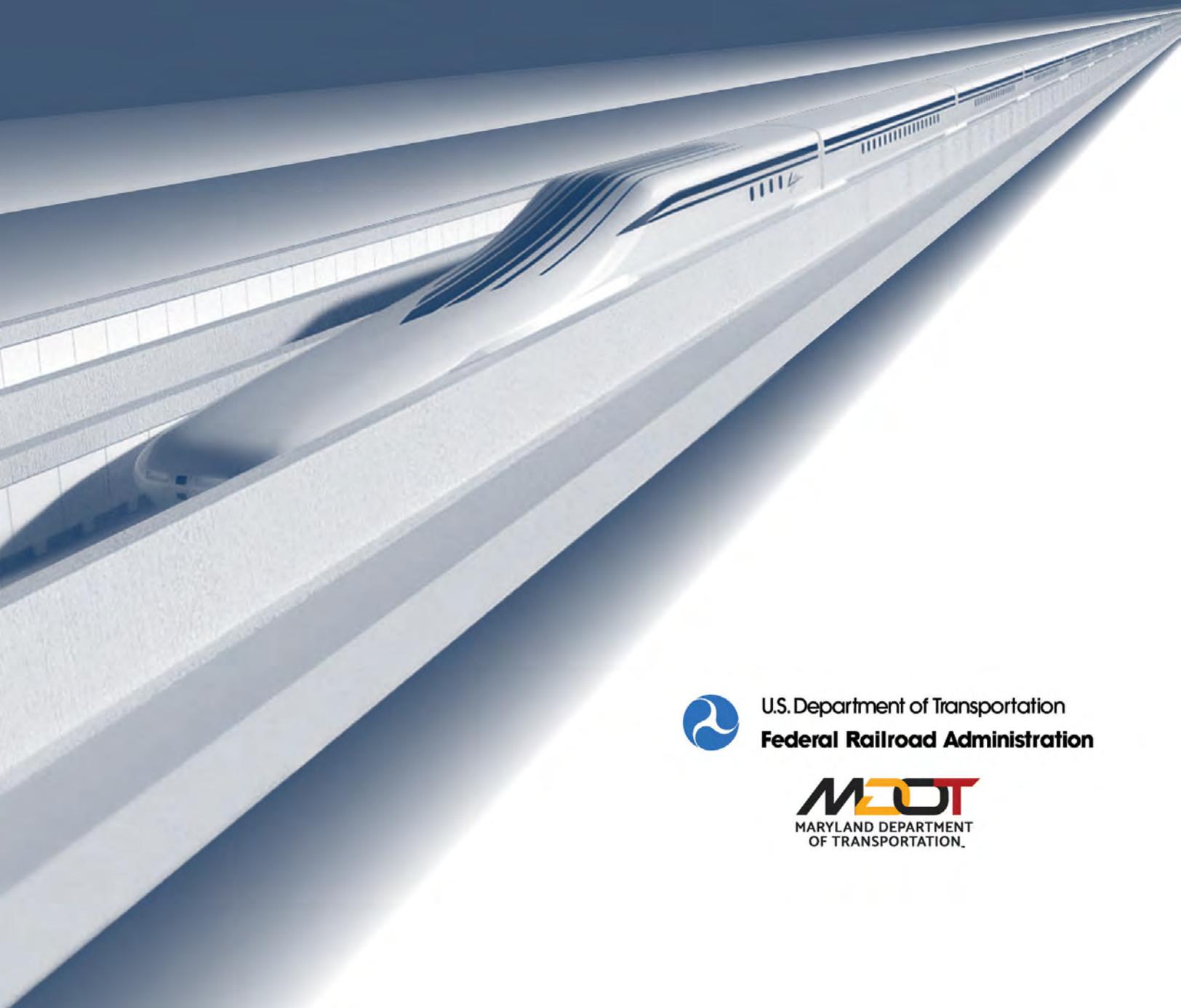


Appendix D.5

Cultural Resources Attachments

BALTIMORE-WASHINGTON SUPERCONDUCTING MAGLEV PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
SECTION 4(f) EVALUATION



U.S. Department of Transportation
Federal Railroad Administration

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION.

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ATTACHMENT A – DRAFT PROGRAMMATIC AGREEMENT

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*** Draft #4 (12-23-2020) ***

PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, D.C.

WHEREAS, the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail is a proposed rail line that includes new passenger rail stations, trainset maintenance facilities, tunnels, and ancillary facilities such as power substations and fresh air/emergency egress structures, to connect Baltimore, Maryland with Washington, D.C., along with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport (the Project); and

WHEREAS, BWRR is a privately held railroad company franchised by the Maryland Public Sector Commission and as a private-entity sponsor of the Project defined the commercial specifications for the Project's performance. The Maryland Economic Development Corporation is coordinating the engineering and design efforts being developed by BWRR for the Project; and

WHEREAS, the Federal Railroad Administration (FRA) provided grant funding to the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) to carry out preliminary engineering, conceptual design, and environmental analyses in compliance with the National Environmental Policy Act (NEPA)(42 United States Code [U.S.C.] § 4321 et seq.) and Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR § 800, as amended (August 5, 2004) (known collectively as "Section 106"), to evaluate the potential effects of constructing and operating the SCMAGLEV system between the two cities and specifically to take into account the potential effects of the Project on historic properties; and

WHEREAS, the FRA has broad authority to prescribe regulations and issue orders, as necessary, for every area of railroad safety (49 U.S.C. § 20103; 49 Code of Federal Regulations [C.F.R.] § 1.89 and parts 200-299). If FRA issues a Rule of Particular Applicability (RPA) or provides funding for future construction of the Project, the FRA action and related federal authorizations, which are the subject of this Programmatic Agreement (PA), will constitute an "Undertaking" subject to review under Section 106 of the NHPA (Section 106); and

WHEREAS, FRA is the lead Federal agency for purposes of ensuring that the Project complies with Section 106. Should FRA have an undertaking with regard to the Project, FRA intends to use this Programmatic Agreement (PA), developed pursuant to 36 CFR § 800.14(b), to satisfy its responsibilities under Section 106; and

WHEREAS, FRA is coordinating Section 106 compliance with the NEPA process for the Project, in accordance with 36 CFR § 800.8(a); and

45 **WHEREAS**, pursuant to 36 CFR § 800.2(c)(4), FRA authorized MDOT MTA and authorizes Baltimore-
46 Washington Rapid Rail (BWRR) to initiate consultation and prepare any necessary analyses,
47 documentation, and recommendations on its behalf; and

48 **WHEREAS**, as part of the NEPA process, FRA filed a Notice of Intent to Prepare an Environmental Impact
49 Statement (EIS) on November 25, 2016. FRA and MDOT MTA utilized a two-level screening approach
50 during 2017 to identify alignments meeting Project technical specifications and the Project Purpose and
51 Need; produced a draft Preliminary Alternatives Screening Report (PASR); reviewed public comments on
52 the PASR submitted by mail and e-mail, as well as at public open-houses held during April and October
53 2017 at numerous locations in Maryland and the District of Columbia; and provided a Final PASR (a
54 component of the EIS process that documented the screening of a reasonable range of alignments and
55 station locations and recommended two alignments: Alignment J [BWP Modified-East] and Alignment J1
56 [BWP Modified-West]) for detailed analysis in the Draft and Final Environmental Impact Statements
57 [DEIS and FEIS]) to state and Federal Cooperating and Participating Agencies in January 2018; and

58 **WHEREAS**, as part of the NEPA process, FRA prepared a final Alternatives Report during November 2018
59 that further defined the alternatives and held a public open house during December 2018 in Baltimore,
60 Maryland. Further information was posted on the Project-specific website: <http://bwmaglev.info>; and

61 **WHEREAS**, as described in the December 2018 SCMAGLEV Public/Agency Coordination Plan, “public
62 outreach for purposes of NEPA satisfies Section 106 public outreach requirements, by providing
63 information regarding the Project’s effects on historic properties at NEPA public meetings and in the
64 EIS”; and

65 **WHEREAS**, FRA, as the lead agency for preparing the EIS pursuant to NEPA, analyzed twelve Build
66 Alternatives as well as the No Build Alternative, as described in the DEIS issued by FRA on [DATE]; and

67 **WHEREAS**, FRA, by separate letters dated May 15, 2017 (Appendix A, Part 1), initiated consultation with
68 both the Maryland State Historic Preservation Officer (MDSHPO), and the District of Columbia Historic
69 Preservation Office, which is the District of Columbia State Historic Preservation Officer (DCSHPO)
70 (collectively referred to as SHPO or the SHPOs), by briefly describing the Project, as well as identifying
71 potential Consulting Parties; and

72 **WHEREAS**, between July 20, 2018 and January 29, 2019 (Appendix A, Part 1), FRA, in consultation with
73 the SHPOs, identified and refined the Project’s Area of Potential Effects (APE) (Appendix B); and

74 **WHEREAS**, FRA conducted comprehensive literature review and intensive background research for 100
75 percent of the APE prior to the start of field investigations for the identification of historic properties;
76 and

77 **WHEREAS**, field investigations for above-ground historic resources within the APE is approximately 100
78 percent complete for the alternatives being considered as of the date this PA was executed; and

79 **WHEREAS**, FRA documented the results of these historic investigations in historic resources DOE forms
80 submitted to the DC SHPO and MD SHPO between May 15, 2019 and December 11, 2020 (SHPO
81 response letters can be found in Appendix A, Part 1); and

82 **WHEREAS**, FRA prepared Phase IA archaeological assessments for the Project within DC and MD that
83 included literature review, background research, an assessment of archaeological sensitivity and

84 potential, and recommendations for additional identification and evaluation of archaeological historic
85 properties; and

86 **WHEREAS**, field investigations for archaeological resources within the APE is approximately 0 percent
87 complete for the alternatives being considered as of the date this PA was executed; and

88 **WHEREAS**, FRA submitted the Phase IA archaeological assessments to the DC SHPO and MD SHPO for
89 consultation between July 19, 2019 and December 11, 2020 (SHPO response letters can be found in
90 Appendix A, Part 1); and

91 **WHEREAS**, FRA continues to conduct phased cultural resources investigations to identify, evaluate, and
92 assess effects to historic properties pursuant to Stipulation IV; and

93 **WHEREAS**, FRA, in consultation with the SHPOs, has determined that it is appropriate to enter into this
94 PA pursuant to 36 CFR §§ 800.4(b)(2), 800.5(a)(3), and 800.14(b); and

95 **WHEREAS**, FRA was notified by MDSHPO on October 4, 2018, and DCSHPO on November 30, 2018 of
96 their intent to participate in the development of this PA; and

97 **WHEREAS**, FRA notified the Advisory Council on Historic Preservation (ACHP) of the Project and ACHP, in
98 a response letter dated February 6, 2018, elected to participate in the Section 106 consultation.
99 Subsequently, FRA notified the ACHP of its intent to develop this PA and on May 8, 2019, ACHP
100 reaffirmed its participation in the development of this PA; and

101 **WHEREAS**, in letters dated August 28, 2018 (Appendix A, Part 2), FRA contacted the Delaware Nation,
102 Oklahoma; Delaware Tribe of Indians; Seneca-Cayuga Nation; and Pamunkey Indian Tribe, and in letters
103 dated January 10, 2019, FRA contacted the Absentee-Shawnee Tribe of Indians of Oklahoma; Cayuga
104 Nation of New York; Oneida Nation of New York; Oneida Nation; Onondaga Nation of New York; Pawnee
105 Nation of Oklahoma; Seneca Nation of New York; Stockbridge Munsee Community of Wisconsin; St.
106 Regis Band of Mohawk Indians of New York; Tonawanda Band of Seneca Indians of New York; and
107 Tuscarora Nation of New York. These Federally recognized sovereign Indian Nations have a government-
108 to-government relationship with the United States (collectively referred to as “Native American tribes”)
109 and an interest in the areas affected by the Undertaking. FRA invited each of these Native American
110 tribes to participate in the consultation for this PA; and

111 **WHEREAS**, the Delaware Nation, Oklahoma and the Delaware Tribe of Indians responded and accepted
112 FRA’s invitation to consult in the Section 106 process; and

113 **WHEREAS**, the Oneida Nation of New York, the Oneida Nation, the Pawnee Nation of Oklahoma, the
114 Seneca Nation of New York, and the Tuscarora Nation of New York declined FRA’s invitation to consult in
115 the Section 106 process. The Seneca-Cayuga Nation; Pamunkey Indian Tribe; Absentee-Shawnee Tribe of
116 Indians of Oklahoma; Cayuga Nation of New York; Onondaga Nation of New York; Stockbridge Munsee
117 Community of Wisconsin; St. Regis Band of Mohawk Indians of New York; and Tonawanda Band of
118 Seneca Indians of New York did not respond; and

119 **WHEREAS**, BWRR, as the sponsor of the Project, assumes responsibility for the implementation and
120 completion of the stipulations explicitly assigned to it in this PA and therefore FRA has invited BWRR to
121 participate in the consultation for this PA and sign this PA as an Invited Signatory; and

122 **WHEREAS**, MDOT MTA, as the FRA grantee during the Project planning phases, has been invited by FRA
123 to participate in the consultation for this PA and sign this PA as an Invited Signatory. MDOT MTA

124 declined the invitation due to the lack of any involvement in the SCMAGLEV system after issuance of the
125 Record of Decision (ROD); and

126 **WHEREAS**, sections of the alternatives under consideration in the DEIS are located within or adjacent to
127 properties owned or under the jurisdiction of the National Park Service (NPS) (District of Columbia
128 Reservations and the Baltimore-Washington Parkway); U.S. Department of Agriculture (USDA),
129 (Beltsville Agricultural Research Center); U.S. Fish and Wildlife Service (USFWS) (Patuxent Wildlife
130 Refuge); District of Columbia’s Department of General Services (DC DGS) (managed/federally owned
131 Forest Haven facility, located in Laurel, MD); General Services Administration (GSA) (G.H. Fallon Federal
132 Building); National Aeronautics and Space Administration (NASA) (Goddard Space Flight Center); U.S.
133 Secret Service (USSS) (Rowley Training Center); and U.S. Department of the Army (U.S. Army) (Fort
134 George G. Meade). Appendix C contains maps showing Federal land ownership within the APE. FRA
135 invited these agencies to participate in the consultation for this PA and requested that these agencies
136 designate FRA as the lead Federal agency to act on their behalf for purposes of compliance with Section
137 106; and

138 **WHEREAS**, the following federal agencies designated FRA as the lead Federal agency for purposes of
139 Section 106: NPS (letters dated June 12, 2019 and August 27, 2019), USFWS (letter dated June 25, 2019),
140 DC DGS (letter dated June 13, 2019), NASA (email dated May 9, 2019), and NCPC (email dated
141 November 8, 2019). FRA has invited these agencies to sign this PA as Concurring Parties or Invited
142 Signatories (if specifically requested by the agency as specified below); and

143 **WHEREAS**, the following federal agencies have not designated FRA as the lead Federal agency for
144 purposes of Section 106: USDA, USSS, and the U.S. Army. FRA has invited these agencies to sign this PA
145 as Concurring Parties; and

146 **WHEREAS**, the Baltimore-Washington Parkway, a management unit of National Capital Parks-East
147 (NACE) within the National Park System, was established by Congress on August 3, 1950, through the
148 enabling legislation (Public Law 81-643) as an extension of the park system of the District of Columbia
149 and its environs and was listed on the National Register of Historic Places in 1991; and

150 **WHEREAS**, Reservations 0072, 0073, 0074, 0177, 0177A, 0178, 0179, 0180, 0181, 0182, 0183, 0184, and
151 0185 are within the APE and are part of the National Mall and Memorials Parks, which administers more
152 than 1,000 acres of park land within the District of Columbia, including fourteen units of the National
153 Park System, as well as more than 150 reservations, circles, fountains, squares, triangles, and park
154 spaces, also came to be administered by NPS under Executive Order 6166; and

155 **WHEREAS**, the NPS – National Capital Area is charged in its administration of the units of the National
156 Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act
157 as codified in Title 54 U.S.C. § 100101(a) to “conserve the scenery, natural and historic objects, and wild
158 life in the System units and to provide for the enjoyment of the scenery, natural and historic objects,
159 and wild life in such a manner and by such means as will leave them unimpaired for the enjoyment of
160 future generations”, and was invited by FRA to sign this PA as an Invited Signatory; and

161 **WHEREAS**, a National Historic Landmark (NHL), the Greenbelt Historic District, is located within the APE,
162 and pursuant to 36 C.F.R. § 800.10(c), FRA has notified the NPS NHL Program in the National Capital
163 Area, which has jurisdictional authority pursuant to Section 110(f) of the NHPA, and invited them to
164 participate in the consultation for this PA and to sign this PA as an Invited Signatory; and

165 **WHEREAS**, USFWS, pursuant to 16 U.S.C. 668dd (National Wildlife Refuge Improvement Act of 1997) is
166 required through the Secretary of the Interior to maintain the biological integrity, diversity, and
167 environmental health of the Refuge system, has established a process for determining compatible uses
168 on refuges and has established that wildlife-dependent recreational uses are the priority public uses of
169 the system, and pursuant to Public Law 101-519 (Military Construction Appropriations Act of 1991)
170 Section 126(c) is prohibited through the Secretary of the Interior from conveying, leasing, transferring,
171 or declaring excess or surplus any portion of land transferred from the Secretary of the Army, unless
172 approved by law. FRA invited USFWS to sign this PA as an Invited Signatory; and

173 **WHEREAS**, the National Capital Planning Commission (NCPC) is a Consulting Party in the Section 106
174 process pursuant to 36 CFR § 800.3(f)(1), has approval authority over Federal projects located within the
175 District of Columbia and has approval authority over all land transfers and physical alterations to Federal
176 property pursuant to the National Capital Planning Act (40 U.S.C. § 8722(b)(1) and (d)), and this approval
177 would constitute an Undertaking as defined at 36 CFR § 800.16(y). FRA invited NCPC to sign this PA as an
178 Invited Signatory; and

179 **WHEREAS**, through consultation with the SHPOs between May 15, 2017 and November 2, 2018, FRA
180 identified Consulting Parties (listed in Appendix D) including Federal, state, regional or local agencies
181 and local organizations with a demonstrated interest in the Project pursuant to 36 CFR § 800.2(c). These
182 agencies and organizations, listed in Appendix D, were invited by FRA to participate in consultation for
183 this PA and sign this PA as Concurring Parties; and

184 **WHEREAS**, to date, FRA held Consulting Party meetings, on March 14, 2018, on September 11, 2018,
185 and on July 20, 2020, and hosted field visits to the alternatives being considered for the Consulting
186 Parties on October 3 and 10, 2018; and

187 **WHEREAS**, in addition to the public involvement specified above, FRA made the Draft PA available to the
188 public for review and comment by appending it to the DEIS, and FRA will take into account any
189 comments received by the public when finalizing the PA; and

190 **WHEREAS**, FRA, BWRR, MDSHPO, DCSHPO, NPS, USFWS, NCPC, and ACHP will collectively be referred to
191 as the Signatories; and

192 **NOW, THEREFORE**, FRA, MDSHPO, DCSHPO, and ACHP agree that the Project shall be implemented in
193 accordance with the following stipulations in order to consider the effects of the Project on historic
194 properties and that these stipulations will govern compliance of the Project with Section 106 of the
195 NHPA.

196 **STIPULATIONS**

197 FRA, in coordination with BWRR, will ensure the following measures are carried out:

198 **I. GENERAL**

199 **A. Applicability**

- 200 1. FRA will use this PA to fulfill its Section 106 responsibilities and those of other Federal agencies
201 who designate FRA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2).
- 202 2. Adoptability: In the event that a Federal agency or other agency designated to act on behalf of a
203 Federal Agency issues federal funding, other federal financial assistance, or approvals for

204 undertakings associated with the Project as described herein, such funding or approving agency
205 may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and
206 consulting with the Signatories. Any necessary amendments will be considered in accordance
207 with Stipulation XII of this PA.

208 3. This PA applies to the undertaking and only binds FRA if FRA takes regulatory action and/or
209 funds construction of the Project.

210 B. Timeframes and Communications

211 1. All time designations are in calendar days unless otherwise stipulated. If a review period ends on
212 a Saturday, Sunday, or Federal holiday, the review period will be extended until the first
213 business day following the Saturday, Sunday, or Federal holiday.

214 2. Unless otherwise stipulated in this PA, all review periods are thirty (30) calendar days, starting
215 on the day the documents are provided to the relevant parties, which constitutes notification.

216 3. Signatories and consulting parties acknowledge that the timeframes set forth in this stipulation
217 will be the maximum allowable under normal circumstances. In exigent circumstances (such as
218 when construction activities are suspended and result in delay pending resolution of a Section
219 106 matter), each party agrees to expedite their respective document review and resolution of
220 objections.

221 4. If a Signatory or Consulting Party does not provide comments within the timeframes specified in
222 this PA, FRA and BWRR may proceed to the next step in the review process without taking
223 additional steps to seek comments from such party. If comments are received after the close of
224 the comment period, FRA is not obligated to reconsider its decision on the basis that a Signatory
225 or Consulting Party did not have the opportunity to review and comment.

226 5. At FRA's discretion, FRA, in consultation with BWRR and in consideration of potential project
227 delays, may consider written requests timely received and with adequate justification to extend
228 a review period. FRA will notify the Signatories and Consulting Parties of its decision in writing.

229 6. All notifications required by the PA will be sent by e-mail and/or other electronic means to the
230 designated point of contact for each agency or organization, unless a Signatory Party requires
231 and requests communications via alternate methods or hard copy. In the event of a Post Review
232 Discovery, any time-sensitive phone call should be followed up with e-mail and/or other
233 electronic or written means to maintain an accurate project record.

234 7. Agencies and organizations are responsible for notifying FRA of changes to their identified
235 points of contact.

236 **II. ROLES AND RESPONSIBILITIES**

237 A. Signatories: Signatories have the authority to execute, amend, and/or terminate this PA.

238 1. FRA

239 a. Pursuant to 36 CFR § 800.2(a)(2), FRA has the primary responsibility to ensure the provisions
240 of this PA are carried out.

- 241 b. FRA remains legally responsible for all findings and determinations, including
242 determinations of National Register of Historic Places (NRHP) eligibility, assessment of
243 effects of the Project on historic properties, and resolution of adverse effects, as well as
244 resolution of objections or disputes (as outlined under Stipulation XIII).
- 245 c. FRA is responsible for all government-to-government consultation with Federally recognized
246 Native American tribes.
- 247 2. SHPO
- 248 a. The SHPOs will allow FRA and BWRR access to background data regarding historic properties
249 listed and eligible for listing in the NRHP.
- 250 b. The SHPOs will review project submittals and participate in consultation according to the
251 timeframes defined within this PA.
- 252 3. ACHP
- 253 a. ACHP shall be responsible for providing technical guidance, participating in dispute
254 resolution upon request (as outlined in Stipulation XIII), and advising FRA on ACHP
255 participation for a property-specific Memorandum of Agreement (MOA) as appropriate
256 under Stipulation VI.D to resolve adverse effects.
- 257 B. Invited Signatories: Invited Signatories have the authority to amend and/or terminate this PA.
- 258 1. BWRR
- 259 a. Pursuant to the FRA authorization granted under 36 CFR § 800.2(c)(4), BWRR, in
260 consultation with FRA, will conduct investigations and produce analyses, documentation and
261 recommendations in a timely manner to address historic properties within the APE not
262 recorded in the field prior to the ROD.
- 263 b. BWRR is responsible for continued compliance with all commitments outlined in this PA and
264 will comply, either directly or through consultants, with applicable conditions of the PA until
265 such time as the terms of this PA are complete or this PA is terminated or expires.
- 266 c. BWRR is responsible for the funding and completion of measures to resolve adverse effects
267 concurred upon in writing during the consultation process following the processes described
268 in this PA. BWRR will consider these measures to be successfully completed upon review,
269 concurrence and/or acceptance in writing by the SHPO and the relevant federal agency
270 within whose jurisdiction the measure lies.
- 271 d. BWRR is responsible for obtaining Archaeological Resources Protection Act of 1979
272 (ARPA)(16 U.S.C. 470aa et seq.) permits for any archaeological investigations on federally
273 owned or administered lands and for obtaining a Permit Under Maryland Archeological
274 Historic Properties Act Terrestrial Archeology (Annotated Code of Maryland: State Finance
275 Article § 5A-342) for any archaeological investigations on lands owned or administered by
276 the State of Maryland.
- 277 2. NPS
- 278 a. NPS will review project submittals according to the timeframes defined within this PA and
279 will participate in consultation, as requested by FRA.
- 280 b. NPS will timely approve plans and provide permits, as appropriate, required for BWRR's
281 actions on land under NPS jurisdiction.

- 282 c. NPS is responsible for enforcing the applicable provisions of ARPA, including but not limited
283 to the timely issuance of permits for archaeological investigations on NPS owned and
284 administered lands, and investigation of any damages resulting from prohibited activities.
285 d. NPS's NHL Program, as designee for the Secretary of the Interior, will participate in
286 consultation pursuant to Section 110(f) of the NHPA (codified at 54 U.S.C. § 306107) and the
287 Section 106 regulations (36 CFR § 800.10).
- 288 3. USFWS
289 a. USFWS will review project submittals according to the timeframes defined within this PA
290 and will participate in consultation, as requested by FRA.
291 b. USFWS is responsible for enforcing the applicable provisions of ARPA, including but not
292 limited to the timely issuance of permits for archaeological investigations on USFWS owned
293 and administered lands, and investigation of any damages resulting from prohibited
294 activities.
- 295 4. NCPC
296 a. NCPC will review project submittals according to the timeframes defined within this PA and
297 will participate in consultation, as requested by FRA.
298 b. NCPC is responsible for timely approvals of any land transfers or physical alterations to
299 Federal property within DC pursuant to National Capital Planning Act (40 USC § 8722(b)(1)
300 and (d)).
- 301 C. Other Federal Agencies
- 302 1. Federal agencies that have some involvement in the Project which requires compliance with
303 Section 106 and that do not designate FRA as the lead Federal agency remain individually
304 responsible for their compliance with Section 106.
- 305 2. Federal agencies are responsible for enforcing the applicable provisions of ARPA, including but
306 not limited to the timely issuance of permits for archaeological investigations and investigation
307 of any damages resulting from prohibited activities within their jurisdictional areas even if they
308 have designated FRA as the lead Federal Agency for Section 106.
- 309 3. Federal Agencies are responsible for coordinating their Agency's compliance with the Native
310 American Graves Protection and Repatriation Act (NAGPRA)(25 U.S.C. § 3001 et seq; 43 CFR
311 § 10).
- 312 D. Consulting Parties and Concurring Parties
- 313 1. Consulting Parties include those individuals or entities identified in Appendix D that have a
314 demonstrated interest in the Project who have already participated as Consulting Parties in the
315 Section 106 process, along with individuals or organizations who may later join as Consulting
316 Parties due to the nature of their legal or economic relation to the Project or affected
317 properties, or their concern with the Project's effects on historic properties.
- 318 2. Consulting Parties identified in Appendix D have been provided the opportunity to actively
319 participate in the development of this PA and to assist in the future resolution of adverse effects
320 pursuant to this PA.

321 3. Pursuant to 36 CFR § 800.6(c)(3), Consulting Parties are invited to sign this PA as Concurring
322 Parties. However, the refusal of any Consulting Party to concur does not invalidate or affect the
323 effective date of the PA. Consulting Parties who choose not to sign this PA as a Concurring Party
324 will continue to receive and have an opportunity to review and comment upon eligibility
325 determinations; effects assessments; associated documentation and analyses; and proposed
326 resolution of adverse effects.

327 III. STANDARDS AND GUIDELINES

328 A. Professional Qualifications Standards

329 1. FRA and BWRR will ensure all actions prescribed by this PA will be carried out by or under the
330 direct supervision of a person who meets the appropriate *Secretary of the Interior's Professional*
331 *Qualification Standards* (SOI Standards; 36 CFR Part 61) in an applicable discipline.

332 B. Documentation Standards

333 1. As historic properties are further identified, evaluated, and assessed for adverse effects under a
334 phased approach, including those resulting from changes to the APE, BWRR, in consultation with
335 FRA, will ensure that all documentation that supports the findings and determinations made
336 under this PA will be consistent with 36 CFR § 800.4(b)(1) and the guidelines set forth in the
337 ACHP's *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*
338 and 36 CFR § 800.11.

