adverse Effect: Blick's Store (012-5042), Oak Shades (012-5048), Sheffields (020-0007), House, 3619 Thurston Road (020-0013), Ragland House (020-0140), Port Walthall Junction Battlefield (020-5317), Swift Creek Battlefield (020-5318), Proctor's Creek Battlefield (020-5320), US Dept of Defense Supply Historic District (020-5336), Richmond & Petersburg Electric Railway (020-5351), Pretlow House (020-5443-0008), Dupont Spruance (020-5474), Hatcher's Run Battlefield (026-0132), Boydton Plank Road Battlefield (026-5004), Dinwiddie Courthouse Battlefield (026-5005), Lewis Farm Battlefield (026-5006), Peebles Farm Battlefield (026-5007), Bowen House (026-5023), Sardis Methodist Church (058-0094), Evans House (058-5079), Battersea (123-0059), Weldon Railroad Battlefield (123-5022), Petersburg Battlefield III (123-5026), North Battersea Historic District (123-5035), James River and Kanawha Canal Historic District (127-0171), C&O & Seaboard Railroad Depot (127-0172), Shockoe Slip Historic District (127-0219), Davee Gardens Historic District (127-6213), Transmontaigne Product Services (127-6248), Atlantic Coast Line Railroad (127-6251), and Seaboard Air Line Railroad (127-6271).

*Adverse Effect***:** Circle Oaks (020-0140), Centralia Post Office (020-0552), Chester Historic District (020-5443), Eichelberger House (020-5443-0010), Bridge Over Defense Road (123-5013), Defense Road (123-5455), Dimmock Line/Earthworks (123-5462), Williams Bridge Company (127-6245), and Lacrosse Historic District (250-5001).

Since November 2009, NCDOT, DRPT, and FRA have identified a Preferred Alternative. As such, archaeological testing was completed on all sites within the APE of the Preferred Alternative that were deemed to be potentially eligible by the DHR based on the Phase I work. In addition, architectural studies were conducted on newly identified resources within the corridor that were not part of the November 2009 effects study. All of the results of these investigations have been coordinated with the DHR to render a complete list of eligible historic properties within the APE of the Preferred Alternative (Appendix A, p. 10).

This letter thus provides recommendations on project effect for 15 eligible historic properties within the APE that were not included in the November 2009 letter. In addition, seven properties that did receive an effects recommendation in 2009 require revisiting the previous determination due to modifications in the undertaking. As such, this letter coordinates project eligibility on 22 historic properties. An overall project effect is also revisited.

Effects will be presented in three categories: Revised Effect Recommendations, which includes properties where effects were given in 2009 and we are suggesting a revised determination; Newly Recorded Architectural Properties, which include all above-ground historic properties that were determined to be eligible since November 2009; and Archaeological Properties, which includes all eligible archaeological sites within the APE. The overall project effect will be presented at the conclusion of these three sections.

Revised Effect Recommendation

Seven eligible properties received an effects recommendation in 2009 but require a reevaluation based on new project data. The *Richmond & Petersburg Electric Railway* (020-5351), the *Atlantic Coast Line Railroad Corridor* (127-6251), and *Seaboard Air Line Railroad Corridor* (127-6271) are all linear resources that are eligible under Criterion A (Appendix A, p. 10; Figure 1, p. 20 and Figure 2, p. 21). In 2009, the DHR determined that the project would have no adverse effect on these historic properties. Since that time, additional cultural resource studies have identified several contributing elements to each of these expansive historic properties. A re-evaluation of project design has determined that the undertaking will result in the removal of a contributing element to each of these three resources. This includes demolition of the Ettrick Depot (020-5242, a contributing element to the Atlantic Coast Line Railroad) and removal of the Highway 10 Utility Bridge Abutments (020-5577, a contributing element to both the Atlantic Coast Line Railroad and the Richmond & Petersburg Electric Railroad). Plans also call for the partial removal and partial burial of the Seaboard Air Line Bridge over Route 1 near Alberta (012-5200), a contributing resource to the Seaboard corridor as a whole. The removal of these contributing elements to each of the linear historic properties would diminish the characteristics that render these resources eligible for the NRHP. As such, it is recommended that the undertaking will now have an adverse effect on the Richmond & Petersburg Electric Railway (020-5351), the Atlantic Coast Line Railroad Corridor (127-6251), and Seaboard Air Line Railroad Corridor (127-6271).

Similarly, a review of project alternatives and NRHP boundaries since 2009 also requires a reevaluation of the project effect on the *Tourist Guest House* (012-5052) and the *Bracey Historic District* (058-5081) (Appendix A, p. 10). Although several alternatives were examined to avoid impacts to the Tourist Guest House, the Preferred Alternative traverses through the rear (north) segment of the Tourist Guest House parcel, thus divorcing the northern one-third of the property from the main house area to the east (Figure 3, p. 22). The NRHP boundaries were developed based on the historic use of the parcel and the vegetative patterns as shown on historic aerials. Separating the rear one-third of the lot—once open agricultural fields associated with the property—from the residential area diminishes the resource's integrity of setting, feeling and association. It is thus suggested that the undertaking will have an adverse effect on the Tourist Guest House.

In Bracey, a re-evaluation of the NRHP boundaries has resulted in a revised relationship between the project corridor and the resource footprint (Figure 4, p. 23). When overlaid, the project corridor slightly clips the southwestern 10 feet of the district boundaries, but no contributing elements will be altered because of this modification. Since the change will not diminish any of the characteristics that render the district eligible for the NRHP, it is recommended that the undertaking will have no adverse effect on the Bracey Historic District.

The remaining two resources that fall under this category have both had resource boundary changes, thus requiring a revisit to the 2009 effects determination (Appendix A, p. 10). The *Bank Building in McKenney* (257-5004) was only evaluated at the reconnaissance level prior to the 2009 effects determination. Once entry into the interior was approved, the resource was surveyed at the intensive level and found to be eligible for the NRHP. The property boundaries were slightly expanded (Figure 5, p. 24). Despite the slight increase to the resource boundaries, all rail and road work in this area will be located over 100 feet to the north of the resource. The new rail will be placed within the footprint of the historic rail in this area, thus reinstating a feature in

existence when the bank was built. As such, it is suggested that the project will have no adverse effect on this resource. The boundaries of *Zehmer Farm* (also known as Honeymoon Hill farm, 257-5008) were increased dramatically in 2011 when the property was placed on the NRHP (Figure 6, p. 25). Construction associated with the rail line will be blocked from the viewshed of the dwelling by a dense row of vegetation. Similarly, a new road crossing through the eastern edge of the parcel allowing access to a town-owned water facility will also not be visible from the main house complex due to a dense copse of trees. The characteristics that render this resource eligible for the NRHP will not be diminished. It is recommended that the project will have no adverse effect on this resource.

In sum, of the seven properties that fall under this category, it is recommended that the project will have an adverse effect on Richmond & Petersburg Electric Railway (020-5351), the Atlantic Coast Line Railroad Corridor (127-6251), the Seaboard Air Line Railroad Corridor (127-6271), and the Tourist Guest House (012-5052). It is suggested that the project will have no adverse effect on the Bracey Historic District (058-5081), the Bank Building in McKenney (257-5004), and Zehmer Farm/Honeymoon Hill Farm (257-5008).

Newly Recorded Architectural Properties

There are nine above-ground historic properties that were recorded between 2009 and 2014 within the project corridor and thus have not received an effects determination. These resources will be presented here in a north to south order.

The *Centralia Earthworks* (020-0022/44CF0680) are located north of Centralia Road (Appendix A, p. 10; Figure 7, p. 26). They were recorded in 2012 as a result of studies associated with possible modifications to the intersection of Centralia Road and Hopkins Road. The earthworks are eligible under Criteria A and C and potentially eligible under Criterion D pending archaeological testing. Modifications in this area include widening the existing shoulder of Hopkins Road by approximately 4 feet to the east. Although this does bring the road bed closer to the extant earthworks, this entire area has been notably disturbed during previous road construction. The closest intact section of earthworks to the road improvement area is 25 feet away. Evidence of ground disturbance was readily visible on the surface during the pedestrian and intensive studies of this resource. Because the slight road widening will not impact any intact above- or below-ground portions of this resource, it is recommended that the project will have no adverse effect on this resource.

The *Appomattox River Bridge* (020-5579/127-6251-0001) was built to carry the Ettrick spur of the Atlantic Coast Line railroad over the Appomattox River just west of downtown Petersburg (Appendix A, p. 10; Figure 8, p. 27). The project proposes to add a second bridge adjacent to this structure to accommodate increased capacity. No changes are proposed for the historic bridge itself. The new bridge will be located about 10 feet east of the existing bridge. Since the historic bridge will not be altered during the construction project, it is suggested that the undertaking will have no adverse effect on this resource. However, it is also noted that the new bridge will be built between the historic bridge on the west and the viewshed of several Petersburg-area historic districts on the east, most notably the North Battersea/Pride's Field Historic District (123-5035). The bridge is also a contributing element to the Atlantic Coast Line rail corridor (127-6251). Parameters of this new bridge will be presented to the DHR during the final design process to minimize all impacts to both the historic bridge and the nearby historic districts.

Running in a north-south direction, the *Fort Davis Earthworks* (026-5012/44CF0314) comprise a 3.25-mile long segment of Civil War earthworks created in 1864 by Union troops during the siege of Petersburg (Appendix A, p. 10; Figure 9, p. 28). When the Seaboard Air Line rail corridor was built in 1900, the rail construction cut through the center of the earthworks, thus removing over 200 feet of the above-ground structure and disturbing all subsurface deposits within the rail swath. The new rail project will be installed within the existing disturbed footprint of the historic rail line. No construction will extend outside of the 200-foot wide break created in the earthwork system in 1900. Given this, it is suggested that the current project will have no adverse effect on the Fort Davis Earthworks provided that all construction activity remains within the previously disturbed corridor.

The *Old C&P Building (*257-5010) is located northwest of downtown McKenney on the north side of Sunnyside Road at its intersection with Community Street (see Figure 5, p. 24; Appendix A, p. 10). Road modifications are planned in downtown McKenney to accommodate the removal of the at-grade crossing. This includes changes to Community Street. However all alternations will occur on the south side of Sunnyside Road and will mainly comprise minor widening to accommodate additional turn lanes. As the undertaking will not alter or diminish any of the characteristics that render this property eligible for the NRHP, it is recommended that the project will have no adverse effect on this resource.

The *House at 458 Second Avenue* in Alberta (012-5013) is located southeast of the proposed rail corridor (Appendix A, p. 10; Figure 10, p. 29). Rail came through Alberta in 1900, and the downtown grew around the rail tracks. This includes the House at 458 Second Avenue, which was constructed in 1924. The current project includes installation of the rail tracks on the old rail bed, thus reinstating a visual element in existence when the house was built and lasting until the mid-1980s. Moreover, the resource is eligible under Criterion C for its architectural merit, and no character-defining features of the building will be altered during the construction. It is therefore suggested that the project will have no adverse effect on this resource.

Located just north of the Tourist Guest House, the *Orgain House* (012-5052) was identified during alternative evaluations to avoid nearby cultural and natural resources (see Figure 3, p. 22; Appendix A, p. 10). The Preferred Alternative includes a new rail alignment running southeast of the boundaries of this resource and associated road changes along Old Indian Road. A dense copse of trees is located east of the main house and core of the archaeological site, thus blocking the viewshed of the resources from the construction footprint. Because the undertaking will not alter or diminish the property's significance or integrity, it is recommended that the project will have no adverse effect on this property.

The *La Crosse Hotel* (250-5001-0003/44MC0888) includes both the main hotel building and the surrounding archaeological site (Appendix A, p. 10; Figure 11, p. 30). Located in downtown La Crosse, the hotel was recorded as a historic property and placed on the NRHP in 2011. The surrounding archaeological site was defined in 2013, with the site boundaries mirroring the architectural boundaries. The complex was placed under DHR easement in 2012. Although the project will involve the construction of a new rail line and modifications to area roadways, the rail will be built on the historic rail bed to the west of the hotel. The building was constructed in this locale specifically to cater to rail traffic, thus rebuilding the rail in this area will reinstall a key visual element to the resource's setting, feeling and association. No planned road modifications will occur within the NRHP-eligible boundaries. Based on this, it is suggested that the project will have no adverse effect on the La Crosse Hotel property.

The *Bracey Depot* (058-5001-0001) and the *Bracey Store* (058-5001-0002) are both located in the Bracey Historic District (058-5001) (see Figure 4, p. 23; Appendix A, p. 10). Like La Crosse and Alberta, Bracey was founded due to the installation of the Seaboard Air Line rail corridor in 1900. The depot and store, specifically, catered to rail passengers and local patrons of the rail facility. Reconstruction of the rail in the original corridor will return a notable historic element to the community. Moreover, both resources are located over 100 feet east of the rail corridor and will not be physically impacted by the construction. It is recommended that the undertaking will have no adverse effect on either of these resources.

In sum, it is recommended that the project will have no adverse effect on any architectural properties in the project APE recorded between 2009 and 2014, including the Centralia Earthworks (020-0022/44CF0680), the Appomattox River Bridge (020-5579/127-6251-0001), the Fort Davis Earthworks (026-5012/44DW0314), the Old C&P Building (257-5010), the House at 458 Second Avenue (012-5013), the Orgain House (012-5076/44BR0280), the La Crosse Hotel (250-5001-0003/44MC0888), the Bracey Depot (058-5001-0001) and the Bracey Store (058-5001-0002).

Archaeological Properties

Although several of the resources listed above have an archaeological component, their primary resource comprises an above-ground historic property. In addition to these resources, there are six archaeological sites along the Preferred Alternative that have been found to be eligible for the NRHP chiefly for the information they contact within the subsurface deposits. None of these six sites were included in the 2009 effects documentation. As with the newly recorded architectural properties, these sites are presented in a north to south order.

Located in the center of Chester, the *Chester Hotel Site (44CF0304)* is west of the railroad tracks and north of Curtis Street (Appendix A, p. 10; Figure 12, p. 31). The hotel was specifically built in this location to cater to rail passengers. Later patrons utilized a series of cottages once located along Curtis Street. Archaeological testing found intact soils and foundation remains across the site. Although the rail modifications will not impact the physical fabric of the site, changes to Curtis Street require subsurface disturbances within the southeastern one-quarter of the site, namely within the area that once contained the early-twentieth century hotel cottages. These impacts have the potential to destroy data-bearing soils. As such, it is suggested that the project will have an adverse effect on this site.

The *Swanee Site (44CF0748)*, on the south side of Woods Edge Road, was identified during the 2010 archaeological Phase I survey of road modifications for the project (Appendix A, p. 10; Figure 13, p. 32). It was found to be potentially eligible for the NRHP. Upon commencing the Phase II-level testing, the property owner required that the investigations stop immediately. As such, the eligibility of this site has not been formally determined. For the purposes of the current undertaking, the FRA has assumed that the resource is eligible for the NRHP. Road construction plans include widening Woods Edge Road and reconfiguring its intersection with Old Happy Hill Road to the west of the site. This action will require disturbances to the subsurface matrix within the northwestern portion of the site. Because data-bearing strata that contribute to the site's eligibility will be disturbed, it is recommended that the project will have an adverse effect on this resource.

Three sites are clustered along the rail line on the north and south sides of Swift Creek (Appendix A, p. 10; Figure 14, p. 33). *Site 44CF0707* is a prehistoric campsite located north of the City of Colonial Heights and east of the extant rail corridor. This large Middle Woodland Period site covers 12.6 acres and comprises intact soils with the presence of Native American pottery. Rail modifications in this area include widening the rail corridor to the east, thus overlapping the western boundary of the site. Rail work will include soil disturbances and the creation of a third rail on a portion of the site. Since the undertaking will destroy artifact-bearing deposits at the site and diminish its potential to reveal data on area prehistory, it is suggested that the undertaking will have an adverse effect on this resource.

Just south of 44CF0707 is the *Arrowfield Plantation site (44CF0708)*, an early-nineteenth through mid-twentieth century farmstead with a prehistoric component dating to the Middle Woodland and Late Archaic Periods. The 16.8-acre site includes several foundations and intact soils throughout. The rail modifications mentioned above related to 44CF0707 will also impact the western boundary of Arrowfield, most notably in the southwestern corner of the site. Although the impact area is smaller, the construction will still remove intact archaeological deposits that contribute to the overall eligibility of the site. As such, it is recommended that the project will have an adverse effect on this site.

The third site clustered along the rail line in Chesterfield is *44CF0710*. This is another multicomponent site with an indeterminate prehistoric affiliation and a mid to late-nineteenth century association. However, this site is much smaller than the two previously listed sites, as it is just 0.9 acres in size. Changes to the rail in this area would also destroy artifact-bearing strata at site 44CF0710. Because the site is located just south of Swift Creek, construction of the associated structure to traverse the waterway has resulted in a wider rail corridor footprint. As such, the rail widening will impact the western half of this site, destroying intact soils and removing the data potential. Given this, it is suggested that that the undertaking will have an adverse effect on the site.

The *Davis site (44BR0225)* is located on the east side of Forksville Road and south of the Meherrin River in Brunswick County (Appendix A, p. 10; Figure 15, p. 34). This late-nineteenth/early-twentieth century site contains the remains of the Davis tenant house and associated landscaping. Changes to the rail in this area require alterations to Forksville Road to remove the at-grade crossing located north of the site. The path of the new road alignment cuts straight through the center of the 0.6-acre site. Because the road work will necessitate the disturbances to intact soils throughout the site, it is suggested that the undertaking will have an adverse effect on this resource.

To summarize, based on the selection of the Preferred Alternative, it is suggested that the undertaking will have an adverse effect on all six archaeological sites within the APE: the Chester Hotel Site (44CF0304), the Swanee Site (44CF0748), site 44CF0707, Arrowfield Plantation (site 44CF0708), site 44CF0710, and the Davis site (44BR0225).

Overall Project Effect

In addition to evaluating the effect on individual historic properties Dovetail also assessed the overall project's potential to have an adverse effect on cultural resources. When the data presented herein is combined with the effect determinations rendered in 2009, it is recommended that the project will have no effect on 15 historic properties and no adverse effect on 40 historic

properties in the project APE, it is suggested that the undertaking will have an adverse effect on 19 properties. As such, it is also recommended that the overall project will have an adverse effect on historic properties.

We invite DHR to concur with our recommendations by completing the signature block below and returning it to my attention within 30 days of receipt. Please feel free to contact me or Mike Carmody at (540) 899-9170 with any questions you might have. Thank you for your assistance.

Respectfully submitted,

Kerri S. Barile, Ph.D.
President

cc: Ms. Emily Stock, DRPT
Mr. Craig Young, Three Oaks Engineering
Mr. Marc Hamel, NCDOT
Mr. Ken Mobley, Michael Baker International

The Virginia State Historic Preservation Officer concurs with Dovetail Cultural Resource Group's current recommendation that the Preferred Alternative for the Southeast High Speed Rail project will have **No Adverse Effect** on the Bracey Historic District (058-5081), the Bank Building in McKenney (257-5004), Zehmer Farm/Honeymoon Hill (257-5008), Centralia Earthworks (020-0022/44CF0680), the Appomattox River Bridge (020-5579/127-6251-0001), the Fort Davis Earthworks (026-5012/44DW0314), the Old C&P Building (257-5010), the House at 458 Second Avenue (012-5013), the Orgain House (012-5076/44BR0280), the La Crosse Hotel (250-5001-0003/44MC0888), the Bracey Depot (058-5001-0001) and the Bracey Store (058-5001-0002).

Further, the Virginia SHPO concurs that the project will have an **Adverse Effect** on Richmond & Petersburg Electric Railway (020-5351), the Atlantic Coast Line Railroad Corridor (127-6251), the Seaboard Air Line Railroad Corridor (127-6271), the Tourist Guest House (012-5052), the Chester Hotel Site (44CF0304), the Swanee Site (44CF0748), site 44CF0707, Arrowfield Plantation (site 44CF0708), site 44CF0710, and the Davis site (44BR0225).

The Virginia SHPO therefore agrees that the project will have an overall **Adverse Effect** on historic properties (DHR #2001-1460).

for Julie ~~Langdon~~ LANGAN
Virginia State Historic Preservation Officer

7/29/14
Date

2001-1460

Appendix A: Eligible Resources Within the SEHSR APE (Properties Discussed in this Effect Letter are Shaded in Peach). Properties with an adverse effect have a thumbnail image for reference.