339 2. For properties under the jurisdiction of NPS: documentation will meet the standards and
340 guidelines set forth by the Secretary of Interior's Standards for Archeology and Historic
341 Preservation pursuant to 48 FR 44716, as revised ([https://www.nps.gov/history/local-](https://www.nps.gov/history/local-law/arch_stnds_0.htm)
342 [law/arch_stnds_0.htm](https://www.nps.gov/history/local-law/arch_stnds_0.htm)); the Standards for the Treatment of Historic Properties with Guidelines
343 for Preserving, Rehabilitating, Restoring & Reconstruction Historic Buildings
344 (<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>); and the Guidelines for
345 the Treatment of Cultural Landscapes ([https://www.nps.gov/Tps/standards/four-](https://www.nps.gov/Tps/standards/four-treatments/landscape-guidelines/index.htm)
346 [treatments/landscape-guidelines/index.htm](https://www.nps.gov/Tps/standards/four-treatments/landscape-guidelines/index.htm)). Archeological site forms for sites documented on
347 NPS property will be developed and an electronic version compatible with NPS CRIS system will
348 be produced. Geographical Information Systems data shall be produced and submitted to NPS
349 and conform to NPS and Federal Geographic Data Committee (FGDC) standards. At a minimum,
350 photography will be consistent with NPS's NRHP Photograph Policy Factsheet dated May 15,
351 2013 or subsequent revision ([https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508](https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508.pdf)
352 [.pdf](https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508.pdf)).
353

354 3. For properties under the jurisdiction of USFWS: Workplans prepared for ARPA permits to
355 conduct archaeological investigations on USFWS property will require adherence to USFWS
356 standards for archaeological excavation.

357 4. For properties within the District of Columbia: Documentation will meet the *Guidelines for*
358 *Archaeological Investigations in the District of Columbia* (1998, revised 2007 and 2018) and *How*
359 *to Complete a DC State Historic Preservation Office Determination of Eligibility (DOE) Form*.

360 5. For properties within Maryland: Documentation will meet the *Standards and Guidelines for*
361 *Architectural and Historical Investigations in Maryland* (MDSHPO, Revised 2019); *Guidelines for*

362 *Compliance-Generated Determinations of Eligibility (DOEs)* (MDSHPO, Website Accessed 2020);
363 *Standards for Submission of Digital Images to the Maryland Inventory of Historic Properties*
364 (MDSHPO, effective January 2008, Revised November 2019); *Standards and Guidelines for*
365 *Archeological Investigations in Maryland* (MDSHPO, 1994); and *Technical Update No. 1 of the*
366 *Standards and Guidelines for Archeological Investigations in Maryland: Collections and*
367 *Conservation Standards (MDSHPO 2018).*

368 **IV. PHASED APPROACH FOR IDENTIFICATION, EVALUATION, AND THE ASSESSMENT OF ADVERSE**
369 **EFFECTS**

370 A. Project Review

- 371 1. BWRR, in consultation with FRA, will conduct identification and evaluation of historic properties
372 and apply the criteria of adverse effect in a phased manner pursuant to 36 CFR § 800.4(b)(2) and
373 800.5(a)(3) and as prescribed in Stipulations IV.C and D.
- 374 2. BWRR, in consultation with FRA, will identify and evaluate any historic properties not recorded
375 or surveyed prior to the issuance of the ROD, determine effects on historic properties, and
376 consult with Signatories, Consulting Parties, and Native American tribes, as appropriate,
377 concerning measures to avoid, minimize, and/or mitigate any adverse effects prior to beginning
378 or continuing any ground disturbing and/or construction-related activities.
- 379 3. BWRR and FRA may combine some or all of the following steps pursuant to 36 CFR § 800.3(g) in
380 order to expedite consultation: 1) identification; 2) evaluation; and 3) assessment of adverse
381 effects.

382 B. Document Review Process

- 383 1. This stipulation will govern all Section 106 consultation processes specified in Stipulations IV.C
384 and D, V, VI, VII, and IX, unless otherwise specified.
- 385 2. BWRR will provide draft documentation to FRA for review and approval. FRA shall review the
386 draft documentation within thirty (30) calendar days.
- 387 3. Following receipt of FRA approval, BWRR will submit documentation to the Signatories,
388 Consulting Parties, , Native American tribes as appropriate, to review and provide written
389 comments. The Signatories, Consulting Parties, and Native American tribes will have thirty (30)
390 calendar days for review as provided for in Stipulation I.B.2.
- 391 4. If the Signatories, Consulting Parties, or Native American tribes do not provide written
392 comments to BWRR within the thirty (30) day review period, BWRR, after consulting with FRA,
393 will proceed to the next step of the consultation process without taking additional steps to seek
394 comments from such party.
- 395 5. If written comments are received, BWRR will forward all comments to FRA immediately
396 following the end of the thirty (30) day review period. BWRR, after consulting with FRA, will
397 ensure that any written comments received within the review timeframe are considered and
398 incorporated, as appropriate, into the documentation.
- 399 6. If the Signatories, Consulting Parties, or Native American tribes object or recommend extensive
400 revisions to submissions, BWRR, after consulting with FRA, will work expeditiously to respond to

- 401 and resolve objections through continued consultation, or FRA may elect to follow the dispute
402 resolution process identified in Stipulation XIII to resolve any such dispute.
- 403 7. Final documentation will be provided to the Signatories, Consulting Parties, and Native
404 American tribes as appropriate, which serves as notification as to how comments or objections
405 were resolved. This documentation will not be subject to additional review.
- 406 C. Identification and Evaluation
- 407 1. District of Columbia Identification and Evaluation Requirements
- 408 a. BWRR will identify and evaluate historic properties 45 years or older and prepare the
409 required documentation according to the relevant DCSHPO documentation standards
410 pursuant to Stipulation III.B.
- 411 b. For archaeological resources, BWRR will perform archaeological identification and
412 evaluation of all portions of the below ground (archaeological sites) APE. All archaeological
413 work plans must be submitted to DCSHPO for review and approval by the District
414 Archaeologist prior to conducting any archaeological survey or evaluative testing.
- 415 c. For above-ground resources, BWRR, after consulting with FRA, will provide DCSHPO with a
416 list of properties for which proposed DOEs should be prepared. DCSHPO will respond by
417 specifying the properties for which proposed DOEs should be prepared, potentially including
418 properties which BWRR may not have identified but for which DC SHPO believes DOEs are
419 warranted. This step is necessary in DC because DCSHPO often has more current
420 information about evaluations of properties than what may be publicly available. BWRR will
421 then conduct field surveys to identify and/or evaluate these above-ground historic
422 properties. The specified, completed DOE forms, as well as data regarding the previously
423 identified historic properties and historic districts, will constitute the report of findings of
424 the identification and evaluation phases for above-ground resources.
- 425 2. Maryland Identification and Evaluation Requirements
- 426 a. BWRR will identify and evaluate historic properties 45 years old or older in Maryland and
427 prepare the required documentation according to all relevant MDSHPO documentation
428 standards pursuant to Stipulation III.B.
- 429 b. For archaeological resources, BWRR will perform archaeological identification and
430 evaluation of all portions of the below-ground (archaeological sites) APE. An ARPA permit
431 would be required for archaeological work on federally owned or administered lands and a
432 Permit under Maryland Archeological Historic Properties Act Terrestrial Archeology would
433 be required for archaeological work on lands owned or administered by the State of
434 Maryland.
- 435 c. For above-ground resources within Maryland, BWRR will conduct field surveys and
436 evaluation of all portions of the above-ground APE to identify and/or evaluate relevant
437 above-ground resources and record them on individual short or long MDSHPO DOE forms.
- 438 3. BWRR will propose eligibility determinations to FRA following the Document Review Process
439 outlined in Stipulation IV.B.
- 440 4. If the SHPO disagrees with a determination of eligibility, FRA will further consult and, in
441 coordination with BWRR, provide additional information to the SHPO in an effort to reach a
442 consensus. If consensus cannot be reached, FRA may agree to assume a historic property is

443 eligible for the purposes of this Project or may obtain a determination of eligibility from the
444 Keeper of the NRHP pursuant to 36 CFR § 800.4(c)(2).

445 D. Assessment of Effects

446 1. BWRR will assess effects on newly identified and previously identified individual historic
447 properties and historic districts listed in or eligible for listing in the NRHP within the APE in
448 the District of Columbia and Maryland, including resources identified as eligible in Cultural
449 Landscape Inventories (CLIs), as well as properties listed in the District of Columbia
450 Inventory of Historic Sites and Maryland Inventory of Historic Properties (MIHP).

451 2. No Historic Properties Affected and No Adverse Effect

452 a. BWRR will propose a No Historic Properties Affected finding consistent with 36 CFR §
453 800.4(d)(1) or a No Adverse Effect finding consistent with 36 CFR § 800.5(b), as appropriate
454 to FRA following the Document Review Process outlined in Stipulation IV.B.

455 3. Adverse Effect

456 a. BWRR will apply the criteria of adverse effect found at 36 CFR § 800.5(a)(1) and consult with
457 FRA if an Adverse Effect finding is anticipated.

458 b. If FRA determines a historic property will be adversely affected by the Project, BWRR will
459 make a reasonable and good faith effort to first avoid adverse effects on historic properties
460 through implementation of avoidance measures and then through implementation of
461 minimization measures.

462 c. BWRR, after consulting with FRA, will prepare an Avoidance and Minimization Plan (AMP)
463 pursuant to Stipulation V.A in which all avoidance and minimization measures will be clearly
464 articulated.

465 d. BWRR, may propose a No Adverse Effect finding pursuant to Stipulations IV.D.1 and IV.D.2, if
466 the avoidance of an adverse effect can be fully achieved through the implementation of an
467 AMP.

468 e. Any adverse effects that cannot be completely avoided will be resolved in accordance with
469 the development of a Treatment Plan utilizing Standard Mitigation Measures pursuant to
470 Stipulations VI.B and C or a Property-Specific MOA pursuant to Stipulation VI.D. An AMP can
471 be combined with the development of a Treatment Plan utilizing the Standard Mitigation
472 Measures.

473 E. Changes to the Approved APE

474 1. If there are modifications to the Project's engineering designs that require changes to the
475 approved APEs, pursuant to 36 CFR § 800.4 BWRR, after consulting with FRA, will submit the
476 proposed revised APE in writing to the applicable SHPO. BWRR will not commence ground
477 disturbing and/or construction activities within the proposed, modified APE prior to the
478 completion of the Section 106 process required by this PA. Other ongoing ground disturbing
479 and/or construction activities outside of the proposed modified APEs may proceed subject to
480 the terms of the PA. Changes to the APE will not require a PA amendment if they do not change
481 the undertaking and any of the agreed upon stipulations in this PA.

482 2. The applicable SHPO will have fourteen (14) calendar days to review and concur on the APE. If
483 SHPO does not concur, BWRR, in consultation with FRA, will revise the APE based upon SHPO
484 comments and resubmit for concurrence. SHPO will have another seven (7) calendar days to
485 review and concur on the revised APE.

- 486 3. BWRR will notify the Signatories, Consulting Parties, and Native American tribes of any changes
 487 to the approved APE. If a Signatory, Consulting Party, or Native American tribe disputes the
 488 approved APE, BWRR, after consulting with FRA, will work expeditiously to respond to and
 489 resolve the dispute through continued consultation, or FRA may elect to follow the dispute
 490 resolution process identified in Stipulation XIII.
- 491 4. BWRR and FRA, in consultation with the SHPO, will determine if the identification of additional
 492 Consulting Parties pursuant to 36 CFR § 800.3(f) is warranted as a result of the change in the
 493 APE. BWRR will provide any newly identified Consulting Parties with a written invitation to
 494 consult and an opportunity to sign this PA as a Concurring Party.
- 495 5. BWRR will identify, evaluate, and assess effects on historic properties within newly designated
 496 portions of the APE according to Stipulations IV.C and IV.D. Expedited review periods as
 497 described in this PA will apply if BWRR, in consultation with FRA, determines there is potential
 498 for project delays.

499 **V. AVOIDANCE AND MINIMIZATION**

500 **A. Development of an Avoidance and Minimization Plan (AMP) to Resolve Adverse Effects**

- 501 1. If FRA determines a historic property will be adversely affected by the Project, BWRR will make a
 502 reasonable and good faith effort to avoid adverse effects on historic properties located within
 503 the APE first through implementation of avoidance measures and then through implementation
 504 of minimization measures by developing an AMP. An AMP can reflect measures identified in
 505 Stipulation V.B and/or can be developed through the consultation process outlined in this
 506 Stipulation.
- 507 2. BWRR, after consulting with FRA, will consult with the relevant Signatories, Consulting Parties,
 508 and/or Native American tribes following the Document Review Process noted in Stipulation IV.B.
 509 to ensure that the proposed avoidance and minimization measures are sufficient to avoid or
 510 minimize adverse effects.
- 511 3. Any adverse effects that cannot be completely avoided will be resolved in accordance with
 512 Standard Mitigation Measures pursuant to Stipulations VI.B and C or a Property-Specific MOA
 513 pursuant to Stipulation VI.D. Appendix E presents a graphic demonstrating the resolution
 514 process options.

515 **B. Avoidance and Minimization Measures**

516 FRA, in consultation with the Signatories, Consulting Parties, and Native American tribes as
 517 appropriate, has determined the following avoidance and minimization measures, either alone
 518 or in combination, will be applied, when relevant, to try to avoid and minimize adverse effects
 519 pursuant to Stipulation V.A.1. Consulting Parties may vary during the implementation of each
 520 avoidance and minimization measure, as such, this stipulation also details which party (i.e.
 521 specific Signatories, Native American tribes, and/or Consulting Parties) would participate in the
 522 review and approval processes for each.

523 **1. Resource Protection Plan**

- 524 a. A Resource Protection Plan (RPP) is appropriate to avoid or minimize adverse effects on
 525 historic properties significant at the National, State or Local level (including NPS-owned or -
 526 administrated historic properties).

- 527 b. The RPP may focus on the historic property as a whole and/or its character defining
528 features. The RPP will include the construction procedures in the vicinity of the historic
529 property, measures that will be taken to avoid or minimize adverse effects to the historic
530 property resulting from construction, protocols for monitoring and assessment of the
531 efficacy of the protection measures, the protocol for consultation with SHPOs, Signatories,
532 Native American tribes, and Consulting Parties, instructions for contractor training, and
533 reporting.
- 534 c. For character-defining features of a historic property that will be affected by the Project, or
535 historic properties that are part of an NRHP-eligible or -listed multiple-property listing or
536 historic district, RPPs may propose preservation measures for those affected resources. The
537 RPP will describe the measures that will be taken to preserve the property(ies) according to
538 the relevant standards and guidelines as outlined in Stipulation III.
- 539 d. BWRR will submit the RPP in the earliest schematic stages as possible and in subsequent
540 phases to Signatories, Consulting Parties, and Native American tribes as appropriate, for
541 their review and comment pursuant to Stipulation IV.B.
- 542 e. All RPPs must receive concurrence from SHPO and any relevant federal agency with
543 jurisdiction over the historic property prior to the initiation of construction activities.

544 2. Design Review

- 545 a. Design review is appropriate to avoid or minimize adverse effects on historic properties
546 significant at the National, State or Local level (including NPS-owned or -administrated
547 historic properties). A design review requires the drafting of architectural and engineering
548 plans and specifications that will, to the greatest extent feasible, preserve the character-
549 defining features of a historic property with regard to the design, scale, massing, materials,
550 feeling, and setting of the original building and/or the NRHP-eligible or -listed Historic
551 District, following the Secretary of the Interior's Standards for the Treatment of Historic
552 Properties. Prior to Project implementation, including any demolition, ground disturbing, or
553 construction activities that would adversely affect the historic property for which this AMP
554 is proposed, BWRR will submit the design review proposal including plans, drawings, and
555 specifications, in the earliest schematic stages possible, and in subsequent phases, to
556 Signatories, Consulting Parties, and Native American tribes as appropriate for their review
557 and comment pursuant to Stipulation IV.B. Design review must receive concurrence from
558 SHPO and any relevant federal agency with jurisdiction over the historic property prior to
559 the initiation of construction activities.

560 3. Vegetative and/or Engineered Screening of System Components from Historic Properties

- 561 a. Vegetative and/or Engineered Screening is appropriate to avoid or minimize adverse effects
562 on historic properties (including NPS-owned or -administrated historic properties). BWRR
563 will develop design specifications to ensure that the above-ground project elements that
564 affect historic properties (e.g., station entrances, guideway piers and ramps, ventilation
565 structures, trainset maintenance facility, etc.) are designed in a manner consistent with the
566 physical character of the historic properties near them. The design specifications will: 1)
567 include a list of vegetative and engineered screening systems that may be used to protect
568 the character-defining features of the historic property, and/or 2) address how such
569 facilities can be designed. The development of these design specifications shall occur during
570 the preliminary engineering phase, once the location of all Project facilities is defined. The
571 plan shall be prepared pursuant to the *Secretary of the Interior's Standards for the*
572 *Treatment of Historic Properties* prior to its implementation. BWRR will submit the

573 Vegetative and/or Engineered Screening design specifications in the earliest schematic
574 stages as possible, and in subsequent phases, to Signatories, Consulting Parties, and Native
575 American tribes as appropriate, for their review and comment pursuant to Stipulation IV.B.
576 Vegetative and/or Engineered Screening design specifications must receive concurrence
577 from SHPO and any relevant federal agency with jurisdiction over the historic property prior
578 to the initiation of construction activities.

579 4. Aesthetic Camouflaging Treatments

580 a. Aesthetic camouflaging treatments are appropriate to avoid or minimize adverse effects on
581 historic properties significant at the National, State or Local level (including NPS-owned or -
582 administrated historic properties). BWRR will develop a list of aesthetic camouflaging
583 treatments. Aesthetic camouflaging treatments may include use of veneers,
584 paints/stains/colorings, textures and texture compounds and other surface treatments
585 and/or use of sympathetic infill panels and landscaping features per the review and
586 approval of a Historic Architect that meets the Secretary of the Interior Professional
587 Qualifications Standards. BWRR will submit the Aesthetic Camouflaging Treatments in the
588 earliest schematic stages as possible, and in subsequent phases, to Signatories, Consulting
589 Parties, and Native American tribes as appropriate for their review and comment pursuant
590 to Stipulation IV.B. Aesthetic Camouflaging Treatments must receive concurrence from
591 SHPO and any relevant federal agency with jurisdiction over the historic property prior to
592 the initiation of construction activities.

593 5. Baltimore Washington Parkway Preconstruction Landscape Plan

594 a. To minimize adverse effects to the Baltimore Washington Parkway, BWRR shall develop a
595 Baltimore Washington Parkway Preconstruction Landscape Plan to replace damaged
596 landscape elements, including regrading to match the preconstruction landscape. The
597 Baltimore Washington Parkway NRHP nomination and the Cultural Landscape Report
598 (Forthcoming) will guide the identification of contributing features and will be used as a
599 guideline for maintaining the pre-construction character of the historic parkway as much as
600 possible.

601 b. The development of the Baltimore Washington Parkway Preconstruction Landscape Plan
602 shall occur in the earliest engineering phase as possible once the location of all project
603 facilities is defined. The plan shall be prepared pursuant to the Secretary of the Interior's
604 Standards for the Treatment of Historic Properties prior to its implementation, and in
605 consultation with the NPS, FRA, and the SHPO. The Baltimore Washington Parkway
606 Preconstruction Landscape Plan must receive concurrence from SHPO and any relevant
607 federal agency with jurisdiction over the historic property prior to the initiation of
608 construction activities.

609 6. Historic Landscaping Plans

610 a. A Historic Landscaping Plan, which will include vegetation restoration, is appropriate to
611 minimize adverse effects on historic properties significant at the National, State or Local
612 level (including NPS-owned or -administrated historic properties). BWRR shall develop one
613 or more SCMAGLEV Historic Landscaping Plans for use in revegetating the Limits of
614 Disturbance where historic landscaping is impacted by SCMAGLEV Project element
615 construction. The Historic Landscaping Plan(s) shall occur in the earliest engineering phase
616 as possible, once the location of all Project facilities is defined. BWRR will submit the
617 Historic Landscaping Plan(s) to Signatories, Consulting Parties, and Native American tribes as
618 appropriate, for their review and comment pursuant to Stipulation IV.B. The Historic

619 Landscaping Plan(s) must receive concurrence from SHPO and any relevant federal agency
620 with jurisdiction over the historic property prior to the initiation of construction activities.

621 b. If applied to the Baltimore Washington Parkway, BWRR shall incorporate information
622 contained in the Baltimore Washington Parkway NRHP nomination (May 1991), especially
623 information pertaining to historic landscaping plans and elements and the Baltimore
624 Washington Parkway Cultural Landscape Report (CLR) (Forthcoming). BWRR shall also work
625 with the NPS's National Capital Area's Cultural Landscapes Program to obtain any additional
626 landscaping plans and studies generated by the NPS since the NRHP nomination and CLR
627 was completed and to incorporate information from these plans into the SCMAGLEV
628 Historic Landscaping Plan for the Baltimore Washington Parkway. The Historic Landscaping
629 Plan for the Baltimore Washington Parkway shall occur in the earliest engineering phase as
630 possible, once the location of all Project facilities is defined. The plan shall be prepared
631 pursuant to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*
632 prior to its implementation and in consultation with the NPS, FRA, and the SHPO. The
633 Historic Landscaping Plan for the Baltimore Washington Parkway must receive concurrence
634 from SHPO and NPS prior to the initiation of construction activities.

635 7. Preservation-in-Place of NRHP-Listed or -Eligible Archaeological Sites

636 a. Preservation-in-Place is appropriate to avoid or minimize adverse effects on historic
637 properties significant at the National, State or Local level (including NPS-owned or -
638 administrated historic properties). Given the non-renewable nature of archaeological sites,
639 if an archaeological site can be practically preserved in place for future study or other use,
640 BWRR will develop a plan to establish a preventative monitoring program(s), preservation
641 easement(s), or similar preservation mechanism(s). BWRR will establish the plan in
642 consultation with FRA, SHPO, any relevant federal agency, NPS archaeological staff if
643 relevant, Native American tribes as appropriate, and/or the private landowner. Consulting
644 Parties will be involved in consultation to the extent possible pursuant to Stipulation X. The
645 Preservation-in-Place plan must receive concurrence from SHPO and any relevant federal
646 agency with jurisdiction over the historic property prior to the initiation of construction
647 activities.

648 VI. RESOLUTION OF ADVERSE EFFECTS

649 A. General

650 1. If FRA determines the Project will adversely affect historic properties, FRA will resolve the
651 adverse effects in consultation with the Signatories, Consulting Parties, and Native American
652 tribes as appropriate.

653 2. If a National Historic Landmark may be adversely affected, FRA will follow the special
654 requirements specified in 36 CFR § 800.10 and Section 110(f) of the NHPA. The regulations
655 require the agency official, to the maximum extent possible, undertake such planning and
656 actions as may be necessary to minimize harm to any National Historic Landmark that may be
657 directly and adversely affected by an undertaking.

658 3. If adverse effects cannot be avoided through the implementation of an AMP, BWRR, after
659 consulting with FRA, will propose to either: a) develop a Treatment Plan utilizing Standard
660 Mitigation Measures pursuant to Stipulation VI.B and C or b) develop a property-specific MOA
661 pursuant to Stipulation VI.D using the MOA template (Appendix F). The decision on which

662 approach to pursue will be dependent upon the nature and severity of the adverse effect; the
663 determination of the historic property's significance at a National, State, or Local level; whether
664 the historic property is an NHL; and views of the Signatories, Consulting Parties, and Native
665 American tribes. Appendix E presents a graphic demonstrating the resolution process options.

666 B. Development of Treatment Plans to Resolve Adverse Effects Utilizing Standard Mitigation
667 Measures

668 1. BWRR will propose in writing to FRA a Treatment Plan to resolve adverse effects through the
669 implementation of one or more Standard Mitigation Measures outlined in Stipulation VI.C. An
670 AMP may be included in the Treatment Plan. FRA shall review the draft documentation within
671 thirty (30) calendar days. After receiving FRA approval of the proposed Treatment Plan(s), BWRR
672 will submit the proposal in writing to the Signatories, Consulting Parties, and Native American
673 tribes as appropriate. The Signatories, Consulting Parties, and Native American tribes will have
674 thirty (30) calendar days for review as provided for in Stipulation I.B.2.

675 2. The following written responses to BWRR will be accepted:

676 a. Signatories and Native American tribe(s) may respond by:

677 I. Accepting the proposal;

678 II. Providing comments on the proposal; and/or

679 III. Objecting to the use of the development of Treatment Plans for the specific historic
680 property(ies). In the objection, the Signatory or Native American tribe(s) must specify
681 why the proposed Treatment Plan(s) is(are) not appropriate for the historic
682 property(ies) and suggest mitigation measures that are not reflected in Stipulation VI.C.

683 b. Consulting Parties may provide comments on the proposal.

684 3. If BWRR receives an objection to the proposal, BWRR will notify the Signatories, Consulting
685 Parties, and Native American tribe(s) as appropriate, of the objection within seven (7) calendar
686 days. BWRR, after consulting with FRA, will work to expeditiously resolve the objection, or FRA
687 may elect to resolve the adverse effect(s) through the development of a property-specific MOA
688 as outlined in Stipulation VI.D.

689 4. Unless a Signatory or Native American tribe(s) objects within thirty (30) calendar days of receipt
690 of the proposal, BWRR, after consulting with FRA, will take into account any timely comments
691 submitted by a Signatory, Consulting Party or Native American tribe and revise the proposed
692 Treatment Plan(s) as appropriate. BWRR will summarize the comments and responses; provide
693 the Signatories, Consulting Parties, and Native American tribes written notification of FRAs
694 decision to proceed with the proposed treatment(s); and proceed with the implementation of
695 the Standard Mitigation Measure(s).

696 5. BWRR will provide written notice to the Signatories, Consulting Parties, and Native American
697 tribes within sixty (60) calendar days of the completion of the required Standard Mitigation
698 Measure(s).

699 C. Standard Mitigation Measures

700 1. General

701 a. FRA, in consultation with the Signatories, Consulting Parties, and Native American tribes as
702 appropriate, has determined the following Standard Mitigation Measures (General and NPS-

703 Specific), either alone or in combination, will be applied to resolve adverse effects when a
704 Treatment Plan is developed per Stipulation VI.B.

705 b. Relevant Consulting Parties may vary during the implementation off each Standard
706 Mitigation Measure, as such, each Standard Mitigation Measure details which party (i.e.
707 specific Signatories, Native American tribes, and/or Consulting Parties) would participate in
708 the review and approval processes for each. All reviews will follow the Document Review
709 Process pursuant to Stipulation IV.B unless otherwise specified. With SHPO concurrence,
710 some Standard Mitigation Measures such as NRHP Nominations, Public Interpretation or
711 documentation, Oral History Documentation, and/or Aesthetic Treatments may be
712 completed after the commencement of ground-disturbing activities.

713 c. The use of these Standard Mitigation Measures will not require the execution of a property-
714 specific MOA.

715 d. Any Standard Mitigation Measures promoting the preservation of historic properties may be
716 proposed and implemented as off-site or compensatory mitigation applied in lieu of direct
717 application to the historic property(ies) being affected, if they serve a public benefit.

718 e. Once approved by SHPO and the Federal agency with jurisdiction over the historic property,
719 BWRR will provide digital copies and/or notifications of final deliverables, as appropriate, to
720 FRA and upon request and at no charge to other Signatories, Consulting Parties, and/or
721 Native American tribes.

722 2. General Standard Mitigation Measures

723 a. Recordation

724 Per Section 110(b) of the NHPA (54 U.S.C. 306103), prior to any substantial alteration or
725 demolition of a non-archeological historic property, Historic American Building Survey
726 (HABS), Historic American Engineering Record (HAER), and/or Historic American Landscapes
727 Survey (HALS) documentation will be utilized to resolve adverse effects on individual historic
728 properties that are significant at the National, State and/or Local level (not including NPS-
729 owned or -administrated historic properties). The type and level of documentation will be
730 proposed by BWRR, after consulting with FRA, and determined in consultation with NPS,
731 SHPO, and any Federal agency with jurisdiction over the historic property. The
732 documentation shall be prepared to HABS/HAER/HALS standards (Level I, II, or III) as defined
733 in the SOI Standards and Guidelines for Archeology and Historic Preservation for
734 Architectural and Engineering Documentation, further described in the NPS guidelines.
735 Upon completion, HABS/HAER/HALS documentation should first be submitted to NPS for
736 review and approval with a copy provided to SHPO. Once approved, BWRR will submit the
737 documentation to NPS, which shall submit the documentation to the Library of Congress as
738 well as to State or Local historical societies, archives, and/or libraries for permanent
739 retention.

740 b. NRHP Nominations & Updates, Context Studies, and Multiple Property Documentation

741 A new or updated/amended NRHP nomination is appropriate to resolve adverse effects on
742 historic properties significant at the National, State or Local level (including NPS-owned or -
743 administrated historic properties). BWRR, after consulting with FRA, will submit a completed
744 draft NRHP nomination to SHPO and address any comments. If the historic property is on
745 NPS land or other Federal property, BWRR will submit the nomination to NPS or the relevant
746 Federal Agency for review before submission to SHPO. If the property owner does not
747 object to NRHP listing, BWRR, after consulting with FRA, will formally submit the draft
748 nomination to SHPO for consideration by the Historic Preservation Review Board (HPRB) in
749 District of Columbia or the Governor’s Consulting Committee on the National Register in

750 Maryland. BWRR, after consulting with FRA, will address any board or committee
751 comments and submit a revised nomination to the SHPO to forward to the National Register
752 for review and acceptance. If the property owner objects to NRHP listing, FRA will
753 determine the property eligible for NRHP and seek concurrence from the SHPO and the
754 Keeper of the NRHP. The Determination of Eligibility (DOE) will be filed with the SHPO for
755 future researchers to access.

756 c. Public Interpretation

757 A public interpretation plan is appropriate to resolve adverse effects on historic properties
758 significant at the National, State or Local level (including NPS-owned or -administrated
759 historic properties). BWRR, after consulting with FRA, will work with the Signatories,
760 Consulting Parties, and Native American tribes as appropriate to design an educational
761 interpretive plan including actions to implement the plan. The plan may include historic
762 markers, displays, educational pamphlets (brochure or booklet), posters, websites, online
763 artifact catalogs, GIS story maps, workshops, documentary or television programming
764 discussing the Parkway, podcasts, public lectures, or other similar mechanisms to educate
765 the public on historic properties within the local community, state, or region. The public
766 interpretation plan must receive concurrence from SHPO and any relevant federal agency
767 with jurisdiction over the historic property prior to implementation.

768 d. Oral History Documentation

769 Oral history documentation is appropriate to resolve adverse effects on historic properties
770 significant at the National, State or Local level (including NPS-owned or -administrated
771 historic properties). BWRR, after consulting with FRA, will work with the Signatories,
772 Consulting Parties, and Native American tribes as appropriate to develop and implement a
773 plan that specifies the oral history documentation purpose and need; topic(s); list of
774 interview candidates; scope and parameters of the oral history documentation effort; and
775 repositories for the documentation. The Oral History Documentation Plan will specify that
776 interviews will be conducted by individuals with specialized training and/or experience in
777 the recording of oral histories and be conducted according to the standards set forth by the
778 Oral History Association, in the NPS Standards for Oral History Handbook (McDonald 2004),
779 *You Should Have Been Here Yesterday: A Guide to Cultural Documentation in Maryland*,
780 edited by Elaine Eff (1995), and/or a similar guide. The Oral History Documentation plan
781 must receive concurrence from SHPO and any relevant federal agency with jurisdiction over
782 the historic property prior to implementation.

783 e. Archaeology Data Recovery

784 An Archaeology Data Recovery is appropriate to resolve adverse effects on historic
785 properties significant at the National, State or Local level (including NPS-owned or -
786 administrated historic properties) where archeological resources cannot be avoided. An
787 Archaeology Data Recovery plan will recover data that will be destroyed by the Project's
788 ground-disturbing and/or construction activities and must include a public interpretation
789 plan component. BWRR will establish the plan in consultation with FRA, SHPO, any relevant
790 federal agency, NPS archaeological staff if relevant, Native American tribes as appropriate,
791 and/or the private landowner. Consulting Parties will be involved in consultation to the
792 extent possible pursuant to Stipulation X. The Archaeology Data Recovery plan must receive
793 concurrence from SHPO and any relevant federal agency with jurisdiction over the historic
794 property prior to the initiation of construction activities.

795 3. NPS-specific Standard Mitigation Measures

796 a. Recordation of NPS-Owned or Administered Historic Properties

797 Per Section 110(b) of the NHPA, prior to any substantial alteration or demolition of a non-
798 archeological historic property, HABS, HAER, and/or HALS documentation will be utilized at
799 a minimum to resolve adverse effects on individual NPS-owned or -administrated historic
800 properties that are significant at the National, State, and/or Local level. The type and level of
801 documentation will be determined by NPS in consultation with FRA, BWRR, and SHPO. The
802 documentation shall be prepared to the HABS/HAER/HALS Level standards as required by
803 NPS (Level I, II, or III) and as defined in the Secretary of the Interior Standards and
804 Guidelines for Archeology and Historic Preservation for Architectural and Engineering
805 Documentation, and further described in the NPS guidelines. Upon completion,
806 HABS/HAER/HALS documentation should first be submitted to NPS for review and approval,
807 including by the NPS Park and Regional offices, with a copy provided to SHPO. Once
808 approved, BWRR will submit the documentation to NPS, which will submit the
809 documentation to the Library of Congress as well as to State or Local historical societies,
810 archives, and/or libraries for permanent retention.
811

812 D. Property-Specific Memoranda of Agreement to Resolve Adverse Effects

- 813 1. If a Signatory or Native American tribe objects to the proposed Treatment Plan(s) or FRA elects
814 to develop a property-specific MOA, BWRR, after consulting with FRA, will initiate development
815 of the MOA within thirty (30) days of FRA's decision.
- 816 2. In consultation with the SHPO and FRA, BWRR will identify and invite any additional Consulting
817 Parties not already listed in Appendix D to participate in the development of a property-specific
818 MOA pursuant to 36 C.F.R. § 800.6(a)(2).
- 819 3. BWRR, after consulting with FRA, will notify the ACHP pursuant to 36 CFR § 800.6(a)(1) and
820 request the ACHP to determine if they will participate in the consultation to develop a property-
821 specific MOA.
- 822 4. The MOA will be developed pursuant to 36 CFR § 800.6 utilizing the template MOA provided in
823 Appendix F and may address multiple properties or multiple property types.
- 824 5. Public notification and the consulting parties' review and comment period for a property-
825 specific MOA shall be implemented as follows:
 - 826 a. FRA will provide a draft of the MOA to all Consulting Parties for distribution to their
827 networks pursuant to 36 C.F.R. § 800.6(a)(3) and (4), as well as for their review and
828 comment, for a period of thirty (30) calendar days.
 - 829 b. The draft MOA will be posted for general public review and comment on the Project website
830 maintained by BWRR pursuant to 36 C.F.R. § 800.6(a)(4) for a period of thirty (30) calendar
831 days.
- 832 6. A copy of the final executed MOA will be filed with the ACHP, if the ACHP is not participating in
833 the consultation for that specific MOA, and distributed to the Signatories and Consulting Parties
834 participating in the development of the MOA pursuant to its terms.
- 835 7. The review timeframes noted above may be reduced in the event of an unanticipated discovery
836 as outlined in the Unanticipated and Post Review Discovery Plan as noted in Stipulation IX.

837 VII. ARCHAEOLOGICAL CONSTRUCTION MONITORING

- 838 A. In certain circumstances, such as within highly urbanized areas, standard techniques for the
839 identification and evaluation of below-ground (archaeological) historic properties cannot be
840 feasibly used. BWRR will conduct archaeological construction monitoring at all construction
841 locations within the Archaeological APE that have moderate to high potential to contain
842 significant below-ground resources as identified in consultation with DCSHPO and MDSHPO
843 where identification and evaluation efforts could not be completed using standard
844 archaeological techniques due to access impairments (e.g., underneath active roadways,
845 underneath existing buildings).
- 846 1. For archaeological monitoring in the District of Columbia, BWRR will prepare an archaeological
847 monitoring plan, which must be submitted to DCSHPO for review and approval by the District
848 Archaeologist prior to the initiation of ground disturbing activities and will outline the process
849 by which any encountered below-ground resources will be documented and evaluated.
- 850 2. For archaeological monitoring in Maryland, BWRR will prepare an archaeological monitoring
851 plan, which must be submitted to MDSHPO for review and approval prior to the initiation of
852 ground disturbing activities and will outline the process by which any encountered below-
853 ground resources will be documented and evaluated. An ARPA permit would be required for
854 archaeological work on federally owned or administered lands and a Permit Under Maryland
855 Archeological Historic Properties Act Terrestrial Archeology would be required for
856 archaeological work on lands owned or administered by the State of Maryland.
- 857 3. For archaeological monitoring on federally owned or administered lands, the relevant land-
858 controlling agency will review the archaeological monitoring plan as part of the ARPA permit
859 application process.
- 860 4. Should a below-ground resource documented during archaeological monitoring be determined
861 an historic property, BWRR shall follow the process outlined in Stipulation IV.D.
- 862 5. Archaeological monitoring will be conducted by or under the direct supervision of archaeologists
863 who meet the SOI Professional Qualifications Standards as outlined in Stipulation III.A.
- 864 6. Reporting will follow the Documentation Standards stipulated in Stipulation III.B and follow the
865 Document Review Process outlined in Stipulation IV.B.

866 **VIII. CURATION**

- 867 A. Collections from Private Lands
- 868 1. BWRR will collect cultural materials from archaeological investigations and return them to the
869 landowner at their request. Materials not returned to the landowner will be prepared for
870 curation according to the following: 1) for collections in Maryland: Technical Update No. 1 of the
871 Standards and Guidelines for Archaeological Investigations in Maryland: Collections and
872 Conservation Standards (MDSHPO 2018) for curation at the Maryland Archaeological
873 Conservation Laboratory (MACL) at the Jefferson Patterson Park and Museum in St. Leonard,
874 Maryland and, 2) for collections in DC: the applicable DCSHPO standards outlined in the
875 Guidelines for Archaeological Investigations in the District of Columbia (1998, revised 2007 and
876 2018). As DC does not currently have a curatorial facility, BWRR will ensure that collections from
877 DC will be temporarily curated at a facility that meets the standards of 36 CFR Part 79 until such
878 time that a curatorial facility opens in DC that can take the collections. BWRR will include

879 information regarding the return of materials to private landowners or the specified MD/DC
880 certified curatorial facility in accordance with the annual reporting requirement in Stipulation XI.

881 B. Collections from Public Lands

882 1. BWRR will facilitate curation of cultural materials collected from State and/or Federal lands in
883 accordance with Technical Update No. 1 of the Standards and Guidelines for Archaeological
884 Investigations in Maryland: Collections and Conservation Standards (MDSHPO 2018) and/or
885 applicable DCSHPO standards.

886 2. Curation of materials from Federal lands will be done in accordance with 36 CFR Part 79 and the
887 provisions of NAGPRA, as applicable, if any archaeological materials are determined to be of
888 Native American origin.

889 3. In addition to 36 CFR Part 79, cultural materials collected from NPS property or Federal lands
890 managed by NPS are property of NPS and shall be prepared for curation in accordance with NPS
891 Director's Order #24 and the accompanying NPS Museum Handbook for curation to be
892 deposited at the Museum Resource Center in Landover, Maryland. Fieldnotes and photographs
893 associated with archaeological investigations on NPS property shall be submitted with recovered
894 artifacts and the final report.

895 4. Collections recovered from USFWS property are property of USFWS and shall be prepared for
896 curation according to the curation standards outlined in Stipulation VIII.B.1. and be deposited at
897 the MACL. Fieldnotes and photographs associated with archaeological investigations on USFWS
898 property shall be submitted with recovered artifacts and the final report.

899 5. Collections recovered from other Federal property in Maryland shall be curated at the MACL if
900 the relevant Federal land controlling agency has a long-term curatorial agreement with MACL. If
901 the Federal land controlling agency does not have a long-term curatorial agreement with MACL,
902 BWRR will aid in the negotiation and funding of such an agreement.

903 6. BWRR will include information regarding the curation of materials from public lands in
904 accordance with the annual reporting requirement in Stipulation XI.

905 **IX. UNANTICIPATED AND POST-REVIEW DISCOVERIES**

906 A. In accordance with 36 CFR § 800.13(a), BWRR will develop an Unanticipated and Post Review
907 Discovery Plan (UDP) prior to the initiation of ground disturbing activities. The UDP will outline
908 the protocol for notification, evaluation, consultation, and treatment of an unanticipated
909 discovery or unanticipated effect to a historic property(ies); the protocol for the treatment of
910 human remains or burial-related materials, including appropriate application of NAGPRA; the
911 protocol for consultation with SHPOs, Signatories, Native American tribes, and Consulting
912 Parties; instructions for contractor training; and reporting. Review and approval of the UDP will
913 follow the Document Review Process outlined in Stipulation IV.B.

914 B. Prior to conducting any ground disturbing activities, BWRR will provide construction crew and
915 field personnel with copies of the UDP and require attendance at on-site basic training in order
916 to offer an understanding of, and sensitivity to, the possibility of discovering cultural resources
917 and/or human remains or affecting historic properties. The UDP will provide for field personnel
918 to be partners in the process by setting out stop-work authority for a 100-foot buffer zone

919 around the newly discovered or affected historic property and establishing a reporting structure
920 to secure the review of the discovery by a cultural resource professional who meets the SOI
921 Professional Qualifications Standards set forth in Stipulation III.A in the applicable discipline.

922 C. Revisions to the UDP may be proposed in writing by any Signatory by submitting a draft of the
923 proposed revision(s) to all Signatories. FRA will notify all Signatories, Consulting Parties, and
924 Native American tribes as appropriate of the proposal to revise the USP. The Signatories will
925 consult for no more than thirty (30) calendar days (or another time period agreed upon by all
926 Signatories) to consider the proposed revision(s) to the UDP. If the Signatories unanimously
927 agree in writing to revise the UDP, BWRR, after consulting with FRA, will provide a copy of the
928 revised UDP to the other Signatories and Consulting Parties. The revised UDP will go into effect
929 on the date BWRR transmits the revised UDP to the Signatories and Consulting Parties.
930 Revisions to the UDP will not require an amendment to the PA.

931 **X. CONFIDENTIALITY**

932 A. If disclosure of location information could result in the disturbance of an historic property, all
933 Signatories to this PA will ensure shared data, including data concerning the precise location and
934 nature of historic properties, archaeological sites, and properties of religious and cultural
935 significance to Native American tribes, are protected from public disclosure to the greatest
936 extent permitted by law, in accordance with 36 CFR § 800.11(c), Section 304 of the NHPA,
937 Section 9 of ARPA, and Executive Order 13007 *Indian Sacred Sites* 61 FR 26771 (May 24, 2996).

938 B. Consulting Parties are not entitled to receive information protected from public disclosure
939 except for those Federal agencies that specify they want to receive information relevant to their
940 jurisdictional lands or Native American tribes, as appropriate.

941 **XI. ANNUAL REPORTING**

942 Following the execution of the PA, until it expires or is terminated, BWRR will prepare an Annual
943 Report detailing work undertaken pursuant to its terms for the previous calendar year by the
944 anniversary of the execution of the PA. BWRR will provide the Annual Report to all Signatories,
945 participating Native American tribes, and Consulting Parties. Such report will include, but is not
946 limited to: maps illustrating the progress of the Project as sections are cleared for construction
947 or constructed; a summary of activities completed to comply with the terms of the PA; any
948 problems encountered; any objections or disputes received in carrying out the terms of this PA;
949 curation updates; and an updated table identifying adverse effects on historic properties,
950 agreed upon avoidance, minimization and mitigation measures to resolve adverse effects, and
951 status of the implementation. The Signatories may agree in writing to modify the frequency of
952 BWRR's reporting without amending the PA. If needed, a Signatory, Tribe, or Consulting Party
953 can request a meeting or conference call to discuss the report.

954 **XII. AMENDMENTS**

955 A. If FRA determines that an amendment is required or any Signatory to this PA requests that it be
956 amended, FRA will notify all the Signatories, Consulting Parties, and Native American tribes as
957 appropriate. The Signatories will consult for no more than thirty (30) calendar days or seven (7)
958 calendar days in the event of construction delays to consider such amendment. The
959 amendment will be effective on the date it is signed by all the Signatories.

960 B. If another Federal agency adopts this PA pursuant to Stipulation I.A.2, an amendment will not
961 be necessary if the federal agency’s participation does not require any modifications to the
962 project and the Section 106 consultation process set forth in the PA. FRA will document these
963 conditions and the involvement of the federal agency in a written notification to the Signatories
964 which will codify the addition of the federal agency as a Signatory in lieu of an amendment.

965 C. Revisions to any Appendix may be proposed in writing by any Signatory by submitting a draft of
966 the proposed revision(s) to all Signatories. FRA will notify all Signatories, Consulting Parties, and
967 Native American tribes as appropriate, of the proposal to revise the Appendix. The Signatories
968 will consult for no more than thirty (30) calendar days (or another time period agreed upon by
969 all Signatories) to consider the proposed revision(s) to the Appendix. If the Signatories
970 unanimously agree in writing to revise the Appendix, BWRR, after consulting with FRA, will
971 provide a copy of the revised Appendix to the other Signatories and Consulting Parties. The
972 revised Appendix will go into effect on the date BWRR transmits the revised Appendix to the
973 Signatories and Consulting Parties. Revisions to any Appendix to this PA will not require an
974 amendment to the PA.

975 **XIII. DISPUTE RESOLUTION**

976 A. Any Signatory to this PA or Native American tribe may object to any proposed action(s) or the
977 manner in which the terms of this PA are implemented by submitting its objection to FRA in
978 writing, after which FRA will consult with all Signatories to resolve the objection. If FRA
979 determines such objection cannot be resolved, FRA will, within fifteen (15) days:

980 1. Forward all documentation relevant to the dispute, including FRA’s proposed resolution, to the
981 ACHP (with a copy to the Signatories). ACHP will provide FRA with its comments on the
982 resolution of the dispute within thirty (30) calendar days of receiving documentation.

983 2. If the ACHP does not provide comment regarding the dispute within thirty (30) calendar days,
984 FRA will make a final decision on the dispute and proceed accordingly.

985 3. FRA will document this decision in a written response that takes into account any timely
986 comments received regarding the dispute from ACHP and the Signatories and provide them with
987 a copy of the response.

988 4. FRA will then proceed according to its final decision.

989 5. The Signatories remain responsible for carrying out all other actions subject to the terms of this
990 PA that are not the subject of the dispute.

991 B. A Consulting Party to this PA or a member of the public may object to the manner in which the
992 terms of this PA are being implemented by submitting its objection to FRA in writing. FRA will
993 notify the other Signatories of the objection in writing and take the objection into consideration.
994 FRA will consult with the objecting party, and if FRA determines it is appropriate, the other
995 Signatories for not more than thirty (30) calendar days. Within fifteen (15) calendar days after
996 closure of this consultation period, FRA will provide the Signatories, Consulting Parties, and the
997 objecting party with its final decision in writing.

998 **XIV. TERMINATION**

999 If any Signatory to this PA determines its terms will not or cannot be carried out, that party will
1000 immediately consult with the other Signatories to develop an Amendment per Stipulation XII. If
1001 within thirty (30) calendar days (or another time period agreed upon by all Signatories) an
1002 amendment cannot be reached, any Signatory may terminate this PA upon written notification
1003 to the other Signatories. In the event of termination of this PA, prior to work continuing on the
1004 Project, FRA will either execute a new PA pursuant to 36 CFR § 800.14(b) or request, take into
1005 account, and respond to comments of the ACHP under 36 CFR § 800.7. FRA will notify the
1006 Signatories as to the course of action it will pursue.

1007 **XV. EFFECTIVE DATE**

1008 A. This PA will become effective immediately upon execution by FRA, SHPOs, and ACHP. Pursuant
1009 to 36 CFR § 800.6(c)(2), the effective date of this document is not contingent upon the signature
1010 of Invited Signatories or Consulting Parties.

1011 B. This PA may be signed in counterparts, each of which constitutes an original and all of which
1012 constitute one and the same Agreement.

1013 C. Within one (1) week of the last signature on this PA, FRA shall provide each Signatory and
1014 Consulting Party with one high quality, legible, full color, electronic copy of this fully executed
1015 PA and all of its Appendices fully integrated into one, single document. If the electronic copy is
1016 too large to send by e-mail, BWRR shall provide each Signatory and Consulting Party with a copy
1017 of this PA as described above via other suitable, electronic means.

1018 **XVI. DURATION**

1019 Unless amended or terminated as outlined in Stipulation XII and Stipulation XIV, this PA shall
1020 remain in effect for a period of fifteen (15) years from the date the PA goes into effect. The
1021 Signatories to this PA will consult six (6) months prior to expiration to determine if there is a
1022 need to extend this PA and amend the PA if the Signatories agree to extend the PA's duration.
1023 Upon completion of the stipulations set forth above, BWRR will provide a letter (with attached
1024 documentation) of completion to FRA and SHPOs, with a copy to the Signatories. If FRA and
1025 SHPOs concur the stipulations are complete within thirty (30) calendar days, FRA will notify
1026 BWRR, the Signatories and Consulting Parties in writing and this PA will expire, at which time the
1027 Signatories will have no further obligations hereunder.

1028 **XVII. ELECTRONIC COPIES**

1029 Within one (1) week of the last signature on this PA, FRA shall provide each Signatory and
1030 Concurring Party with one high-quality, legible, full color, electronic copy of this fully executed
1031 PA and all of its attachments fully integrated into one, single document. Internet links shall not
1032 be used to provide copies of attachments since links to web-based information often change. If
1033 the electronic copy is too large to send by e-mail, FRA shall provide each Signatory and
1034 Concurring Party with a copy of this PA as described above via other suitable, electronic means.

1035 **XVIII. EXECUTION AND IMPLEMENTATION**

1036 Execution and implementation of this PA evidences that FRA has taken into account the effects
1037 of this undertaking on historic properties, has afforded the ACHP a reasonable opportunity to

1038 comment, and FRA has satisfied its responsibilities under Section 106 of the NHPA and its
1039 implementing regulations.
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PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC

Signatory

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

John M. Fowler, Executive Director

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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,

MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Signatory

FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____

Marlys Osterhues, Chief, Environment and Project Engineering Division

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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,

MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Signatory

MARYLAND STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

Elizabeth Hughes, State Historic Preservation Officer

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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,

MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,

AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Signatory

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

David Maloney, State Historic Preservation Officer

1124 PROJECT PROGRAMMATIC AGREEMENT
1125 AMONG THE
1126 FEDERAL RAILROAD ADMINISTRATION,
1127 MARYLAND STATE HISTORIC PRESERVATION OFFICER,
1128 DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
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1130 AND
1131 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
1132 REGARDING THE
1133 SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
1134 BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC
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1137 **Invited Signatory**

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1139 BALTIMORE WASHINGTON RAPID RAIL
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1142 By: _____ Date: _____

1143 TITLE
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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Invited Signatory

NATIONAL PARK SERVICE

By: _____ Date: _____

Matthew D. Carroll

Superintendent, Baltimore-Washington Parkway and Greenbelt Park, Region 1 - National Capital Area

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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Invited Signatory

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date: _____

TITLE

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**PROJECT PROGRAMMATIC AGREEMENT
AMONG THE
FEDERAL RAILROAD ADMINISTRATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC**

Invited Signatory

NATIONAL CAPITAL PLANNING COMMISSION

By: _____ Date: _____

TITLE

1207 PROJECT PROGRAMMATIC AGREEMENT
1208 AMONG THE
1209 FEDERAL RAILROAD ADMINISTRATION,
1210 MARYLAND STATE HISTORIC PRESERVATION OFFICER,
1211 DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
1212
1213 AND
1214 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
1215 REGARDING THE
1216 SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT
1217 BETWEEN BALTIMORE, MARYLAND AND WASHINGTON, DC

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1219
1220 **Concurring Parties**

1221
1222 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1223
1224 By: _____ Date: _____

1225 TITLE

1226
1227 UNITED STATES ARMY

1228
1229 By: _____ Date: _____

1230 TITLE

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1232 UNITED STATES SECRET SERVICE

1233
1234 By: _____ Date: _____

1235 TITLE

1236
1237 NATIONAL SECURITY ADMINISTRATION

1238
1239 By: _____ Date: _____

1240 TITLE

1241
1242 DELAWARE NATION, OKLAHOMA

1243
1244 By: _____ Date: _____

1245 TITLE

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1247 DELAWARE TRIBE OF INDIANS

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1249 By: _____ Date: _____

1250 TITLE

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1252 SENECA-CAYUGA NATION

1253

1254 By: _____ Date: _____

1255 TITLE

1256

1257 PAMUNKEY INDIAN TRIBE

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1259 By: _____ Date: _____

1260 TITLE

APPENDIX A

PART 1 - SHPO CORRESPONDENCE

PART 2 - NATIVE AMERICAN TRIBE CORRESPONDENCE

APPENDIX A

PART 1 – ACHP/SHPO CORRESPONDENCE

Summary of SCMAGLEV ACHP/SHPO Correspondence		
Date	Type of Communication	Description
5-15-2017	Letter	FRA to DC SHPO: Initiation of Section 106 Consultation
5-15-2017	Letter	FRA to MD SHPO: Initiation of Section 106 Consultation
6-27-2017	Letter	DC SHPO to FRA: Response to Initiation of Section 106 Consultation
8-15-2017	Letter	MD SHPO to FRA: Response to Initiation of Section 106 Consultation
1-17-2018	Letter	FRA to ACHP: Invitation to be a Section 106 Consulting Party
2-6-2018	Letter	ACHP to FRA: Acceptance of Invitation to be a Section 106 Consulting Party
7-20-2018	Letter	FRA to DC SHPO: Continuation of Section 106 Consultation
7-20-2018	Letter	FRA to MD SHPO: Continuation of Section 106 Consultation
9-28-2018	Letter	DC SHPO to FRA: Additional Comments Regarding Section 106 Consultation
10-4-2018	Letter	MD SHPO to FRA: Ongoing Section 106 Review / Preliminary Alternatives Screening Report
10-31-2018	Letter	FRA to DC SHPO: Response to DC SHPO Additional Comments
10-31-2018	Letter	FRA to MD SHPO: Response to MDSHPO Comments
11-30-2018	Letter	DC SHPO to FRA: Ongoing Section 106 Consultation
12-21-2018	Letter	FRA to DC SHPO: Response to DC SHPO's 11-30-2018 Letter
12-21-2018	Letter	FRA to DC SHPO: APE Updates
12-21-2018	Letter	FRA to MD SHPO: APE Updates
1-29-2019	Letter	DC SHPO to FRA: Response to FRA's 11-30-18 and 12-21-18 letters
4-15-2019	Letter	FRA to DC SHPO: Transmittal of DC DOE Forms
4-15-2019	Letter	FRA to MD SHPO: Transmittal of MD DOE Forms
5-8-2019	Email	FRA to ACHP: Transmittal of e106 Submission (Proposal to Develop a Programmatic Agreement)
5-8-2019	Email	ACHP to FRA: Response to e106 Submission
5-10-2019	Email	DC SHPO to FRA: Comments on DC DOE Forms
6-14-2019	Email	FRA to MTA: Transmittal of Final MD DOE Forms
6-19-2019	Email	FRA to DC SHPO: Transmittal of Revised DC DOE Forms
7-19-2019	Email	DC SHPO to FRA: Concurrence with DC DOE Forms
7-19-2019	Letter	FRA to MD SHPO: Transmittal of Phase Ia Documentary Study and Archaeological Assessment
7-19-2019	Letter	FRA to DC SHPO: Transmittal of Phase Ia Documentary Study and Archaeological Assessment
8-19-2019	Email	FRA to MD SHPO: Transmittal of Additional MD DOE Forms
8-20-2019	Letter	MD SHPO to FRA: Concurrence with MD DOE Forms (First Set), Comments on Phase Ia Documentary Study and Archaeological Assessment, and Comments on Draft PA
9-5-2019	Letter	MD SHPO to FRA: Concurrence with Additional MD DOE Forms
6-4-2020	Email	FRA to DC SHPO: Ongoing Section 106 Consultation
7-7-2020	Email	DC SHPO to FRA: Response to FRA's 6-4-2020 Email
7-28-2020	Email	FRA to DC SHPO: Response to DC SHPO's 7-7-2020 Email
8-6-2020	Email	DC SHPO to FRA: Response to FRA's 7-28-2020 Email

Summary of SCMAGLEV ACHP/SHPO Correspondence		
9-14-2020	Email	FRA to DC SHPO: Ongoing Section 106 Consultation
9-29-2020	Letter	FRA to DC SHPO: APE Updates
10-13-2020	Email	DC SHPO to FRA: Response to FRA's 9-14-2020 Email
10-15-2020	Letter	FRA to MD SHPO: APE Updates
10-23-2020	Email	DC SHPO to FRA: Request for Additional Information Regarding APE
11-18-2020	Email	MD SHPO to FRA: Concurrence with APE Updates
12-11-2020	Letter	FRA to DC SHPO: Transmittal of DC DOE Forms and Phase IA
12-11-2020	Letter	FRA to MD SHPO: Transmittal of MD DOE Forms and Phase IA



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 15, 2017

Mr. David Maloney
State Historic Preservation Officer
D.C. Office of Planning
1100 4th Street, SW, Suite 650 East
Washington, D.C. 20024

**Re: Baltimore-Washington SCMAGLEV
Initiation of Section 106 Consultation**

Dear Mr. Maloney:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project. FRA and MDOT are preparing the EIS in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.) (NEPA), the Council on Environmental Quality NEPA regulations (40 CFR parts 1500–1508), and FRA’s NEPA Procedures (64 FR 28545 dated May 26, 1999 and 78 FR 2713 dated January 14, 2013). FRA published a Notice of Intent (NOI) to prepare the EIS in the Federal Register on November 25, 2016. FRA and MDOT are coordinating the EIS process with consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800 (Section 106). The purpose of this letter is for FRA to formally initiate Section 106 consultation with the District of Columbia State Historic Preservation Office (DC SHPO) for the SCMAGLEV Project. By way of a separate letter, FRA is also initiating Section 106 consultation with the Maryland Historical Trust.