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
1	127-6271	Seaboard Line Railroad Corridor	A	**Adverse**	Demolishing/Burying Rt 1 Bridge at Alberta, a contributing element	
2	127-0172/ 127-0344-0117	C. & O. & Seaboard Railroad Depot	A&C	No Adverse		
3	127-0344	Shockoe Valley & Tobacco Row Historic District	A&C	No Adverse		
4	127-0219	Shockoe Slip Historic District	A&C	No Adverse		
5	127-0171	James River and Kanawha Canal Historic District	A&C	No Adverse		
6	127-6251	Atlantic Coast Line Railroad Corridor	A	**Adverse**	Demolishing Hwy 10 Utility Bridge and Richmond & Petersburg Electric Railway Bridge, both contributing	
7	127-0457	Manchester Warehouse Historic District	A&C	No Effect		

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
8	127-6245/ 44CF0724	Williams Bridge Company	A,C,D	**Adverse**	New roadways and overpasses; Impacting historic design and archaeological deposits	
9	127-6179	Lucky Strike/RJ Reynolds Tobacco	A&C	No Effect		
10	127-6248	Transmontaigne Product Serves, Inc.	A	No Adverse	Need to maintain existing retaining wall and footprint of building in SE corner of property	
11	127-6213	Davee Gardens Historic District	A&C	No Adverse		
12	020-5474	Dupont Spruance	A	No Adverse		
13	020-0063	Falling Creek Ironwork	D	No Effect		
14	020-0007	Sheffields; Auburn Chase; Bellwood; Building 42 - DSCR Officer's Club; New Oxford	B&C	No Adverse		
15	020-5336	US Department of Defense Supply Center Historic District; Bellwood-Richmond Quartermaster Depot Historic District	A,B,C&D	No Adverse		
16	020-5351	Richmond & Petersburg Electric Railway	A	**Adverse**	Bridge at Hwy 10 to be demolished, a contributing element	
17	020-5320	Proctor's Creek Battlefield	A	No Adverse		
18	020-0013	House, 3619 Thurston Road	C	No Adverse		

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
19	020-0552	Centralia Post Office	A	**Adverse**	New roadway requiring massing earthen berm placed in front of building and altering original road access	
20	020-0432	Ragland House/4626 Centralia Rd	C	No Adverse		
21	020-0140	Circle Oaks/4510 Centralia Road	C	**Adverse**	New roadway requiring massing earthen berm placed in front of building and altering original road access	
22	020-0022/ 44CF0680	Centralia Earthworks	A,C&D	No Adverse		
23	020-5443	Chester Historic District	A&C	**Adverse**	New roadway pattern and widening of existing corridors	
24	020-5443-0002/ 020-5098	Chester #94 Masonic Lodge	A	No Effect		
25	020-5443-0008/ 020-5102	Pretlow House	B	No Adverse	Need to make all reasonable efforts during construction to avoid impacts to the existing stone wall and adjacent vegetation	

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
26	020-5443-0010/ 020-5093	Eichelberger House	C	**Adverse**	Removing historic gate and landscaping features, contributing elements to the property	
27	44CF0304	Chester Hotel Site	A&D	**Adverse**	New road going through portion of site	
28	020-5317	Port Walthall Junction Battlefield	A	No Adverse		
29	44CF0748	Swanee Site	D	**Adverse**	Owner removed archaeologists from site during Phase II; FRA assumes eligibility	
30	020-5318	Swift Creek Battlefield	A	No Adverse		
31	44CF0707	none	D	**Adverse**	New road and road alignments impacting site	

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
32	44CF0708	Arrowfield Plantation	A&D	**Adverse**	New road and road alignments impacting site	
33	44CF0710	none	D	**Adverse**	New road and road alignments impacting site	
34	106-0001	Ellerslie	A	No Effect		
35	020-5579/ 127-6251-0001	Appomattox River Bridge	C	No Adverse	Specifics on design to be submitted to DHR upon completion	
36	123-0059	Battersea	ABCD	No Adverse		
37	123-5035	North Battersea/Pride's Field Historic District	C	No Adverse	Will coordinate with the City of Petersburg during final design to identify measures to minimize impacts to this resource.	
38	123-5026	1) Petersburg Battlefield III 2) The Breakthrough	A	No Adverse		

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
39	123-5455	Defense Road	A&C	**Adverse**	Altering historic roadbed and associated bridge	
40	123-5013	Bridge over Defense Road	A&C	**Adverse**	Altering historic roadbed and associated bridge	
41	44DW0373	Dimmock Line/Earthworks	ABCD	**Adverse**	Removing a segment of earthworks, thus impacting above- and below-ground resources	
42	123-5022	1) Weldon Railroad Battlefield 2) Globe Tavern B*	A	No Adverse	At the request of the NPS Petersburg National Battlefield, will plant trees on the fill slopes for the proposed bridge to minimize the visual intrusion on the landscape; Will also coordinate with the DHR regarding the engineering and vegetation plans for this area before construction	

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
43	44DW0314/ 026-5012	Fort Davis Earthworks	A,C&D	No Adverse	Part within project footprint destroyed during SAL construction.	
44	026-5007	Peebles Farm Battlefield	A	No Adverse		
45	026-5004	Boydton Plank Road Battlefield	A	No Adverse		
46	026-0132	Hatcher's Run Battlefield	A	No Adverse		
47	026-5006	Lewis Farm Battlefield	A	No Adverse		
48	026-0023	Evergreen	C	No Effect		
49	026-5005	Dinwiddie Courthouse Battlefield	A	No Adverse		
50	026-5021	Courtworth	C	No Effect		
51	026-5023	Bowen House	C	No Adverse		
52	026-5026, 5027	W. Boisseau's Store, Warehouse, Dwelling	A&C	No Effect		
53	257-5004	Bank Building	A	No Adverse		
54	257-5010	Old C&P Building	A&C	No Adverse		
55	257-5008	Honeymoon Hill Farm/Zehmer Farm	C	No Adverse		
56	257-5009	Mayton House	C	No Effect		
57	012-5044	Wynnhurst	C	No Effect	The property is no longer within the APE due to modifications to the project design since 2009	
58	012-5042	Blick's Store	C	No Adverse		
59	012-5013	House, 458 Second Ave	C	No Adverse		
60	012-5076/ 44BR0280	Orgain House	A,C&D	No Adverse		

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
61	012-5052	Tourist House	C	**Adverse**	Rail going through rear portion of property, thus bisecting historic boundaries	
62	012-5048/ 44BR0179	Oak Shades	C	No Effect		
63	44BR0179/ 012-5048	Oak Shades house site	D	No Effect		
64	44BR0225	Davis Site	A&D	**Adverse**	New road alignment impacting site	
65	058-5079/ 44MC0706	Evans House	C	No Adverse		
66	058-5028	Smelley House	C	No Effect		
67	058-5090/ 44MC0707	Wright Farmstead	A,C&D	No Effect		
68	250-5001	La Crosse Historic District	A&C	**Adverse**	Alternations to original town road alignment and demolition of contributing buildings	

ELIGIBLE RESOURCE INFO			NRHP CRITERIA	EFFECT ON PREFERRED	COMMENTS	PHOTO
N/S Order	Resource #	Name				
69	250-5001-0003/ 44MC0888	La Crosse Hotel	A,C&D	No Adverse	This property has a DHR easement	
70	058-0094	Sardis Methodist Church	C	No Adverse		
71	058-5081	Bracey Historic District	A&C	No Adverse	Slight modification to plans from DEIS	
72	058-5001-0001	Bracey Depot	A&C	No Adverse		
73	058-5001-0002	Bracey Store	A&C	No Adverse		
74	058-0118	Granite Hall/Fitts House	C	No Effect		

Appendix B: Resource Location Maps.

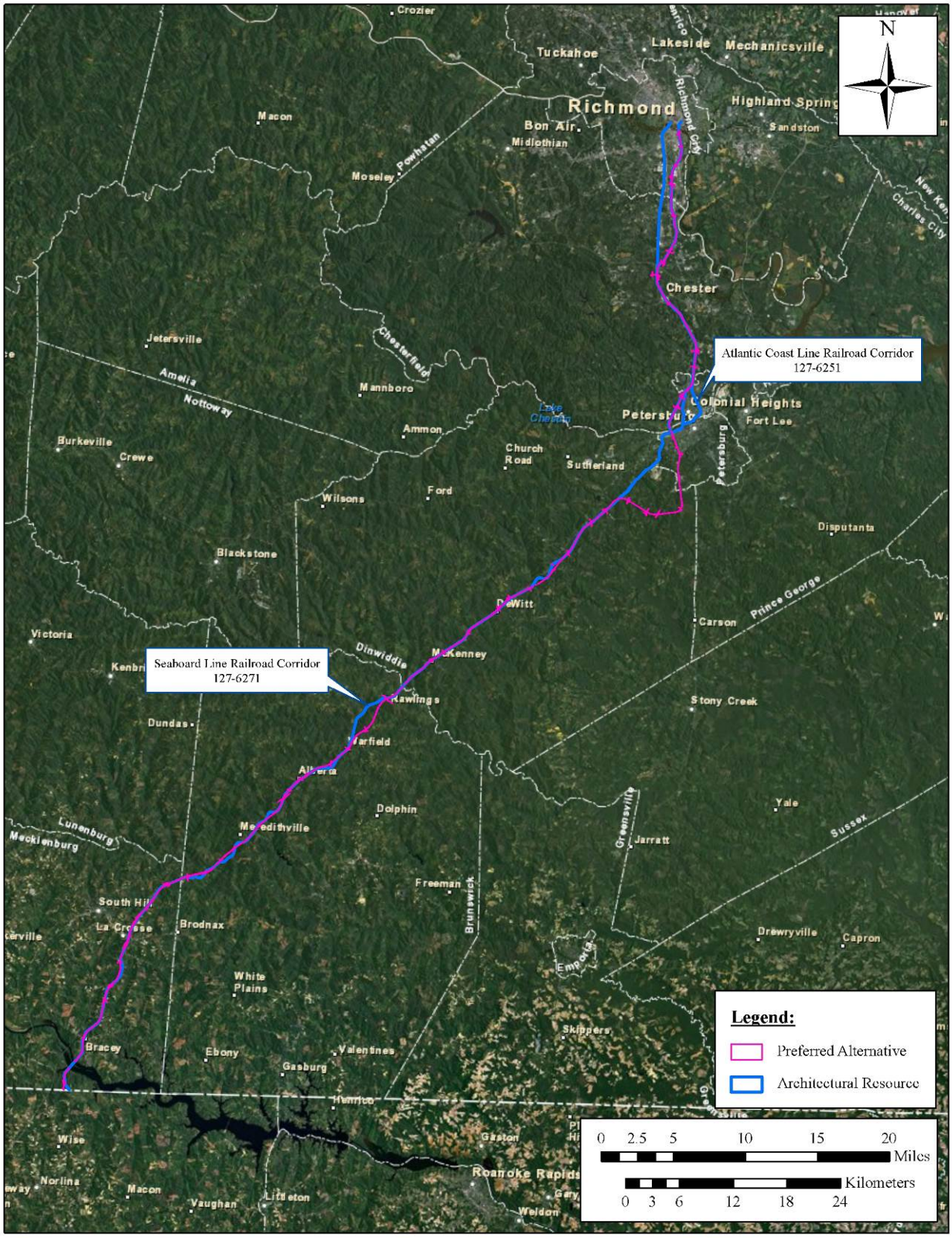

Figure 1: Atlantic Coast Line Rail Corridor (127-6251) and Seaboard Air Line Rail Corridor (127-6271).

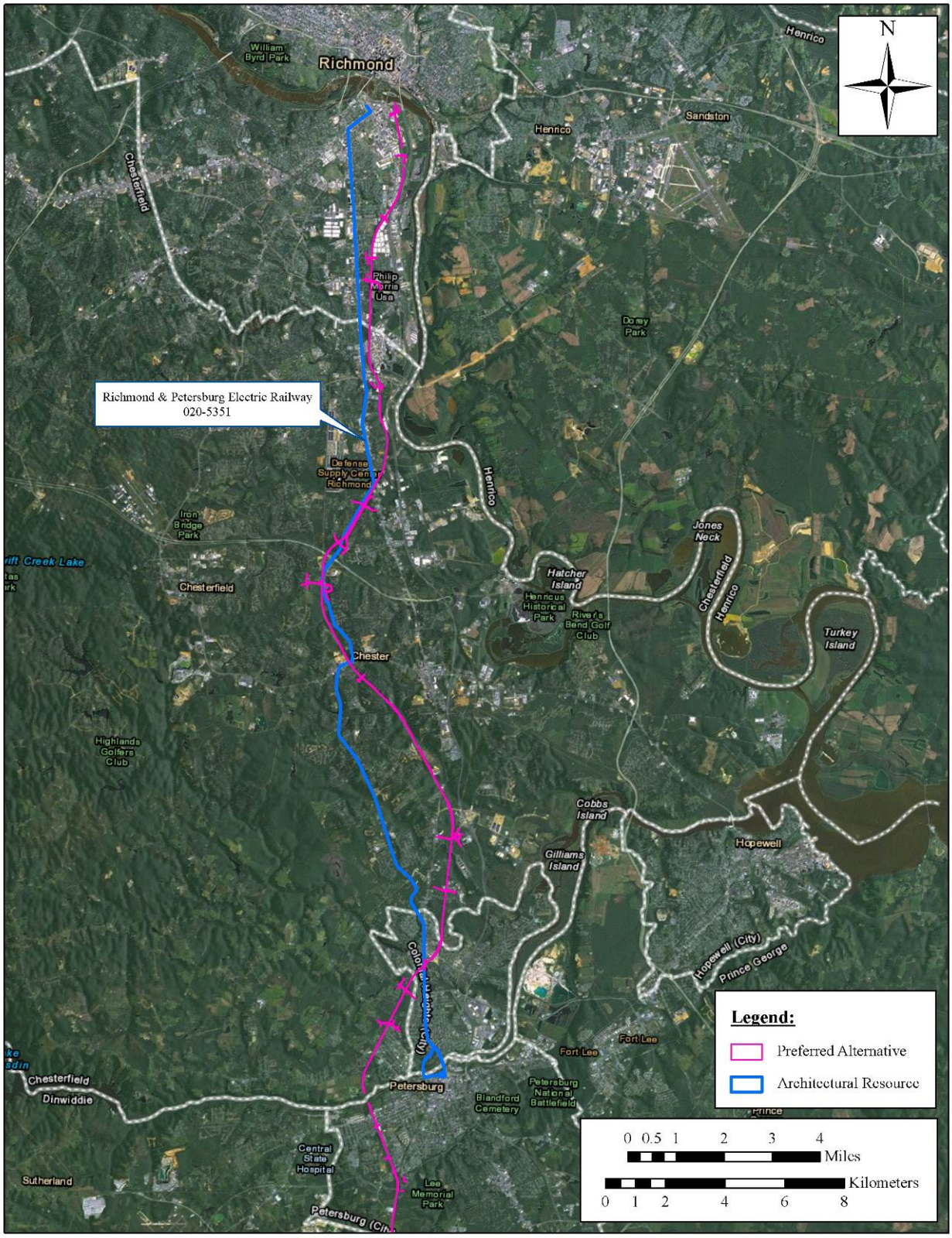

Figure 2: Richmond & Petersburg Electric Railway (020-5351).

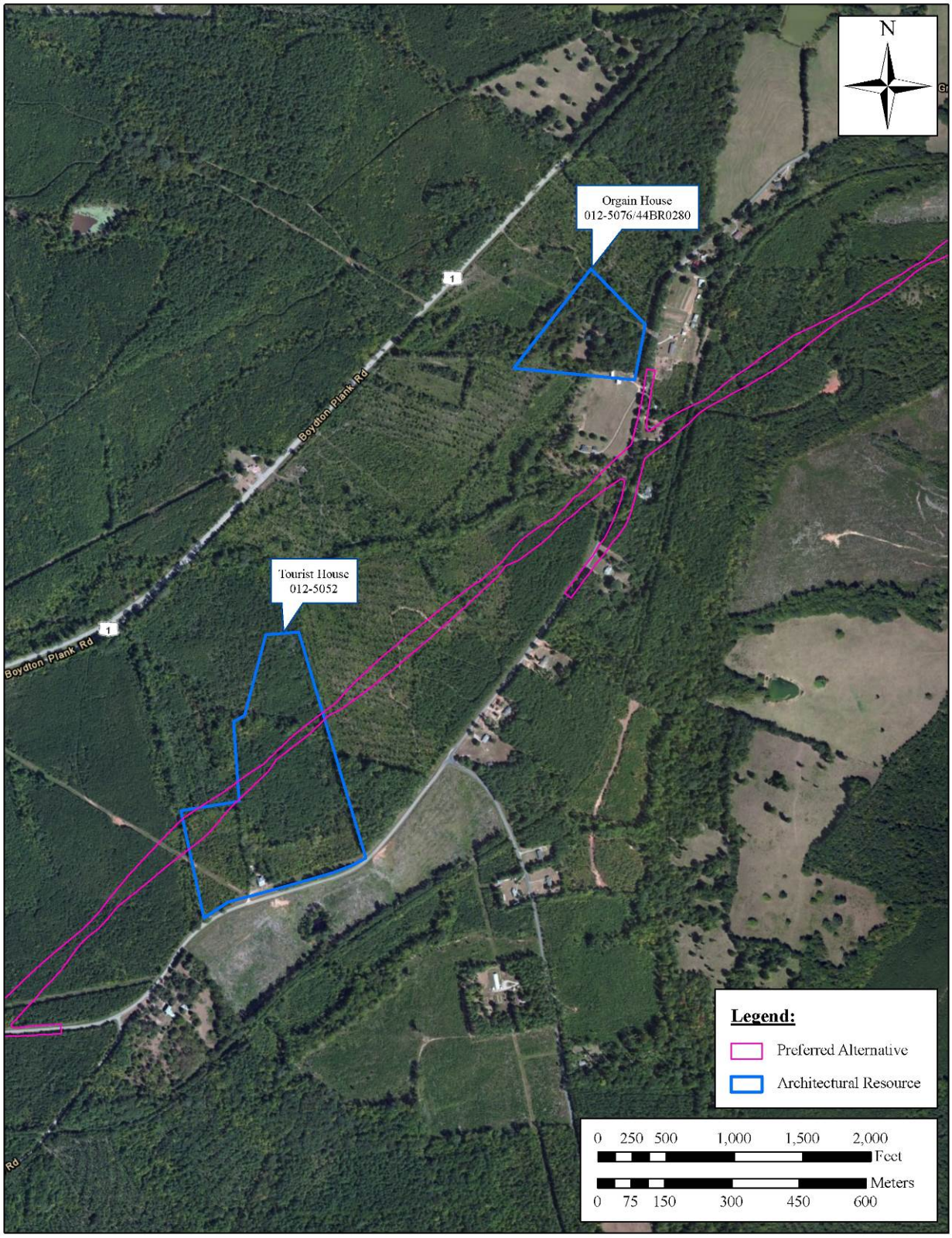

Figure 3: Tourist Guest House (012-5052) and Orgain House (012-5076/44BR0280).

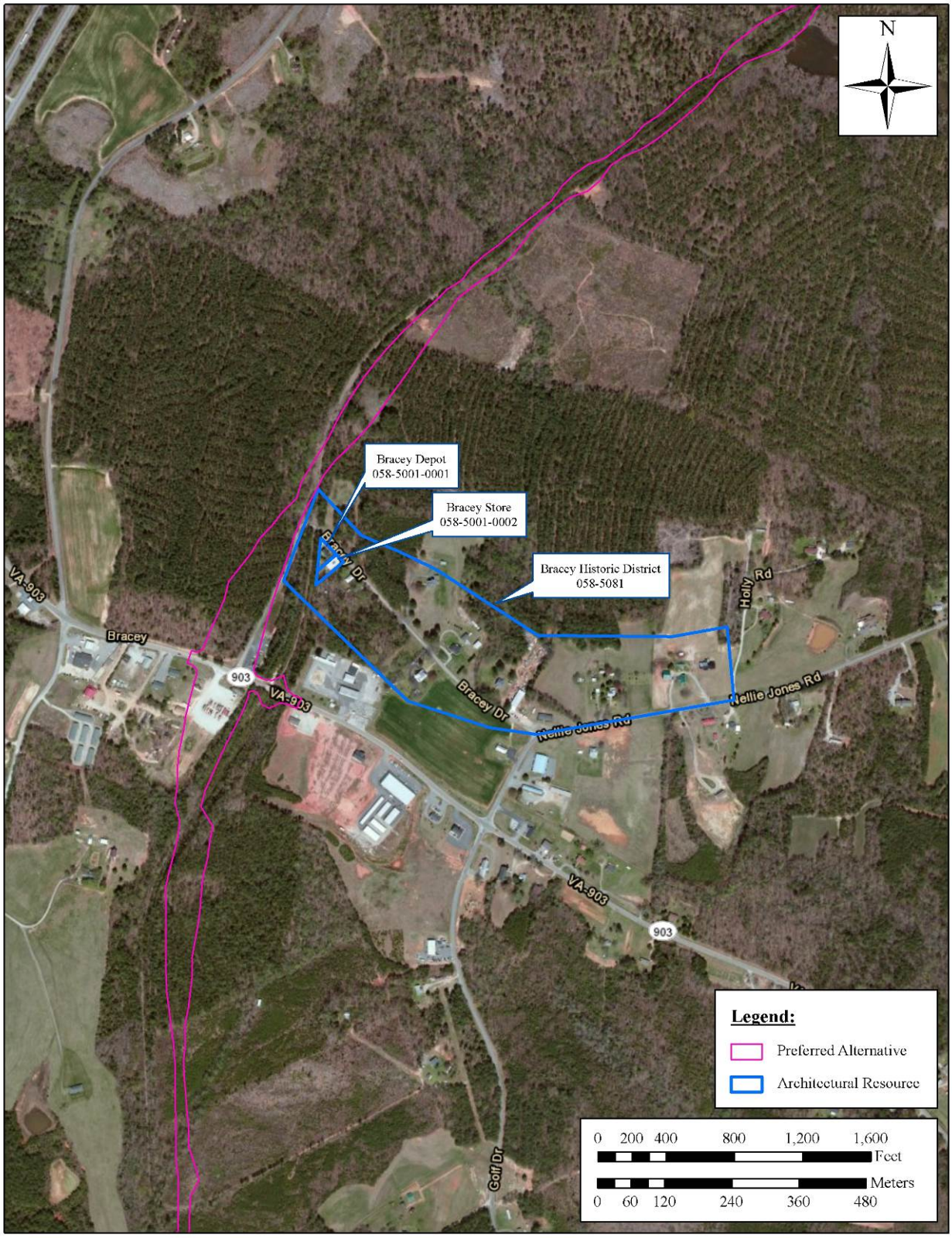

Figure 4: Bracey Historic District (058-5081), Bracey Depot (058-5001-0001) and Bracey Store (058-5001-002).