Project Background

Over the past 25 years, FRA and others have been studying the feasibility of implementing maglev service along the Baltimore-Washington corridor. In 1998, Congress authorized the Transportation Equity Act for the 21st Century (TEA-21), which established the Maglev Deployment Program (MDP) with the purpose of demonstrating the feasibility of maglev technology. In 2001, FRA published a Programmatic EIS for the MDP. Later, with funds appropriated from TEA-21, FRA and the Maryland Transit Administration prepared a site-specific Draft EIS on a proposal to build a maglev project linking downtown Baltimore to BWI Marshall Airport and Union Station in Washington, DC. In 2007, FRA prepared a Final Environmental Impact Statement (FEIS); however, the FEIS was not finalized.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete environmental and preliminary engineering studies for the SCMAGLEV Project. The current effort proposes to utilize

SCMAGLEV technology¹, and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. (see Attachment, Study Area map). Baltimore Washington Rapid Rail, LLC, a private company and the project sponsor under 23 U.S.C. 139, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall). Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction.

Identification of Potential Consulting Parties

As stipulated in 36 CFR Part 800.2 (c)(3), FRA has identified the following agencies and organizations that may be interested in participating as consulting parties in the Section 106 process:

- Advisory Council on Historic Preservation
- Anne Arundel County Historical Society
- Anne Arundel County Planning and Zoning, Cultural Resources Division
- Baltimore City Commission For Historical & Architectural Preservation (CHAP)
- Baltimore City Historical Society
- Cedarville Band of Piscataway Indian, Inc.
- Choptico Band of Piscataway
- City of Bowie Planning and Economic Development
- City of Bowie Museums
- College Park Department of Planning, Community & Economic Development
- DC Preservation League
- Historical Society of Baltimore County
- Howard County Historical Society
- Laurel Historical Society
- Maryland Historical Society
- Maryland Historical Trust
- MDOT
- Montgomery County Historical Society
- Montgomery County Planning and Zoning
- MTA
- National Park Service
- The National Railway Historical Society, Washington, D.C. Chapter, Inc.
- Choptico Band of Piscataway
- Piscataway Conoy Confederacy and Subtribes, Inc.
- Piscataway Indian Nation
- Preservation Maryland
- Preservation Howard County
- Prince George's County Historical Society
- Prince George's County Planning and Zoning

¹ For more information on the difference between SCMAGLEV technology, which FRA and MDOT are studying as part of this project, and other maglev technologies, like that FRA and MTA studied in the 2003 Draft EIS, please visit: <http://northeastmaglev.com/frequently-asked-questions-about-scmaglev>.

For more information on the SCMAGLEV, please visit the project website: <http://www.baltimorewashingtonscmaglevproject.com/>

- Savage Historical Society
- The National Railway Historical Society, Washington, D.C. Chapter, Inc.

FRA requests DC SHPO's feedback on this proposed list of consulting parties. If there are parties you recommend be added or removed from this proposed list, please let FRA know so that the list can be finalized and consulting party invitation letters sent accordingly. FRA and MDOT anticipate that the first consulting parties meeting will be held in the summer of 2017.

Study Area

As previously indicated, FRA and MDOT are coordinating the NEPA and Section 106 processes for the SCMAGLEV Project. The scale of the project's components will vary, depending on which alignment is ultimately selected for project implementation. The Study Area (Attachment 1) includes a 40-mile long corridor in which six preliminary alternatives will run. Consequently, the study area for above-ground resources has been delineated to include the entire corridor as the area in which the SCMAGLEV system (e.g., Maglev corridor, power substations, access roads, staging areas) may be visible, and thus potentially affect nearby historic properties, until FRA has selected a Preferred Alternative. The study area for archaeological resources is assumed to correspond to areas of ground disturbance associated with the SCMAGLEV system (e.g., Maglev corridor, power substations, access roads, staging areas) until FRA has selected a Preferred Alternative. The above-ground and archaeological Areas of Potential Effects will be established as the development of alternatives advances, which will help define the route and areas to be bored, built at-grade, or elevated for the SCMAGLEV Project, as well as the locations of other elements of the SCMAGLEV system including, but not necessarily limited to, power substations, utility corridors, construction access areas, temporary and permanent access roads, and maintenance yards.

Next Steps

FRA would like to meet with you/your staff in the near future to discuss the project and approach to Section 106 compliance. If possible, we request that you respond with the name(s) of the DC SHPO staff who may be assigned to this project, so that the project consultant, AECOM, can arrange a meeting.

FRA looks forward to consulting with DC SHPO regarding this project, and to receiving a response regarding the information requested in this letter. If you have any questions about the SCMAGLEV Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,

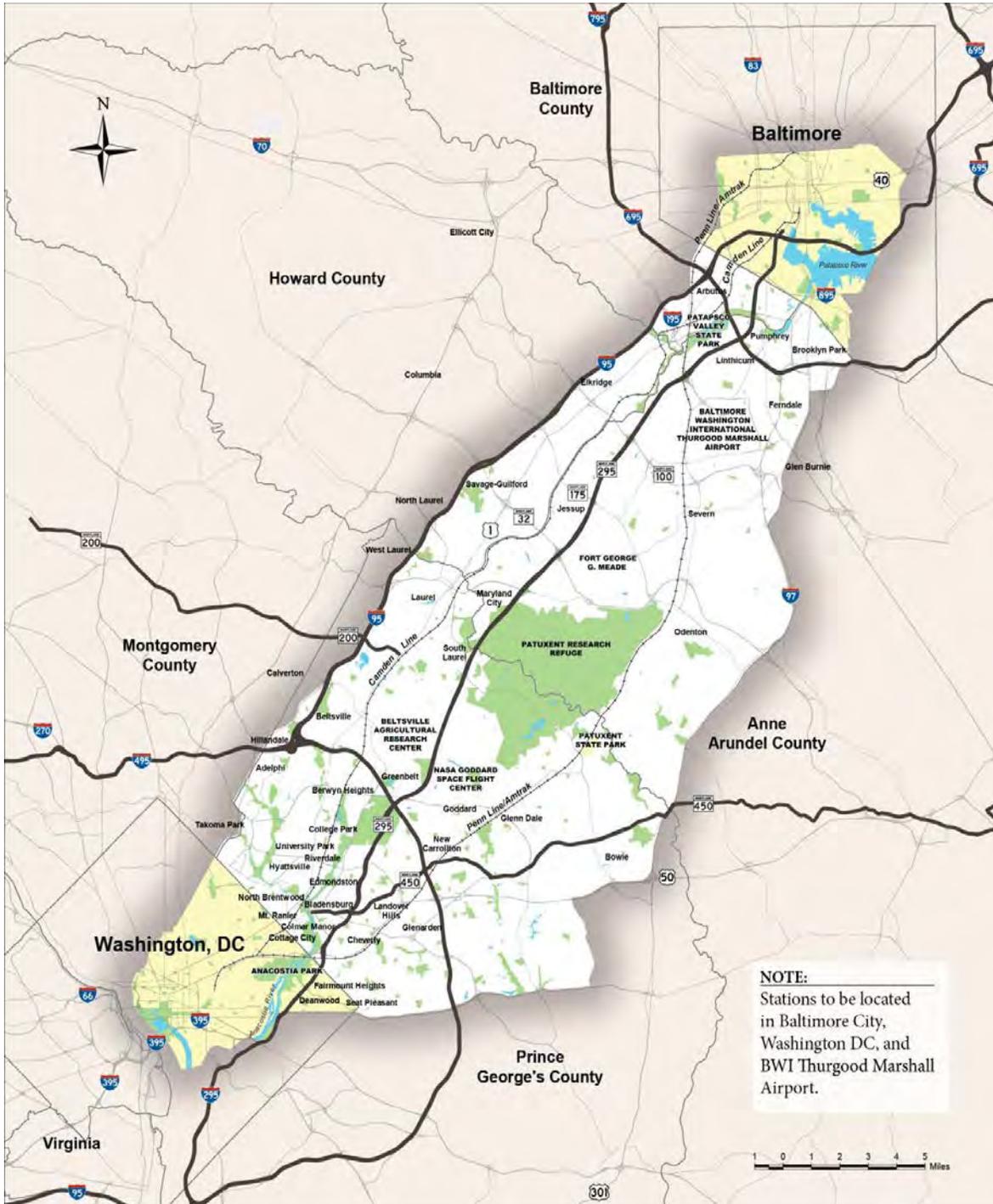


Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Attachment: Study Area Map

- cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
- Mr. Bradley M. Smith, Director, Office of Freight and Multimodalism, MDOT
- Mr. John Trueschler, Environmental Manager, Office of Environmental Planning, MTA
- Ms. Kelly Lyles, Environmental Manager, MTA

Attachment: Baltimore-Washington SCMAGLEV Project Study Area Map





U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 15, 2017

Ms. Elizabeth Hughes
Director and State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, Third Floor
Crownsville, MD 21032

**Re: Baltimore-Washington SCMAGLEV
Initiation of Section 106 Consultation**

Dear Ms. Hughes:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) project. FRA and MDOT are preparing the EIS in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.) (NEPA), the Council on Environmental Quality NEPA regulations (40 CFR parts 1500–1508), and FRA's NEPA Procedures (64 FR 28545 dated May 26, 1999 and 78 FR 2713 dated January 14, 2013). FRA published a Notice of Intent (NOI) to prepare the EIS in the Federal Register on November 25, 2016. FRA and MDOT are coordinating the EIS process with consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800 (Section 106). The purpose of this letter is for FRA to formally initiate Section 106 consultation with the Maryland State Historic Preservation Office (MD SHPO) for the SCMAGLEV project. By way of a separate letter, FRA is also initiating Section 106 consultation with the Washington, DC Historic Preservation Officer.

Project Background

Over the past 25 years, FRA and others have been studying the feasibility of implementing maglev service along the Baltimore-Washington corridor. In 1998, Congress authorized the Transportation Equity Act for the 21st Century (TEA-21), which established the Maglev Deployment Program (MDP) with the purpose of demonstrating the feasibility of maglev technology. In 2001, FRA published a Programmatic EIS for the MDP. Later, with funds appropriated from TEA-21, FRA and the Maryland Transit Administration prepared a site-specific Draft EIS on a proposal to build a maglev project linking downtown Baltimore to BWI Marshall Airport and Union Station in Washington, DC. In 2007, FRA prepared a Final Environmental Impact Statement (FEIS); however, the FEIS was not finalized.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete environmental and preliminary engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV

technology¹, and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. (see Attachment, Study Area map). Baltimore Washington Rapid Rail, LLC, a private company and the project sponsor under 23 U.S.C. 139, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall). Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction.

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- Choptico Band of Piscataway
- City of Bowie Planning and Economic Development
- City of Bowie Museums
- College Park Department of Planning, Community & Economic Development
- DC State Historic Preservation Office
- DC Preservation League
- Historical Society of Baltimore County
- Howard County Historical Society
- Laurel Historical Society
- Maryland Historical Society
- MDOT
- Montgomery County Historical Society
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- Preservation Maryland
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- Prince George's County Historical Society
- Prince George's County Planning and Zoning
- Savage Historical Society
- The National Railway Historical Society, Washington, D.C. Chapter, Inc.

¹ For more information on the difference between SCMAGLEV technology, which FRA and MDOT are studying as part of this project, and other maglev technologies, like that FRA and MTA studied in the 2003 Draft EIS, please visit: <http://northeastmaglev.com/frequently-asked-questions-about-scmaglev>.

For more information on the SCMAGLEV, please visit the project website: <http://www.baltimorewashingtonscmaglevproject.com/>

FRA requests Maryland Historical Trust's (MHT) feedback on this proposed list of consulting parties. If there are parties you recommend be added or removed from this proposed list, please let FRA know so that the list can be finalized and consulting party invitation letters sent accordingly. FRA and MDOT anticipate that the first consulting parties meeting will be in the summer of 2017.

Study Area

As previously indicated, FRA and MDOT are coordinating the NEPA and Section 106 processes for the SCMAGLEV Project. The scale of the project's components will vary, depending on which alignment is ultimately selected for project implementation. The Study Area (Attachment 1) includes a 40-mile long corridor in which six preliminary alternatives will run. Consequently, the study area for above-ground resources has been delineated to include the entire corridor as the area in which the SCMAGLEV system (e.g., Maglev corridor, power substations, access roads, staging areas) may be visible, and thus potentially affect nearby historic properties, until FRA has selected a Preferred Alternative. The study area for archaeological resources is assumed to correspond to areas of ground disturbance associated with the SCMAGLEV system (e.g., Maglev corridor, power substations, access roads, staging areas) until FRA has selected a Preferred Alternative. The above-ground and archaeological Areas of Potential Effects will be established as the development of alternatives advances, which will help define the route and areas to be bored, built at-grade, or elevated for the SCMAGLEV Project, as well as the locations of other elements of the SCMAGLEV system including, but not necessarily limited to, power substations, utility corridors, construction access areas, temporary and permanent access roads, and maintenance yards.

Next Steps

FRA would like to meet with you/your staff in the near future to discuss the project and approach to Section 106 compliance. If possible, we request that you respond with the name(s) of the MHT staff who may be assigned to this project, so that the project consultant, AECOM, can arrange a meeting.

FRA looks forward to consulting with MHT regarding this project, and to receiving a response regarding the information requested in this letter. If you have any questions about the project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,

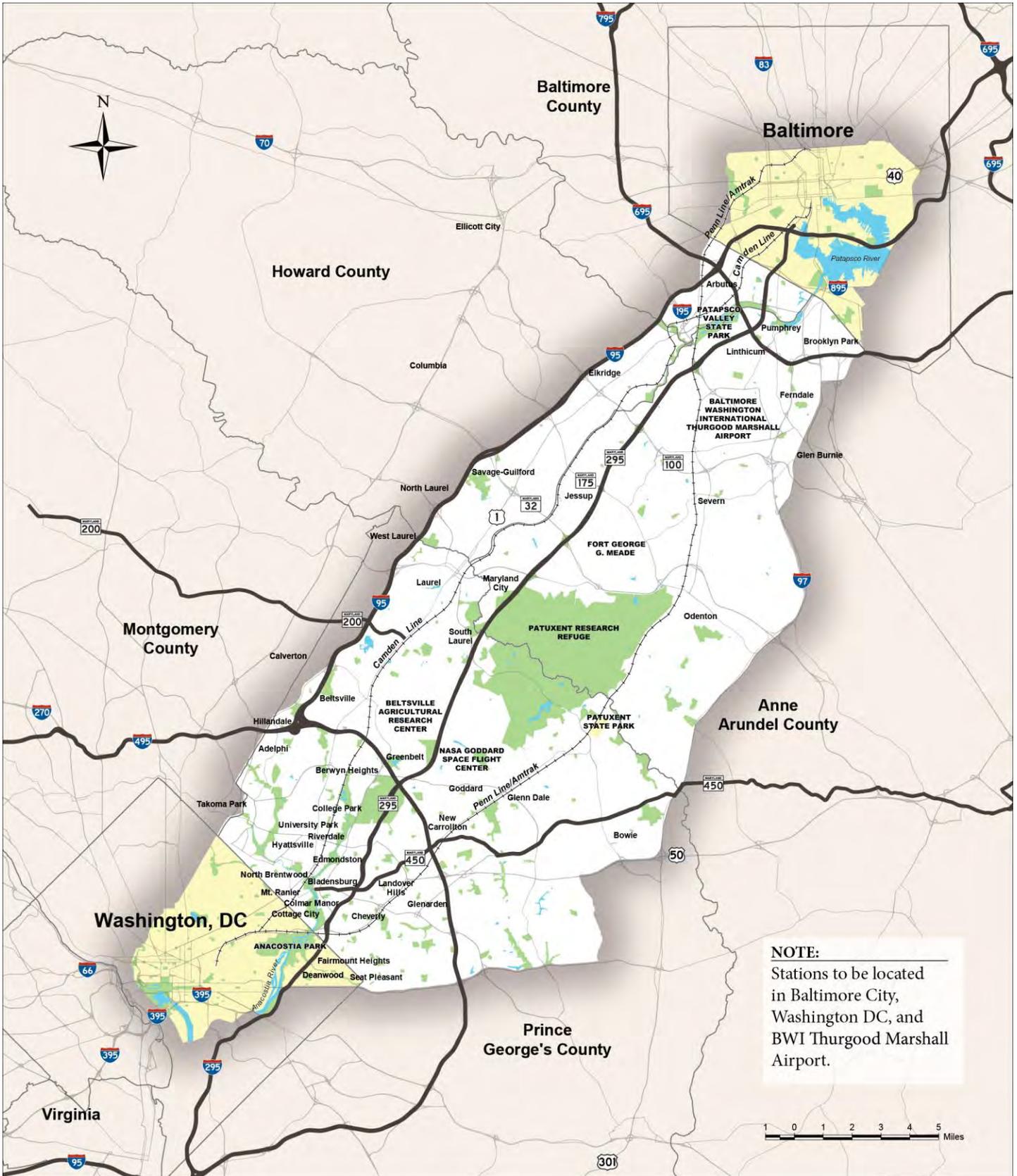


Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Attachment: Study Area Map

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Director, Office of Freight and Multimodalism, MDOT
Mr. John Trueschler, Environmental Manager, Office of Environmental Planning, MTA
Ms. Kelly Lyles, Environmental Manager, MTA

Attachment: Baltimore- Washington SCMAGLEV Project – STUDY AREA MAP



May 2017

June 27, 2017

Ms. Laura Shick, Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Initiation of Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project

Dear Ms. Shick:

Thank you for initiating formal consultation with the District of Columbia State Historic Preservation Officer (DC SHPO) regarding the above-referenced undertaking. We have reviewed the project submittal and are writing to provide our initial comments in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.

We understand that the Federal Railroad Administration's (FRA) current undertaking consists of a \$27.8 million grant to the Maryland Department of Transportation (MDOT). The grant will be used to conduct another study of the applicability of superconducting magnetic levitation (SCMAGLEV) technology for development of a high-speed rail line to connect Baltimore, MD to Washington, DC. This effort will build upon past environmental and engineering studies but funding for actual construction of the rail line, should such construction ultimately be recommended, "has not been identified to advance the project through final design and/or construction."

According to the submittal, the project "Study Area" includes a very significant portion of Northeast Washington, DC. Other sections of the city may also fall within the Study Area, but the scale of the map makes it difficult to determine exact boundaries. As such, our initial comments regarding consulting parties and other relevant Section 106 topics will be very general at best.

The list of suggested consulting parties includes only a few entities within DC so we recommend that, at a minimum, FRA contact the organizations identified in the list below, if it has not already done so. We also request FRA to consult further with us to identify the many other organizations that we suspect will need to be contacted and offered opportunities to participate as consulting parties once more specific project boundaries are defined. This may be especially true once potential locations for SCMAGLEV station(s) are selected.

We look forward to consulting further with FRA and consulting parties regarding Areas of Potential Effect, the identification and evaluation of historic properties, and the resolution of adverse effects, as appropriate, when more information becomes available. In the meantime, we will be happy to meet with you to discuss potential approaches to Section 106 consultation.

If you should have any questions or comments regarding any of these matters, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions or comments relating to archaeology should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Thank you for providing this initial opportunity to review and comment.

Sincerely,



C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

17-0721

INITIAL LIST OF ADDITIONAL CONSULTING PARTIES

1. Advisory Neighborhood Commissions (ANCs) [refer to www.anc.dc.gov for additional information]
2. Amtrak
3. Architect of the Capitol
4. Capitol Hill Restoration Society
5. Commission of Fine Arts (CFA)
6. CSX
7. Deputy Mayor for Planning and Economic Development (DMPED)
8. District Department of Energy and Environment (DOEE)
9. District Department of General Services (DGS)
10. District Department of Parks and Recreation (DPR)
11. District of Columbia Department of Transportation (DDOT)
12. General Services Administration (GSA)
13. National Arboretum
14. National Capital Planning Commission (NCPC)
15. National Park Service – National Capital Parks East and other NPS units in DC
16. National Trust for Historic Preservation
17. Union Station Redevelopment Corporation (USRC)
18. Virginia Railway Express (VRE)
19. Washington Metropolitan Area Transit Authority (WMATA)



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Wendi W. Peters, Secretary
Ewing McDowell, Deputy Secretary

August 15, 2017

Laura Shick
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Initiation of Section 106 Review
Baltimore-Washington SCMAGLEV

Dear Ms. Shick,

The Maryland Historical Trust (Trust), a division of the Maryland Department of Planning, received the Federal Railroad Administration's (FRA) initiation of the Section 106 review process for the above-referenced project on May 17, 2017. We look forward to working with your agency and other involved parties to successfully complete the preservation requirements for the proposed undertaking.

As requested in your letter, we are writing to provide guidance identifying groups with an interest regarding historic properties in the project area. In addition to the agencies, organizations and tribes listed in your letter, we recommend that FRA include the Maryland Commission on Indian Affairs and all of Maryland's Heritage Areas within the study area. These Heritage Areas include the Anacostia Trails (Maryland Milestones) Heritage Area, Patapsco Heritage Area and the Baltimore National Heritage Area. Finally, we request that FRA continue to identify opportunities to involve the public and any other interested parties throughout the project planning process.

As project planning commences, we encourage early and frequent coordination with our office to ensure that the cultural resources investigations are commensurate with the scale of the undertaking and consistent with our standards and guidelines. Considerable information already exists regarding identified historic and archeological resources in the project vicinity as a result of multiple prior investigations for various projects. Please consult with the Trust and utilize our online cultural resource database prior to the initiation of any detailed investigations to ensure a reasonable and appropriate level of effort is performed for the current project.

Thank you for initiating consultation with the Trust early in project planning for this undertaking. If you have questions or require any assistance, please contact Beth Cole (for archeology) at beth.cole@maryland.gov \ 410-697-9541 or Tim Tamburrino (for the historic built environment) at tim.tamburrino@maryland.gov \ 410-697-9589.e

Sincerely,

Elizabeth Hughes
Director/State Historic Preservation Officer

EH/TJT
201702882

Maryland Historical Trust • 100 Community Place • Crownsville • Maryland • 21032

Tel: 410.697.9591 • toll free 877.767.6272 • TTY users: Maryland Relay • MHT.Maryland.gov

SCMAGLEV Programmatic Agreement Draft #4 - Appendix A (Page 13)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 17, 2018

Ms. Sarah Stokely
Program Analyst
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

**RE: Invitation to be Section 106 Consulting Party
Baltimore-Washington SCMAGLEV**

Dear Ms. Stokely:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a safe, revenue-producing, high-speed ground transportation system that achieves the optimum operating speed of the SCMAGLEV technology.

Because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (Section 106) and Section 106 implementing regulations ("Protection of Historic Properties") at 36 CFR Part 800.

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; and (2) invite you to participate as a "Consulting Party" in the Section 106 review process as stipulated in 36 CFR Part 800.2.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV

technology¹ and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. (see Attachment 1, Project Study Area). BWRR, a private company and the project sponsor under 23 U.S.C. 139, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction.

Study Area

The Study Area (Attachment 1) includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (see Attachment 2, Preliminary Alternative Alignments). FRA and MDOT (Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Consequently, the Project Team delineated the Study Area for above-ground resources to include the entire corridor in which the SCMAGLEV system (e.g., Maglev corridor, power substations and rolling stock depot, access roads, staging areas) may directly impact historic properties or be visible from nearby historic properties. The Project Team established the Study Area for archaeological resources to correspond with areas of ground disturbance associated with the SCMAGLEV system.

Preliminary Alternatives Screening Results

The Project Team used a two-level screening approach to identify alternative alignments meeting project technical specifications and the Purpose and Need to advance for further development and detailed analysis during the EIS process.

Screening Level One evaluated engineering criteria of the preliminary alternative alignments for fatal flaws based on conceptual-level geometric design for each route versus SCMAGLEV design criteria that prevented highest practical speed. The Project Team eliminated alignments that exceeded minimum curve, minimum tangent (straight) section length at stations, maximum grade, and maximum tilt from further consideration, reducing the possible preliminary alignments from 15 to eight (7 Build + No Build) (see Attachment 3, Screening Level One Results).

The Screening Level Two analysis evaluated construction feasibility and potential environmental impacts for fatal flaws. FRA and MDOT eliminated alignments with the highest potential impacts to residential/community resources, known cultural resources, parks and federal lands, and natural resources. The Screening Level Two process eliminated four additional possible alternatives leaving four preliminary alternative alignments (3 Build + No Build) (see Attachment 4, Screening Level Two Results).

Following the review of public comments from the October 2017 public open house and interagency meetings held to date, the Project Team identified two potential build alternative alignments along either side of the Baltimore-Washington Parkway.

¹ For more information on the difference between SCMAGLEV technology, which FRA and MDOT are studying as part of this project, and other maglev technologies, like that FRA and MDOT MTA studied in the 2003 Draft EIS, please visit: <http://northeastmaglev.com/frequently-asked-questions-about-scmaglev>. For more information on the SCMAGLEV Project, please visit the project website: <http://www.bwmaglev.info/>.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in identifying potential consulting parties, and the Project Team anticipates holding a consulting parties meeting in late winter/early spring 2018.

As the Section 106 process moves forward, FRA invites consulting parties to review and comment on FRA's identification of historic properties in the Study Area and assessment of the Project's potential effects on such properties. The Project Team anticipates fieldwork to identify historic properties in the Study Area will be complete in Summer 2018. FRA will send the resulting historic resources and effects reports to consulting parties for review. Upon submittal of this information, consulting parties will have thirty (30) calendar days to review and provide comments. Should the Project have the potential to adversely affect historic properties, consulting parties will have the opportunity to participate in the development of ways to avoid, minimize, or mitigate those effects.

FRA respectfully requests your written response indicating whether you accept or decline this invitation to be a Section 106 consulting party **within fifteen (15) calendar days** of receipt of this letter. Please submit your response to Brandon Bratcher, FRA Environmental Protection Specialist, at brandon.bratcher@dot.gov.

If no response is received within this time period, FRA will assume that you have chosen not to participate at this time. If participating as an organization, please identify the individual(s) who will represent your group. If you decline or do not respond to this invitation, you may request consulting party status in the future; however, the Section 106 process will proceed you may not have an opportunity to comment on previous steps.

If you have any questions about the Project, please contact Mr. Bratcher at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,

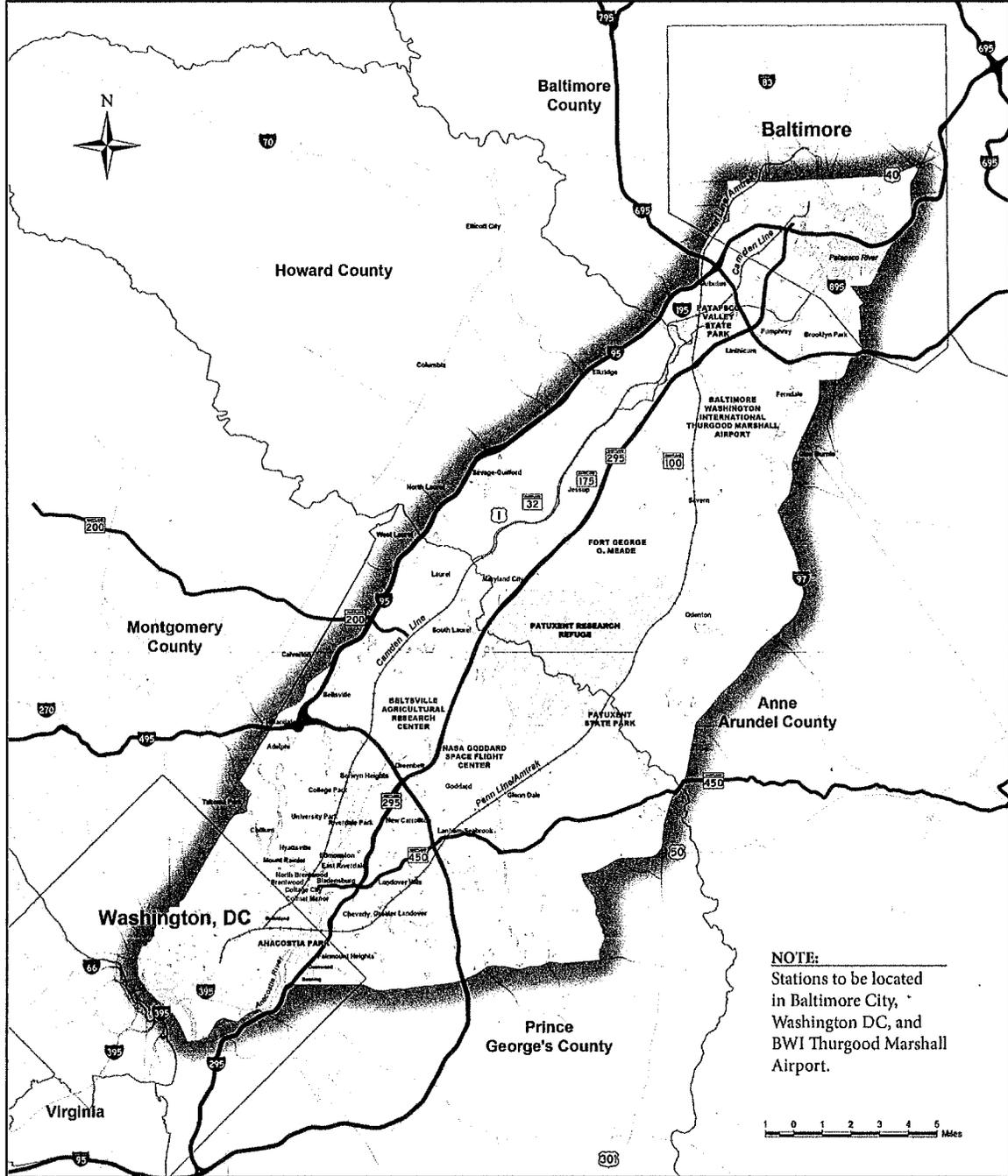


Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Attachments: Study Area Map
Preliminary Alternative Alignments
Screening Level One Results
Screening Level Two Results

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Director, Office of Freight and Multimodalism, MDOT
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning, Program and Engineering Officer, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA

Attachment 1: Baltimore-Washington SCMAGLEV Project Study Area Map



Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

Received:
FEB 13 2018
ROA-31

February 6, 2018

Mr. Juan D. Reyes III
Acting Deputy Administrator
Office of the Administrator
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: *Proposed Baltimore-Washington Superconducting Magnetic Levitation Project
Maryland and Washington, D.C.
ACHP Connect Log Number: 12498*

Dear Mr. Reyes:

In response to the recent notification by the Federal Railroad Administration (FRA), the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Section 106 agreement document for the referenced undertaking. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within the regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because the project could have substantial impacts on important historic properties, and has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you as the head of the agency of our decision to participate in consultation. By copy of this letter, we are also notifying Ms. Marlys Osterhues, Environmental & Corridor Planning Division Chief, and Ms. Laura Shick, FRA Federal Preservation Officer, of this decision.

Our participation in this consultation will be handled by Ms. Sarah Stokely who can be reached at 202-517-0224 or via e-mail at sstokely@achp.gov. We look forward to working with your agency and other consulting parties to reach agreement on alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

SCMAGLEV Programmatic Agreement Draft #4 - Appendix A (Page 18)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. C. Andrew Lewis
Senior Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington D.C. 20024

July 20, 2018

**RE: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
WASHINGTON, D.C. TO BALTIMORE, MARYLAND
CONTINUATION OF SECTION 106 CONSULTATION**

Dear Mr. Lewis:

As you are aware, pursuant to the National Environmental Policy Act (NEPA), the Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed high-speed, SuperConducting Magnetic Levitation (SCMAGLEV) project (hereinafter known as "the Project") between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project also includes new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require the temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

FRA and MDOT are coordinating the NEPA process with review under Section 106 of the National Historic Preservation Act (Section 106). By letter dated May 17, 2017, FRA and MDOT initiated consultation with your office and with the Maryland State Historic Preservation Office (MDSHPO). FRA and MDOT hereby acknowledge receipt of your response letter dated June 27, 2017 (Attachment A). The purpose of this letter is to provide your office with additional information and updates on the Project as well as request concurrence on FRA's definition of the Project's Area of Potential Effects (APE) and the FRA-identified consulting parties.

Alternatives Screening Process Overview

Throughout 2017, FRA and MDOT used a two-level screening approach to identify alignments meeting Project technical specifications and the Project Purpose and Need (as developed in accordance NEPA). FRA and MDOT presented the draft screening results at five public meetings held in October 2017, showing three remaining preliminary alternative alignments plus the No Build Alternative. FRA and MDOT determined that two alignments ("J" and "J1") plus the No Build Alternative will be advanced for further study in the upcoming Alternatives Report. Additional information on the Alternatives Screening Process is contained in the January 2018 Preliminary Alternatives Screening Report (PASR) (Attachment B).

Public Involvement

FRA and MDOT have involved and will continue to involve the public, as required under both NEPA and

Section 106, and have engaged in a continuous and comprehensive program of public outreach. The public has been kept informed via the Project website (<http://www.bwmaglev.info>) and notices posted in local and major metropolitan newspapers; on-line social media and advertisements; notices posted at community and neighborhood organizations; and notices sent to federal, state, county, and local officials. For the NEPA Scoping phase of the project, between December 10 and 15, 2016, five public open houses were held at different locations throughout the Project corridor, including one in the District of Columbia. A second round of five public open houses to discuss the Preliminary Alternatives Screening process was held between April 3 and 8, 2017, including one in DC. Between October 14 and 25, 2017, a third round of five public open houses, with one in DC, presented the findings of the *Draft Preliminary Alternatives Screening Report*, accessed along with comments received on the Project website. FRA and MDOT engaged federal, state, and local agencies in the draft PASR results at an October 3, 2017 interagency meeting held in Greenbelt, MD. Since then, monthly interagency meetings have been held via teleconference.

Section 106 Consulting Parties Update

FRA has identified agencies, groups, and organizations that may be interested in participating as consulting parties. A preliminary list of consulting parties was provided to your office in FRA's May 15, 2017 letter. An updated consulting parties list, incorporating revisions provided by both your office and MDSHPO, as well as additions by FRA is attached (Attachment C – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting will be held in August or September, 2018.

Area of Potential Effects Delineation

The "Area of Potential Effects" (APE) as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist." (Attachment D -- APE Map [based on the limits of design (LOD) for both alternatives]).

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.
- The APE for historic properties of religious and cultural significance to Native American Tribes will be determined in consultation with federally recognized Tribes known by FRA to have an interest in the geographic region that includes the APE.

FRA and MDOT have determined the Project will potentially have effects on an undetermined number of

historic properties and will continue to consult with your office, MDSHPO, the Advisory Council on Historic Preservation (ACHP), and other consulting parties as the Project design advances.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, Federal agency oversight, and roles and responsibilities of FRA, MDOT, SHPOs, and consulting parties. FRA and MDOT will present the draft PA to the designated signatories for their review and comment, with the updated PA draft to be presented at the upcoming consulting party meetings.

Identification of Historic Properties

FRA and MDOT will identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on the National Register of Historic Places (NRHP) criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior's Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR §63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history.

For archaeological resources within the District of Columbia, FRA will perform a Phase IA archaeological assessment of all portions of the LOD. The necessity of any Phase I survey, as well as the specific methods, will be determined in consultation with DCHPO based upon the findings of the Phase IA assessments. Any Phase II evaluations of archaeological resources encountered during the Phase I investigation that have the potential for NRHP eligibility will be conducted only after consultation with the DCHPO.

Based on background research conducted to date, FRA has identified individual historic properties and historic districts in the above-ground APE listed in or eligible for listing in the NRHP, as well as properties listed in the District of Columbia Inventory of Historic Sites. FRA will conduct field survey to identify additional aboveground resources 45 years old or older; record these newly identified resources on individual DCHPO Determination of Effects (DOE) forms; and assess any direct and/or indirect (primarily visual and audible) effects to all historic properties (previously and newly identified) from the Project.

The identification effort and determinations of NRHP eligibility will be documented in separate technical reports for archaeological properties and historic architectural properties, the drafts of which will be submitted for review by the signatories and other consulting parties including any tribal historic preservation officers (THPOs) and tribal representatives who have expressed an interest in the Undertaking.

Continued Assessment of Effects and Additional Memoranda of Agreement

FRA will obtain all required permits and approvals for access to federally, state, county, and locally owned property. As preliminary engineering information for the Project becomes available, FRA will also notify private property owners if access is required., FRA and MDOT will continue to identify and assess

Letter – Mr. C. Andrew Lewis
July 19, 2018
Page 4

Project effects on all historic properties. FRA will utilize all practicable measures to avoid adverse effects. If avoidance is not possible, and an adverse effect will result, FRA and MDOT will develop individual Memoranda of Agreement (MOAs), in consultation with consulting parties. FRA and MDOT will initiate and complete the stipulations, including mitigation measures, in accordance with the Project phasing and the deadlines established therein.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



7/20/2018
for:

Laura Shick
Supervisory Environmental Protection Specialist
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Attachment A – DCHPO Response Letter, June 27, 2017
Attachment B – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment C – Section 106 Consulting Parties as of July 2018
Attachment D – Area of Potential Effects Maps

cc: Ms. Katherine Zeringue, Federal Preservation Officer, FRA
Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Ms. Elizabeth Hughes
Director and State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, Third Floor
Crownsville, MD 21032

July 20, 2018

**RE: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
WASHINGTON, D.C. TO BALTIMORE, MARYLAND
CONTINUATION OF SECTION 106 CONSULTATION**

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FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,

 7/20/2018
for:

Laura Shick
Supervisory Environmental Protection Specialist
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

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Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer,
MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

September 28, 2018

Ms. Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Additional Comments Regarding Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project

Dear Ms. Zeringue:

Thank you for continuing to consult with the DC State Historic Preservation (DC SHPO) regarding the above-referenced undertaking. We received FRA's most recent submittal in late July but determined it would be best to postpone a formal response until after the agency review meeting, consulting parties' meeting, two field visits and the release of the revised Alternatives Report which all occurred in late August/early September so our comments would reflect the results of these consultation efforts. This letter provides additional comments regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act.

We understand that all alignments have been eliminated from further consideration except Alternative J (Baltimore-Washington Parkway East) and Alternative J1 (Baltimore-Washington Parkway West). Since the two remaining alternatives share a common alignment, the same station locations, and the same electrical substation/vent shaft location within the District of Columbia, there is effectively no difference between the alternatives for purposes of our review. However, our comments will focus on the two potential station locations – specifically Mount Vernon Square West and Mount Vernon Square East – the substation/vent shaft location, and the one alternative Rolling Stock Depot location at MD 198 which is in Maryland, but owned by the District of Columbia Government. We note that the option for a station location in NoMa has been eliminated from further consideration.

We appreciate that FRA has prepared draft Areas of Potential Effect (APE) for our review (see attached maps) but we are unable to concur with the draft APEs for the Mt. Vernon Square station locations because the proposed boundaries appear to have been somewhat arbitrarily limited to 150' feet from the proposed stations. Even though we have been informed that the above-ground stations are to be relatively modest, we do not yet know enough about their design to gauge their potential for direct or indirect effects. This could be of particular concern when considering the importance of views and vistas that contribute to the Plan of the City of Washington (aka L'Enfant Plan), including those along K Street and New York and Massachusetts Avenues, NW, which provide exceptional views of the landmark Central Public Library (aka Carnegie Library) from distances well beyond 150'. Even if relatively simple station entrances are proposed, taller elements like canopies that may be required to protect escalators from inclement weather could interrupt or limit these important viewsheds. Similarly, other indirect effects such as traffic backups that may result from "cut and cover" station construction could extend well beyond 150'. For these reasons, we believe the station location APEs should be expanded to take these potential effects into account. We also recommend that ellipses be incorporated into the APE boundaries to indicate that planned views and vistas continue for significant distances.

Although less likely, similar concerns may apply to the APE for the above-ground electrical substation/vent shaft proposed to the north and east of the intersection of Montana, New York, and West Virginia Avenues, NE. However, we are willing to concur with the draft APE for these elements provided that FRA will agree to revise the APE in the future if we learn that the substation/vent shaft will be highly visible, cause significant traffic backups or result in other unanticipated direct or indirect effects.

Since we know relatively little about the DC-owned area proposed for the Rolling Stock Depot near MD 198, we believe it would be best to reserve comment regarding the draft APE for this feature until we can participate in a site visit to become more familiar with the buildings, structures, relevant history, and the potential for archaeological resources that may exist on the site. We have tentatively arranged for a site visit in the near future and will provide additional comments as soon as possible. In the meantime, we have tentatively agreed with the determination by the Maryland Historical Trust that a portion of the site is eligible for listing in the National Register of Historic Places (see attached MHT Determination of Eligibility Form).

With regard to consulting parties, we note that a few of the parties we identified in our initial letter from June 27, 2017 do not appear in the most recent list of consulting parties, specifically Amtrak and the National Trust for Historic Preservation. We continue to recommend that these organizations be contacted. Although WMATA is not included in the list either, we understand that they have been consulted. Since learning more about the proposed station locations, we also recommend that the Mount Vernon Triangle Community Improvement District, the Metropolitan Police Department, Events DC, and Apple Inc. be notified of the project and invited to participate as consulting parties. We understand that some of these entities may have already been contacted. If so, the list of consulting parties should be updated accordingly since it will serve as a reference in a future Section 106 agreement document.

Page three of FRA's July letter makes reference to "DC Determination of *Effects* (DOE)" Forms. We assume this was meant to refer to DC Determination of *Eligibility*" Forms. We appreciate that FRA proposes to complete DOEs for above-ground resources 45 years or older, but we recommend that FRA first provide us with a list of properties for which DOE forms are proposed because we may already have information about some of these properties and/or may not consider DOE forms necessary for every building that meets the 45-year age threshold.

We can only provide general comments about the proposed station locations at this time but our primary concern continues to be the proposal to construct above-grade structures within Mount Vernon Square. As indicated in numerous meetings, new construction has a great deal of potential to result in adverse effects not only on the landmark library, but also the square itself which is a contributing element of the L'Enfant Plan. Such construction would also be subject to review by the DC Historic Preservation Review Board which disapproved of several concepts for new construction within the square's boundaries in 2014. For these reasons, we recommend against any new construction in Mount Vernon Square.

We understand that any tunnels or stations beneath Mount Vernon Square will be constructed with a boring machine that creates tunnels so deep below grade as to make effects unlikely, but it seems some form of monitoring might still be appropriate as a precautionary measure.

Aside from the square itself, the Mount Vernon Square East station location appears to have the most potential to avoid or minimize adverse effects. For example, a new entry/exit near the Lord Baltimore Filling Station No. 12 at 601 K Street, NW might involve adaptation of this building which has been determined eligible for listing in the DC Inventory of Historic Sites/National Register of Historic Places (see attached DOE Form). Since we understand that the historic filling station may be relocated due to a new development proposed for its current site, however, there may eventually be no historic properties at this location. And while the new entry/exit proposed on the northeast corner of 4th Street and New York Avenue, NW is located within the Mount Vernon

Square Historic District, the site is currently an empty parking lot so adverse effects could likely be avoided through compatibly designed new construction. These two sites offer the additional benefit of providing an entry/exit at the extreme ends of the underground station which we understand is important for safety reasons. On the other hand, the potential new entry/exit proposed immediately in front of the Metropolitan Police Department Station at 501 New York Avenue, NW does have potential to cause adverse effects. This building, constructed in 1930, is one of the relatively few early police stations in the city and a contributing element of the Mount Vernon Square Historic District. Designing an entry/exit directly in front of this historic building that would be sufficiently deferential in scale and detail to avoid an adverse effect seems unfeasible.

The Mount Vernon Square West station location includes a proposal to incorporate an entry/exist within the landmark Greyhound Bus Terminal Building. This could be quite successful given the original transportation-related use of the facility but we recommend that any incompatible alterations to character-defining features be avoided. The other entry/exit locations include the aforementioned site directly within Mount Vernon Square, and Reservation 173, the park space across the street from the Greyhound Terminal. Like the square itself, this reservation is a contributing element of the L'Enfant Plan and much of its significance derives from its open space. New construction that compromised the open character of the park would likely result in an adverse effect. The same concerns relate to the other reservations in the project area including, but not necessarily limited to Reservations 70, 71, 175 and 176 at the corners of Mount Vernon Square.

The potential to affect archaeological resources through ground-disturbing activities must also be considered as part of historic preservation review process. This includes such activities proposed at the DC-owned Rolling Stock Depot location in Maryland. While some of the parcels have been subjected to previous archaeological identification survey, any parcel subject to ground disturbance will likely require some level of archaeological investigations. This includes locations for the primary features such as the stations and the tunnel, as well as ancillary features including, but not limited to staging areas, air vents, boring access locations, and emergency egress ports that will connect the tunnel to the ground surface. Our concerns relate primarily to near-surface deposits but the complicated land use history in the District suggests potential for deeply buried cultural deposits that may not be near the current ground surface. Each location must be assessed individually for archaeological potential. Phased archaeological investigations in the District usually start with geoarchaeological consultation and preparation of a GIS elevation change (cut-and-fill) analysis and a work plan that must be approved by the DC SHPO before any testing can commence. Close coordination with the DC SHPO will be required throughout. The District offers to curate the archaeological collections generated by this project, including artifacts, digital data, and associated records. We also offer the following general points for consideration:

1. Ground-disturbing activities on any NPS-owned property in the District will require consultation with both the DC SHPO and NPS archaeologists.
2. Previously conducted identification survey for a different undertaking, especially those from the 1970s-1990s, may be insufficient to identify presence of sites within the project area. Current standards are more stringent than used in previous decades and our methodologies have advanced.
3. Streets with former streetcar or trolley rights-of-way may contain associated subsurface resources which would need to be evaluated for NRHP eligibility, if identified.

Finally, we offer the following specific comments keyed to the text of the most recent Alternatives Report:

Page 23, NOMA Station: Although we understand this site has been eliminated from further consideration, neither Squares 669 nor 670 have been previously surveyed. An assessment of a portion of Square 669 was prepared in

1992, and found that the area possessed archaeological potential, but the associated undertaking never moved forward into construction and testing occurred.

Page 53, Table 3: Column for historic resources does not include archaeological sites. Since identification survey has not been conducted yet, all of the entries in this column should clearly indicate the possibility that archaeological sites – one type of historic resource – could be present at each location. Therefore, the proposed project could potentially have an adverse effect on historic resources so the table is inaccurate. We recommend adding a sub-column specifically for archaeological resources.

Page 54, Table 4: Row for historic Landmarks and NRHP-eligible resources does not account for potential archaeological sites.

If you should have any questions or comments regarding the historic built environment, please contact me at andrew.lewis@dc.gov or 202-442-8841. Comments or questions relating to archaeology should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Otherwise, we look forward to consulting further with the Federal Railroad Administration (FRA) and other consulting to continue the Section 106 review of this undertaking.

Sincerely,



C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

Enclosures
17-0721

cc: Angela Jones, AECOM
Brandon Bratcher, FRA
Catherine Dewey, NPS
Lee Webb, NCPC
Mark Edwards, AECOM
Rogelio Flores, OP
Sarah Stokely, ACHP
Stephen Campbell, DGS
Steve Plano, DDOT

October 4, 2018

Katherine Zeringue
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Ongoing Section 106 Review / Preliminary Alternatives Screening Report
Baltimore-Washington SCMAGLEV

Dear Ms. Zeringue,

The Maryland Historical Trust (Trust), a division of the Maryland Department of Planning, received the Federal Railroad Administration's (FRA) update on cultural resources study tasks and the Preliminary Alternatives Screening Report (PASR) for the above-referenced project. We are writing to provide our comments on these recent activities in accordance with Section 106 of the National Historic Preservation Act.

As noted in your letter, the FRA is preparing an Environmental Impact Statement for the proposed high-speed Superconducting Magnetic Levitation (SCMAGLEV) project between Baltimore, MD and Washington, D.C. with an intermediate stop at Baltimore-Washington/Thurgood Marshall Airport. The project also includes new passenger stations, rolling stock depot, tunnels and ancillary facilities such as powers stations, tunnels, new roadways and road realignments.

Area of Potential Effects (APE): The Trust concurs with FRA's initial definition of both the Archeological APE and Architectural APE for this undertaking. We recognize that FRA may need to make adjustments to the APE as project planning proceeds, in order to reflect design modifications and environmental requirements (such as stormwater management facilities or environmental mitigations sites), as applicable. We also note that the APE may expand beyond the currently defined study limits in areas where project elements are excessive in height or noise. Topography, vegetation and existing building density may also impact the APE delineation.

Identification of Historic Properties: We concur with the overall approach for conducting and completing the cultural resources investigations, as outlined in your submittal. We encourage frequent coordination with our office to ensure that the investigations are commensurate with the scale of the undertaking and consistent with our standards and guidelines. Please continue to consult with the Trust to ensure a reasonable and appropriate level of effort is performed for the project. We look forward to receiving the results of the architectural resources survey and a copy of the draft Phase IA report for review and comment, when available.

Preliminary Alternatives Screening Report (PASR): Thank you for providing the Trust with a copy of the draft PASR. The report identifies two build alignments ('J' and 'J1' and the No Build Alternative. Alignment 'J' primarily extends along the east side of the Baltimore-Washington Parkway while Alignment 'J1' follows the west side of the parkway.

As you know, the project area contains a broad diversity of significant historic resources, such as archeological sites, transportation facilities, government institutions, research facilities and residential communities. For example, the two build alignments follow the National Register-listed Baltimore-Washington Parkway (MIHP No. PG: 69-26) and the two sites under consideration for the rolling stock depot include the National Register-eligible Beltsville Agricultural

Research Center (MIHP No. PG:62-14) and the National Register-eligible DC Children's Center- Forest Haven District (MIHP No. AA-2364). The depot sites also comprise parcels that have a high potential for the presence of significant archeological sites that have not yet been identified. We encourage FRA to initiate archeological investigation of these areas early in project planning to ensure adequate time to consider and address any impacts to archeological sites.

We trust that the FRA will carefully examine all prudent and feasible alternatives that avoid and minimize adverse effects on historic properties. We look forward to working with the FRA to select a transportation corridor that effectively balances project needs and historic preservation issues.

Ongoing Section 106 Consultation: We will continue to work with FRA and the other Section 106 consulting parties throughout the project planning process to identify a project corridor that achieves the goal of providing an effective high-speed transportation facility while respecting the state's significant cultural resources. We look forward to receiving the results of the cultural resources identification and evaluation efforts and discussions regarding the development of a project-specific Programmatic Agreement.

Please share this correspondence with the numerous Section 106 consulting parties for this undertaking. If you have questions or require any assistance, please contact Beth Cole (for archeology) at beth.cole@maryland.gov \ 410-697-9541 or Tim Tamburrino (for the historic built environment) at tim.tamburrino@maryland.gov \ 410-697-9589.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/EJC/TJT
201804054 Brandon Bratcher (FRA)
Sarah Stokely (AHP)
Kelly Lyles (MTA)
Mark Edwards (AECOM)
Andrew Lewis (DC State Historic Preservation Office)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. C. Andrew Lewis
Senior Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington D.C. 20024

October 31, 2018

**RE: RESPONSE TO DC HPO ADDITIONAL COMMENTS REGARDING SECTION 106 CONSULTATION
FOR THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT DATED SEPTEMBER 28, 2018**

Dear Mr. Lewis:

This letter and enclosures are in response to your September 28, 2018 letter (Attachment A) and with reference to the Section 106 consultation process between the Federal Railroad Administration (FRA) and the District of Columbia Historic Preservation Office (DC HPO) for the Baltimore-Washington SCMAGLEV Project.

We have summarized your comments below, followed by our responses:

1. DC HPO is unable to concur with draft (above-ground) APEs for the Mt. Vernon Square station locations. Station location APEs should be expanded beyond 150' to include potential effects on views and vistas that contribute to the L'Enfant Plan, which provide exceptional view of the Central Public Library (aka Carnegie Library) effects from station entrances, and traffic backups that may result from "cut and cover" station construction. DC HPO recommended that ellipses also be incorporated into the APE boundaries to indicate that planned views and vistas continue for significant distances.

Response: For clarification, the APE proposed in the July 20, 2018 letter to DC HPO considered both direct effects from the project (including construction of above-ground station entrances and "cut and cover" road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. However, project plans are continually evolving, resulting in revisions to the APE in response to DC HPO concerns. These revisions include consideration of effects on the many contributing resources unique to the L'Enfant Plan, such as the federally and DC-owned reservations and squares, streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

The two attached maps (Attachment B) illustrate the revision and expansion of the APE around the proposed Mount Vernon Square station sites and the Ivy City Ventilation Plant. Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the overall importance of integrity of setting to the L'Enfant Plan's significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street

closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th Streets extend several blocks beyond the distances originally proposed to more accurately assess visual effects on the L'Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting remains intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L'Enfant Plan vistas.

As a result, the APE acreage around the Mount Vernon Square Stations has increased by 426%, from 58.56 acres to 307.74 acres. The APE acreage around the Ivy City Vent Plant has increased by 47%, from 18.20 acres to 26.67 acres.

Information related to traffic backups that may occur as a result of the project is not yet available and thus has not been taken into consideration for this APE revision. This issue will be revisited once traffic impact information is available.

In general, a provision for future amendment of the APE, and subsequent identification of historic properties and assessment of effects, will be codified in the Programmatic Agreement in development for this project. The methodology outlined will be used to expand or reduce APEs as specific project design details become known.

2. DC HPO concurs with APE for the above-ground electrical substation/vent shaft proposed to the north and east of the intersection of Montana, New York, and West Virginia Avenues, NE provided that FRA agrees to revise the APE in the future if we learn the substation/vent shaft will be highly visible, cause significant traffic backups, or result in other unanticipated direct or indirect effects.

Response: FRA agrees to discuss revising the APE in the future if we learn the substation/vent shaft will be highly visible, cause significant traffic backups, or result in other unanticipated direct or indirect effects. This commitment will be codified in the Programmatic Agreement in development for this project. The methodology outlined in the PA will be used to expand or reduce APEs as specific project design details become known.

3. DC HPO reserves comment on the draft APE for the Rolling Stock Depot (RSD) near MD 198 until they can participate in a site visit. In the meantime, they tentatively agree with the determination by the Maryland Historical Trust that a portion of the site is eligible for listing in the National Register of Historic Places.

Response: FRA and the project team appreciate the DC HPO's participation in a site visit at the MD 198 site on October 3, 2018. FRA will await future comments from DC HPO regarding the potential RSD APE.

4. DC HPO asks if Amtrak and National Trust for Historic Preservation (both listed in their initial letter of June 27, 2017) have been invited to be consulting parties. They understand WMATA has been consulted. They recommend that the Mount Vernon Triangle Community Improvement District, the Metropolitan Police Department, Events DC, and Apple Inc. be notified of the project and invited to participate as consulting parties.

Response: Amtrak and the National Trust for Historic Preservation were both invited to participate as consulting parties. The National Trust did not respond to the invitation. Amtrak accepted, but FRA rescinded the invitation on March 21, 2018, because the Amtrak alignment was eliminated from the project. At DC HPO's suggestion, FRA will invite Mount Vernon Triangle Community Improvement District, the Metropolitan Police Department, Events DC, and Apple Inc. to participate as consulting parties.

5. DC HPO identified a typo in the July letter from FRA to DC HPO: reference to "DC Determination of Effects (DOE)" Forms should be "DC Determination of Eligibility" Forms.

Response: FRA appreciates and acknowledges this comment.

6. DC HPO recommends that FRA provide DC HPO with a list of properties for which DOE forms are proposed because DC HPO may already have information about some of these properties and/or may not consider DOE forms necessary for every building that meets the 45-year age threshold.

Response: FRA has assembled a revised table of pre-1974 properties within the expanded above-ground APE, along with recommendations as to which of these should be documented through DOE forms, as well as those where we believe this is not warranted due to lack of integrity and/or significance (Attachment C). We are submitting this to the DC HPO for your review and comment. In addition, we would appreciate receiving any information that DC HPO may have on any of the unevaluated properties in this table as soon as possible to support the survey and research beginning shortly. Please provide the name and contact information for the DC HPO staff person who will be able to provide this information to the project team.

7. DC HPO's primary concern continues to be the proposal to construct above-grade structures within Mount Vernon Square. New construction has the potential to result in adverse effects not only on the library, but also the square itself, which is a contributing element of the L'Enfant Plan. Such construction would also be subject to review by the DC Historic Preservation Review Board, which has disapproved several concepts for new construction within the square's boundaries in 2014. DC HPO recommends against any new construction in Mount Vernon Square.

Response: Due to the significance of Mount Vernon Square and the associated Reservations 173, 70, 71, 175, and 176, and their status as contributing resources within the L'Enfant Plan, project engineers are revising the designs to eliminate the use of Mount Vernon Square and the above-named reservations for above-grade structures.

8. DC HPO states that some form of monitoring might still be appropriate as a precautionary measure, even if tunnels or stations beneath Mount Vernon Square will be constructed with a boring machine that creates tunnels so deep below grade as to make effects unlikely.