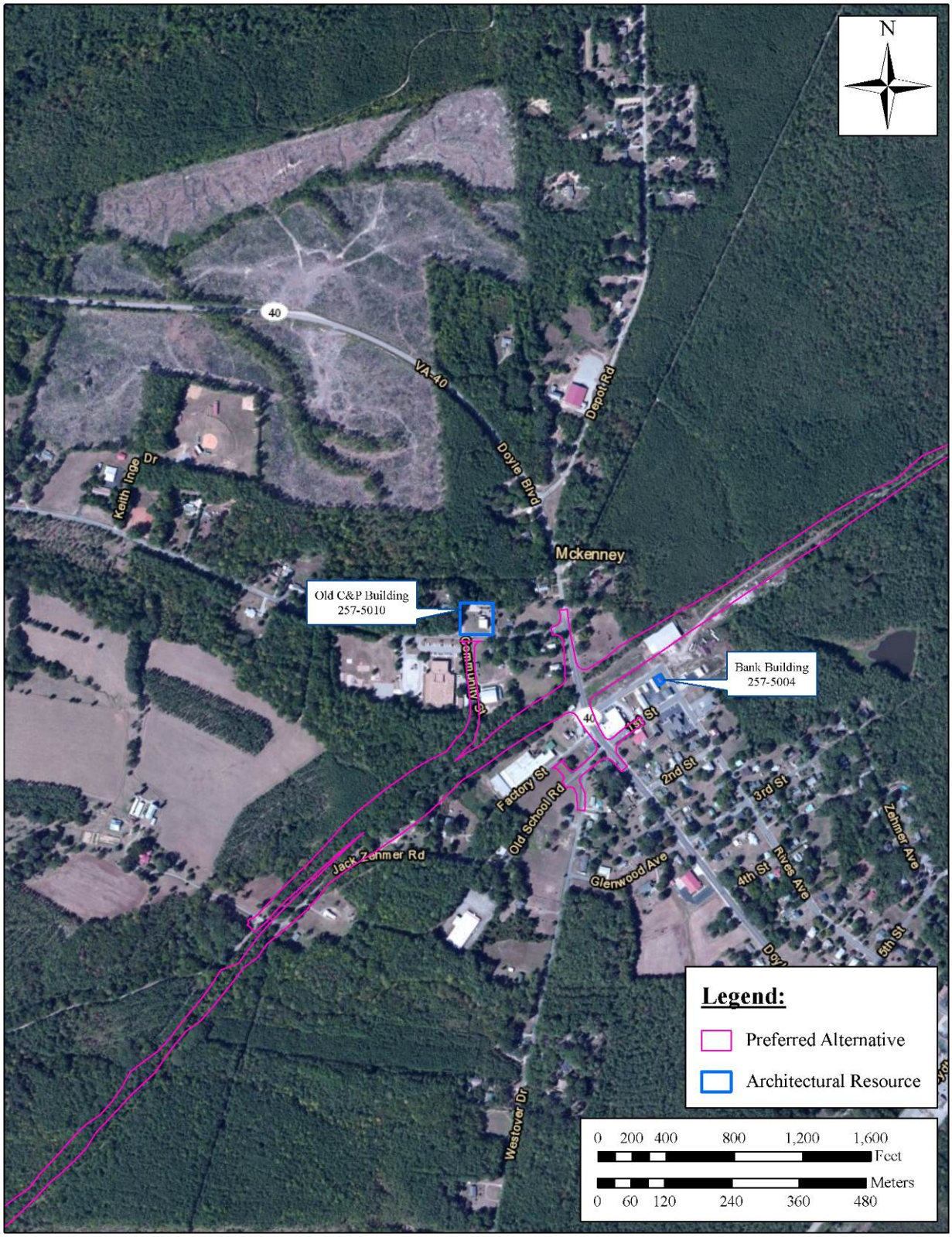

Figure 5: Bank Building (257-5004) and Old C&P Building (257-5010) in McKenney.

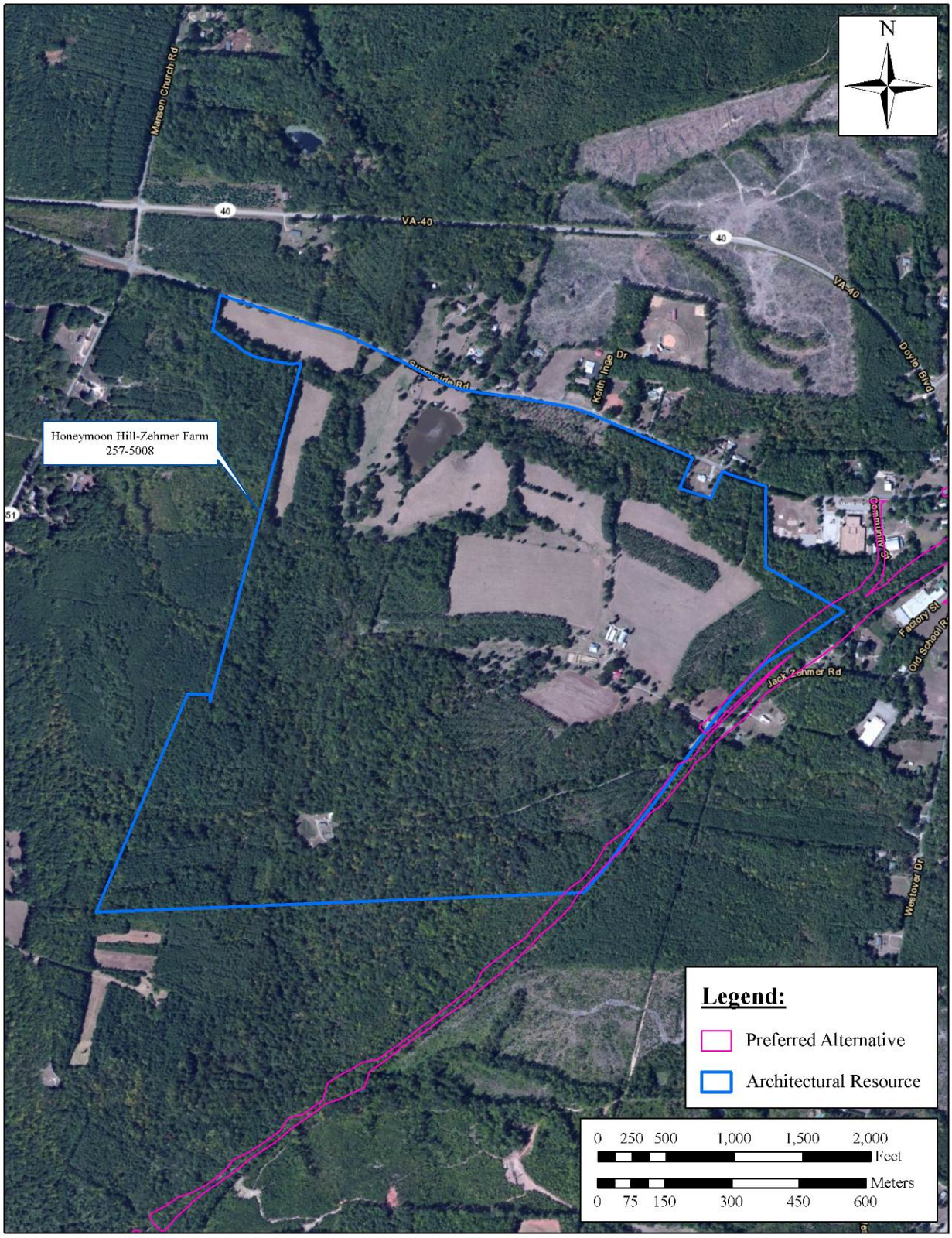

Figure 6: Honeymoon Hill Farm/Zehmer Farm (257-5008).

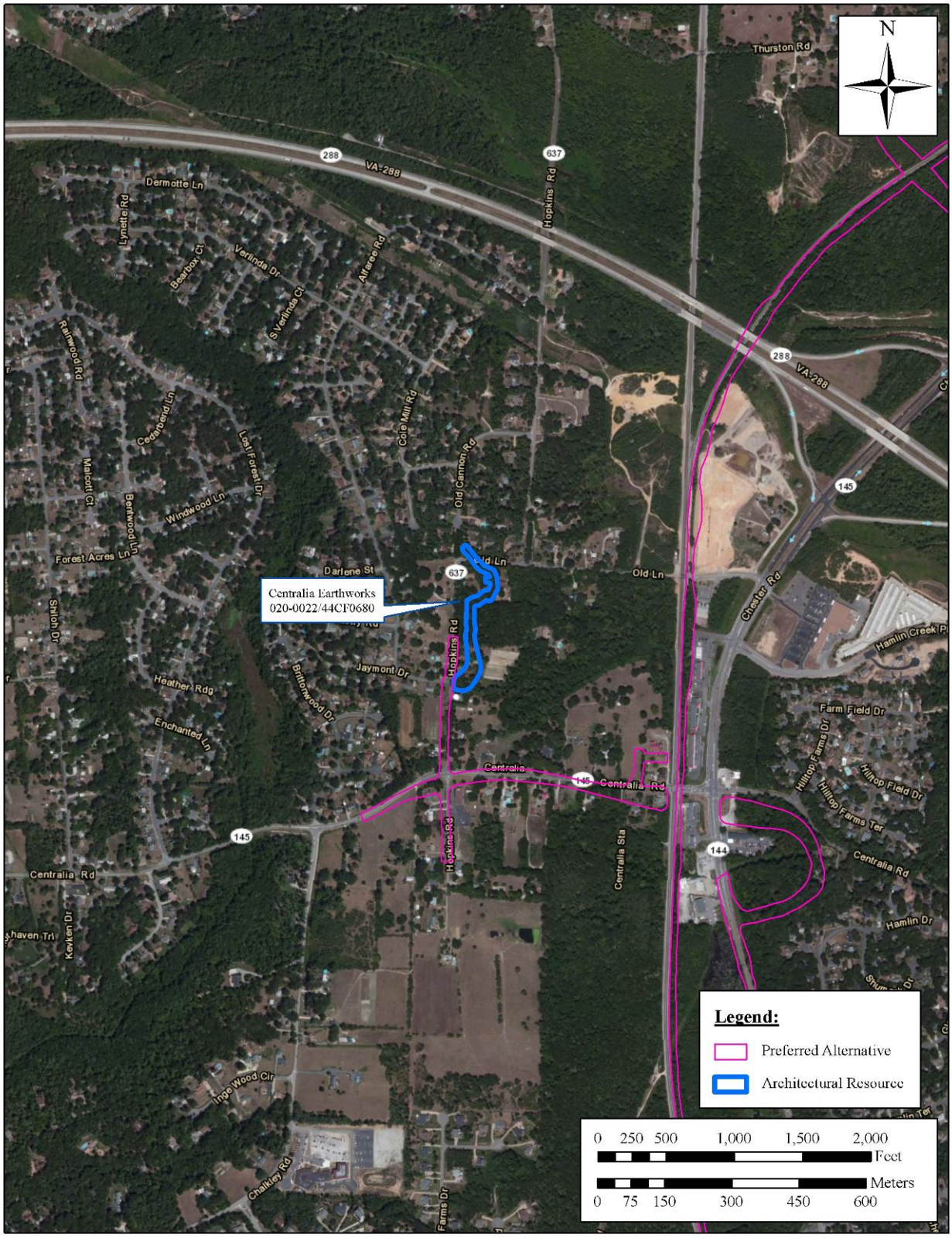

Figure 7: Centralia Earthworks (020-0022/44CF0680).

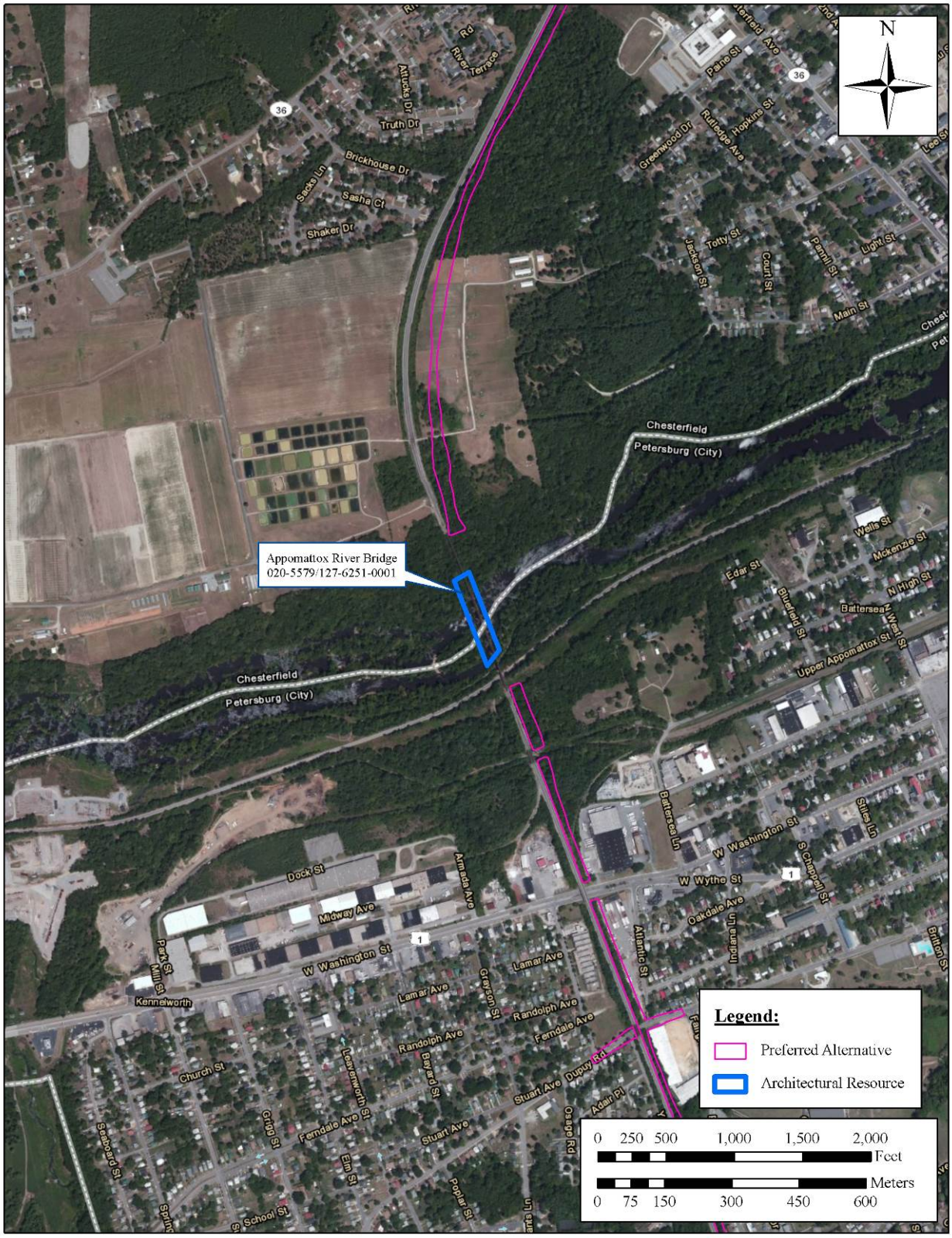

Figure 8: Appomattox River Bridge (020-5579/127-6251-0001).

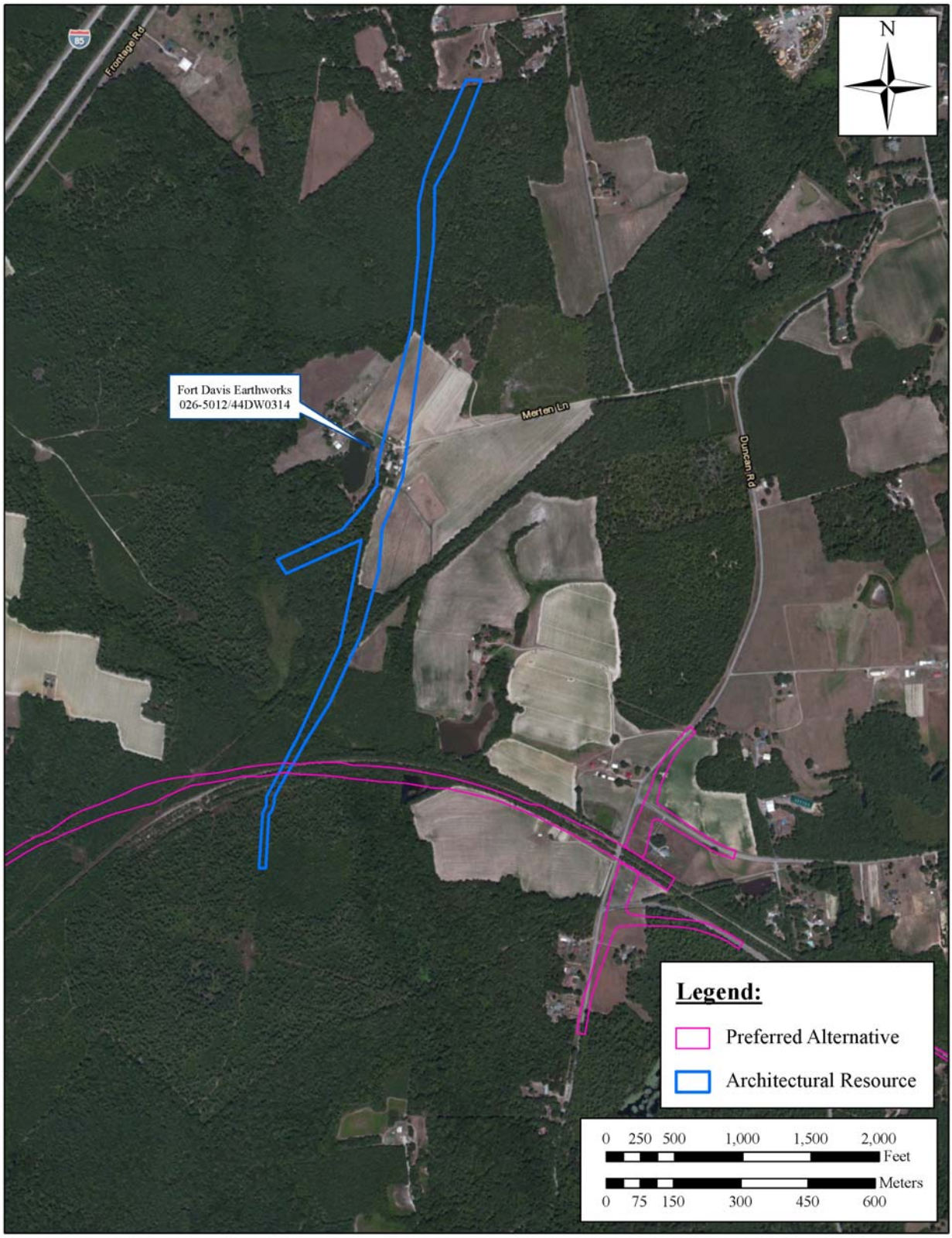

Figure 9: Fort Davis Earthworks (026-5012/44DW0314).

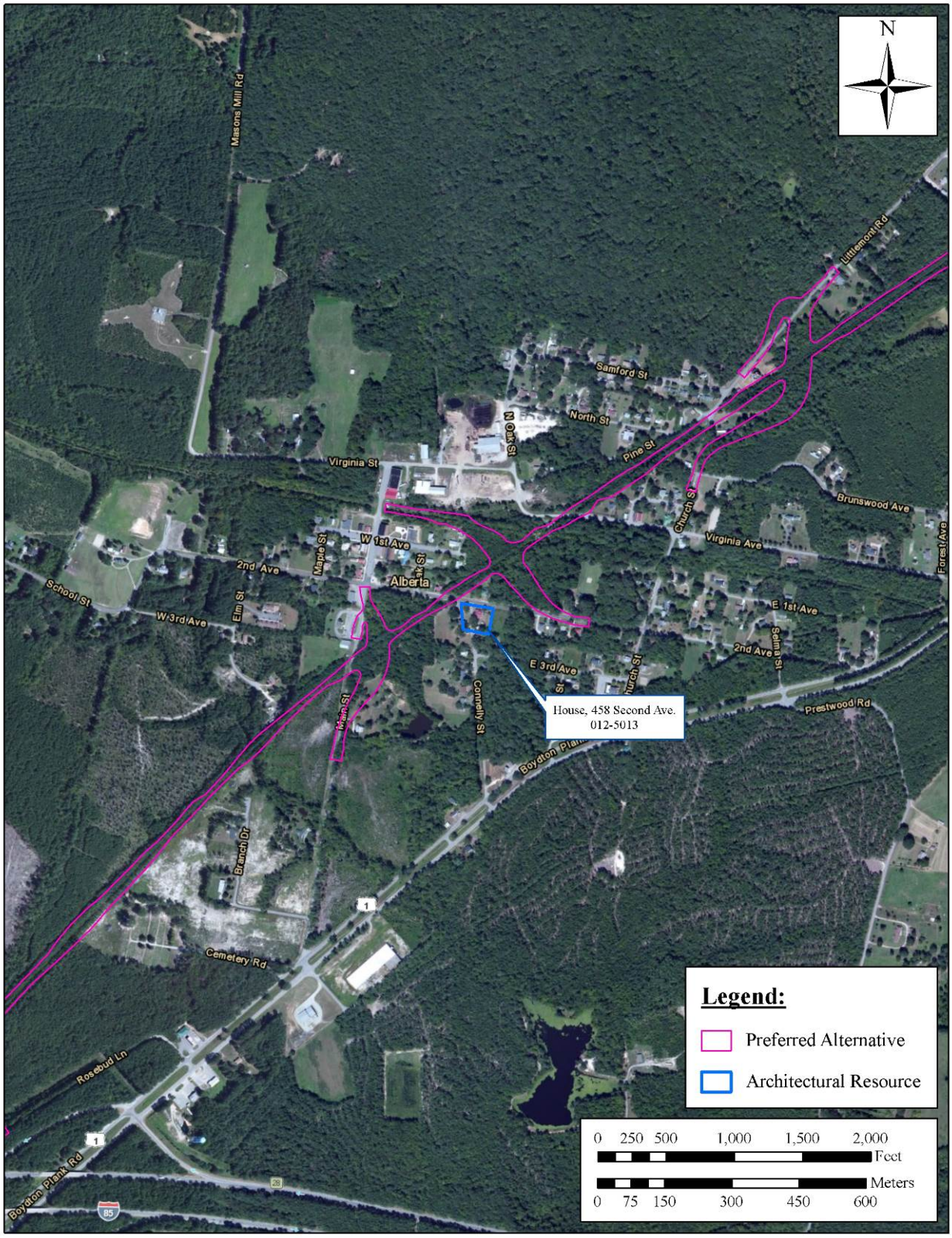

Figure 10: House at 458 Second Avenue (012-5013) in Alberta.