Response: This need is anticipated and the project team will address this need in the above-ground historic properties effects assessment and the Phase IA archaeological assessment and will be included in the draft Programmatic Agreement.

9. Mount Vernon Square East station location appears to have the most potential to avoid or minimize adverse effect. Two of the proposed entries (Lord Baltimore Filling Station No. 12 may be moved

before construction, and the parking lot in the Mount Vernon Square Historic District is empty) so adverse effects could likely be avoided.

Response: FRA appreciates and acknowledges this comment.

10. The proposed Greyhound Bus Terminal Building entry/exit for the Mount Vernon Square West station could be quite successful given the original transportation-related use of the facility, but DC HPO recommends that any incompatible alterations to character-defining features be avoided.

Response: FRA appreciates and acknowledges this comment.

11. New construction directly within Mount Vernon Square and reservations (Reservations 173, 70, 71, 175, and 176) (all contributing elements of the L'Enfant Plan) compromises the open character of the square and parks and would likely result in an adverse effect.

Response: See response to question 7 above.

12. The potential to affect archaeological resources through ground-disturbing activities must be considered as part of the historic preservation review process, including activities proposed at the DC-owned Rolling Stock Depot location in Maryland (MD 198). Any parcel subject to ground disturbance will likely require some level of archaeological investigations. DC HPO concerns relate primarily to near-surface deposits but the complicated land use history in the District suggest potential for deeply buried cultural deposits that may not be near the current ground surface. Each location must be assessed individually for archaeological potential. Phased archaeological investigations in the District usually start with geoarchaeological consultation and preparation of a GIS elevation change (cut-and-fill) analysis and a work plan that must be approved by DC HPO before any testing can commence. Close coordination with DC HPO will be required throughout.

Response: The project team is assessing the potential for deeply buried archaeological sites within the District as part of the Phase IA archaeological assessment of the project within the District. The project team is also preparing a Phase IA archaeological assessment for the MD 198 RSD, and if the MD 198 RSD moves forward during the NEPA process, the project team will undertake a Phase I archaeological survey of the proposed limits of disturbance as well as consultation with DC HPO and MHT regarding archaeological resources on the property.

13. The District offers to curate the archaeological collections generated by this project, including artifacts, digital data, and associated records.

Response: The project team has requested additional information about the new District curatorial facility so it can be included in the Programmatic Agreement.

14. Ground-disturbing activities on any NPS-owned property in the District will require consultation with both the DC HPO and NPS archaeologists.

Response: FRA appreciates and acknowledges this comment.

15. Previously conducted identification survey for a different undertaking, especially for those from the 1970s-1990s, may be insufficient to identify presence of sites within the project area. Current standards are more stringent than used in previous decades and our methodologies have advanced.

Response: The project team understands that archaeological requirements and methods have become more stringent, both in the District of Columbia and in Maryland, and the Phase IA archaeological assessments and future archaeological investigations will take such into account.

16. Streets with former streetcar or trolley rights-of-way may contain associated subsurface resources which would need to be evaluated for NRHP eligibility, if identified.

Response: The project team is investigating subsurface transportation elements as part of the Phase IA archaeological assessment.

17. Specific comment related to Alternatives Report, Page 23, NOMA Station: neither Squares 669 nor 670 have been previously surveyed. An assessment of a portion of Square 669 was prepared in 1992, and found that the area possessed archaeological potential, but the associated undertaking never moved forward into construction and testing occurred.

Response: FRA acknowledges and appreciates this comment.

18. Specific comment related to Alternatives Report, Page 53, Table 3: Column for historic resources does not include archaeological sites. Since identification survey has not been conducted yet, all of the entries in this column should clearly indicate the possibility that archaeological sites could be present at each location. Therefore, the proposed project could potentially have an adverse effect on historic resources so the table is inaccurate. DC HPO recommends adding a sub-column specifically for archaeological resources.

Response: The project team is addressing this as part of the Phase IA archaeological assessments, any future archaeological investigations, and in the Programmatic Agreement. A sub-column will not be added, as the Alternatives Report is considered a final document.

19. Specific comment related to Alternatives Report, Page 54, Table 4: Row for historic landmarks and NRHP-eligible resources does not account for potential archaeological sites.

Response: The project team is addressing this as part of the Phase IA archaeological assessments, any future archaeological investigations, and in the Programmatic Agreement. A row will not be added, as the Alternatives Report is considered a final document.

FRA respectfully requests your concurrence with the updated above-ground APE and the recommendations for DOE documentation of pre-1974 properties contained in Attachment C **within fourteen (14) calendar days** of receipt of this letter. Please submit your comments to Brandon Bratcher, FRA Environmental Protection Specialist, at brandon.bratcher@dot.gov.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics discussed in this letter. If, at any time, you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist,

at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Enclosures

Attachment A – DC HPO Comments, September 28, 2018

Attachment B – Revised Above-Ground APE Map for Washington, DC

Attachment C – Table of Washington, DC Properties with Recommendations on DOE Completion

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer,
MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

October 31, 2018

**RE: RESPONSE TO MD SHPO ADDITIONAL COMMENTS REGARDING SECTION 106 CONSULTATION
FOR THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT DATED OCTOBER 4 2018**

Dear Ms. Hughes:

This letter and enclosure are in response to your October 4, 2018 letter (Attachment A) and with reference to the Section 106 consultation process between the Federal Railroad Administration (FRA) and the District of Columbia Historic Preservation Office (DC HPO) for the Baltimore-Washington SCMAGLEV Project.

We have summarized your comments below, followed by our responses:

1. Area of Potential Effects (APE): The MD SHPO concurs with FRA's initial definition of both the Archaeological and Architectural APE for this undertaking. FRA may need to make adjustments to the APE as project planning proceeds.

Response: A provision for future amendment of the APE, and subsequent identification of historic properties and assessment of effects, will be codified in the Programmatic Agreement in development for this project. The methodology outlined will be used to expand or reduce APEs as specific project design details become known.

2. Identification of Historic Properties: The MD SHPO concurs with the overall approach for conducting and completing the cultural resources investigations, as outlined in FRA's submittal. The MD SHPO encourages frequent coordination with their office to ensure reasonable and appropriate level of effort is performed the project.

Response: FRA and the project team appreciate and acknowledge this comment.

3. Preliminary Alternatives Screening Report (PASR): The MD SHPO notes that the project area contains a broad diversity of significant historic resources and high potential for the presence of significant archaeological sites that have not yet been identified. MD SHPO encourages FRA to initiate archaeological investigation of these areas early in project planning to ensure adequate time to consider and address any impacts to archaeological sites. MD SHPO trusts that FRA will carefully examine all prudent and feasible alternatives that avoid and minimize adverse effects on historic properties and looks forward to working with FRA to select a transportation corridor that effectively balances project needs and historic preservation issues.

Response: The project team is currently conducting Phase IA archaeological assessments of

developed portions of the project area and will conduct Phase I archaeological surveys pursuant to MD SHPO guidelines once property access is obtained.

4. Ongoing Section 106 Consultation: MD SHPO will continue to work with FRA and other consulting parties throughout the project planning process to identify a project corridor that achieves the goal of providing an effective high-speed transportation facility while respecting the state's significant cultural resources. They look forward to receiving the results of the cultural resources investigation and evaluation efforts and discussions regarding the development of the project-specific Programmatic Agreement.

Response: FRA and the project team appreciate and acknowledge this comment.

5. MD SHPO asked that their letter be shared with the other Section 106 consulting parties for this undertaking.

Response: FRA will share the MD SHPO letter with the other Section 106 consulting parties.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics discussed in this letter. If, at any time, you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Enclosures

Attachment A – MD SHPO Comments, October 4, 2018

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer,
MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

November 30, 2018

Ms. Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Ongoing Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project

Dear Ms. Zeringue:

Thank you for your letter of October 31, 2018 to the DC State Historic Preservation (DC SHPO) which provided responses to the comments outlined in our correspondence dated September 28, 2018. We are writing to continue consultation regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act. This letter also applies, as appropriate, to the Draft Environmental Impact Statement that the Federal Railroad Administration (FRA) has prepared in accordance with the National Environmental Policy Act (NEPA).

We greatly appreciate FRA's responsiveness to our earlier remarks and are particularly pleased that the Areas of Potential Effect (APEs) for the Mount Vernon Square East and West Stations, and the Ivy City Plant/Substation have been significantly expanded. We concur that the revised APEs should be sufficient to take into account the direct and indirect effects associated with the SCMAGLEV project and we appreciate that FRA remains willing to discuss revisions to the APE if unanticipated circumstances warrant it. However, we noted that the APE for the Mount Vernon Square Stations does not include the Shaw Historic District so we have attached a map of the historic district for reference and point out that the Blagden Alley/Naylor Court Historic District is located entirely within the larger Shaw Historic District.

As referenced in your letter, DC SHPO staff participated in the October 3, 2018 tour of the site along MD Route 198 that is being considered as a potential location for the SCMAGLEV Rolling Stock Depot. We appreciated the opportunity to tour the DC-owned, former DC Children's Center/Forest Haven Historic District but were disappointed to discover the nearly impenetrable overgrowth and extremely deteriorated conditions. In light of these circumstances, we believe the historic district should be reevaluated to address the significant losses of integrity that have occurred since the Maryland Historical Trust's Determination of Eligibility (DOE) Form was completed in 2007. However, we note that a handful of buildings and structures remain standing and appear to be in relatively good shape. We also note that the historical developments outlined in the 2007 DOE to address Criterion A will remain relevant so long as some tangible evidence of those significant events remain. With regard to the APE for this site, we understand that most, if not all of the Rolling Stock Depot would be located away from (i.e. to the south of) the historic buildings but note that the proposed APE appears to somewhat arbitrarily extend just inside the southernmost portion of the historic district (i.e. along Center Avenue). For some of the same reasons outlined in previous correspondence (e.g. indirect effects related to construction noise and vibration), we recommend that the APE be expanded to include both sides of the central roadway known as Forest Haven Avenue. If more information about the Rolling Stock Depot is available to justify a smaller APE, we would be willing to consider that as well.

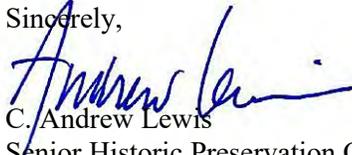
Based upon our review of the *Table of Washington, DC Properties with Recommendations on DOE Completion*, we agree with the majority of the findings and concur with all recommendations unless otherwise noted in the attached comment summary page. In some cases we reaffirm FRA's recommendations; indicate that we do not consider recommended DOEs necessary; request DOEs for properties that were not recommended for further evaluation; and suggest DOEs for some properties that were not included in the original table. We will be pleased to provide the appropriate points of contact with copies of the multiple property documents, National Register nominations, survey work and all other documentation cited in the attached comment summary page upon request.

We greatly appreciate that FRA has committed to eliminate the construction of above-ground structures within Mt. Vernon Square and Reservations 70, 71, 173, 175 and 176, and that monitoring of buildings within the main square will be carried out as part of the project.

With regard to archaeology, we look forward to continued consultation regarding archaeological investigations and note that our review and approval of work plans is required prior to starting any archaeological survey per DC's archaeological guidelines.

We also look forward to addressing potential effects to both historic built environment and archaeological properties through ongoing consultation and the development of a Programmatic Agreement. In the meantime, please contact me at andrew.lewis@dc.gov or 202-442-8841 if you should have any questions or comments regarding the historic built environment. Comments or questions relating to archaeology should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Thank you for providing this additional opportunity to review and comment.

Sincerely,

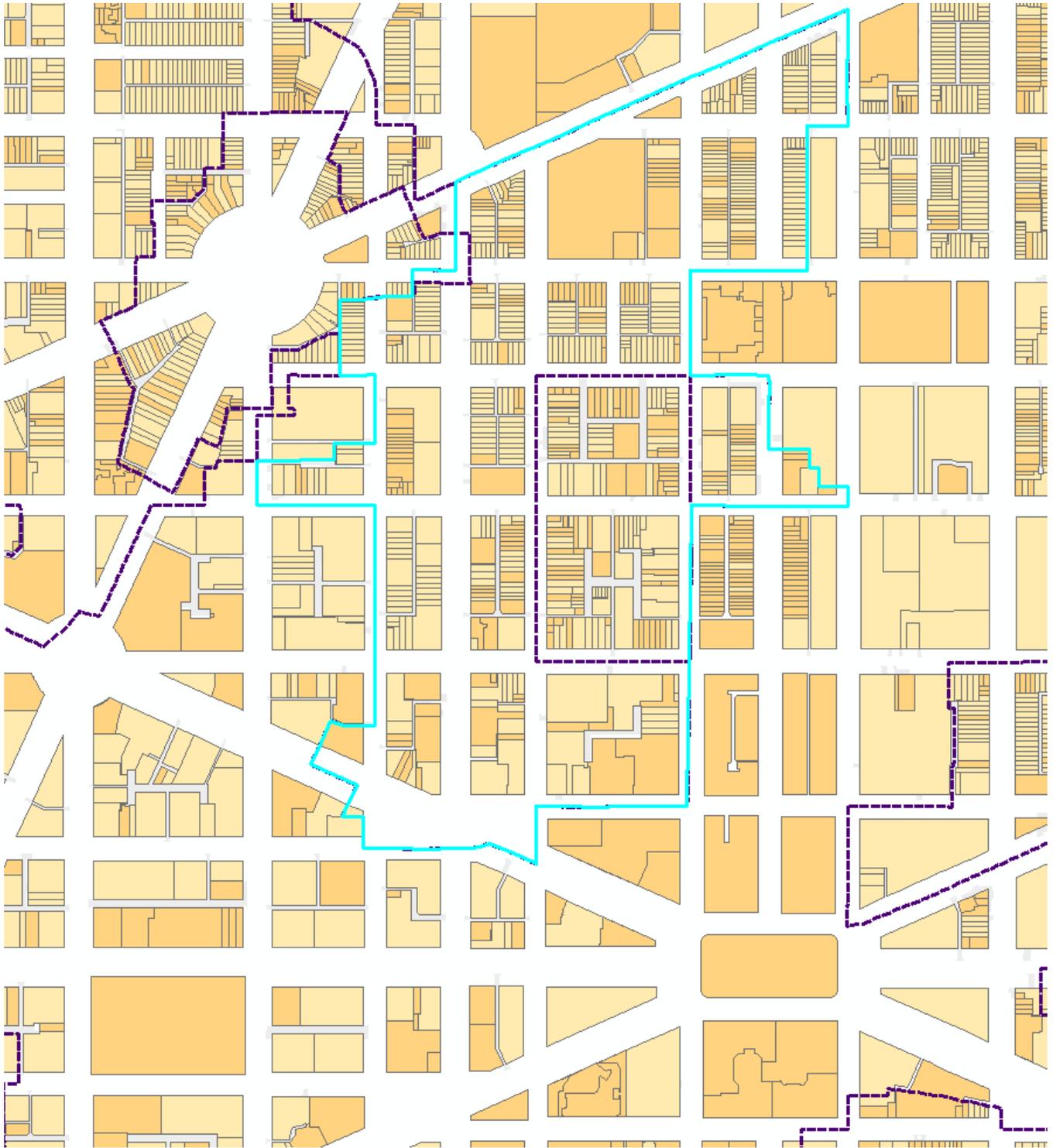


C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

Enclosures
17-0721

cc: Angela Jones, AECOM
Brandon Bratcher, FRA
Catherine Dewey, NPS
Lee Webb, NCPC
Mark Edwards, AECOM
Rogelio Flores, OP
Sarah Stokely, ACHP
Stephen Campbell, DGS
Steve Plano, DDOT
Tim Tamburrino, MHT

THE SHAW HISTORIC DISTRICT
(boundaries outlined in blue)

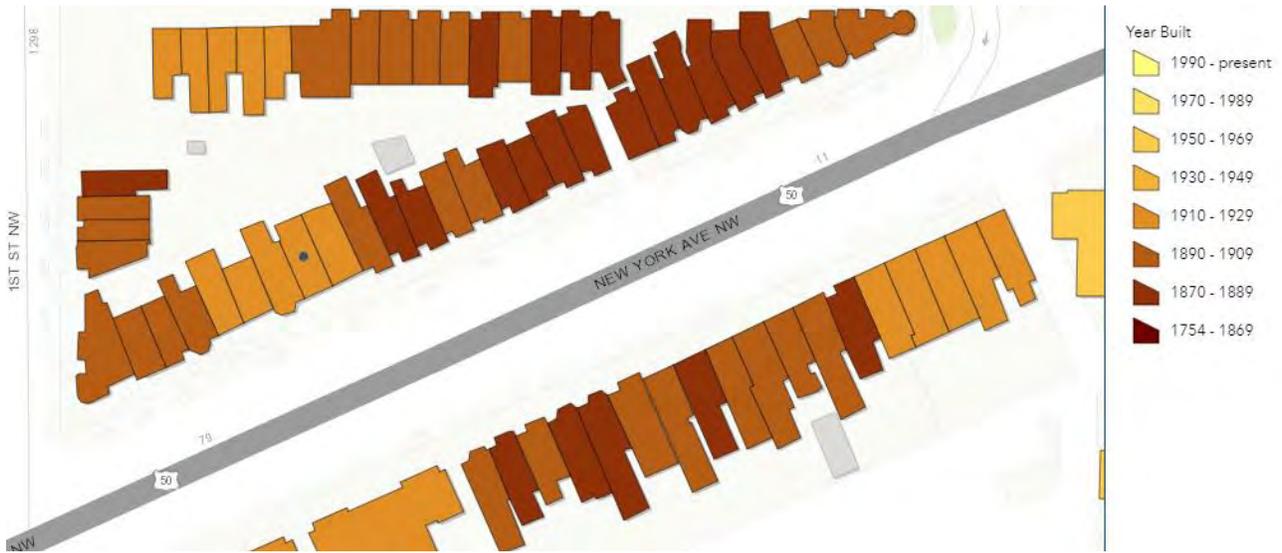


DC SHPO Comments: *Table of Washington, DC Properties with Recommendations on DOE Completion*

1. The Real Estate Trust Company Building at 1343 H Street, NW – this building has been designated a DC Landmark and listed in the National Register of Historic Places so no further evaluation will be necessary.
2. The Washington Times Building at 1307 New York Avenue, NW – although we agree that the integrity of this building has been compromised, it would be beneficial to evaluate the building for potential historical significance related to newspaper history and related topics (e.g. Criterion A), and to evaluate the extent of the alterations and identify other possible reasons that might justify a recommendation that the building is not eligible, if appropriate.
3. The New York Avenue Presbyterian Church at New York Avenue and H Street, NW – we agree that a DOE should be developed for this church which was constructed in 1950 and is located within the APE.
4. 725 13th Street, NW – we agree that a DOE should be developed for this building. It should document that half of the building was constructed during WWI and the other half during WWII, and refer to the National Register Multiple Property Document entitled *Telecommunications Resources of Washington DC, 1877-1954*.
5. The Strong John Thomson School at 1100 New York Avenue, NW – this school has been designated a DC Landmark and listed in the National Register so no further evaluation will be necessary.
6. 1017 12th Street, NW – we believe this property is associated with Elizabeth Hobbs Keckley, a former slave who bought her freedom and became a successful seamstress, civil activist, and author, as well as a close confidant of Mary Todd Lincoln. A DOE should be prepared for these reasons.
7. 915-919 L Street, NW – these properties are contributing elements of the Shaw Historic District so no further evaluation will be necessary.
8. The Eldon Apartments Building at 933 L Street, NW – this property is a contributing element of the Shaw Historic District so no further evaluation will be necessary.
9. The A. Eberly's Sons Building at 1108 K Street, NW – this property was evaluated and determined eligible for listing in the National Register of Historic Places in 2009 so no further evaluation will be necessary.
10. The James Talty House at 1001 11th Street, NW – this property was evaluated and determined eligible for listing in the National Register of Historic Places in 2009 so no further evaluation will be necessary.
11. The AYH Hostel at 1009 11th Street, NW – this property was evaluated and determined eligible for listing in the National Register of Historic Places in 2017 so no further evaluation will be necessary.

12. The James E. Turton House at 1007 K Street, NW – this property was evaluated and determined ineligible for listing in the National Register of Historic Places in 2009 due to a lack of integrity – most notably relating to the loss of the original balcony and enclosure of the easternmost bay (see image to the right) – so no further evaluation will be necessary.
13. 617 K Street, NW and adjacent buildings along north side of the 600 block of K Street, NW – we already have draft DC Landmark applications for these buildings and enough additional research to consider these properties eligible for listing in the National Register so no further evaluation will be necessary.
14. 917, 919 and 921 6th Street, NW – these buildings are included in a proposed expansion of the Mount Vernon Triangle Historic District boundaries and we consider them eligible for listing in National Register so no further evaluation will be necessary.
15. The Bible Way Church and Bible Way Temple at 1100-1130 New Jersey Avenue, NW – we agree that a DOE should be prepared for these buildings. Please be sure to evaluate them for potential historical significance as well as architectural significance.
16. The Holy Redeemer Catholic School at 1135 New Jersey Avenue, NW – we recommend that the DOE for the Holy Redeemer Catholic Church at 206-210 New York Avenue, NW should also evaluate this school since it is clearly associated with the church and located on the same parcel.
17. The Southern Baptist Church at 134 L Street, NW – this church has already been evaluated and determined eligible for listing in the National Register so no further evaluation will be necessary.
18. The Holy Redeemer Catholic Church at 206-210 New York Avenue, NW – as noted above, we agree that a DOE should be prepared for this church, but the DOE should also evaluate the adjacent Holy Redeemer Catholic School at 1135 New Jersey Avenue, NW.
19. Rowhouses at 71-85 New York Avenue, NW (*and adjacent properties*) – we believe these buildings and the remainder of the rowhouses on the triangular block bounded by New York Avenue and 1st, N and North Capitol Streets, NW have potential for listing in the National Register if evaluated as a potential expansion of the adjacent Mount Vernon Square Historic District. We recognize that proposed APE excludes some of these rowhouses, but do not believe it would be possible to accurately evaluate the potential significance of only a few rowhouses without considering their immediate context. As can be seen in the “HistoryQuest” map below, all of the rowhouses appear to have been constructed between 1888 and 1915, so the DOE could combine them into roughly three groups that relate to the approximate time periods in which the buildings were constructed. Architectural similarities related to the construction periods could also help to streamline the DOE. For these reasons, we request a DOE be prepared for these properties that specifically evaluates the entire block as a potential expansion of the adjacent Mount Vernon Square Historic District.





20. The Apartment Buildings at 76 New York Avenue, NW (*and adjacent properties*) – we agree that a DOE should be prepared for these buildings. At a minimum, the DOE should reference the National Register Multiple Property Document entitled *Apartment Buildings in Washington, DC, 1880-1945*, but for the same reasons described above regarding the Rowhouses at 71-85 New York Avenue, NW, these apartment buildings and the adjacent rowhouses at 26-60 New York Avenue, NW should be evaluated collectively as a potential expansion of the adjacent Mount Vernon Square Historic District.



21. The FP May Hardware Warehouse at 1818 New York Avenue, NE – we believe this building has some potential to be determined eligible for listing in the National Register, especially when considered in the context of the 1991 DC Warehouse Survey Project, Phases I and II. We request a DOE for this building that references that survey.
22. The DC Facility at 2000 Adams Place, NE – we agree that this publicly owned facility has limited potential to be determined eligible for listing in the National Register but would appreciate knowing more about the building’s history and architectural characteristics so that we can make an informed decision regarding its potential significance. Please prepare a DOE for this building.
23. 2215 Adams Place, NE – we agree that this building has limited potential to be determined eligible for listing in the National Register but would appreciate knowing more about the building’s history and architectural characteristics so that we can make an informed decision regarding its potential significance. Please prepare a DOE for this building.
24. The Pennsylvania Railroad Bridge over Montana Avenue, NE – the table indicates that this bridge was previously determined ineligible for listing in the National Register. We recall informally agreeing to such a determination for purposes of reviewing a minor, past undertaking in the general vicinity, but have been unable to locate any detailed, formal evaluation. On a related note, we are currently in the process of evaluating all of the bridges within DC. For these reasons, we would appreciate a DOE for this bridge or a copy of any previous evaluations that may have been carried out.
25. The Baltimore & Ohio Railroad Bridge over Montana Avenue, NE – We would appreciate a DOE for this bridge for the same reasons described above for the Pennsylvania Railroad Bridge over Montana Avenue, NE.
26. The Washington Gas Light Building at 1100 H Street, NW – this building is not highlighted on the APE map but probably should be since it is a pending DC Landmark and considered eligible for listing in the National Register.
27. Former (current?) Church at 628 M Street, NW – this building is not included in the table but we request a DOE for this church which is located within the APE.
28. 730 11th Street, NW – this building, which may have originally been a Savings and Loan, is not included in the table but we request a DOE for the building which is located within the APE.
29. Former Potomac Electric Power Company (PEPCO) Substation in the alley behind 1412 I Street, NW – this structure is not included in the original table and we recognize that effect on it are unlikely due to its location, but we request a DOE for the substation which is located within the APE. The DOE should reference the brief history of PEPCO that was developed for, and incorporated into National Register nominations for other PEPCO facilities such as the Substation No. 13 at 1001 Harvard Street, NW.



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. C. Andrew Lewis
Senior Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington D.C. 20024

December 21, 2018

**RE: RESPONSE TO DC HPO COMMENTS DATED NOVEMBER 30, 2018 REGARDING SECTION 106
CONSULTATION FOR THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT**

Dear Mr. Lewis:

This letter and enclosures are in response to your November 30, 2018 letter (Attachment A) and with reference to the Section 106 consultation process between the Federal Railroad Administration (FRA) and the District of Columbia Historic Preservation Office (DC HPO) for the Baltimore-Washington SCMAGLEV Project.

We have summarized your comments below, followed by our responses:

1. DC HPO appreciates FRA's responsiveness to earlier remarks and is pleased that the Area of Potential Effects (APE) within Washington, DC has been significantly expanded. DC HPO concurs that the revised APEs should be sufficient to take into account the direct and indirect effects associated with the project and appreciate that FRA remains willing to discuss revisions to the APE in unanticipated circumstances warrant it. However, DC HPO notes that the APE for the Mount Vernon Square Stations does not include the Shaw Historic District so they attached a map for reference and pointed out that the Blagden Alley/Naylor Court Historic District is located entirely within the larger Shaw Historic District.

Response: The Shaw Historic District (and Blagden Alley/Naylor Court Historic District) will be depicted on all future APE mapping.

2. DC HPO believes the DC Children's Center/Forest Haven Historic District (which is in Maryland but administered by the DC government) should be reevaluated to address the significant loss of integrity that has occurred since the Maryland Historical Trust's Determination of Eligibility form was completed in 2007. They noted that a handful of buildings and structures remain standing. With regard to the APE for this site, they understand that most, if not all of the Rolling Stock Depot would be located away from (i.e. to the south of) the historic buildings but note that the proposed APE appears to somewhat arbitrarily extend just inside the southernmost portion of the historic district (i.e. along Center Avenue). For some of the same reasons outlined in previous correspondence (e.g. indirect effects related to construction noise and vibration), they recommend that the APE be expanded to include both sides of the central roadway known as Forest Haven Avenue. If more information about the Rolling Stock Depot is available to justify a smaller APE, they would be willing to consider that as well.

Response: The APE for the RSD site adjacent to the DC Children’s Center/Forest Haven Historic District was delineated as 150’ from the limits of disturbance, which is in accordance with the methodology applied for the Maryland portion of the project and which MD SHPO concurred with on October 4, 2018. FRA acknowledges DC HPO’s concerns that there may be indirect effects related to noise and vibration that may extend beyond 150’. Because a portion of the historic district falls within the APE, FRA will be evaluating effects on the entire district, including on either side of Forest Haven Avenue. Note that due to recent refinements to the project design, FRA is in the process of slightly revising the APE. FRA will be sending a subsequent letter to DC HPO regarding the revisions, which are expected to reflect considerably smaller limits of disturbance for this RSD.

3. Based upon our review of the *Table of Washington, DC Properties with Recommendations on DOE Completion*, DC HPO agreed with the majority of the findings and concurred with all recommendations unless otherwise noted in the comment summary page attached to the letter. In some cases they reaffirmed FRA’s recommendations; indicated that they do not consider recommended DOEs necessary; requested DOEs for properties that were not recommended for further evaluation; and suggested DOEs for some properties that were not included in the original table. They will be pleased to provide the appropriate points of contact with copies of the multiple property documents, National Register nominations, survey work and all other documentation cited in the attached comment summary page upon request.