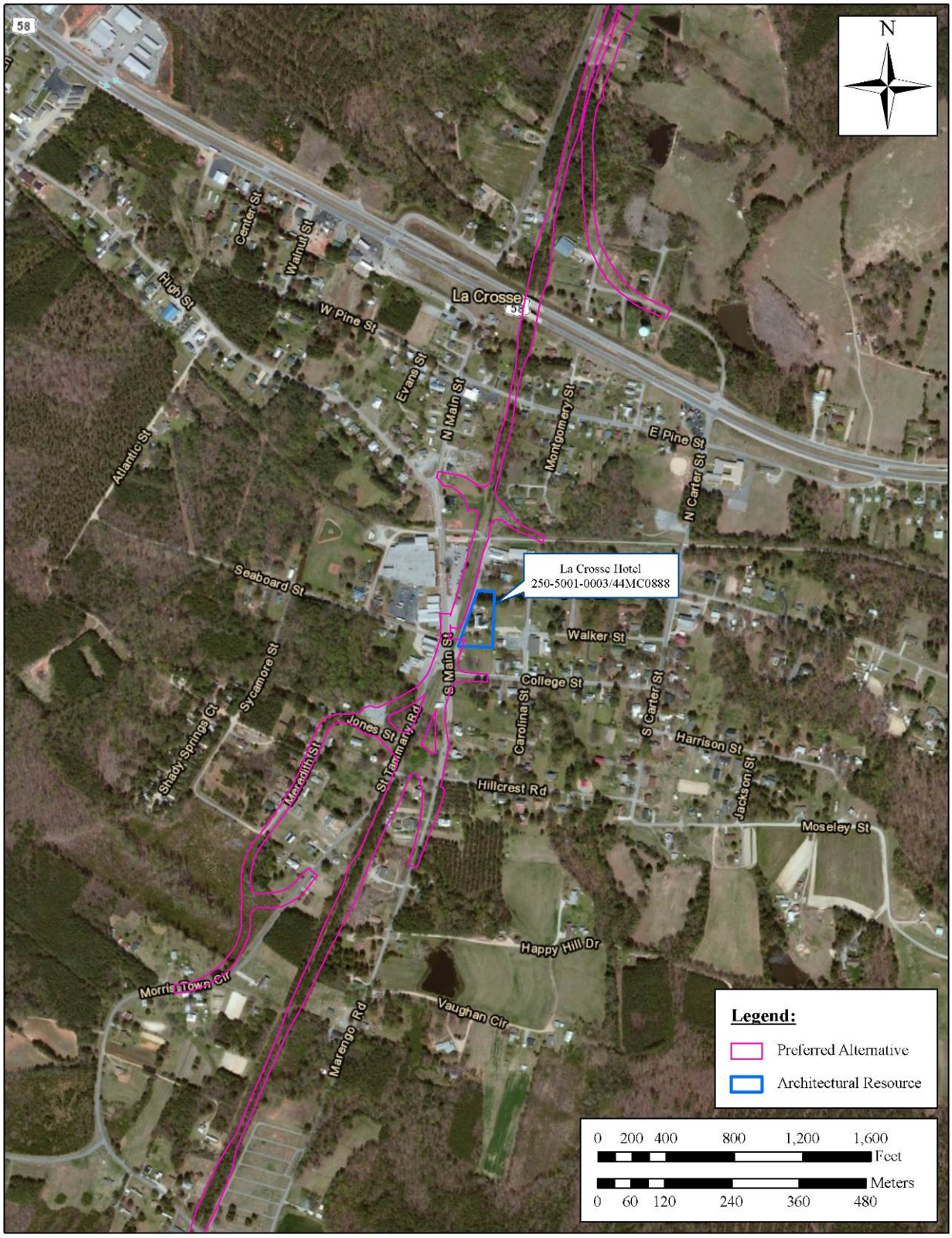

Figure 11: La Crosse Hotel (250-5001-0003/44MC0888) in La Crosse.

Figure 12: Chester Hotel Site (44CF0304) in Chester.

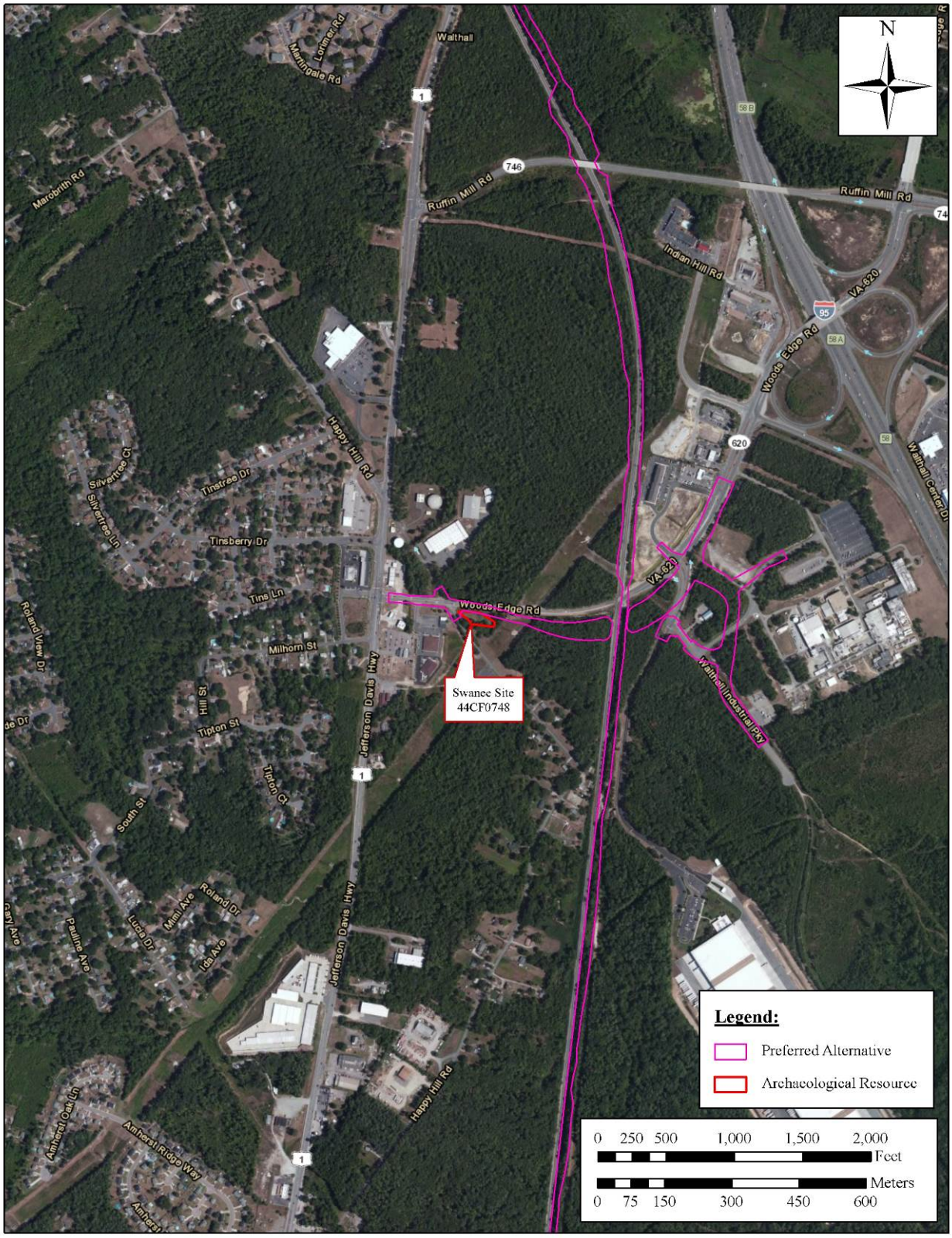

Figure 13: Swanee Site (44CF0748).

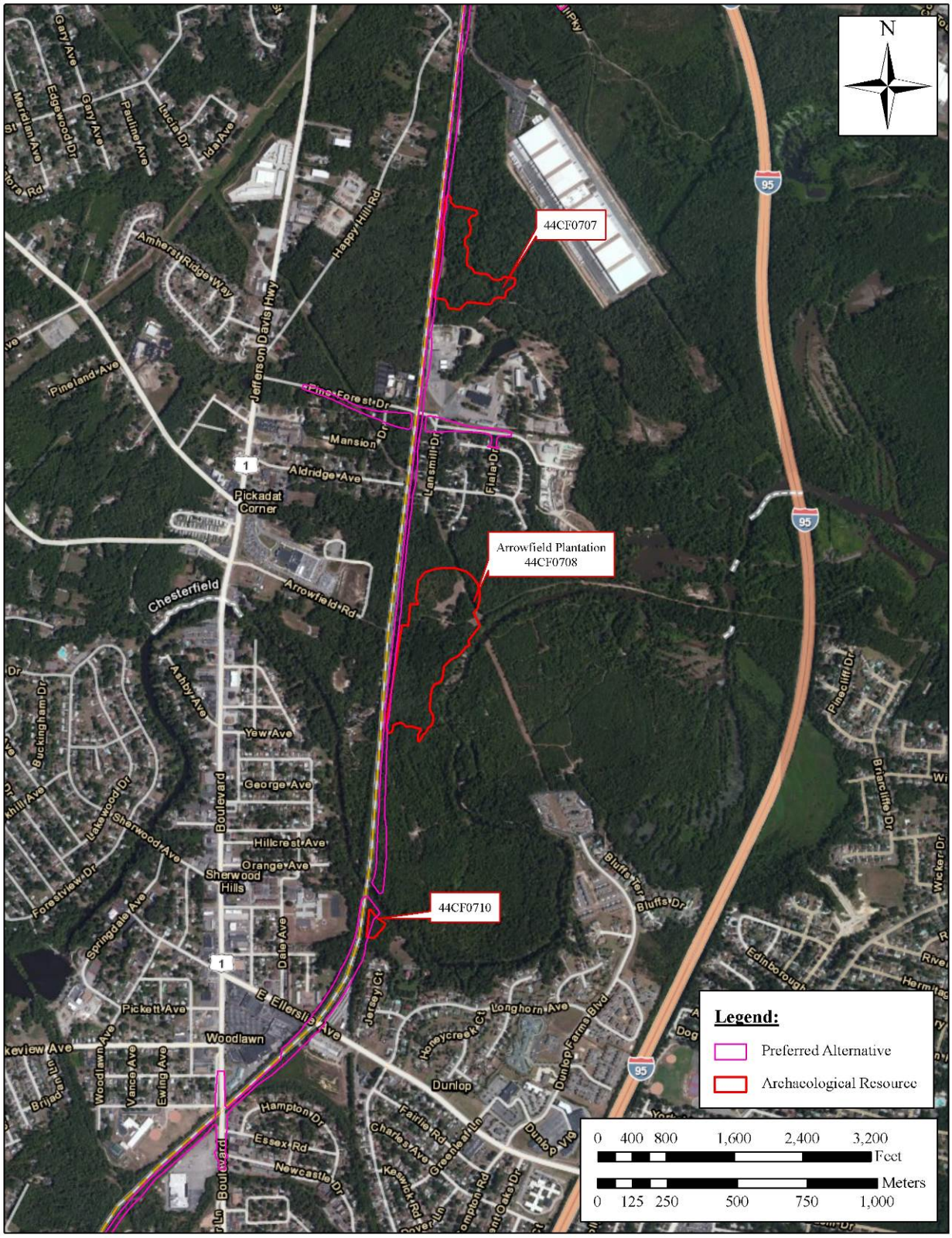

Figure 14: Site 44CF0707, Arrowfield Plantation (44CF0708) and Site 44CF0710.

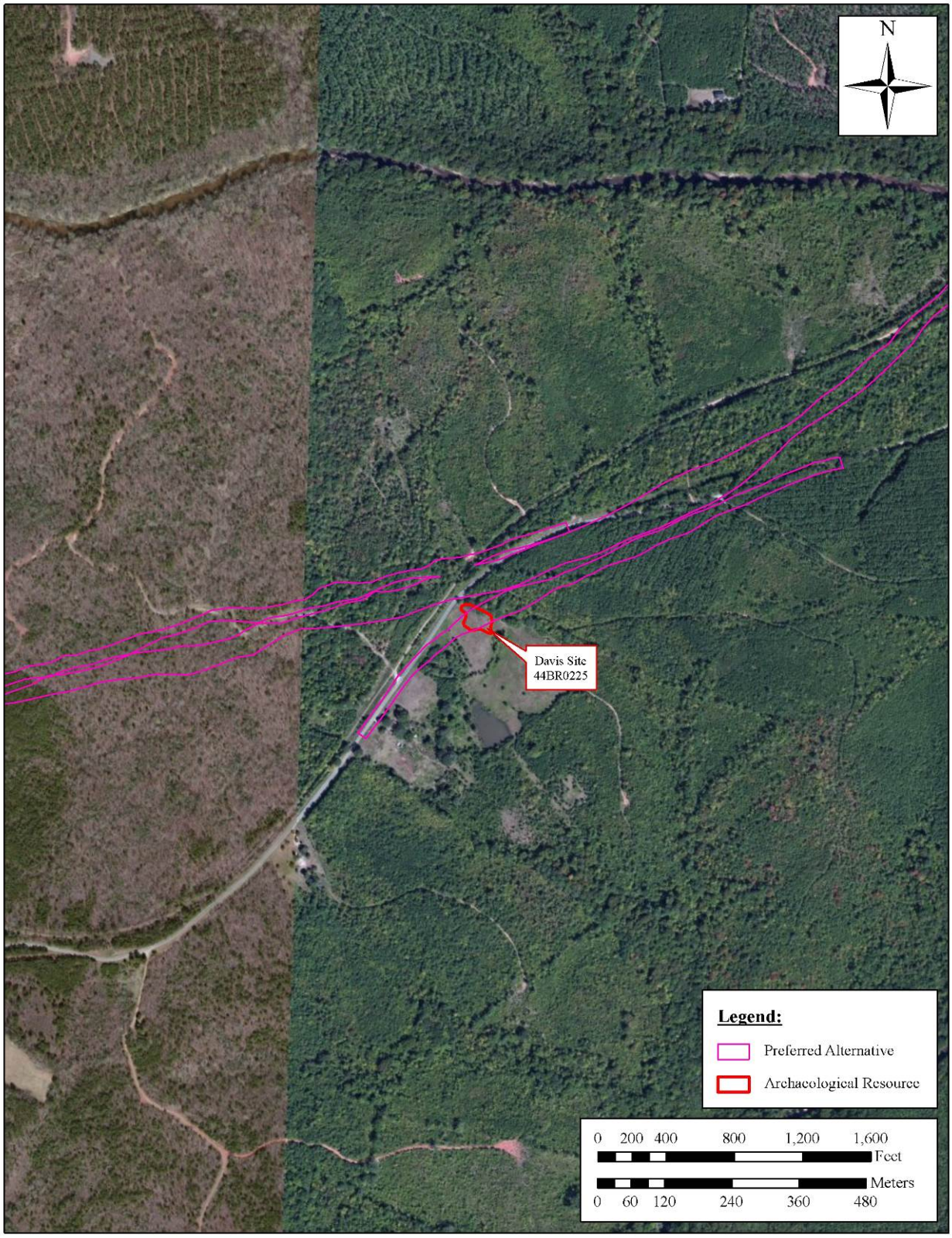

Figure 15: Davis Site (44BR0225).

DOVETAIL
CULTURAL RESOURCE GROUP

Knowing the Past—Building the Future

February 23, 2015

Mr. Marc Holma
Division of Resource Services and Review
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

SUBJECT: Southeast High Speed Rail Project/Access Roads
DHR File No.: 2001-1460
Richmond, Virginia to North Carolina State Line
Funding: Federal and State
REVISED SECTION 106 PROJECT EFFECTS RECOMMENDATION/
MANCHESTER HISTORIC DISTRICT (127-0457)

Dear Mr. Holma:

The North Carolina Department of Transportation (NCDOT), in conjunction with the Virginia Department of Rail and Public Transportation (DRPT), and the Federal Rail Administration (FRA) are currently conducting environmental studies for the Southeast High Speed Rail project (SEHSR). The SEHSR project involves the development, implementation, and operation of high speed passenger rail service in the approximately 500-mile travel corridor from Washington, DC through Richmond, Virginia and Raleigh, North Carolina to Charlotte, North Carolina.

The project involves two general types of work: modifications to the rail corridor to accommodate high speed rail and changes to the surrounding road system to eliminate at-grade road crossings. The corridor between Richmond and the North Carolina state line has been the subject of several cultural resource investigations over the past decade. This includes the Area of Potential Effects (APE) surrounding the rail corridor itself as well as all the APE of all road modification areas surrounding the rail line. Several alternatives were under consideration during the Environmental Impact Statement (EIS) process (VA1, VA2, and VA3; VA4 was also under review in some locales as an avoidance alternative). All of these alternatives received cultural resource evaluations. The results of these studies have been individually coordinated with the Virginia Department of Historic Resources (DHR), including the submission of reports and DSS/V-CRIS forms to the agency as well as formal resource eligibility recommendations for listing on the National Register of Historic Places (NRHP).

An initial project effect determination was received in November 2009. Since that time, NCDOT, DRPT, and FRA have identified a Preferred Alternative. A revised effect determination was acquired in July 2014 based on the preferred alternative and an evaluation of the historic properties in the revised project APE. On July 29, 2014, the DHR determined that the project would have an Adverse Effect on historic properties.

SEHSR and the Manchester Historic District (127-0457)

The Manchester Historic District (127-0457) is located just south of downtown Richmond on the south banks of the James River. What was once an independent community, Manchester became part of the City of Richmond in 1910. The district was put on the NRHP in 2000, and the boundary was increased in 2004. The SEHSR project runs along the extant rail system in this area, which includes traversing the James River to run south of Richmond. When project effects were initially discussed with the DHR in 2009, the project APE was located east of the historic district boundaries (Figure 1). Although the rail corridor was in the indirect APE for the historic district, it was determined that the project would have No Adverse Effect on the district as no character-defining features would be altered.

In 2011, a boundary increase was recommended for the Manchester Historic District—expanding the district to the east and encompassing industrial resources that were constructed between 1930 and 1959 (Figure 2). Upon review of the recommendation in 2012, the Keeper of the NRHP concurred with the boundary increase thus expanding the district into the APE for the SEHSR project.

Based on this data, the SEHSR team revisited the project designs in this area to avoid impacts to the historic district. By re-routing Maury Street and creating an exit loop through the nearby tank farm, the new design avoids touching the Manchester Historic District boundaries and will not alter any of the contributing elements to the district (Figure 3). The re-routing brings the modern highway exit ramp further away from the district, thus retaining the characteristics that render this resource eligible for the NRHP. Due to this redesign, it is recommended that the project will continue to have No Adverse Effect on the Manchester Historic District.

Overall Project Effect

In addition to evaluating the effect on the Manchester Historic District, Dovetail also assessed the overall project's potential to have an adverse effect on cultural resources. When the 2009 and 2014 data on effects is merged, the DHR has determined that the project will have no effect on 15 historic properties and no adverse effect on 40 historic properties in the project APE. They further determined that the project will have an adverse effect on 19 properties. Given this, it was determined that the overall project will have an adverse effect on historic properties. It is suggested that this determination remains valid based on the re-evaluation of the Manchester Historic District presented herein.

We invite DHR to concur with our recommendations by completing the signature block below and returning it to my attention within 30 days of receipt. Please feel free to contact me or Mike Carmody at (540) 899-9170 with any questions you might have. Thank you for your assistance.