Response: Based on your feedback, FRA will conduct DOEs or not conduct DOEs as DC HPO has recommended. The following summarizes DC HPO’s recommendations:

No DOE Recommended:

- Real Estate Trust Company Building, 1343 H Street, NW
- Strong John Thomson School, 1100 New York Avenue, NW
- 915-919 L Street, NW
- Eldon Apartments Building, 933 L Street, NW
- A. Eberly’s Sons Building, 1108 K Street, NW
- James Talty House, 1001 11th Street, NW
- AYH Hostel, 1009 11th Street, NW
- James E. Turton House, 1007 K Street, NW
- 617 K Street, NW, and adjacent buildings along north side of 600 block of K Street, NW
- 917, 919, and 921 6th Street, NW
- Southern Baptist Church, 134 L Street, NW
- Washington Gas Light Building, 1100 H Street, NW

DOE Recommended:

- Washington Times Building, 1307 New York Avenue, NW
- New York Avenue Presbyterian Church at New York Avenue and H Street, NW
- 725 13th Street, NW
- 1017 12th Street, NW
- Bible Way Church and Bible Way Temple, 1100-1130 New Jersey Avenue, NW

- Holy Redeemer Catholic School, 1135 New Jersey Avenue, NW (evaluate with Holy Redeemer Catholic Church, 206-210 New York Avenue, NW)
- Holy Redeemer Catholic Church, 206-210 New York Avenue, NW (evaluate with Holy Redeemer Catholic School, 1135 New Jersey Avenue, NW)
- Rowhouses at 71-85 New York Avenue, NW (and adjacent properties)
- Apartment Buildings at 76 New York Avenue, NW (and adjacent properties)
- FP May Hardware Warehouse, 1818 New York Avenue, NE
- DC Facility, 2000 Adams Place, NE
- 2215 Adams Place, NE
- Former (current?) Church at 628 M Street, NW
- 730 11th Street, NW
- Former Potomac Electric Power Company (PEPCO) Substation in alley behind 1412 I Street, NW

DOE Recommended Unless Copies of Previous Evaluation Can Be Provided:

- Pennsylvania Railroad Bridge over Montana Avenue, NE
- Baltimore & Ohio Railroad Bridge over Montana Avenue, NE

FRA requests the appropriate points of contact so that we can attain the copies of the multiple property documents, National Register nominations, survey work, and other documentation cited in your comment summary page.

Note that due to recent revisions to the project design since our last communication, FRA is the process of slightly revising the APE. FRA will be sending a subsequent letter to DC HPO regarding the revisions and any proposed updates to the properties recommended for DOE completion based on the slightly revised boundaries.

4. DC HPO appreciates that FRA has committed to eliminating the construction of above-ground structures within Mt. Vernon Square and Reservations 70, 71, 173, 175, and 176, and that monitoring of buildings within the main square will be carried out as part of the project.

Response: FRA acknowledges this comment.

5. With regard to archaeology, DC HPO looks forward to continued consultation regarding archaeological investigations and notes that their review and approval of work plans is required prior to starting any archaeological survey per DC's archaeological guidelines. Comments or questions related to archaeology should be directed to Ruth Trocolli at ruth.trocolli@dc.gov or 202-442-8836.

Response: FRA will communicate with Ms. Trocolli regarding archaeology, including archaeological investigations and work plans, which will be conducted per DC's archaeological guidelines.

6. DC HPO looks forward to addressing potential effects to both historic built environment and archaeological properties through ongoing consultation and the development of a Programmatic Agreement.

Response: FRA will consult with DC HPO to address potential effects and development of a Programmatic Agreement.

As stated above, due to recent refinements to the project design, FRA is updating the above-ground APE in accordance with the APE delineation methodologies previously applied. FRA will send a subsequent letter to DC HPO regarding the revisions.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachment:

DC HPO Comments, November 30, 2018

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA



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**Federal Railroad
Administration**

Mr. C. Andrew Lewis
Senior Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C. 20024

December 21, 2018

**RE: UPDATES TO AREA OF POTENTIAL EFFECTS (APE) FOR THE BALTIMORE-WASHINGTON
SCMAGLEV PROJECT**

Dear Mr. Lewis:

This letter and enclosures are to inform you of updates to the Area of Potential Effects (APE). FRA seeks your concurrence as part of the Section 106 consultation process between the Federal Railroad Administration (FRA) and the District of Columbia Historic Preservation Office (DC HPO) for the Baltimore-Washington SCMAGLEV Project.

Summary of Recent Design Refinements

Since the last APE delineation, there have been refinements to the SCMAGLEV design, which are summarized below:

- The elevated NoMa station was dropped due to constructability issues of building over the AMTRAK rail lines and impacts on the L'Enfant Plan.
- The designs of both Mount Vernon Square East and West stations have been further refined as preliminary engineering has been undertaken. After meeting with the DC HPO, Commission of Fine Arts (CFA), National Capital Planning Commission (NCPC), and other stakeholders, the Mount Vernon Stations were redesigned to exclude any use of Carnegie Library, Mount Vernon Square, and other L'Enfant Plan Reservations. The Mount Vernon Square West station now has entrances located closer to more Metro stations.
- Efforts were made to reduce the footprint of Rolling Stock Depots (RSD). Meetings with the USDA and other agencies have resulted in the elimination of the BARC RSD location as a potential site. Efforts to reduce impacts at the MD 198 RSD, and the existing power line corridor, just to the south in the Patuxent Research Refuge, necessitated the realignment of the ramps to the RSD and the main line alignment of Alternative J. The alignment is now closer to the Baltimore-Washington Parkway.
- A new RSD option was developed in Baltimore City along industrial land along Patapsco Avenue. This option requires maintenance of way facilities at either Suburban Airport or adjacent to a Harley Davidson dealership to optimize the distance covered by nighttime inspection and repair crews.

Updates to Area of Potential Effects (APE)

Due to the recent refinements to the project design, it is necessary to update the APEs in accordance with the APE delineation methodologies previously applied.

The APEs were originally presented to the DC HPO and MD SHPO in letters dated July 20, 2018 and to the Consulting Parties at the September 17, 2018, Consulting Party Meeting #2. Based on DC HPO and Consulting Party comments as well as design refinements, FRA subsequently updated the above-ground APE in Washington, DC, as communicated to you in a letter dated October 31, 2018. The DC HPO concurred with the Washington, DC APE on November 30, 2018. The Maryland SHPO concurred with the Maryland APE on October 4, 2018.

Historic Architectural (Above-ground) APE

In delineating an updated APE, FRA applied the same methodologies previously used. The revised above-ground APE maps are attached (Attachment A).

In Washington, DC, the above-ground APE is defined according to the methodology outlined in the October 31, 2018 letter to DC HPO, MD SHPO, and the Consulting Parties:

The proposed APE considered both direct effects from the project (including construction of above-ground station entrances and “cut and cover” road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. Project plans are evolving and the revised APE in response to Consulting Party and DC HPO concerns includes consideration of effects on the many contributing resources unique to the L’Enfant Plan, such as reservations (public parks created by the intersection of orthogonal thoroughfares and smaller streets), streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the overall importance of integrity of setting to the L’Enfant Plan’s significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th streets were extended several blocks beyond the distances originally proposed to more accurately assess visual effects on the L’Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting

remained intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L'Enfant Plan vistas.

In Maryland, the above-ground APE is defined by FRA as follows:

The APE for above-ground resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the SCMAGLEV rail corridor within 150 feet of the right-of-way (ROW) perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, and temporary and permanent access roads and intersections within 150 feet of construction activity.

Archaeological (Below-ground) APE

In delineating an updated APE, FRA applied the same methodologies previously used. The revised archaeological APE maps are attached (Attachment B). The archaeological APE is defined by FRA as follows:

The APE for archaeological (below-ground) resources includes the SCMAGLEV corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.

The updated APE has resulted in some changes to the above-ground resources to be studied. In Maryland, the FRA methodology calls for survey and evaluation of every pre-1974 building, a methodology which will continue to be applied within the updated APE in Maryland. In Washington, DC, the DC HPO has recommended FRA provide a list of every building that meets the 45-year age threshold for survey and evaluation along with FRA's proposals for whether a determination of eligibility (DOE) form should be completed or not for each property; DC HPO would then respond with their recommendations. For the October 2018 APE, FRA provided a list to DC HPO on October 31, 2018, and DC HPO responded on November 30, 2018.

Revisions to Table of Washington, DC Properties with Recommendations for DOE Completion

Based on the updates to the APE, FRA has created an *Updated Table of Washington, DC Properties with Recommendations for DOE Completion* for DC HPO's review and comment (Attachment C). The newly added properties and FRA recommendations are highlighted in brown in the attached table. The revised APE has resulted in the inclusion of three additional properties that had not been previously surveyed. FRA recommends completion of a DOE for

two of the properties and no DOE for the other; all the other additions have been previously listed or determined eligible for the NRHP, so FRA recommends no further survey or evaluation for those properties. Changes in the APE have not resulted in any properties being removed from the list of properties previously recommended for NRHP evaluation.

FRA requests your concurrence on the definition of the Project's Area of Potential Effects (APE) and comments on the *Updated Table of Washington, DC Properties with Recommendations for DOE Completion*. Please respond within **fourteen (14) calendar days** of receipt of this letter.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Attachment A – Revised Above-Ground APE Map

Attachment B – Revised Archaeological APE Map

Attachment C – *Updated Table of Washington, DC Properties with Recommendations on DOE*

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Section 106 Consulting Parties



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

December 21, 2018

**RE: UPDATES TO AREA OF POTENTIAL EFFECTS (APE) FOR THE BALTIMORE-WASHINGTON
SCMAGLEV PROJECT**

Dear Ms. Hughes:

This letter and enclosures are to inform you of updates to the Area of Potential Effects (APE). FRA seeks your concurrence as part of the Section 106 consultation process between the Federal Railroad Administration (FRA) and the Maryland State Historic Preservation Office (MD SHPO) for the Baltimore-Washington SCMAGLEV Project.

Summary of Recent Design Refinements

Since the last APE delineation, there have been refinements to the SCMAGLEV design, which are summarized below:

- The elevated NoMa station was dropped due to constructability issues of building over the AMTRAK rail lines and impacts on the L'Enfant Plan.
- The designs of both Mount Vernon Square East and West stations have been further refined as preliminary engineering has been undertaken. After meeting with the DC HPO, Commission of Fine Arts (CFA), National Capital Planning Commission (NCPC), and other stakeholders, the Mount Vernon Stations were redesigned to exclude any use of Carnegie Library, Mount Vernon Square, and other L'Enfant Plan Reservations. The Mount Vernon Square West station now has entrances located closer to more Metro stations.
- Efforts were made to reduce the footprint of Rolling Stock Depots (RSD). Meetings with the USDA and other agencies have resulted in the elimination of the BARC RSD location as potential site. Efforts to reduce impacts at the MD 198 RSD, and the existing power line corridor, just to the south in the Patuxent Research Refuge, necessitated the realignment of the ramps to the RSD and the main line alignment of Alternative J. The alignment is now closer to the Baltimore-Washington Parkway.
- A new RSD option was developed in Baltimore City along industrial land along Patapsco Avenue. This option requires maintenance of way facilities at either Suburban Airport or adjacent to a Harley Davidson dealership to optimize the distance covered by nighttime inspection and repair crews.

Updates to Area of Potential Effects (APE)

Due to the recent refinements to the project design, it is necessary to update the APEs in accordance with the APE delineation methodologies previously applied.

The APEs were originally presented to the MD SHPO and DC HPO in letters dated July 20, 2018 and to the Consulting Parties at the September 17, 2018, Consulting Party Meeting #2. Based on DC HPO and Consulting Party comments as well as design refinements, FRA subsequently updated the above-ground APE in Washington, DC, as communicated to you in a letter dated October 31, 2018. The Maryland SHPO concurred with the Maryland APE on October 4, 2018. The DC HPO concurred with the Washington, DC APE on November 30, 2018.

Historic Architectural (Above-ground) APE

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In Washington, DC, the above-ground APE is defined according to the methodology outlined in the October 31, 2018 letter to DC HPO, MD SHPO, and the Consulting Parties:

The proposed APE considered both direct effects from the SCMAGLEV project (including construction of above-ground station entrances and “cut and cover” road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. Project plans are evolving and the revised APE in response to Consulting Party and DC HPO concerns includes consideration of effects on the many contributing resources unique to the L’Enfant Plan, such as reservations (public parks created by the intersection of orthogonal thoroughfares and smaller streets), streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the

overall importance of integrity of setting to the L'Enfant Plan's significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th streets were extended several blocks beyond the distances originally proposed to more accurately assess visual effects on the L'Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting remained intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L'Enfant Plan vistas.

Archaeological (Below-ground) APE

In delineating an updated APE, FRA applied the same methodologies previously used. The revised archaeological APE maps are attached (Attachment B). The archaeological APE is defined by FRA as follows:

The APE for archaeological (below-ground) resources includes the SCMAGLEV corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.

The updated APE has resulted in some changes to the above-ground resources to be studied. In Maryland, the FRA methodology calls for survey and evaluation of every pre-1974 building, a methodology which will continue to be applied within the updated APE in Maryland. In Washington, DC, the DC HPO has recommended FRA provide a list of every building that meets the 45-year age threshold for survey and evaluation along with FRA's proposals for whether a determination of eligibility (DOE) form should be completed or not for each property; DC HPO would then respond with their recommendations. For the October 2018 APE, FRA provided a list to DC HPO on October 31, 2018, and DC HPO responded on November 30, 2018.

For your Information: Changes in Maryland Properties Recommended for DOE Completion

Based on the updates to the APE, a number of properties that had been previously identified for NRHP evaluation have been removed. These include:

1. WSSC Parkway Water Treatment Plant
2. Thomas J Waxter Center (375 Red Clay Rd)
3. Freemire & Associates (1209 Old Dorsey Rd)

4. Hillis-Carnes Engineering Associates (4545 Annapolis Rd)
5. Perry Kurz Allstate Insurance (3601 Annapolis Rd)
6. J. Burke Catering (3600 Annapolis Rd)
7. Gateway Tavern (3520 Annapolis Rd)
8. Auto Repair Center (3529 Annapolis Rd)
9. Steel & Wire Products Co. Inc. (1501 W Patapsco Ave)
10. 3201 Lily Ave
11. 3201 Magnolia Ave
12. 3205 Magnolia Ave
13. 3301 English Consul Ave
14. 3319 English Consul Ave
15. 3323 English Consul Ave
16. Metro Truck & Tractor (911 W Patapsco)
17. Art Litho Co (3500 Marmenco Court)
18. 3510 Marmenco Court
19. 3515 Marmenco Court
20. ARC Construction Services (3513 Marmenco Court)
21. 3501 Marmenco Court
22. 3624 Baltimore St
23. 3021 Indiana Ave
24. 3700 Baltimore St
25. 3016 New Jersey Ave
26. 3004 Maryland Ave
27. 3002 Maryland Ave
28. 2932 Maryland Ave
29. 2933 Maryland Ave

Changes in the APE have also necessitated additional pre-1974 properties that will be evaluated for NRHP eligibility. These include:

1. 7519 Railroad Ave
2. 1300 Cherry Hill Rd
3. 1100 Cherry Hill Rd (Apartment Complex)
4. Spellman Rd and Bethune Rd District
5. Transamerica Building (100 Light St)
6. 200 W Pratt St
7. 206 W Pratt St
8. 100 South Charles St

For Your Information: Revisions to Table of Washington, DC Properties with Recommendations for DOE Completion

Based on the updates to the APE, FRA has created an *Updated Table of Washington, DC Properties with Recommendations for DOE Completion* for DC HPO's review and comment

(Attachment C). The newly added properties and FRA recommendations are highlighted in brown in the attached table. The revised APE has resulted in the inclusion of three additional properties that had not been previously surveyed. FRA recommends completion of a DOE for two of the properties and no DOE for the other; all the other additions have been previously listed or determined eligible for the NRHP, so FRA recommends no further survey or evaluation for those properties. Changes in the APE have not resulted in any properties being removed from the list of properties previously recommended for NRHP evaluation.

FRA requests your concurrence on the definition of the Project's Area of Potential Effects (APE). Please respond within **fourteen (14) calendar days** of receipt of this letter.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Attachment A – Revised Above-Ground APE Map
Attachment B – Revised Archaeological APE Map
Attachment C – *Updated Table of Washington, DC Properties with Recommendations on DOE*

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Section 106 Consulting Parties

January 29, 2019

Ms. Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Continuation of Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project

Dear Ms. Zeringue:

Thank you for your two most recent letters, both dated December 21, 2018, which provided updates on the SCMAGLEV Project's Area of Potential Effects (APE) and responses to our correspondence of November 30, 2018. We have reviewed those letters and are writing to provide additional comments regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act.

We are in agreement with the list of properties for which Determination of Eligibility (DOE) Forms will be developed and those for which no further evaluation will be necessary. We will forward the relevant *Multiple Property Documents* and related information so that it can be referenced in the preparation of the DOE Forms.

We concur with the revised APEs (see attached) and understand that an additional letter will be sent to describe a smaller limit of disturbance for the Rolling Stock Depot at the DC-owned, former DC Children's Center/Forest Haven Historic District.

With regard to archaeology we note that:

- 1) The paragraph in FRA's letter concerning archaeology (p. 3) needs to add "bioretention/ sustainability and water diversion features" to the list of direct effects.
- 2) Locations where ground disturbance is proposed because of activities required or mandated by other review agencies, will require SHPO consultation to determine if archaeological resources are present and/or whether archaeological survey is needed.
- 3) There was a streetcar line along NY Ave and it is likely there will be subsurface streetcar infrastructure in the cut and cover station locations. Further consultation will be required to determine how any such remaining resources will be addressed for Section 106 purposes (e.g. mapping, evaluated in a DOE etc.)
- 4) The APE for the Virginia Railway Express (VRE) Mid-day Train Storage Yard Project overlaps with the direct effects location on Map sheet 4 of 40. FTA is the Lead Federal Agency for the VRE project.
- 5) Not all of the APE at the proposed car storage/maintenance facility is District owned e.g., not part of the DC Youth Facility/Forest Haven. There are privately owned parcels along State Highway 198 and at the BWP interchange.

Ms. Katherine Zeringue
Continuation of Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project
January 29, 2019
Page 2

We look forward to continuing the Section 106 review of this project. If you should have any questions or comments regarding the historic built environment, please contact me at andrew.lewis@dc.gov or 202-442-8841. Comments or questions relating to archaeology should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Thank you for providing this additional opportunity to review and comment.

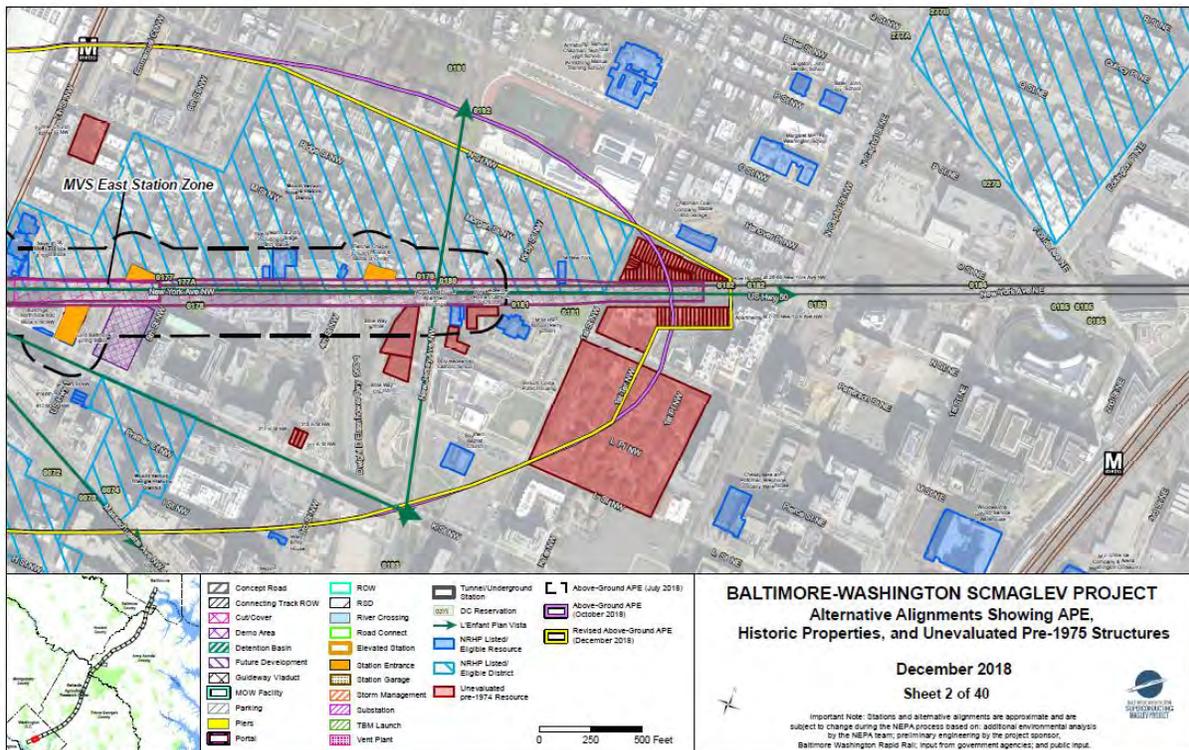
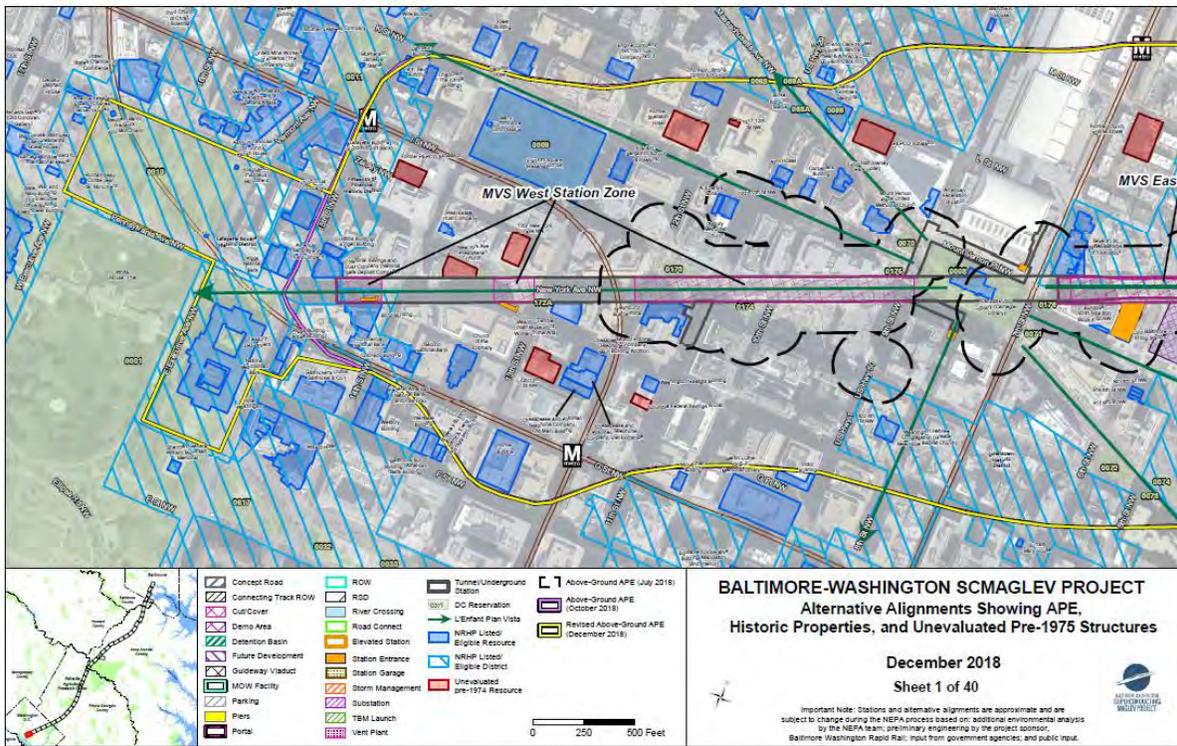
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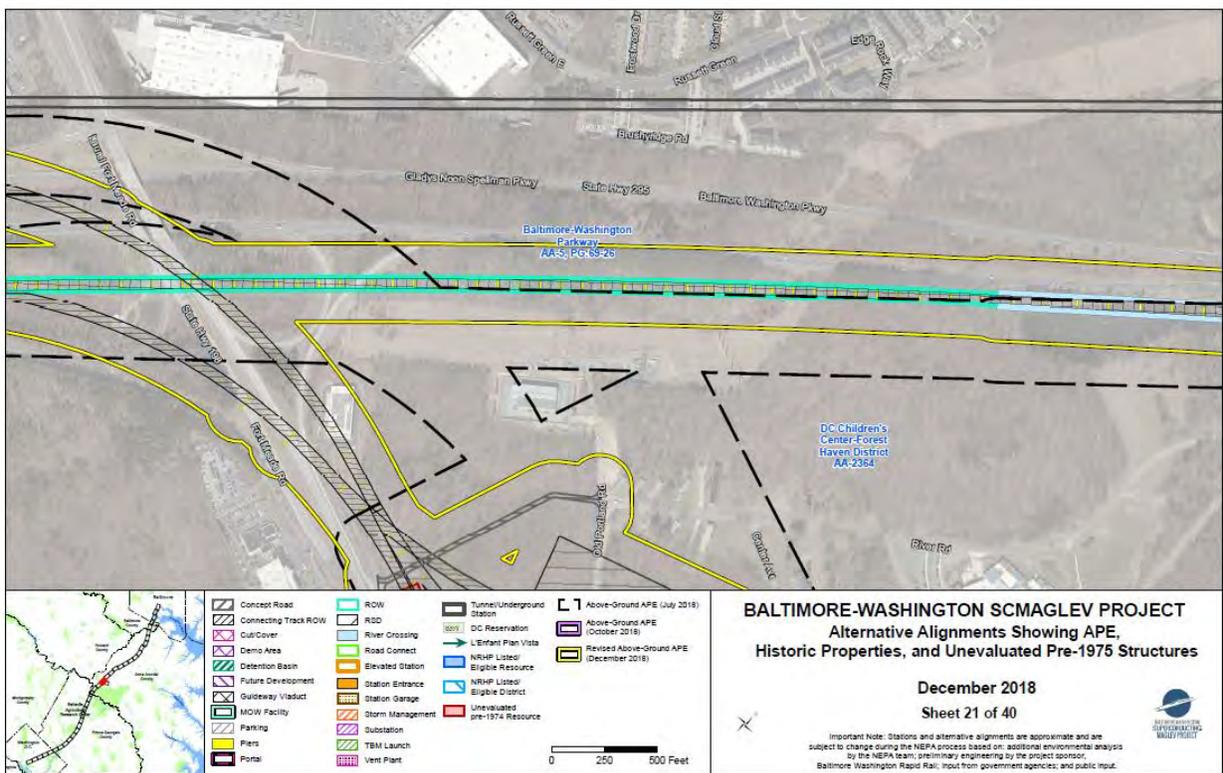
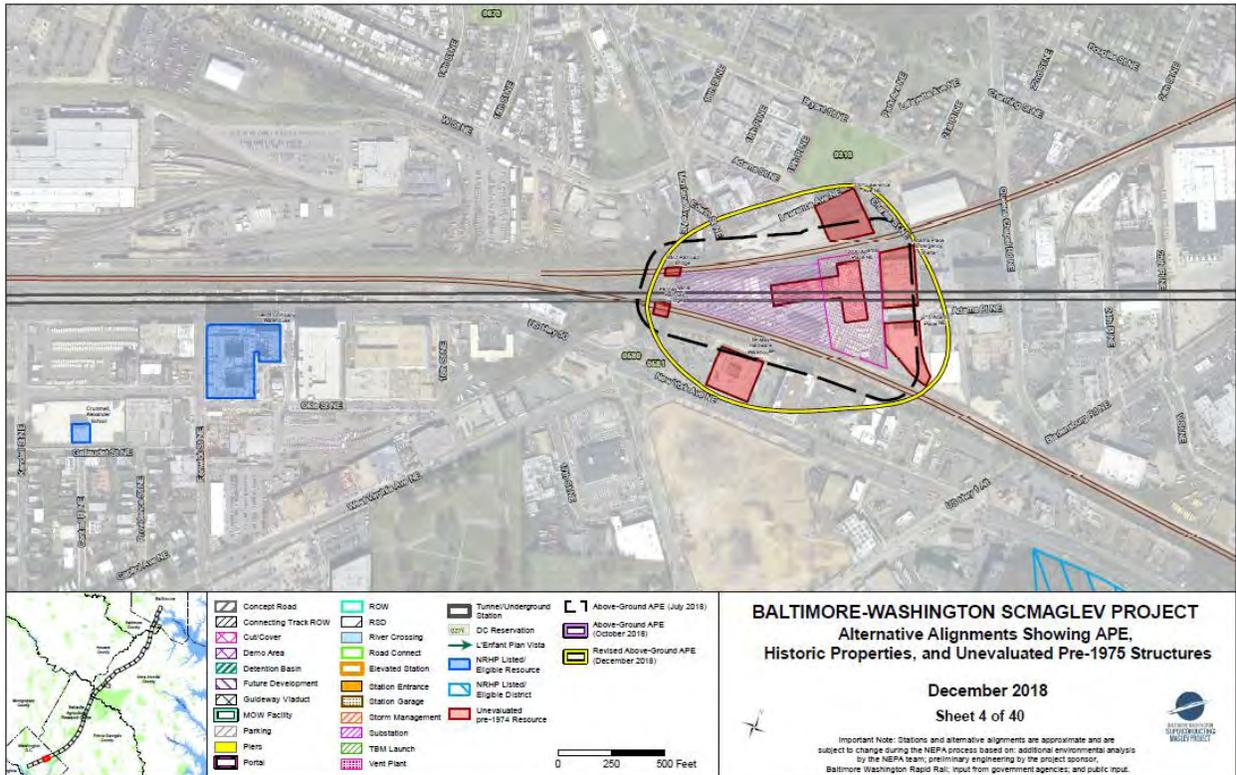