Respectfully submitted,

Kerri S. Barile, Ph.D.
President

cc: Ms. Emily Stock, DRPT
Mr. Craig Young, Three Oaks Engineering
Mr. Marc Hamel, NCDOT
Mr. Ken Mobley, Michael Baker International

The Virginia State Historic Preservation Officer concurs that the Southeast High Speed Rail project will have **No Adverse Effect** on the Manchester Historic District (127-0457).

Further, the Virginia SHPO concurs that the project will have an overall **Adverse Effect** on historic properties (DHR #2001-1460) due to previous effect determinations rendered in 2009 and 2014.

for Marc Holma

Julie Langen
Virginia State Historic Preservation Officer

25 Feb 15
Date

DHR# 2001-1460

Figure 1: Original 2009 Engineering Plans and the Manchester Historic District (shaded in yellow).

Figure 2: Comparison of 2009 Manchester Historic District Boundaries (in green) and 2012 Expanded Boundaries (in pink).

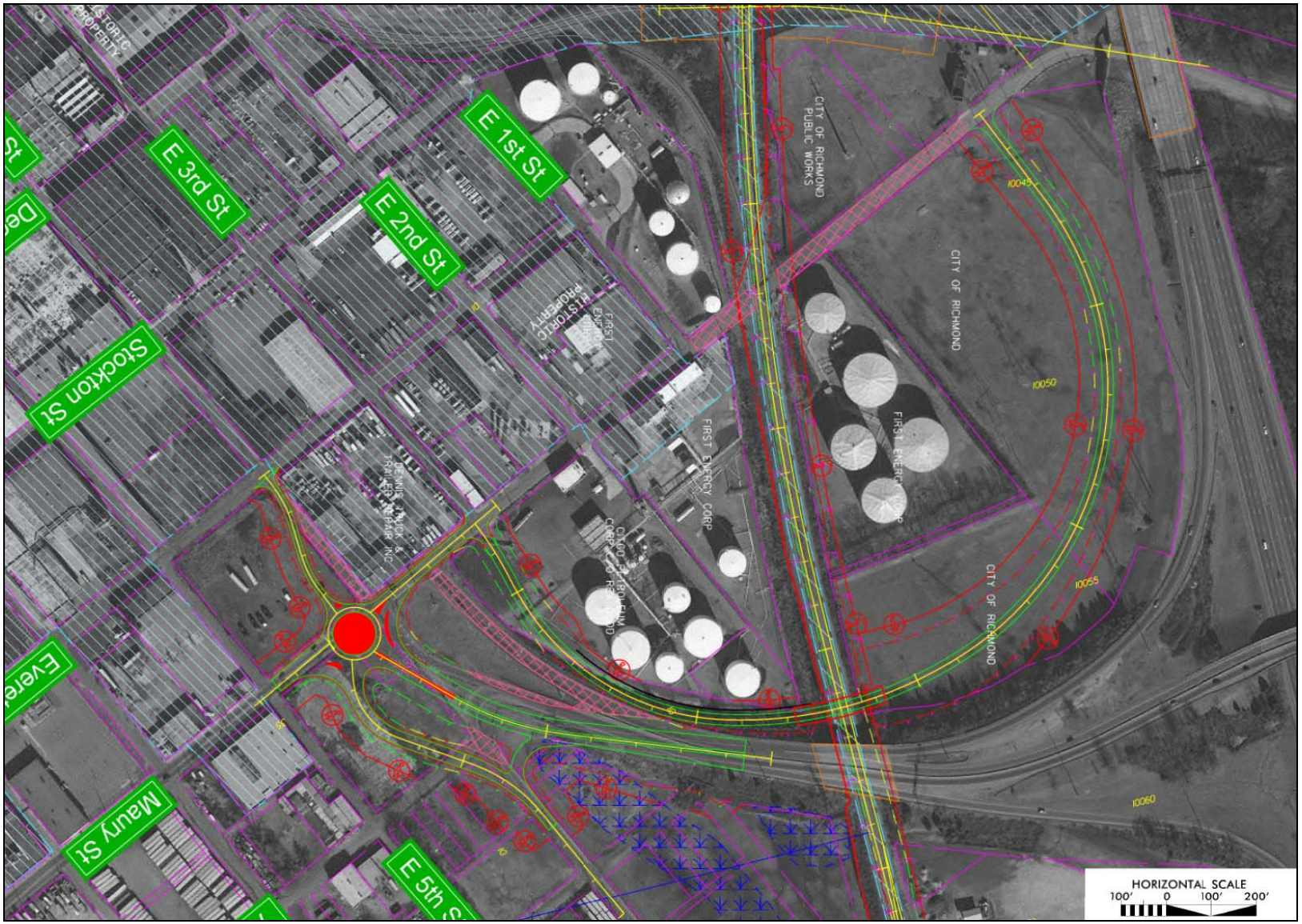

Figure 3: Revised Engineering Plans in Relation to the Expanded Manchester Historic District Boundaries (in light blue hatching).

DOVETAIL
CULTURAL RESOURCE GROUP

Knowing the Past—Building the Future

July 2, 2014

Mr. Marc Holma
Division of Resource Services and Review
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

SUBJECT: Southeast High Speed Rail Project/Access Roads
DHR File No.: 2001-1460
Richmond, Virginia to North Carolina State Line
Funding: Federal and State
SECTION 4(f) DE MINIMIS DETERMINATIONS

Dear Mr. Holma:

The North Carolina Department of Transportation (NCDOT), in conjunction with the Virginia Department of Rail and Public Transportation (DRPT), and the Federal Rail Administration (FRA) are currently conducting environmental studies for the Southeast High Speed Rail project (SEHSR). The SEHSR project involves the development, implementation, and operation of high speed passenger rail service in the approximately 500-mile travel corridor from Washington, DC through Richmond, Virginia and Raleigh, North Carolina to Charlotte, North Carolina.

The project involves two general types of work: modifications to the rail corridor to accommodate high speed rail and changes to the surrounding road system to eliminate at-grade road crossings. The corridor between Richmond and the North Carolina state line has been the subject of several cultural resource investigations over the past decade. This includes the Area of Potential Effect (APE) surrounding the rail corridor itself as well as all the APE of all road modification areas surrounding the rail line. Several alternatives were under consideration during the Draft Environmental Review Statement (DEIS) process (VA1, VA2, and VA3; VA4 was also under review in some locales as an avoidance alternative). All of these alternatives received cultural resource evaluations. The results of these studies have been individually coordinated with the Virginia Department of Historic Resources (DHR), including the submission of reports and DSS/V-CRIS forms to the agency as well as formal resource eligibility recommendations for listing on the National Register of Historic Places (NRHP). A project effect recommendation is currently under review by the DHR to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA).

In addition to complying with the NHPA, the project must also comply with Section 4(f) of the Department of Transportation Act of 1966. As you know, Section 4(f) stipulates that the FHWA and other transportation agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless

there is no feasible and prudent alternative to the use of land and the action includes all possible planning to minimize harm to the property resulting from use. With the SEHSR project, determinations of Section 4(f) use primarily follow Section 106 determinations on effect. However, there are a limited number of resources where a Section 4(f) use is present although it has been determined through the 106 process that the project will have No Adverse Effect on the resource. This is primarily in locations where a small sliver of land may be used during the project but the magnitude of this alteration does not diminish the characteristics that render the resource eligible for the NRHP. As such, the undertaking has No Adverse Effect on the resource but Section 4(f) use must be examined.

The FRA has examined the DEIS and 4(f) de minimis recommendations and has determined de minimis impacts for the following resources under Section 4(f) of the US Department of Transportation Act of 1966: Manchester Warehouse Historic District (127-0457), Transmontaigne Product Services (127-6248), Davee Gardens Historic District (127-6213), Dupont Spruance (020-5474), the House at 3619 Thurston Road (020-0013), Proctor's Creek Battlefield (020-5320), Centralia Earthworks (020-0022/44CF0680), Pretlow House (020-5443-0008), Port Walthall Junction Battlefield (020-5317), Swift Creek Battlefield (020-5318), Battersea (123-0059), North Battersea Historic District (123-5035), Petersburg Battlefield III (123-5026), Weldon Railroad Battlefield (123-5022), Fort Davis Earthworks (026-5012/44DW0314), Peebles Farm Battlefield (026-5007), Boydton Plank Road Battlefield (026-5004), Hatcher's Run Battlefield (026-0132), Lewis Farm Battlefield (026-5006), Zehmer Farm/Honeymoon Hill (257-5008), Blick's Store (012-5042), and La Crosse Hotel (250-5001-0003/44MC0888). We are requesting concurrence from the DHR on the FRA's determinations (Appendix A, p. 4).

We invite DHR to concur with the FRA's determinations by completing the signature block below and returning it to my attention within 30 days of receipt. Please feel free to contact me or Mike Carmody at (540) 899-9170 with any questions you might have. Thank you for your assistance.

Respectfully submitted,

Kerri S. Barile, Ph.D.
President

cc: Ms. Emily Stock, DRPT
Mr. Craig Young, Three Oaks Engineering
Mr. Marc Hamel, NCDOT
Mr. Ken Mobley, Michael Baker International

The Virginia State Historic Preservation Officer acknowledges that FRA has made de minimis impact determinations for the following resources under Section 4(f) of the US Department of Transportation Act of 1966: Manchester Warehouse Historic District (127-0457), Transmontaigne Product Services (127-6248), Davee Gardens Historic District (127-6213), Dupont Spruance (020-5474), the House at 3619 Thurston Road (020-0013), Proctor's Creek Battlefield (020-5320), Centralia Earthworks (020-0022/44CF0680), Pretlow House (020-5443-0008), Port Walthall Junction Battlefield (020-5317), Swift Creek Battlefield (020-5318), Battersea (123-0059), North Battersea Historic District (123-5035), Petersburg Battlefield III (123-5026), Weldon Railroad Battlefield (123-5022), Fort Davis Earthworks (026-5012/44DW0314), Peebles Farm Battlefield (026-5007), Boydton Plank Road Battlefield (026-5004), Hatcher's Run Battlefield (026-0132), Lewis Farm Battlefield (026-5006), Zehmer Farm/Honeymoon Hill (257-5008), Blick's Store (012-5042), and La Crosse Hotel (250-5001-0003/44MC0888).

Julie Langdon
Virginia State Historic Preservation Officer

10 July 14
Date
2001-1460

Appendix A: Section 4(f) Determinations for NRHP-Eligible Architectural Resources (listed north to south).
Properties that have received a de minimis determination from the FRA are in peach.

Resource Name	VA1 Section 106 Effect/ Section 4(f) Use	VA2 Section 106 Effect/ Section 4(f) Use	VA3 Section 106 Effect/ Section 4(f) Use	VA4 Section 106 Effect/ Section 4(f) Use		Preferred Alternative Section 106 Effect/ Section 4(f) Use
Seaboard Air Line Railroad Corridor (127-6271)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
C. & O. & Seaboard Railroad Depot (127-0172)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Shockoe Valley & Tobacco Row Historic District (127-0344)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Shockoe Slip Historic District (127-0219)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
James River and Kanawha Canal Historic District (127-0171)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Atlantic Coast Line Railroad Corridor (127-6251)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Manchester Warehouse Historic District (127-0457)	No Effect/ Use, *De Minimis*	No Effect/ Use, *De Minimis*	No Effect/ Use, *De Minimis*	n/a		No Effect/ Use, *De Minimis*
Williams Bridge Company (127-6245)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Lucky Strike/RJ Reynolds Tobacco (127-6179)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Transmontaigne Product Services, Inc. (127-6248)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Davee Gardens Historic District (127-6213)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Dupont Spruance (020-5474)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*

Resource Name	VA1 Section 106 Effect/ Section 4(f) Use	VA2 Section 106 Effect/ Section 4(f) Use	VA3 Section 106 Effect/ Section 4(f) Use	VA4 Section 106 Effect/ Section 4(f) Use		Preferred Alternative Section 106 Effect/ Section 4(f) Use
Sheffields; Auburn Chase; Bellwood; Building 42 - DSCR Officer's Club; New Oxford (020-0007)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
USDOD Supply Center Historic District; Bellwood-Richmond Quartermaster Depot Historic District (020-5336)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Richmond & Petersburg Electric Railway (020-5351)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Proctor's Creek Battlefield (020-5320)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
House at 3619 Thurston Rd (020-0013)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Centralia Post Office (020-0552)	Adverse Effect/ No Use	Adverse Effect/ No Use	Adverse Effect/ No Use	n/a		Adverse Effect/ No Use
Ragland House/4626 Centralia Road (020-0432)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Circle Oaks/4510 Centralia Road (020-0140)	Adverse Effect/ No Use	Adverse Effect/ No Use	Adverse Effect/ No Use	n/a		Adverse Effect/ No Use
Centralia Earthworks (020-0022-44CF0680)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Chester Historic District (020-5443)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Chester #94 Masonic Lodge (020-5443-0002)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Pretlow House (020-5443-0008)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*

Resource Name	**VA1 Section 106 Effect/ Section 4(f) Use**	**VA2 Section 106 Effect/ Section 4(f) Use**	**VA3 Section 106 Effect/ Section 4(f) Use**	**VA4 Section 106 Effect/ Section 4(f) Use**		**Preferred Alternative Section 106 Effect/ Section 4(f) Use**
Eichelberger House (020-5443-0010)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Port Walthall Junction Battlefield (020-5317)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Swift Creek Battlefield (020-5318)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Ellerslie (106-0001)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Appomattox River Bridge (020-5579/127-6251-0001)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Battersea (123-0059)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
North Battersea/Pride's Field Historic District (123-5035)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Petersburg Battlefield/The Breakthrough (123-5026)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Defense Road (123-5455)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Dimmock Line/Earthworks (123-5462/44DW0373)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Bridge over Defense Road (123-5013)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
Weldon Railroad Battlefield/ Globe Tavern B (123-5022)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*

Resource Name	**VA1 Section 106 Effect/ Section 4(f) Use**	**VA2 Section 106 Effect/ Section 4(f) Use**	**VA3 Section 106 Effect/ Section 4(f) Use**	**VA4 Section 106 Effect/ Section 4(f) Use**		**Preferred Alternative Section 106 Effect/ Section 4(f) Use**
Fort David Earthworks (44DW0314/026-5012)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Peebles Farm Battlefield (026-5007)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Boydton Plank Road Battlefield (026-5004)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Hatcher's Run Battlefield (026-0132)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Lewis Farm Battlefield (026-5006)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Evergreen (026-0023)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Dinwiddie Courthouse Battlefield (026-5005)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Courtworth (026-5021)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Bowen House (026-5023)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
W. Boisseau's Store, Warehouse, Dwelling (026-5026, 5027)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Bank Building (257-5004)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Old C&P Building (257-5010)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use

Resource Name	**VA1 Section 106 Effect/ Section 4(f) Use**	**VA2 Section 106 Effect/ Section 4(f) Use**	**VA3 Section 106 Effect/ Section 4(f) Use**	**VA4 Section 106 Effect/ Section 4(f) Use**		**Preferred Alternative Section 106 Effect/ Section 4(f) Use**
Mayton House (257-5009)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
Honeymoon Hill Farm/Zehmer Farm (257-5008)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Wynnhurst (012-5044)	Adverse Effect/ Use	No Effect/ No Use	Adverse Effect/ Use	Outside APE/ No Use		Outside APE/ No Use
Blick's Store (012-5042)	No Effect/ No Use	No Adverse Effect/ Use, *De Minimis*	No Effect/ No Use	No Adverse Effect/ No Use		No Adverse Effect/ Use, *De Minimis*
House, 458 Second Ave	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Orgain House	No Effect/ No Use	No Effect/ No Use	No Adverse Effect/ No Use	Adverse Effect		No Adverse Effect/ No Use
Tourist Guest House (012-5052)	No Effect/ No Use	No Effect/ No Use	Adverse Effect/ Use	No Effect/ No Use		Adverse Effect/ Use
Oak Shades (012-5048)	Adverse Effect/ Use	No Adverse Effect/ Use, *De Minimis*	No Effect/ No Use	No Adverse Effect/ No Use		No Effect/ No Use
Evans House (058-5079)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Smelley House (058-5028)	No Effect/ No Use	No Effect/ No Use	No Effect/ No Use	n/a		No Effect/ No Use
La Crosse Commercial Historic District (250-5001)	Adverse Effect/ Use	Adverse Effect/ Use	Adverse Effect/ Use	n/a		Adverse Effect/ Use
La Crosse Hotel (250-5001-0003/ 44MC0888)	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ Use, *De Minimis*	n/a		No Adverse Effect/ Use, *De Minimis*
Wright Farmstead (058-5090/ 44MC0707)	Adverse Effect/ Use	No Effect/ No Use	Adverse Effect/ Use	n/a		No Effect/ No Use

Resource Name	**VA1 Section 106 Effect/ Section 4(f) Use**	**VA2 Section 106 Effect/ Section 4(f) Use**	**VA3 Section 106 Effect/ Section 4(f) Use**	**VA4 Section 106 Effect/ Section 4(f) Use**		**Preferred Alternative Section 106 Effect/ Section 4(f) Use**
Sardis Methodist Church (058-0094)	No Adverse Effect/ No Use	No Adverse Effect/ No Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Bracey Historic District (058-5081)	No Adverse Effect/ No Use	Adverse Effect/ Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Bracey Depot (058-5001-0001)	No Adverse Effect/ No Use	Adverse Effect/ Use	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Bracey Store (058-5001-0002)	No Adverse Effect/ No Use	No Adverse Effect/ Use, *De Minimis*	No Adverse Effect/ No Use	n/a		No Adverse Effect/ No Use
Granite Hall/Fitts House (058-0118)	No Effect/ No Use	Adverse Effect/ Use	No Effect/ No Use	n/a		No Effect/ No Use

Federal Aid #: FR-HSR-0057-11-01-00 *TIP#: P-3819* *Counties: Warren, Vance, Franklin, Wake*

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Southeast High Speed Rail Corridor from Richmond, VA, to Raleigh, NC

On 9/28/2008, 9/2/2009, 9/29/2009, 7/12/2011, and 6/17/2013, representatives of the

- [x] North Carolina Department of Transportation (NCDOT)
- [x] Federal Railroad Administration (FRA)
- [x] North Carolina State Historic Preservation Office (HPO)
- [x] Other: Michael Baker Engineering & Hatch Mott MacDonald

reviewed the subject project and agreed on the effects findings listed within the table attached to this signature page.

Signed:

Mary Pope Furr 8·14·2013

Representative, NCDOT Date

David Valcourt 8-16-2013

FRA, for the Division ~~Administrator~~ Chief Date

Renee Gledhill-Earley 8-14-13

Representative, HPO Date

SEHSR Section 106 Effects - August 2013
Preferred Alternative identified in **bold**

Order	Resource Name	Status/ Criteria	Section	NC1 Section 106 Effect	NC2 Section 106 Effect	NC3 Section 106 Effect	NC5 Section 106 Effect	Comments
1	Warren County Training School	Eligible/A, C	L	**No Effect**	No Effect	No Effect	N/A	
2	Wise School	Eligible/A, C	L	**No Effect**	No Effect	No Effect	N/A	
3	House (East side of US 1, Wise, NC)	Eligible/C	M	**No Effect**	No Effect	No Effect	N/A	
4	Holtzmann Farm	Eligible/A	M	**No Effect**	No Effect	No Effect	N/A	All alts: Design change from DEIS
5	Chapel of the Good Shepherd	Listed/A, C	M	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Design change from DEIS; Additional traffic from new grade separation to south and closure of adjacent at-grade crossing; No ROW or easements from historic property. Note that a stop sign will be maintained at the existing intersection of Ed Petar Road and Ridgeway-Warrenton Road. (Ed Petar Road will become part of a new connector road on the south side of the rail corridor to provide access to the proposed grade separation.)
6	Dr. Thomas B. Williams House and Office	Eligible/C	M	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Design change from DEIS; New grade separation will be approximately 500 feet west of historic property; No ROW or easements from historic property
7	Marshall House/Tavern (House No 245)	Eligible/C	M	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Design change from DEIS; New grade separation will be approximately 700 feet east of historic property; Additional ROW is minimal, but requires change in access to property; ***De minimis***
8	William J. Hawkins House	Listed/A, B, C	N	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Additional ROW is minimal, but requires realignment of driveway and TCE; NCDOT must coordinate with property owner about access during and after construction; ***De minimis***
9	Middleburg Community House (Middleburg Steakhouse)	Eligible/A, C	O	No Effect	No Effect	**No Effect**	N/A	
10	House (Allison Cooper Rd, Middleburg vicinity)	Eligible/C	O	No Effect	No Effect	**No Effect**	N/A	
11	Holloway Farm	Eligible/A, C	O	Adverse Effect	Adverse Effect	**No Effect**	N/A	NC1 & NC2: Designs would bisect property
12	William Haywood Harris Farm	Eligible/A, C	O	No Effect	No Effect	**No Effect**	N/A	
13	Forrest Ellington Farm	Eligible/A	O	No Adverse Effect	No Adverse Effect	**No Adverse Effect**	N/A	All alts: Reduced impacts by redesigning bridge alignment to the southwest; Minimal ROW required; ***De minimis***
14	R. B. Carter House	Eligible/C	P	**No Effect**	No Effect	No Effect	N/A	
15	Henderson Historic District and Proposed Boundary Expansion	Listed/A, C	P	**Adverse Effect**	Adverse Effect	Adverse Effect	N/A	All alts: Grade separation requires retaining wall; Pedestrian crossing; Must minimize effects to trees, landscaping, fences, driveway
16	Vance County Courthouse	Listed/A, C	P	**No Effect**	No Effect	No Effect	N/A	
17	Zollicoffer's Law Office	Listed/B, C	P	**No Effect**	No Effect	No Effect	N/A	
18	Henderson Fire Station and Municipal Building	Listed/A, C	P	**No Effect**	No Effect	No Effect	N/A	
19	Houses (2 bungalows on E Young Ave)	Eligible/A, C	P	**No Effect**	No Effect	No Effect	N/A	
20	Mistletoe Villa	Listed/C	P	**No Effect**	No Effect	No Effect	N/A	
21	South Henderson Industrial Historic District	Eligible/A, C	P	**Adverse Effect**	Adverse Effect	Adverse Effect	N/A	All alts: Alexander Avenue grade separation on new alignment requires ROW from contributing resources
22	Vance Flour Mill (Sanford Milling Co.)	Eligible/A, C	P	**No Effect**	No Effect	No Effect	N/A	
23	Houses (5 worker houses on 1400 block of Nicholas St)	Eligible/A, C	P	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Minimal ROW needed; Structures should remain in place; ***De minimis***
24	Houses (3 side gable houses on 1500 block of Nicholas St)	Eligible/A, C	P	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Minimal ROW needed; Structures should remain in place; ***De minimis***
25	Esso Gasoline Station	Eligible/A, C	P	**No Effect**	No Effect	No Effect	N/A	
26	Confederate Cemetery	Eligible/A	Q	**No Effect**	No Effect	No Effect	N/A	

Order	Resource Name	Status/ Criteria	Section	NC1 Section 106 Effect	NC2 Section 106 Effect	NC3 Section 106 Effect	NC5 Section 106 Effect	Comments
27	Saint James Episcopal Church	Listed/C	Q	**No Effect**	No Effect	No Effect	N/A	
28	Hedgepetch and Finch Store	Eligible/A, C	Q	**No Effect**	No Effect	No Effect	N/A	
29	Kittrell Residential Historic District	Eligible/A, C	Q	**No Effect**	No Effect	No Effect	N/A	
30	Josiah Crudup House	Listed/C	Q	**No Effect**	No Effect	No Effect	N/A	
31	Person-McGhee Farm	Listed/A, C	Q, R	**No Effect**	No Effect	No Effect	N/A	
32	Raleigh and Gaston Railroad Bridge Piers (Tar River)	Eligible/A, C	Q, R	**No Effect**	No Effect	No Effect	N/A	
33	Franklinton Historic District (Includes Sterling Mill Historic District)	Eligible/A, C	S	**Adverse Effect**	Adverse Effect	Adverse Effect	N/A	All alts: Closure of Mason Street crossing to vehicles; Pedestrian structure at Mason Street; Replacement of RR bridge at Green Street (contributing element); Depot should not be affected
34	Aldridge H. Vann House	Listed/C	S	**No Effect**	No Effect	No Effect	N/A	
35	Franklinton Depot	Listed/A, C	S	**No Effect**	No Effect	No Effect	N/A	
36	Church (within proposed Franklinton Historic District)	Eligible/A, C	S	**No Effect**	No Effect	No Effect	N/A	
37	Sterling Cotton Mill	Listed/A, C	S	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Designs require minor ROW for Green Street underpass improvements; ***De minimis***
38	Cedar Creek Railroad Bridge Piers	Eligible/A, C	S	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Piers will be preserved in place and a preservation easement will be placed on the piers if ROW transferred
39	Youngsville Historic District	Eligible/A, C	T	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: In order to accommodate grade separation on Main Street, several on-street parking spots in front of the Youngsville Community Center will be lost; Improvements to Cross Street to accommodate truck traffic during detour (while grade separation is being constructed) will be limited to the back of the existing ROW on the west side of Cross Street; Tree protection must be provided along Cross Street; No ROW required within district
40	J. B. Perry House	Eligible/C	T	**No Effect**	No Effect	No Effect	N/A	
41	Glen Royall Mill Village Historic District	Listed/A, C	U	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: NCDOT must design the pedestrian crossing at RR tracks to minimize its opaqueness and fit in with the landscape and historic character of the adjacent district
42	Wake Forest Historic District	Listed/A, C	U	**No Adverse Effect**	No Adverse Effect	No Adverse Effect	N/A	All alts: Standardized and aesthetic closure treatments employed throughout district (i.e., no guard rails or "T" closures; bollards or posts preferred)
43	Downtown Wake Forest Historic District	Listed/A	U	**No Effect**	No Effect	No Effect	N/A	All alts: Standardized and aesthetic closure treatments employed throughout district (i.e., no guard rails or "T" closures; bollards or posts preferred)
44	Purefoy-Chappell House and Outbuildings	Listed/C	U	**No Effect**	No Effect	No Effect	N/A	
45	Oakforest	Listed/C	U	**No Effect**	No Effect	No Effect	N/A	
46	Powell House	Listed/A, C	U	**No Effect**	No Effect	No Effect	N/A	
47	Neuse Railroad Station	Eligible/A, C	U	**No Effect**	No Effect	No Effect	N/A	
48	Crabtree Creek Railroad Bridge Pier	Eligible/A, C	V	No Adverse Effect	No Adverse Effect	No Adverse Effect	**No Adverse Effect**	All alts: Designs show the new structure will span over top of the pier; ***De minimis***
49	Gulf Petroleum Products Warehouse	Eligible/A, C	V	Adverse Effect	Adverse Effect	Adverse Effect	**Adverse Effect**	All alts: Designs require ROW from the side of the warehouse closest to the existing RR corridor and potentially require the warehouse building to be demolished; designs would also impact the masonry foundation at the northeast corner of the parcel (contributing element)
50	Raleigh Bonded Warehouse	Listed/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
51	Mordecai Place Historic District	Listed/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
52	Pilot Mill	Listed/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
53	Roanoke Park Historic District	Listed/A, C	V	No Effect	No Effect	Adverse Effect	**No Effect**	

Order	Resource Name	Status/ Criteria	Section	NC1 Section 106 Effect	NC2 Section 106 Effect	NC3 Section 106 Effect	NC5 Section 106 Effect	Comments
54	Noland Plumbing Company Building	Eligible/A, C	V	No Effect	No Effect	No Adverse Effect	**No Effect**	NC3: Retaining wall hits corner of rear storage building (which is within RR ROW) but does not harm main building (historic Moderne façade); ***De minimis***
55	John A. Edwards and Company Building	Eligible/C	V	No Effect	No Effect	No Effect	**No Effect**	
56	Glenwood-Brooklyn Historic District	Listed/A, C	V	No Effect	No Effect	No Adverse Effect	**No Effect**	NC3: Permanent easement in parking lot with retaining wall along RR, no impact to historic structures; ***De minimis***
57	Seaboard Railway Station	Eligible/A, C	V	No Adverse Effect	No Adverse Effect	No Effect	**No Effect**	NC1 & NC2: No additional ROW, only temporary construction easements
58	Seaboard Railway Warehouses	Eligible/A, C	V	No Adverse Effect	No Adverse Effect	No Effect	**No Effect**	NC1 & NC2: No additional ROW, only temporary construction easements
59	Raleigh Cotton Mills	Eligible/A, C	V	No Adverse Effect	No Adverse Effect	No Effect	**No Effect**	NC1 & NC2: Only minor ROW needed; no impact to structures; ***De minimis***
60	Pine State Creamery	Listed/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
61	Melrose Knitting Mill	Eligible/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
62	Seaboard Coast Line Railroad Company Office Building	Listed/C	V	No Effect	No Effect	No Effect	**No Effect**	
63	Raleigh Electric Company Power House	Listed/A	V	Adverse Effect	Adverse Effect	No Adverse Effect	**No Adverse Effect**	NC1 & NC2: Construction of new RR bridge requires extensive ROW and impacts structure / NC3 & NC5: Aesthetic treatments for the pedestrian bridge must be outlined in the Memorandum of Agreement (MOA) for the SEHSR project in coordination with the consulting parties and property owners in this location
64	Carolina Power and Light Company Car Barn and Automobile Garage	Listed/A, C	V	Adverse Effect	Adverse Effect	No Effect	**No Effect**	NC1 & NC2: Construction of new RR bridge requires extensive ROW and impacts structure
65	St. Paul A.M.E. Church	Listed/A, B, C	V	No Effect	No Effect	No Effect	**No Effect**	
66	Depot Historic District	Listed/A, C	V	No Adverse Effect	No Adverse Effect	No Adverse Effect	**No Adverse Effect**	See below
67	Depot Historic District Expansion	Eligible/A, C	V	No Adverse Effect	No Adverse Effect	No Adverse Effect	**No Adverse Effect**	All alts: Designs close at-grade rail crossing on W. Hargett Street; no ROW needed
68	Montfort Hall	Listed/C	V	No Effect	No Effect	No Effect	**No Effect**	
69	Boylan Heights Historic District	Listed/A, B, C	V	No Effect	No Effect	No Effect	**No Effect**	
70	Joel Lane House	Listed/A, B, C	V	No Effect	No Effect	No Effect	**No Effect**	
71	Boylan Apartments	Listed/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
72	Raleigh Hosiery Company Building	Eligible/A	V	No Effect	No Effect	No Effect	**No Effect**	
73	North Carolina School Book Depository	Eligible/A	V	No Effect	No Effect	No Effect	**No Effect**	
74	Governor Morehead School Historic District	Eligible/A, C	V	No Effect	No Effect	No Effect	**No Effect**	
75	Raleigh and Gaston Railroad Corridor	Eligible/A	M-V	**Adverse Effect**	**Adverse Effect**	**Adverse Effect**	**Adverse Effect**	All alts: Several contributing structures to be replaced (e.g., culverts, concrete bridges)

K2. Consulting Party Requests

United States Department of the Interior
NATIONAL PARK SERVICE

PETERSBURG NATIONAL BATTLEFIELD
1539 Hickory Hill Road
Petersburg, Virginia 23803-4721

In Reply Refer to:

A3823

August 3, 2004

David B. Foster, PE
Rail Environmental Programs Manager
North Carolina Department of Transportation, Rail Division
C/O Buck Engineering
8000 Regency Parkway, Suite 200
Cary, North Carolina 27511

Dear Mr. Foster:

I would be very happy to participate in the planning process for the proposed *Southeast High Speed Rail (SEHSR)* connection from Raleigh, NC to Petersburg, VA. Please add my name to the list of consulting parties for the Section 106 process of the Historic Preservation Act.

Thank you for your personal invitation to join this important environmental planning study.

Sincerely,

Bob Kirby
Superintendent

Chesterfield Historical Society of Virginia

Founded in 1981

P. O. Box 40
10201 Iron Bridge Rd.
Chesterfield, Virginia 23832
Telephone (804) 777-9663
Fax (804) 777-9643
www.chesterfieldhistory.com

8/3/09

Christine Fix
Virginia Department of Rail and Public Transportation
600 E. Main St., 2102
Richmond, VA 23219

RE: Southeast High Speed Rail Project/Consulting Party Request

Dear Ms. Fix,

On behalf of the Chesterfield Historical Society of Virginia, I request that our society be granted the status of consulting party to the Southeast High Speed Rail Project.

We have a copy of the Phase I Archaeological Survey and the Intensive Architectural Investigations Report, but would appreciate any other pertinent information in hard format for our library archives.

Thank you for your consideration,

Liess van der Linden-Brusse
President
Chesterfield Historical Society of VA

From: TNTbarbru@aol.com [mailto:TNTbarbru@aol.com]
Sent: Monday, August 10, 2009 1:35 PM
To: Fix, Christine (DRPT)
Subject: Southeast High Speed Rail Project

Christine:

I spoke with Kerri Barile and she recommended I contact you regarding the opportunity to be a consulting party on this project. We obviously have a keen interest in the work and the choices presented that may have outcomes affecting Battersea.

Please let me know what else I need to provide you and thanks for the opportunity.

Tempy Barbru
Executive Director
Battersea Foundation
21 Bollingbrook Street
PO Box 111
Petersburg, VA 23804
Cell: 757.207.3774
Office: 804.732.9882
Fax: 804.732.9883

-----Original Message-----
From: Bob_Krick@nps.gov [mailto:Bob_Krick@nps.gov]
Sent: Wednesday, August 12, 2009 3:00 PM
To: Fix, Christine (DRPT)
Subject: SE Highspeed Rail consulting

Ms. Fix:

As a follow-up to our brief meeting on Friday, I'm instructed to confirm with you in writing that Richmond National Battlefield Park is indeed interested in being a consulting party in the Section 106 process for the highspeed rail line, due to the project's proximity to Civil War battlefields. I am hopeful that this e-mail will suffice; if you require an actual letter on our letterhead, I can secure a signature from park superintendent David Ruth and send that along.

Sincerely,

Robt. E. L. Krick
Historian
Richmond Natl. Battlefield Park

CIVIL WAR PRESERVATION TRUST

Saving America's Hallowed Ground

John L. Nau, III
Chairman

James Lighthizer
President

September 30, 2009

Ms. Christine Fix
Virginia Department of Rail and Public Transportation
600 E. Main Street, 2102
Richmond, Virginia 23219

Dear Ms. Fix:

On behalf of the 55,000 members of the national Civil War Preservation Trust, I would like to thank you for informing our organization of the opportunity to serve as a consulting party to the Southeast High Speed Rail Project (SEHSR). We would like to formally request that we be added as a consulting party to this project and we look forward to working with all vested parties on this project.

The Southeast High Speed Rail corridor would run from Washington D.C. to Charlotte, North Carolina and would involve modifications to the existing CSX-owned rail line and construction of new facilities to accommodate high speed rail activity. Tier II of this project includes the section from Richmond, Virginia to Raleigh, North Carolina. This tier is of particular importance to our organization as 16 historic properties with Civil War-period affiliations, including 12 Civil War battlefields, are within the project area for this section of the corridor.

We understand that Michael Baker Engineering, Inc. is completing a Draft Environmental Impact Statement and we look forward to reviewing and commenting on that draft. We also understand that cultural resource investigations and archaeological assessments were completed in March 2005 and those were followed by studies completed by Dovetail Cultural Resource Group I, Inc. in 2008. We would appreciate receiving copies of these cultural resource reports. Throughout this process, CWPT will be in favor of all efforts to minimize and mitigate adverse impacts to the battlefields and all other resources with Civil War-era ties.

It is worth noting that all 12 of the battlefields included in this project area were determined to be among the most historically significant battlegrounds in the nation by a blue ribbon panel created by Congress in 1990. They are included in the exhaustive 1993 report released by the Civil War Sites Advisory Commission.

Again, thank you for the offer to participate as a consulting party in this process.

Sincerely,

O. James Lighthizer

cc: Kerri S. Barile, Dovetail Cultural Resource Group I, Inc.

WASHINGTON OFFICE
1156 15th Street NW • Suite 900 • Washington, DC 20005
Phone: (202) 367-1861 or (800) 298-7878 • Fax: (202) 367-1865

HAGERSTOWN OFFICE
11 Public Square • Suite 200 • Hagerstown, MD 21740
Phone: (301) 665-1400 or (888) 606-1400 • Fax: (301) 665-1416

North Carolina
Preservation North Carolina

The Historic Preservation Foundation of North Carolina, Inc.

The mission of Preservation North Carolina is to protect and promote buildings, sites, and landscapes important to the diverse heritage of North Carolina.

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OFFICES
Briggs Hardware Building
Headquarters, Raleigh
919-832-3652

Ayr Mount, Hillsborough
919-732-6886

Bellamy Mansion, Wilmington
910-251-3700

Northeast Regional Office, Edenton
252-482-7455

Northwest Regional Office, Winston-Salem
336-788-0765

Piedmont Office, Durham
919-401-8540

Southwest Regional Office, Shelby
704-482-3531

August 23, 2010

John Winkle
Program Manager, Office of Railroad Policy and Development
Federal Railroad Administration
1200 New Jersey Avenue SE- Mail Stop 20
Washington, DC 20590

Dear Mr. Winkle,

I am writing to request that Preservation North Carolina (PNC) be admitted as a consulting party to the Section 106 Review for the Southeast High Speed Rail project (SEHSR). PNC is North Carolina's only statewide non-profit organization advocating for historic preservation and the protection of historic resources. In addition, PNC works directly with endangered historic properties and holds historic preservation covenants/easements on over 600 properties across the state.

Of the historic resources identified in the Tier II Draft EIS Section 4(f) Evaluation, PNC holds historic preservation easements or covenants on several of these sites, specifically the Dr. Thomas B. Williams House and Office (Warren Co), Mistletoe Villa (Vance Co), the Perry Memorial Library in the Henderson Historic District (Vance Co), and the Squires House in the Wake Forest Historic District (Wake Co). As the holder of preservation easements/covenants on these properties, it is PNC's legal responsibility to monitor and protect the historic integrity of these sites.

In addition, PNC has been working extensively on historic preservation issues in the city of Raleigh and has concerns about the proposed route alignments through the city. In particular, we are concerned about the quality of mitigation measures for the National Register listed residential neighborhoods of Five Points (Roanoke Park and Glenwood-Brooklyn), Mordecai and Boylan Heights. In addition, we are very concerned that the SEHSR project and subsequent development does not negatively impact the historic integrity and economic viability of the many eligible, but as of yet unprotected, structures that lie along Capitol Blvd and the Glenwood South corridor. Finally, we have been working closely with the Raleigh Historic Districts Commission on the potential designation of the Depot National Register Historic District as a local historic overlay district and are concerned about the protection of the district's integrity and mitigation of the impacts of increased rail and commercial activity in the area.

Therefore, we hope to be admitted as a consulting party to the Section 106 review for the Southeast High Speed Rail project and look forward to working with your organization.

Sincerely,

Elizabeth Sappenfield
Director of Urban Issues

CC: Patrick B. Simmons, NCDOT Rail Division
Renee Gledhill-Early, NC State Historic Preservation Office
Blythe Semmer, Advisory Council on Historic Preservation

Headquarters 220 Fayetteville Street, Suite 200, P.O. Box 27644, Raleigh, NC 27611-7644
919-832-3652 • *fax* 919-832-1651 • *e-mail:* info@presnc.org • www.PreservationNC.org

From: Craig, Sean [mailto:Sean_Craig@CSX.com]
Sent: Friday, March 08, 2013 9:45 AM
To: Hamel, Marc L
Cc: Bridges, James F; Glenda Gibson; Mike Pekarek; Orthner, Jason T; Sams, Larry H; Young, Suzanne Unger; Williams, Shirley R; Young, Craig; Young-Paiva, Diana; Styron, Jeff; Brinker, Keith; Gullakson, Chuck; Knapp, Brandon; Dillard, John W
Subject: RE: Southeast High Speed Rail Historic Input

Marc

Good morning. We discussed this issue with our NEPA/historic resources environmental consultant. We have concluded that CSXT should be a consulting party under Sec. 106 and Keith Brinker of CSXT will arrange to have our environmental consultant participate in meetings on this matter. Keith is copied on this email. His contact information is as follows:

Keith Brinker, Mgr Env Remed & Construction CSX Transportation,
Inc
500 Water Street (J275) Jacksonville, FL 32202
904-359-2228

K3. List of Reports

Listing of Archaeological and Architectural Reports Prepared by Dovetail Cultural Resources Group							
Dovetail Job #	**Dovetail Job Name**	**Phase**	**Archeology (AE)/ Historic Architecture (AH)**	**Report Title**	**Authors**	**County**	**City/ Town**
08-005	SEHSR (Moderate and Hight Prob Areas)	Phase I	AE	Phase I Archaeological Survey: Southeast High Speed Rail Corridor, Cities of Richmond, Colonial Heights, and Petersburg, and Chesterfield County, Virginia	Carmody, Michael, Kerry Schamel-Gonzalez, Marco Gonzalez, and Gregg Harmon.	Chesterfield	Richmond/ Colonial Heights/ Petersburg
08-005	SEHSR (Intensive AH)	Phase II	AH	Intensive Architectural Investigations along the Richmond-To-Petersburg Southeast High Speed Rail Corridor, Cities of Richmond, Colonial Heights, and Petersburg, and Chesterfield County, Virginia	Dollins, Heather, Andrew Stempel, and Kerri S. Barile	Chesterfield	Richmond/ Colonial Heights/ Petersburg
09-001	SEHSR Roads	Phase I	AE	Phase I Archaeological Survey of Road Construction Areas Associated with the Southeast High Speed Rail Project, Cities of Richmond, Colonial Heights, and Petersburg, and Chesterfield and Dinwiddie Counties, Virginia	Gonzalez, Kerry S., Marco Gonzalez, Brad Hatch, and Michael Carmody	Dinwiddie/ Chesterfield	Richmond/ Colonial Heights/ Petersburg
09-001	SEHSR Roads	Phase I	AH	Phase I Architectural Survey of Road Construction Areas Associated with the Southeast High Speed Rail Project, Cities of Richmond, Colonial Heights, and Petersburg, and Chesterfield and Dinwiddie Counties, Virginia	Dollins, Heather, Kerri Barile, and Claire Lanier	Dinwiddie/ Chesterfield	Richmond/ Colonial Heights/ Petersburg
09-001	SEHSR Roads	Phase II	AH	Intensive Architectural Evaluation: Road Areas Associated with the Southeast High Speed Rail Project, Cities of Richmond, Colonial Heights, and Petersburg, and Chesterfield and Dinwiddie Counties, Virginia	Barile, Kerri, Heather Dollins, Claire Lanier, Stefanie Casey, and Kerry Schamel-Gonzalez	Dinwiddie/ Chesterfield	Richmond/ Colonial Heights/ Petersburg

Listing of Archaeological and Architectural Reports Prepared by Dovetail Cultural Resources Group							
Dovetail Job #	**Dovetail Job Name**	**Phase**	**Archeology (AE)/ Historic Architecture (AH)**	**Report Title**	**Authors**	**County**	**City/ Town**
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44CF0743 and 44CF0744, Chesterfield County, Virginia	Schamel-Gonzalez, Kerry and Sean Maroney	Chesterfield	
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Site Evaluation of Site 44CF0755, Chesterfield County, Virginia	Schamel-Gonzalez, Kerry and Sean Maroney	Chesterfield	
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44CF0304, 44CF0305, and 44CF0705, Town of Chester, Chesterfield County, Virginia	Schamel-Gonzalez, Kerry and Sean Maroney	Chesterfield	
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44CF0707, 44CF0708, 44CF0750 in Chesterfield County, Virginia and Site 44CF0710 in Colonial Heights, Virginia	Gonzalez, Kerry S., Michael Carmody, Sean Maroney, Mike Klein, Kerri S. Barile, Earl E. Proper, and Marco A. Gonzalez	Chesterfield	Colonial Heights
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Testing at the Williams Bridge Company (44CF0724 / 127-6245), City of Richmond, Virginia	Schamel-Gonzalez, Kerry and Kerri S. Barile		Richmond
09-026	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44CF0736, 44CF0740, and 44CF0742 in Chesterfield County, Virginia	Gonzalez, Kerry S., Sean Maroney, Emily Calhoun, and Kerri Barile	Chesterfield	
09-026	SEHSR Phase IIs	Phase II	AE	Cultural Resource Investigations of the Kress Box Factory (44BR0174/012-5075), Brunswick County, Virginia	Gonzalez, Kerry, Kerri S. Barile, and Carthon Davis, III	Brunswick	
09-026	SEHSR Phase IIs	Phase II	AE	Management Summary of Partial Phase II Excavations Conducted at Site 44CF0748, Chesterfield County, Virginia	Gonzalez, Kerry S.		

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Dovetail Job #	**Dovetail Job Name**	**Phase**	**Archeology (AE)/ Historic Architecture (AH)**	**Report Title**	**Authors**	**County**	**City/ Town**
10-009	NC Warren-Vance	Phase I/Phase II	AE	Archaeological Survey of Road Construction Areas Associated with the Southeast High Speed Rail Project, Vance and Warren Counties, North Carolina.	Calhoun, Emily, Kerri Barile, Sean Maroney, and Danae Peckler	Vance/ Warren	
10-010	Pburg to NC Phase I	Phase I	AE	Phase I Archaeological Survey of Overlapping Raid and Road Alignment Areas Associated with the Southeast High Speed Rail Project, Dinwidde, Brunswick, and Mecklenburg Counties, Virginia	Calhoun, Emily, Kerry Gonzalez, Marco Gonzalez, and Heather Littlefield	Dinwiddie/ Brunswick/ Meckleburg	
11-019	SEHSR AH Addendum	Phase II	AH	Intensive Architectural Survey of the Southeast High Speed Rail Corridor, Towns of Alberta, Bracey, La Crosse, and McKenney, Virginia	Dollins, Heather and Kerri S. Barile		Alberta/ Bracey/ La Crosse/ McKenny
11-019	SEHSR AH Addendum	Phase I	AH	Addendum: Phase I Architectural Survey and Evaluation for the Southeast High Speed Rail Corridor, Chesterfield, Dinwiddie, Brunswick, and Mecklenburg Counties, Virginia	Barile, Kerri S., and Carthon Davis, III	Chesterfield/ Dinwiddie/ Brunswick/ Mecklenburg	
11-019	SEHSR AH Addendum	Phase I	AH	Letter Report: Tourist House Boundaries (012-5052)	Barile, Kerri S.	Brunswick	
11-036	SEHSR D&G AH	Phase I/II	AH	Architectural Studies Along Alternative VA4 in Sections D & G of the Southeast High Speed Rail Corridor, Brunswick County, Virginia	Maroney, Sean, and Kerri S. Barile	Brunswick	
11-036	SEHSR Bridges	Phase I/II	AH	Reconnaissance and Intensive Studies of Bridges and Other Structures Along the Southeast High Speed Rail Corridor, Richmond, Virginia, to the North Carolina State Line	Danae Peckler, Caitlin Oshida, Carthon Davis, III, Aubrey Von Lindern, Kathleen Hughes, and Kerri S. Barile	Chesterfield/ Dinwiddie/ Brunswick/ Mecklenburg	Richmond/ Colonial Heights/ Petersburg

Listing of Archaeological and Architectural Reports Prepared by Dovetail Cultural Resources Group							
Dovetail Job #	**Dovetail Job Name**	**Phase**	**Archeology (AE)/ Historic Architecture (AH)**	**Report Title**	**Authors**	**County**	**City/ Town**
11-037	SEHSR D&G Archy & Centralia	Phase II	AH	Intensive Architectural Survey of the Centralia Earthworks (020-0022/44CF0680), Chesterfield County, Virginia	Barile, Kerri and Heather Dollins	Chesterfield	
11-037	SEHSR D&G Archy & Centralia	Phase I	AH	Phase I Architectural Survey of the Centralia Road Realignment Project for the Southeast High Speed Raid Corridor, Chesterfield County, Virginia	David, Carthon, III, Heather Dollins, and Kerri S. Barile	Chesterfield	
11-037	SEHSR D&G Archy & Centralia	Phase I/Phase II	AE	Archaeological Survey and Testing Along Alternative VA4 in Section D of the Southeast High Speed Rail Corridor, Brunswick County, Virginia	Barile, Kerri S., Marco A. Gonzalez, Earl Proper, Mike Klein, Caitlin Oshida, and Michael L. Carmody	Brunswick	
11-037	SEHSR D&G Archy & Centralia	Phase I	AH/AE	Addendum: Archaeological Survey and Architectural Survey and Evaluation Southeast High Speed Rail Corridor City of Petersburg, Dinwiddie, Brunswick, and Mecklenburg Counties, Virginia	Hatch, Brad and Heather Dollins	Dinwiddie/ Brunswick/ Meckleburg	Petersburg
12-043	SEHSR Ridgeway	Phase I	AH	P-3819: Additional Eligibility for Southeast High Speed Rail Corridor, Wake, Vance, and Warren Counties WBS# 43487.1.STR1	Kerri S. Barile, Danae A. Peckler, and Caitlin M. Oshida	Wake/ Vance/ Warren	
12-045	SEHSR NC Archy	Phase I/Phase II	AE	Archaeological Survey and Testing of Portions of the Southeast High Speed Rail Corridor, Warren and Vance Counties, North Carolina	Carmody, Michael, Joseph R. Blondino, Mike Klein, Earl Proper, Caitlin Oshida, and Danea Peckler	Warren/ Vance	

Listing of Archaeological and Architectural Reports Prepared by Dovetail Cultural Resources Group							
Dovetail Job #	**Dovetail Job Name**	**Phase**	**Archeology (AE)/ Historic Architecture (AH)**	**Report Title**	**Authors**	**County**	**City/ Town**
13-018	SEHSR Phase IIs	Phase I	AE	Addendum to Cultural Resource Survey of the Southeast High Speed Rail Project, Cities of Richmond, Colonial Heights, and Petersburg; and Chesterfield, Dinwiddie, Brunswick, and Mecklenburg Counties, Virginia	McClosky, Kevin, Marco A. Gonzalez, and Kerri S. Barile	Chesterfield/ Dinwiddie/ Brunswick/ Mecklenburg	Richmond/ Colonial Heights/ Petersburg
13-018	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44BR0170, 44BR0171, 44BR0172, and 44BR0175 in Brunswick County, Virginia	Carmody, Michael L., Mike Klein, Joseph R. Blondino, and Emily Calhoun	Brunswick	
13-018	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44BR0177 and 44BR0225 in Brunswick County, Virginia	Barile, Kerri S., Heidi E. Krofft, Earl E. Proper, and Caitlin Oshida	Brunswick	
13-018	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Sites 44MC0884, 44MC0888, 44MC0917, and 44MC0896 in Mecklenburg County, Virginia	Barile, Kerri S., Emily Calhoun, Heidi E. Krofft, Earl E. Proper, and Caitlin Oshida	Mecklenburg	
13-019	SEHSR Phase IIs	Phase II	AE	Phase II Testing at Site 44BR0066, Brunswick County, Virginia.	Klein, Mike and Marco Gonzalez	Brunswick	
13-045	Ridgeway	Phase I/Phase II	AE	Addendum: Archaeological Survey and Testing of Portions of the Southeast High Speed Rail Corridor, Warren and Vance Counties, North Carolina: Ridgeway Section	Carmody, Michael, and Joseph R. Blondino	Warren/ Vance	

K4. Draft Section 106 Process Programmatic Agreement

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,

THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER, THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, RAIL DIVISION,

AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING

COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED SOUTHEAST HIGH-SPEED RAIL PROJECT

DRAFT

WHEREAS, the Federal Railroad Administration (FRA) proposes to provide federal financial assistance to construct the infrastructure to support high-speed passenger rail service in the travel corridor from Washington, District of Columbia, through Richmond, Virginia, including the Hampton Roads, Virginia region, and Raleigh, North Carolina, to Charlotte, North Carolina, collectively referred to as the Southeast High-Speed Rail (SEHSR) project (Project), with construction by the North Carolina Department of Transportation (NCDOT), Rail Division, and the Virginia Department of Rail and Public Transportation (DRPT) (each, a State Rail Transportation Agency and together, the State Rail Transportation Agencies); and

WHEREAS, the SEHSR Project involves the development, implementation, and operation of high-speed passenger rail service in an approximately 500-mile travel corridor from Washington, D.C., to Charlotte, and includes both modifications to the rail corridor to accommodate high-speed rail and changes to the surrounding road system to eliminate at-grade crossings; and

WHEREAS, the SEHSR Project involves construction of improvements, such as upgrading existing facilities, construction of new rail and rail facilities, rerouting road corridors, creating overpasses and underpasses at existing crossings, and closing some crossings outright, within a long-established surface transportation corridor crossing multiple states; and

WHEREAS, the SEHSR Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, in light of the length of the SEHSR Project corridor, the complexity of carrying out improvements to an operating railroad, and the need to identify funding sources incrementally, the State Rail Transportation Agencies intend to implement the SEHSR Project through a phased process focusing on individual constructible elements of the corridor (each hereinafter referred to as a "portion of the SEHSR Project"); and

WHEREAS, each portion of the SEHSR Project also constitutes an undertaking subject to Section 106 of the NHPA and its implementing regulations; and

WHEREAS, FRA partners with the relevant State Rail Transportation Agencies for each portion of the SEHSR Project for the implementation of the Section 106 process and proposes to delegate to the NCDOT and DRPT certain tasks pertaining to consultation, identification of historic properties, evaluation of historic significance, assessing effects to historic properties, and resolving adverse effects to historic properties through this Programmatic Agreement (PA); and

WHEREAS, FRA has elected to develop this PA pursuant to 36 C.F.R. § 800.14(b) to provide a consistent process for considering the effects of each portion of the SEHSR Project on historic properties and resolving adverse effects where appropriate; and

WHEREAS, the FRA and the Federal Highway Administration (FHWA), in cooperation with NCDOT and DRPT, completed a Tier I environmental impact statement and record of decision for the SEHSR Project corridor from Washington, D.C., to Charlotte in accordance with the National Environmental Policy Act (NEPA), which established the purpose and need for the Project and determined the preferred corridor for detailed analysis, and intend to complete detailed Tier II environmental studies for individual portions of the larger corridor; and

WHEREAS, the FRA, in cooperation with DRPT, completed a Tier I environmental impact statement and record of decision for the SEHSR Project corridor from Richmond to Hampton Roads, in accordance with NEPA, which determined the preferred corridor for detailed analysis in southeastern Virginia and intends to complete detailed Tier II environmental studies for individual improvements within the larger corridor; and

WHEREAS, the FRA and the State Rail Transportation Agencies (and other state departments of transportation that may participate in the future) will coordinate the Tier II NEPA documents individually with the appropriate state historic preservation offices (SHPO), as appropriate; and

WHEREAS, the signatories to this PA anticipate that additional portions of the SEHSR Project outside of the Washington, D.C., to Charlotte corridor will be proposed for preliminary engineering and approval of NEPA documentation, including the corridor between Charlotte and Atlanta, Georgia, and intend to provide a process to allow consideration of those additional portions under this PA; and

WHEREAS, the signatories to this PA also anticipate that other federal agencies not involved in the Tier I environmental reviews discussed above are likely to have responsibility for permitting, assisting, funding, or approving portions of the SEHSR Project implemented in the Tier II process and intend to provide a process for allowing those other federal agencies to satisfy their Section 106 responsibilities for those undertakings through compliance with this PA; and

WHEREAS, the FRA has initiated consultation with the Virginia State Historic Preservation Office (VA SHPO) and the North Carolina State Historic Preservation Office (NC SHPO) pursuant to 36 C.F.R. § 800.3(c) and will continue to consult with the appropriate SHPO under the terms of this PA in order to identify historic properties, assess the effect of the SEHSR Project on identified historic properties, and, when necessary, resolve adverse effects to historic properties; and

WHEREAS, the FRA notified the Advisory Council on Historic Preservation (ACHP) of the SEHSR Project and the ACHP elected to formally participate in this consultation; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(5), NCDOT and DRPT have recognized the following groups as consulting parties to the undertaking: American Battlefield Protection Program, Battersea, Inc., Brunswick County Historical Society, Chesterfield Historical Society, Civil War Preservation Trust, Historic Richmond Foundation, National Park Service (NPS) - Petersburg Division, NPS - Richmond Division, and Preservation North Carolina; and

WHEREAS, the FRA, pursuant to 36 C.F.R. § 800.2(c)(5) had recognized the Virginia Council on Indians

(VCI) as a consulting party, but the Virginia General Assembly dissolved the VCI by act of legislation effective July 1, 2012, and the FRA shall now consult directly with individual Virginia state recognized Indian tribes as appropriate; and

WHEREAS, the FRA and State Rail Transportation Agencies have shared information about the SEHSR Project with the public multiple times via the NEPA process, a draft of this PA has been included in the Tier II FEIS for the Richmond to Raleigh portion of the SEHSR project, and posted on the SEHSR Project website and shared with the SEHSR Project's email contact list; and

NOW, THEREFORE, the FRA, DRPT, NCDOT, VA SHPO, NC SHPO, and the ACHP (hereafter "Signatories") agree that the SEHSR Project shall be implemented in accordance with the following stipulations to ensure that potential effects on historic properties are taken into account.

STIPULATIONS

The FRA, in coordination with the relevant State Rail Transportation Agencies, shall ensure that the following measures are carried out:

I. PRINCIPLES

A. The relevant State Rail Transportation Agencies, in coordination with the FRA, commit to plan, design, and implement the SEHSR Project in accordance with the best practices and measures available at the time to avoid or minimize effects to historic properties within the Area of Potential Effects (APE), including buildings, structures, sites, objects and districts.

B. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall, to the maximum extent possible, undertake such planning and actions as may be necessary to avoid or minimize harm to any National Historic Landmark (NHL) that may be directly and adversely affected by the SEHSR Project.

C. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall seek, discuss, and consider the views of the other Signatories and the other consulting parties for each portion of the SEHSR Project concerning design and construction options.

D. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall identify and take into account all direct, indirect, and cumulative effects on historic properties relating to the SEHSR Project.

E. FRA shall allow adequate time to consult with Tribal Historic Preservation Officers and Indian tribes that have identified areas within the APE as being of religious and cultural significance to them.

F. The relevant State Rail Transportation Agencies, in coordination with the FRA, commit to work with the Signatories and other consulting parties to consider and develop, where reasonable, feasible, and cost effective, corridor-wide, landscape-oriented, or other such broader mitigation measures to resolve individual and cumulative adverse effects on historic properties in those areas, including the historic rail corridor.

II. PROFESSIONAL QUALIFICATIONS AND STANDARDS

A. All cultural resource work carried out pursuant to this PA shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards for Preservation Professionals (48 Fed. Reg. 44738–44739 (September 29, 1983)).

B. In preparing all archaeological studies resulting from this PA, the preparer shall take into account the ACHP's publications, *Section 106 Archaeology Guidance* (2009) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) as well as state-specific archaeological guidelines on best practice and procedure, as applicable.

C. In preparing all architectural studies resulting from this PA, the preparer shall take into account guidelines on specific architectural projects issued by the U.S. Department of the Interior/National Park Service (such as the Bulletin entitled *How To Complete the National Register Registration Form)* and state-specific guidelines on best practices and procedures, as applicable.

III. IDENTIFICATION OF CONSULTING PARTIES FOR EACH PORTION OF THE PROJECT

The relevant State Rail Transportation Agency, in coordination with the FRA and in consultation with the appropriate SHPO, shall identify potential consulting parties for each portion of the SEHSR Project and invite those parties to consult on that portion. Consulting parties may include, but are not limited to, Indian tribes, county and municipality governments within the APE, established state-wide, regional, county and municipality historical organizations, and resource owners.

IV. DOCUMENTATION

A. The relevant State Rail Transportation Agency, in coordination with the FRA, shall ensure that all documentation developed in accordance with this PA meets the appropriate state documentation standards.

B. Any technical reports prepared pursuant to this PA shall be consistent with the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 Fed. Reg. 44716–44742 (September 29, 1983)), the *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act*, and state-level guidelines for the completion of cultural resource reports, as applicable.

V. IDENTIFICATION OF PROJECT SPECIFIC APE FOR PORTIONS OF THE SEHSR PROJECT

The State Rail Transportation Agencies, in coordination with the FRA, and in consultation with the appropriate SHPOs, have determined the initial APE for each portion of the SEHSR Project shall be, at a minimum, the project Limits of Disturbance (the footprint within which modifications may occur, including those considered temporary) for subsurface deposits and areas where alterations to a resource's setting and feeling could occur for above-ground historic properties.

VI. IDENTIFYING AND EVALUATING HISTORIC PROPERTIES

The relevant State Rail Transportation Agency, in coordination with the FRA, and in consultation with the appropriate SHPO and other consulting parties, shall identify historic properties within the APE of each portion of the SEHSR Project in accordance with 36 C.F.R. § 800.4. This includes consideration of all architectural properties over 50 years in age within the project corridor and evaluation of resources to determine NRHP eligibility. Identification of historic properties within the APE of each portion of the SEHSR Project shall be considered valid for a period of five (5) years, after such time the identification must be reevaluated before that portion may move forward to right-of-way acquisition and final design.

VII. ASSESSING EFFECTS TO HISTORIC PROPERTIES

The relevant State Rail Transportation Agency, in coordination with the FRA and the appropriate SHPO,

shall make every reasonable effort to avoid or minimize adverse effects to historic properties when developing each portion of the SEHSR Project.

As each individual portion of the SEHSR Project is identified, the State Rail Transportation Agencies, in coordination with the FRA, shall utilize survey results to review the construction proposal, identify historic properties, evaluate historic properties, and make a finding of "No Historic Properties Affected" and "No Adverse Effect," where appropriate.

A. The State Rail Transportation Agency shall provide a description of historic properties and an effect finding to the appropriate SHPO and any other identified consulting parties for a thirty (30) day review. Upon SHPO concurrence with the identification of historic properties and either a "No Historic Properties Affected" or "No Adverse Effect" finding, no further consultation for that portion of the SEHSR Project is required and that portion may move forward to construction.

B. Where the State Rail Transportation Agency proposes a finding of "No Adverse Effect" with conditions, it shall include in its submittal to the appropriate SHPO those conditions that would avoid adverse effects to historic properties. The SHPO and other consulting parties shall have thirty (30) days to review the finding and proposed conditions. Upon SHPO and other consulting parties' concurrence with this finding and the proposed conditions, no further consultation for that portion of the SEHSR Project is required and that portion may move forward to right-of-way acquisition and final design with the proposed conditions in place.

C. Where the State Rail Transportation Agency cannot avoid adverse effects to historic properties and proposes a finding of "Adverse Effect" for a particular portion of the SEHSR Project, it shall continue consultation with the appropriate SHPO and other consulting parties as set forth in Stipulation VIII below.

VIII. RESOLVING ADVERSE EFFECTS TO HISTORIC PROPERTIES

When the State Rail Transportation Agency proposes a finding of adverse effects to historic properties, it shall notify FRA. FRA shall initiate consultation with the appropriate SHPO and other consulting parties, interested federal and state recognized Indian tribes, ACHP, FRA and the State Rail Transportation Agency shall develop a Memorandum of Agreement to identify measures to avoid, minimize, and mitigate the adverse effects prior to beginning any work on that portion of the SEHSR Project. The State Rail Transportation Agency shall submit a draft of each MOA to the appropriate SHPO for review and comment. NCDOT and DRPT shall ensure that all comments received within thirty (30) days of SHPO's receipt of the draft MOA are addressed in the final MOA. One (1) copy of each final MOA shall be provided to the appropriate SHPO and other consulting parties and one (1) copy shall be provided to any consulting party or other group who may have a vested interest in a particular property.

IX. USE OF THIS PA BY OTHER FEDERAL AGENCIES AND FOR OTHER PROJECTS RELATED TO THE SEHSR

A. In the event that a federal agency other than FRA is considering funding, permits, licenses or approvals for the SEHSR Project beyond those that were originally the basis of this agreement, and the undertaking remains unchanged, such funding or approving federal agency may become a signatory to this PA at its discretion to comply with its Section 106 responsibilities for the undertaking. To become a signatory to this PA the agency official must provide written notice to the Signatories that his/her agency agrees to the terms of this PA, specifying the extent of the agency's intent to participate in this PA, and whether the agency intends to designate the FRA as the lead Federal agency for the undertaking. Any other modifications to the PA will be considered in accordance with Stipulation XIII.

B. In the event that FRA proposes additional SEHSR projects that were not originally considered in

the SEHSR Tier I NEPA documentation, such as improvements to adjacent rail networks that would benefit mobility within the larger corridor, it may follow the terms of this PA to fulfill its Section 106 responsibilities for those additional projects provided that it first notifies the appropriate SHPO and ACHP, and consults with any interested federal and state recognized Indian tribe(s), local government(s), and identified consulting parties on the potential use of this PA for the additional project(s).

X. POST REVIEW DISCOVERIES

A. Human Remains. In the case of an unanticipated discovery of human remains or burials during construction activities, the State Rail Transportation Agency shall halt construction in the immediate area of the discovery, secure the area, and follow the provisions of the relevant state burial law(s).

B. Historic Properties. In the event of an unanticipated discovery of historic properties during construction activities in the immediate area of the discovery, the State Rail Transportation Agency shall halt construction, secure the area, and consult with the FRA, appropriate SHPO, ACHP, and other consulting parties in accordance with 36 C.F.R. § 800.13(b).

XI. DISPUTE RESOLUTION

A. Objection by Signatory

1. Should any Signatory to this PA object in writing to the FRA to any determinations made pursuant to this PA, including the identification of historic properties, a proposed effect finding, or conditions to avoid adverse effects to historic properties, or the manner in which the terms of this PA are implemented, the FRA shall first consult with the objecting party to resolve the objection. If the FRA determines that the objection cannot be resolved through such consultation after a period of 30 days, the FRA shall then consult with all Signatories to resolve the objection. If the FRA then determines that the objection cannot be resolved through consultation after a period of 30 days, the FRA shall forward all documentation relevant to the objection to the ACHP, including the FRA's proposed response to the objection.

2. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

   a. Advise the FRA that the ACHP concurs with the FRA's proposed response to the objection, whereupon the FRA will respond to the objection accordingly; or

   b. Provide the FRA with recommendations, which the FRA shall take into account in reaching a final decision regarding its response to the objection; or

   c. Notify the FRA that the objection will be referred for comment pursuant to 36 C.F.R. § 800.7(a)(4), and proceed to refer the objection and comment. The FRA shall take the resulting comment into account in accordance with 36 C.F.R. § 800.7(c)(4).

Should the ACHP not exercise one of the above options within thirty (30) calendar days after receipt of all pertinent documentation, the FRA may move forward with its proposed response to the objection.

3. The FRA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the FRA's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

B. Objection by a Consulting Party or Member of the Public

Should any consulting party or member of the public raise a timely and substantive objection pertaining to the manner in which the terms of this PA are carried out, at any time during its implementation, the FRA shall take the objection into account by consulting with the objector to resolve the objection. When the FRA responds to an objection, it shall notify the Signatories and consulting parties of the objection and the manner in which it was resolved. The FRA may request the assistance of a Signatory or a consulting party to resolve the objection.

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This PA may be amended when such an amendment is agreed to in writing by all the Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

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Execution of this PA by the Signatories and the implementation of its terms is evidence that FRA has taken into account the effects of the SEHSR Project on historic properties and has afforded the ACHP an opportunity to comment.

XIV. BI-ANNUAL REPORTING AND MONITORING

On the first day of June 2016 and in every other year in which this PA remains in force, the relevant State Rail Transportation Agency (or Agencies) shall prepare a report reviewing the implementation and achieved outcomes of the terms of this PA and to determine whether amendments are needed. The report will be submitted to FRA for 30 day review and comment. FRA will provide comments to the relevant State Rail Transportation Agency to revise in accordance with FRA comments. Within 30 days, the relevant State Rail Transportation Agency will resubmit the report to FRA, who will distribute it to the Signatories (and concurring parties?).

XV. DURATION

This PA shall be effective the date of execution by the last Signatory. The effective date of this PA shall not change should another agency become a signatory to this PA pursuant to Stipulation IX. The Signatories agree that this Agreement shall expire fifteen (15) years after the date of the last Signatory signature. The Signatories to this PA or their successors shall consult six (6) months prior to the expiration of this PA on the need to renew or amend this PA.

DRAFT

FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____

Title:_____

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Julie V. Langan

Title: Director, Department of Historic Resources

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Title:_____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:_____ Date:_____

Title:_____

INVITED SIGNATORIES

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____ Date: _____

Title:_____

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, RAIL DIVISION

By: _____ Date: _____

Title:_____

CONCURRING PARTIES

(NAME OF ENTITY)

By: _____ Date: _____

Title:_____

DRAFT

(NAME OF ENTITY)

By: _____ Date: _____

Title:_____

DRAFT

K4. Draft Section 106 Process Programmatic Agreement

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,

THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER, THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, RAIL DIVISION,

AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING

COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED SOUTHEAST HIGH-SPEED RAIL PROJECT

DRAFT

WHEREAS, the Federal Railroad Administration (FRA) proposes to provide federal financial assistance to construct the infrastructure to support high-speed passenger rail service in the travel corridor from Washington, District of Columbia, through Richmond, Virginia, including the Hampton Roads, Virginia region, and Raleigh, North Carolina, to Charlotte, North Carolina, collectively referred to as the Southeast High-Speed Rail (SEHSR) project (Project), with construction by the North Carolina Department of Transportation (NCDOT), Rail Division, and the Virginia Department of Rail and Public Transportation (DRPT) (each, a State Rail Transportation Agency and together, the State Rail Transportation Agencies); and

WHEREAS, the SEHSR Project involves the development, implementation, and operation of high-speed passenger rail service in an approximately 500-mile travel corridor from Washington, D.C., to Charlotte, and includes both modifications to the rail corridor to accommodate high-speed rail and changes to the surrounding road system to eliminate at-grade crossings; and

WHEREAS, the SEHSR Project involves construction of improvements, such as upgrading existing facilities, construction of new rail and rail facilities, rerouting road corridors, creating overpasses and underpasses at existing crossings, and closing some crossings outright, within a long-established surface transportation corridor crossing multiple states; and

WHEREAS, the SEHSR Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, in light of the length of the SEHSR Project corridor, the complexity of carrying out improvements to an operating railroad, and the need to identify funding sources incrementally, the State Rail Transportation Agencies intend to implement the SEHSR Project through a phased process focusing on individual constructible elements of the corridor (each hereinafter referred to as a "portion of the SEHSR Project"); and

WHEREAS, each portion of the SEHSR Project also constitutes an undertaking subject to Section 106 of the NHPA and its implementing regulations; and

WHEREAS, FRA partners with the relevant State Rail Transportation Agencies for each portion of the SEHSR Project for the implementation of the Section 106 process and proposes to delegate to the NCDOT and DRPT certain tasks pertaining to consultation, identification of historic properties, evaluation of historic significance, assessing effects to historic properties, and resolving adverse effects to historic properties through this Programmatic Agreement (PA); and

WHEREAS, FRA has elected to develop this PA pursuant to 36 C.F.R. § 800.14(b) to provide a consistent process for considering the effects of each portion of the SEHSR Project on historic properties and resolving adverse effects where appropriate; and

WHEREAS, the FRA and the Federal Highway Administration (FHWA), in cooperation with NCDOT and DRPT, completed a Tier I environmental impact statement and record of decision for the SEHSR Project corridor from Washington, D.C., to Charlotte in accordance with the National Environmental Policy Act (NEPA), which established the purpose and need for the Project and determined the preferred corridor for detailed analysis, and intend to complete detailed Tier II environmental studies for individual portions of the larger corridor; and

WHEREAS, the FRA, in cooperation with DRPT, completed a Tier I environmental impact statement and record of decision for the SEHSR Project corridor from Richmond to Hampton Roads, in accordance with NEPA, which determined the preferred corridor for detailed analysis in southeastern Virginia and intends to complete detailed Tier II environmental studies for individual improvements within the larger corridor; and

WHEREAS, the FRA and the State Rail Transportation Agencies (and other state departments of transportation that may participate in the future) will coordinate the Tier II NEPA documents individually with the appropriate state historic preservation offices (SHPO), as appropriate; and

WHEREAS, the signatories to this PA anticipate that additional portions of the SEHSR Project outside of the Washington, D.C., to Charlotte corridor will be proposed for preliminary engineering and approval of NEPA documentation, including the corridor between Charlotte and Atlanta, Georgia, and intend to provide a process to allow consideration of those additional portions under this PA; and

WHEREAS, the signatories to this PA also anticipate that other federal agencies not involved in the Tier I environmental reviews discussed above are likely to have responsibility for permitting, assisting, funding, or approving portions of the SEHSR Project implemented in the Tier II process and intend to provide a process for allowing those other federal agencies to satisfy their Section 106 responsibilities for those undertakings through compliance with this PA; and

WHEREAS, the FRA has initiated consultation with the Virginia State Historic Preservation Office (VA SHPO) and the North Carolina State Historic Preservation Office (NC SHPO) pursuant to 36 C.F.R. § 800.3(c) and will continue to consult with the appropriate SHPO under the terms of this PA in order to identify historic properties, assess the effect of the SEHSR Project on identified historic properties, and, when necessary, resolve adverse effects to historic properties; and

WHEREAS, the FRA notified the Advisory Council on Historic Preservation (ACHP) of the SEHSR Project and the ACHP elected to formally participate in this consultation; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(5), NCDOT and DRPT have recognized the following groups as consulting parties to the undertaking: American Battlefield Protection Program, Battersea, Inc., Brunswick County Historical Society, Chesterfield Historical Society, Civil War Preservation Trust, Historic Richmond Foundation, National Park Service (NPS) - Petersburg Division, NPS - Richmond Division, and Preservation North Carolina; and

WHEREAS, the FRA, pursuant to 36 C.F.R. § 800.2(c)(5) had recognized the Virginia Council on Indians

(VCI) as a consulting party, but the Virginia General Assembly dissolved the VCI by act of legislation effective July 1, 2012, and the FRA shall now consult directly with individual Virginia state recognized Indian tribes as appropriate; and

WHEREAS, the FRA and State Rail Transportation Agencies have shared information about the SEHSR Project with the public multiple times via the NEPA process, a draft of this PA has been included in the Tier II FEIS for the Richmond to Raleigh portion of the SEHSR project, and posted on the SEHSR Project website and shared with the SEHSR Project's email contact list; and

NOW, THEREFORE, the FRA, DRPT, NCDOT, VA SHPO, NC SHPO, and the ACHP (hereafter "Signatories") agree that the SEHSR Project shall be implemented in accordance with the following stipulations to ensure that potential effects on historic properties are taken into account.

STIPULATIONS

The FRA, in coordination with the relevant State Rail Transportation Agencies, shall ensure that the following measures are carried out:

I. PRINCIPLES

A. The relevant State Rail Transportation Agencies, in coordination with the FRA, commit to plan, design, and implement the SEHSR Project in accordance with the best practices and measures available at the time to avoid or minimize effects to historic properties within the Area of Potential Effects (APE), including buildings, structures, sites, objects and districts.

B. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall, to the maximum extent possible, undertake such planning and actions as may be necessary to avoid or minimize harm to any National Historic Landmark (NHL) that may be directly and adversely affected by the SEHSR Project.

C. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall seek, discuss, and consider the views of the other Signatories and the other consulting parties for each portion of the SEHSR Project concerning design and construction options.

D. The relevant State Rail Transportation Agencies, in coordination with the FRA, shall identify and take into account all direct, indirect, and cumulative effects on historic properties relating to the SEHSR Project.

E. FRA shall allow adequate time to consult with Tribal Historic Preservation Officers and Indian tribes that have identified areas within the APE as being of religious and cultural significance to them.

F. The relevant State Rail Transportation Agencies, in coordination with the FRA, commit to work with the Signatories and other consulting parties to consider and develop, where reasonable, feasible, and cost effective, corridor-wide, landscape-oriented, or other such broader mitigation measures to resolve individual and cumulative adverse effects on historic properties in those areas, including the historic rail corridor.

II. PROFESSIONAL QUALIFICATIONS AND STANDARDS

A. All cultural resource work carried out pursuant to this PA shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards for Preservation Professionals (48 Fed. Reg. 44738–44739 (September 29, 1983)).

B. In preparing all archaeological studies resulting from this PA, the preparer shall take into account the ACHP's publications, *Section 106 Archaeology Guidance* (2009) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) as well as state-specific archaeological guidelines on best practice and procedure, as applicable.

C. In preparing all architectural studies resulting from this PA, the preparer shall take into account guidelines on specific architectural projects issued by the U.S. Department of the Interior/National Park Service (such as the Bulletin entitled *How To Complete the National Register Registration Form)* and state-specific guidelines on best practices and procedures, as applicable.

III. IDENTIFICATION OF CONSULTING PARTIES FOR EACH PORTION OF THE PROJECT

The relevant State Rail Transportation Agency, in coordination with the FRA and in consultation with the appropriate SHPO, shall identify potential consulting parties for each portion of the SEHSR Project and invite those parties to consult on that portion. Consulting parties may include, but are not limited to, Indian tribes, county and municipality governments within the APE, established state-wide, regional, county and municipality historical organizations, and resource owners.

IV. DOCUMENTATION

A. The relevant State Rail Transportation Agency, in coordination with the FRA, shall ensure that all documentation developed in accordance with this PA meets the appropriate state documentation standards.

B. Any technical reports prepared pursuant to this PA shall be consistent with the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 Fed. Reg. 44716–44742 (September 29, 1983)), the *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act*, and state-level guidelines for the completion of cultural resource reports, as applicable.

V. IDENTIFICATION OF PROJECT SPECIFIC APE FOR PORTIONS OF THE SEHSR PROJECT

The State Rail Transportation Agencies, in coordination with the FRA, and in consultation with the appropriate SHPOs, have determined the initial APE for each portion of the SEHSR Project shall be, at a minimum, the project Limits of Disturbance (the footprint within which modifications may occur, including those considered temporary) for subsurface deposits and areas where alterations to a resource's setting and feeling could occur for above-ground historic properties.

VI. IDENTIFYING AND EVALUATING HISTORIC PROPERTIES

The relevant State Rail Transportation Agency, in coordination with the FRA, and in consultation with the appropriate SHPO and other consulting parties, shall identify historic properties within the APE of each portion of the SEHSR Project in accordance with 36 C.F.R. § 800.4. This includes consideration of all architectural properties over 50 years in age within the project corridor and evaluation of resources to determine NRHP eligibility. Identification of historic properties within the APE of each portion of the SEHSR Project shall be considered valid for a period of five (5) years, after such time the identification must be reevaluated before that portion may move forward to right-of-way acquisition and final design.

VII. ASSESSING EFFECTS TO HISTORIC PROPERTIES

The relevant State Rail Transportation Agency, in coordination with the FRA and the appropriate SHPO,

shall make every reasonable effort to avoid or minimize adverse effects to historic properties when developing each portion of the SEHSR Project.

As each individual portion of the SEHSR Project is identified, the State Rail Transportation Agencies, in coordination with the FRA, shall utilize survey results to review the construction proposal, identify historic properties, evaluate historic properties, and make a finding of "No Historic Properties Affected" and "No Adverse Effect," where appropriate.

A. The State Rail Transportation Agency shall provide a description of historic properties and an effect finding to the appropriate SHPO and any other identified consulting parties for a thirty (30) day review. Upon SHPO concurrence with the identification of historic properties and either a "No Historic Properties Affected" or "No Adverse Effect" finding, no further consultation for that portion of the SEHSR Project is required and that portion may move forward to construction.

B. Where the State Rail Transportation Agency proposes a finding of "No Adverse Effect" with conditions, it shall include in its submittal to the appropriate SHPO those conditions that would avoid adverse effects to historic properties. The SHPO and other consulting parties shall have thirty (30) days to review the finding and proposed conditions. Upon SHPO and other consulting parties' concurrence with this finding and the proposed conditions, no further consultation for that portion of the SEHSR Project is required and that portion may move forward to right-of-way acquisition and final design with the proposed conditions in place.

C. Where the State Rail Transportation Agency cannot avoid adverse effects to historic properties and proposes a finding of "Adverse Effect" for a particular portion of the SEHSR Project, it shall continue consultation with the appropriate SHPO and other consulting parties as set forth in Stipulation VIII below.

VIII. RESOLVING ADVERSE EFFECTS TO HISTORIC PROPERTIES

When the State Rail Transportation Agency proposes a finding of adverse effects to historic properties, it shall notify FRA. FRA shall initiate consultation with the appropriate SHPO and other consulting parties, interested federal and state recognized Indian tribes, ACHP, FRA and the State Rail Transportation Agency shall develop a Memorandum of Agreement to identify measures to avoid, minimize, and mitigate the adverse effects prior to beginning any work on that portion of the SEHSR Project. The State Rail Transportation Agency shall submit a draft of each MOA to the appropriate SHPO for review and comment. NCDOT and DRPT shall ensure that all comments received within thirty (30) days of SHPO's receipt of the draft MOA are addressed in the final MOA. One (1) copy of each final MOA shall be provided to the appropriate SHPO and other consulting parties and one (1) copy shall be provided to any consulting party or other group who may have a vested interest in a particular property.

IX. USE OF THIS PA BY OTHER FEDERAL AGENCIES AND FOR OTHER PROJECTS RELATED TO THE SEHSR

A. In the event that a federal agency other than FRA is considering funding, permits, licenses or approvals for the SEHSR Project beyond those that were originally the basis of this agreement, and the undertaking remains unchanged, such funding or approving federal agency may become a signatory to this PA at its discretion to comply with its Section 106 responsibilities for the undertaking. To become a signatory to this PA the agency official must provide written notice to the Signatories that his/her agency agrees to the terms of this PA, specifying the extent of the agency's intent to participate in this PA, and whether the agency intends to designate the FRA as the lead Federal agency for the undertaking. Any other modifications to the PA will be considered in accordance with Stipulation XIII.

B. In the event that FRA proposes additional SEHSR projects that were not originally considered in

the SEHSR Tier I NEPA documentation, such as improvements to adjacent rail networks that would benefit mobility within the larger corridor, it may follow the terms of this PA to fulfill its Section 106 responsibilities for those additional projects provided that it first notifies the appropriate SHPO and ACHP, and consults with any interested federal and state recognized Indian tribe(s), local government(s), and identified consulting parties on the potential use of this PA for the additional project(s).

X. POST REVIEW DISCOVERIES

A. Human Remains. In the case of an unanticipated discovery of human remains or burials during construction activities, the State Rail Transportation Agency shall halt construction in the immediate area of the discovery, secure the area, and follow the provisions of the relevant state burial law(s).

B. Historic Properties. In the event of an unanticipated discovery of historic properties during construction activities in the immediate area of the discovery, the State Rail Transportation Agency shall halt construction, secure the area, and consult with the FRA, appropriate SHPO, ACHP, and other consulting parties in accordance with 36 C.F.R. § 800.13(b).

XI. DISPUTE RESOLUTION

A. Objection by Signatory

1. Should any Signatory to this PA object in writing to the FRA to any determinations made pursuant to this PA, including the identification of historic properties, a proposed effect finding, or conditions to avoid adverse effects to historic properties, or the manner in which the terms of this PA are implemented, the FRA shall first consult with the objecting party to resolve the objection. If the FRA determines that the objection cannot be resolved through such consultation after a period of 30 days, the FRA shall then consult with all Signatories to resolve the objection. If the FRA then determines that the objection cannot be resolved through consultation after a period of 30 days, the FRA shall forward all documentation relevant to the objection to the ACHP, including the FRA's proposed response to the objection.

2. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

   a. Advise the FRA that the ACHP concurs with the FRA's proposed response to the objection, whereupon the FRA will respond to the objection accordingly; or

   b. Provide the FRA with recommendations, which the FRA shall take into account in reaching a final decision regarding its response to the objection; or

   c. Notify the FRA that the objection will be referred for comment pursuant to 36 C.F.R. § 800.7(a)(4), and proceed to refer the objection and comment. The FRA shall take the resulting comment into account in accordance with 36 C.F.R. § 800.7(c)(4).

Should the ACHP not exercise one of the above options within thirty (30) calendar days after receipt of all pertinent documentation, the FRA may move forward with its proposed response to the objection.

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B. Objection by a Consulting Party or Member of the Public

Should any consulting party or member of the public raise a timely and substantive objection pertaining to the manner in which the terms of this PA are carried out, at any time during its implementation, the FRA shall take the objection into account by consulting with the objector to resolve the objection. When the FRA responds to an objection, it shall notify the Signatories and consulting parties of the objection and the manner in which it was resolved. The FRA may request the assistance of a Signatory or a consulting party to resolve the objection.

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DRAFT

FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____

Title:_____

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Julie V. Langan

Title: Director, Department of Historic Resources

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Title:_____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:_____ Date:_____

Title:_____

INVITED SIGNATORIES

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____ Date: _____

Title:_____

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, RAIL DIVISION

By: _____ Date: _____

Title:_____

CONCURRING PARTIES

(NAME OF ENTITY)

By: _____ Date: _____

Title:_____

DRAFT

(NAME OF ENTITY)

By: _____ Date: _____

Title:_____

DRAFT