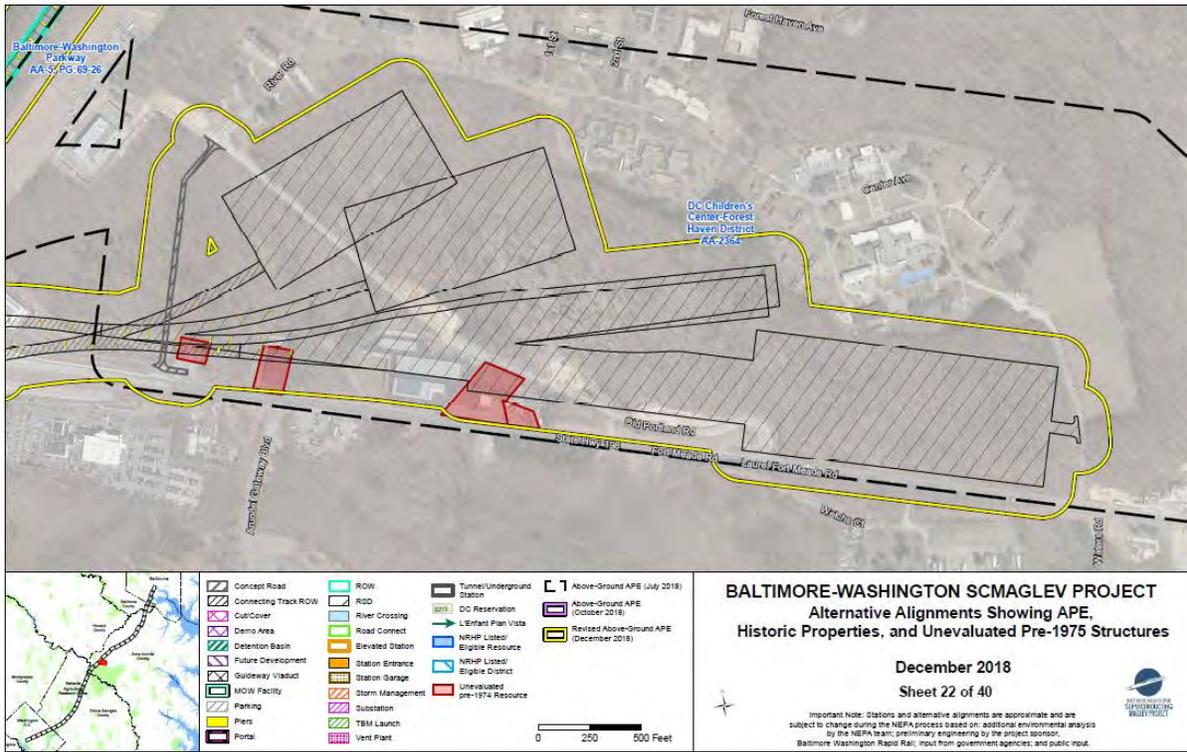
C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

Enclosures
17-0721

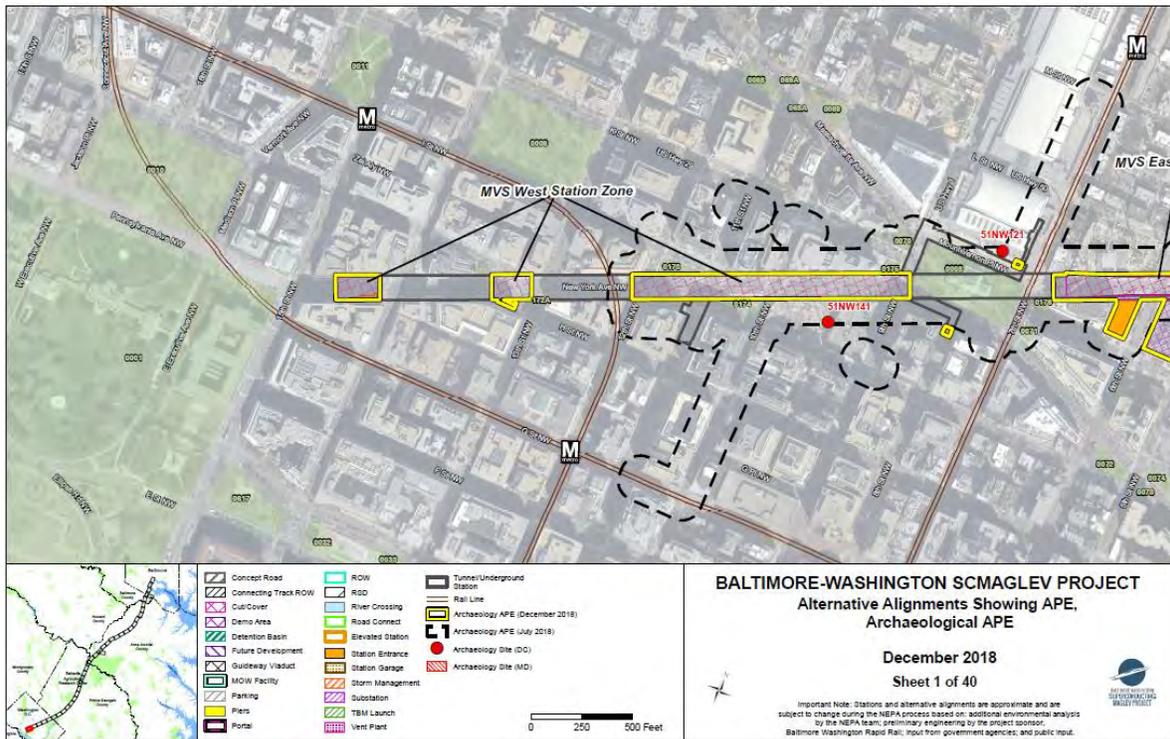
AREAS OF POTENTIAL EFFECT

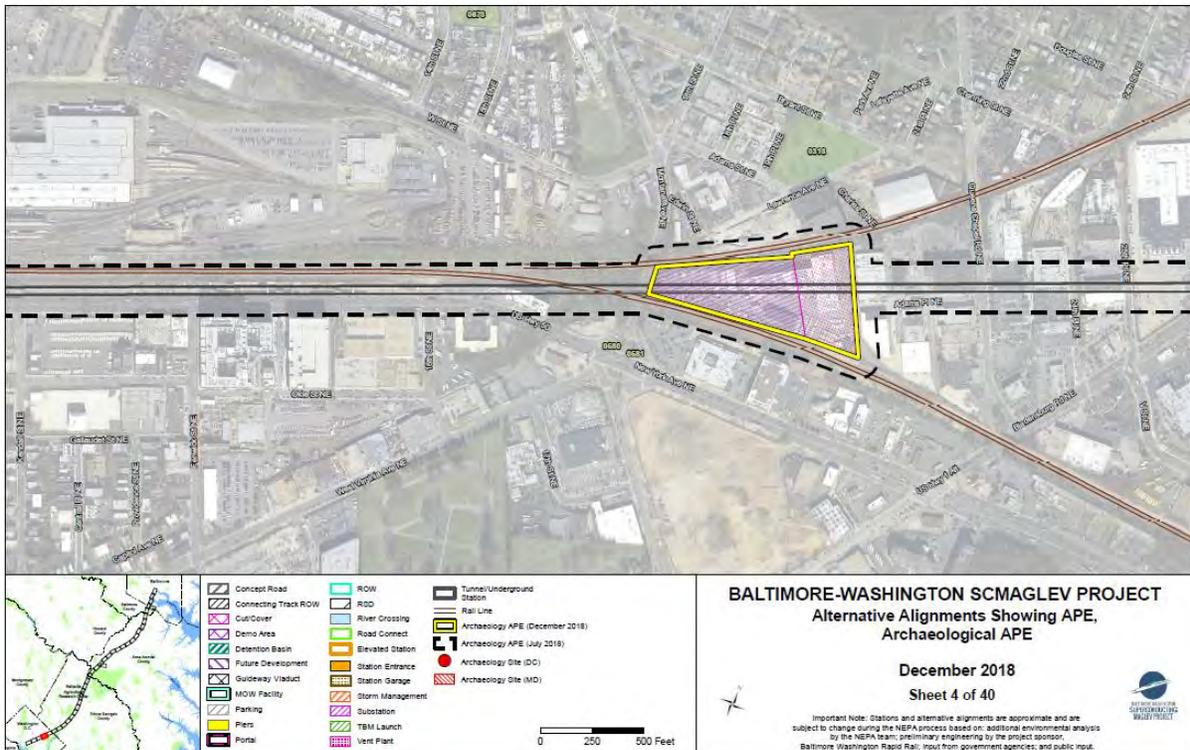
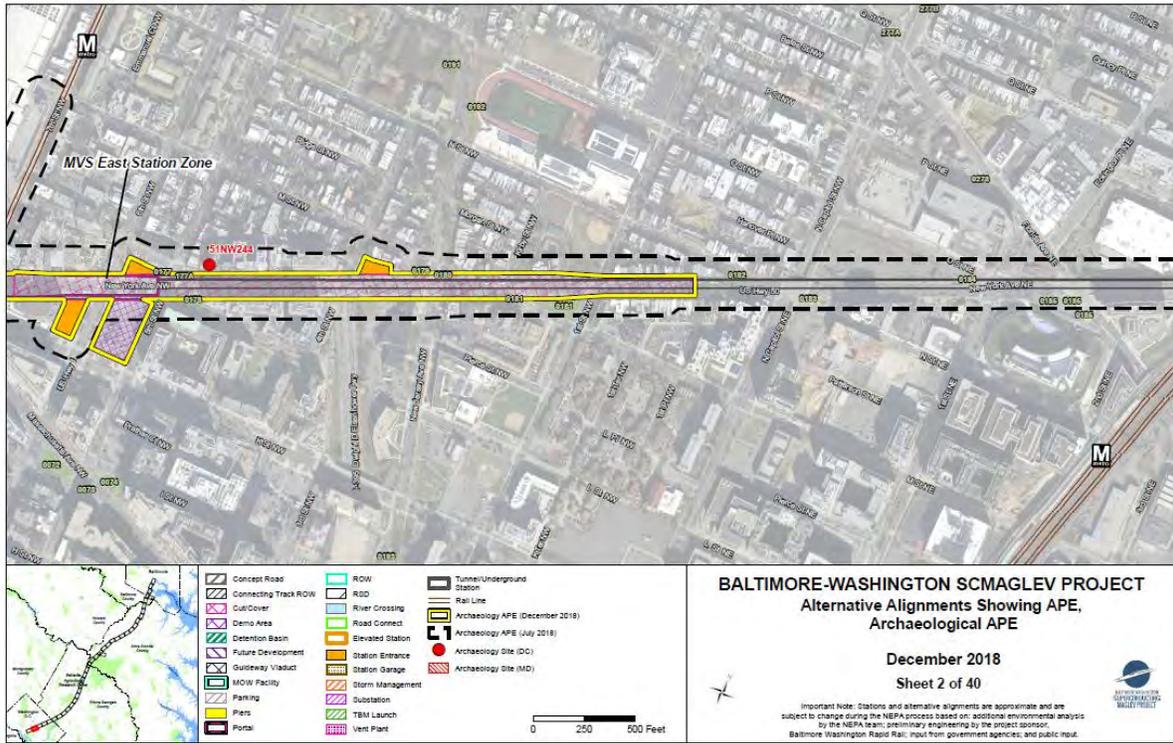


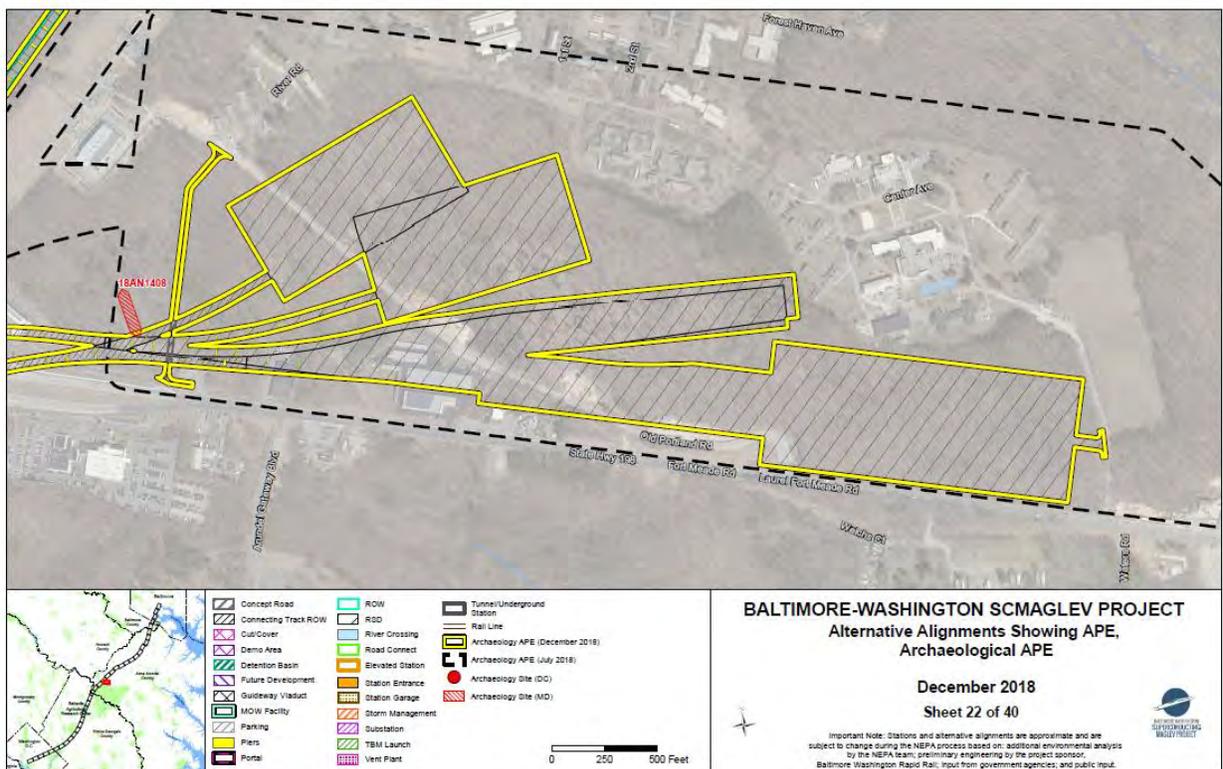
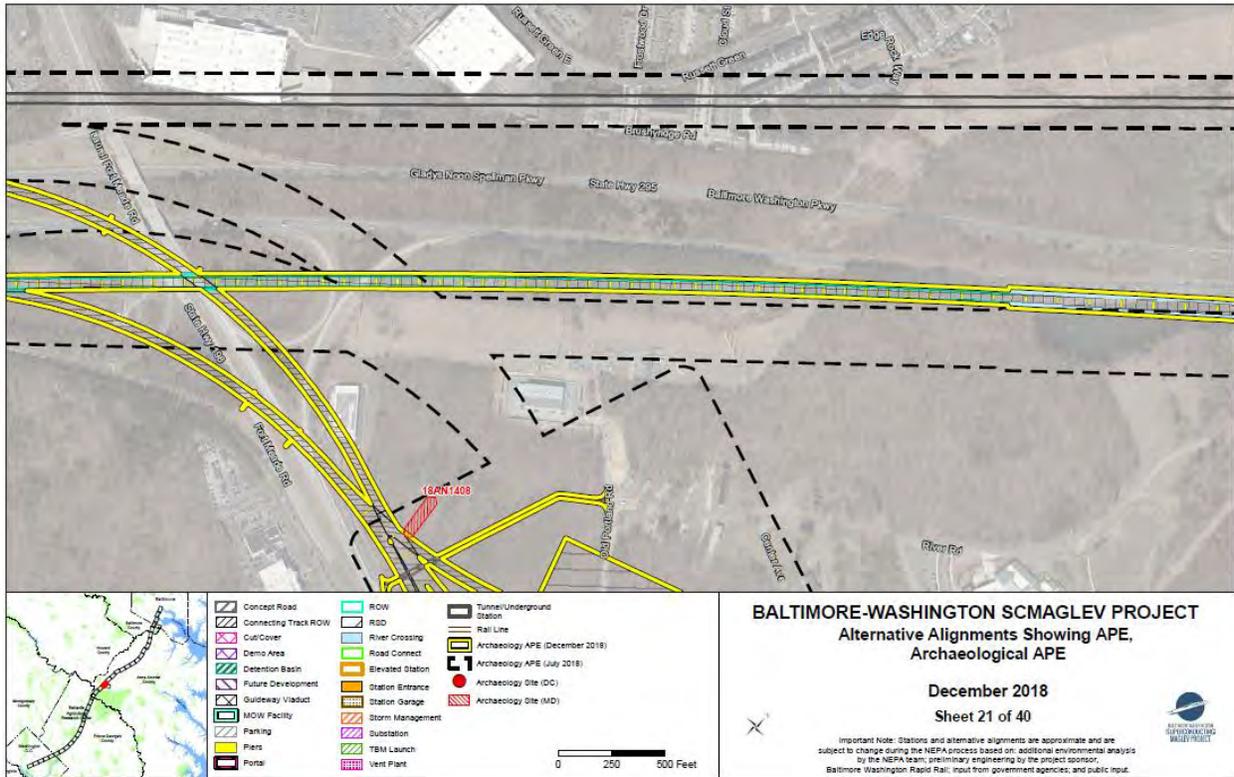




ARCHAEOLOGICAL AREAS OF POTENTIAL EFFECT









U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. C. Andrew Lewis
Senior Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C. 20024

April 15, 2019

**RE: IDENTIFICATION OF HISTORIC PROPERTIES AND DETERMINATIONS OF ELIGIBILITY (DOE) FOR
THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT**

Dear Mr. Lewis:

As you are aware, the Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement for the proposed high-speed, Superconducting Magnetic Levitation (SCMAGLEV) project. The purpose of this letter is to continue consultation under Section 106 of the National Historic Preservation Act and submit information compiled during phased identification and evaluation of historic properties pursuant to 36 CFR Part 800.4(b) and (c). FRA seeks your concurrence on its determinations as part of the Section 106 consultation process between the FRA and the DC State Historic Preservation Office (DC HPO) for the SCMAGLEV Project.

Enclosed are nine (9) Determination of Eligibility (DOE) forms for the pre-1974 above-ground properties surveyed in Washington, DC as part of the Baltimore-Washington SCMAGLEV Project (see Table).

Table – Determination of Eligibility Forms

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible
Bible Way Church and Temple	1100-1130 New Jersey Avenue, NW	X	
Baltimore & Ohio (B&O) Railroad Bridge over Montana Avenue, NE	Crosses Montana Avenue north of New York Avenue, NE		X
DC Public Schools Warehouse	2000-2200 Adams Place, NE		X
(Former) F.P. May Hardware Company Warehouse and Office	1818 New York Avenue, NE	X	
Holy Redeemer Catholic Church and School	210 New York Avenue, NW (church); 1135 New Jersey Avenue, NW (school)	X	
Mount Vernon Square Historic District Addition (Proposed)	Unit blocks of New York Avenue (north and south side), M and N Streets, and 1100 block of 1 st Street, NW	X	

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible
Pennsylvania Railroad Bridge over Montana Avenue, NE	Crosses Montana Avenue north of New York Avenue, NE		X
(Former) Peoples Congregational Church	628 M Street, NW	X	
Warehouse, 2215 Adams Place, NE	2215 Adams Place, NE		X

Please note that because Mount Vernon West (MVW) station is in the process of being dropped from further consideration, there are seven (7) resources that are no longer going to be affected by the project. These properties are:

- New York Avenue Presbyterian Church, 1313 New York Avenue, NW
- (Former) PEPCO Substation No. 10, 412 I Street and Zei Alley, NW
- Elizabeth Hobbs Keckley House, 1017 12th Street, NW
- Washington Times-Herald Building, 307 New York Avenue, NW
- Chesapeake & Potomac (C&P) Telephone Company Building, 725 13th Street, NW
- (Former) Columbia Federal Savings & Loan Association Building, 730 11th Street, NW
- PEPCO Substation No. 52, 1025 10th Street, NW

Therefore, we will not submit these seven (7) DOEs for your review since they are no longer being considered within the DEIS.

FRA requests your concurrence with its identification of historic properties and determinations of eligibility. By being copied on this letter, consulting parties are also being given a concurrent opportunity to review and provide comment on FRA's findings. Please respond within **thirty (30) calendar days** of receipt of this letter.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,

Katherine Zeringue
 Federal Preservation Officer
 Environmental & Corridor Planning Division
 Office of Railroad Policy and Development

Attachments:

Determination of Eligibility Forms

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Ms. Holly Arnold, Deputy Administrator & Chief Planning Program and Engineering Officer,
MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Section 106 Consulting Parties



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

April 15, 2019

**RE: IDENTIFICATION OF HISTORIC PROPERTIES AND DETERMINATIONS OF ELIGIBILITY (DOE) FOR
THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT**

Dear Ms. Hughes:

As you are aware, the Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement for the proposed high-speed, Superconducting Magnetic Levitation (SCMAGLEV) project. The purpose of this letter is to continue consultation under Section 106 of the National Historic Preservation Act and submit information compiled during phased identification and evaluation of historic properties pursuant to 36 CFR Part 800.4(b) and (c). FRA seeks your concurrence on its determinations as part of the Section 106 consultation process between the FRA and the Maryland State Historic Preservation Office (MD SHPO) for the SCMAGLEV Project.

Enclosed are thirty-five (35) Determination of Eligibility (DOE) forms for the pre-1974 above-ground properties surveyed in Maryland as part of the Baltimore-Washington SCMAGLEV Project (see Table). As directed by your office, FRA has used the Short Form DOE format for individual properties FRA is recommending as not eligible for listing in the National Register of Historic Places (NRHP). FRA has used the Regular Form DOE format for one (1) district FRA is recommending ineligible and for three (3) properties FRA is recommending eligible for listing in the NRHP (including a boundary expansion of an existing historic district).

Table – Determination of Eligibility Forms

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
84 Manufacturing	7507 Railroad Ave, Harmans, MD 21077		X	Short
600 West Patapsco Avenue	600 West Patapsco Ave, Baltimore, MD 21225		X	Short
901 West Patapsco Avenue	901 West Patapsco Ave, Baltimore, MD 21230		X	Short

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
918-948 West Patapsco Avenue	918-948 West Patapsco Ave, Baltimore, MD 21230		X	Short
1300 Cherry Hill Road	1300 Cherry Hill Rd, Baltimore, MD 21225		X	Short
1401 West Patapsco Avenue	1401 West Patapsco Ave, Baltimore, MD 21230		X	Short
2510 Erick Street	2510 Erick St, Baltimore, MD 21230		X	Short
2924 Waterview Avenue	2924 Waterview Ave, Baltimore, MD 21230		X	Short
3103 Magnolia Avenue	3103 Magnolia Ave, Baltimore, MD 21230		X	Short
3300 Annapolis Road	3300 Annapolis Rd, Baltimore, MD 21230		X	Short
3301 Annapolis Road	3301 Annapolis Rd, Baltimore, MD 21230		X	Short
3302 Annapolis Road	3302 Annapolis Rd, Baltimore, MD 21230		X	Short
3304 English Consul Avenue	3304 English Consul Ave, Baltimore, MD 21230		X	Short
3306 English Consul Avenue	3306 English Consul Ave, Baltimore, MD 21230		X	Short
3307 Geranium Avenue	3307 Geranium Ave, Baltimore, MD 21230		X	Short
3508 Annapolis Road	3505 Annapolis Rd, Baltimore Highlands-Lansdowne, MD 21227		X	Short
3308 English Consul Avenue	3308 English Consul Ave, Baltimore, MD 21230		X	Short
Adell Plastics	4530 Annapolis Rd, Halethorpe, MD 21227		X	Short
Apartment Complex	11686 South Laurel Dr, Laurel, MD 20708		X	Short

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
Cherry Hill Homes Historic District Addition (B-5080)	Bethune, Round, Seagull, Cherryland, and Spelman Rds, Baltimore, MD 21225	X		Regular
Cherrydale Apartments	1100 Cherry Hill Rd, Baltimore, MD 21225		X	Short
Colony 7 Motor Inn/National Cryptologic Museum	8290 Colony Seven Rd, Annapolis Junction, MD 20701		X	Short
Commercial Building	3303-3321 Annapolis Rd, Baltimore, MD 21230		X	Short
Keystone Electric Company	2807 Annapolis Rd, Baltimore, MD 21230		X	Short
Holiday Inn	301 West Lombard St, Baltimore, MD 21201		X	Short
Joffe Brothers Food Distributors Warehouse	3100 Viona Ave, Baltimore, MD 21230		X	Short
Maryland City (AA-2542)	Subdivision Entrance - Old Line Avenue at Laurel-Fort Meade Road, Laurel, MD 20724		X	Short
Maryland Paper Box Company	4546 Annapolis Rd, Halethorpe, MD 21227		X	Short
Maryland Pump Tank and Electric	2515 Erick St, Baltimore, MD 21230		X	Short
Patapsco Plaza Shopping Center	1400 West Patapsco Ave, Baltimore, MD 21230		X	Short
Sheppard Katzenstein Building/Moses Sheppard House (B-1319)	200-202 West Pratt St, Baltimore, MD 21201	X		Regular
Suburban Airport	520 Brock Bridge Rd, Jessup, MD 20794		X	Short
Traffic Systems, Inc.	7519 Railroad Ave, Harmans, MD 21077		X	Short

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
U.S. Fidelity and Guaranty (USF&G) Building (B-5318)	100 Light St, Baltimore, MD 21202	X		Regular
WSSC Anacostia Service Center	4141 Lloyd St/3500 Kenilworth Ave, Bladensburg, MD 20710		X	Short

FRA requests your concurrence with its identification of historic properties and determinations of eligibility. By being copied on this letter, consulting parties are also being given a concurrent opportunity to review and provide comment on FRA's findings. Please respond within **thirty (30) calendar days** of receipt of this letter.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Determination of Eligibility Forms

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Ms. Holly Arnold, Deputy Administrator & Chief Planning Program and Engineering Officer, MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Section 106 Consulting Parties

From: [Zeringue, Katherine \(FRA\)](mailto:Zeringue.Katherine@FRA)
To: e106@achp.gov
Cc: sstokely@achp.gov; aaron@anacostiatrials.org; jfoster@anacostiaws.org; chandlerrandall@yahoo.com; jherr@aoc.gov; pzbeve19@aaacounty.org; pzcox000@aaacounty.org; kyle.leggs@baltimorecity.gov; stacy.montgomery@baltimorecity.gov; ajt2485@aol.com; baltimorecityhistoricalsociety@gmail.com; hopkins@baltimoreheritage.org; Matthew_Carroll@nps.gov; tschum@collegeparkmd.gov; mbader@collegeparkmd.gov; cwmcillion@gmail.com; dtallant@aol.com; info@chrs.org; jasmailes@gmail.com; william_parry@csx.com; tmlingan@venable.com; 1B09@anc.dc.gov; 2C01@anc.dc.gov; 5B02@anc.dc.gov; 6C02@anc.dc.gov; 7D06@anc.dc.gov; greer.gillis@dc.gov; endrea.frazier@dc.gov; stephen.campbell@dc.gov; stephen.plano@dc.gov; david.maloney@dc.gov; steve.callcott@dc.gov; andrew.lewis@dc.gov; ruth.troccoli@dc.gov; info@fona.org; peggystrand404@gmail.com; nancy.bryson@verizon.net; nancy.witherell@gsa.gov; donna.andrews@gsa.gov; e.ralph@ghi.coop; keith.colston@maryland.gov; tim.tamburrino@maryland.gov; beth.cole@maryland.gov; lizabeth.r.montgomery@nasa.gov; braulio.r.ramon@nasa.gov; irene.j.romero@nasa.gov; carlton.hart@ncpc.gov; kael.anderson@ncpc.gov; lee.webb@ncpc.gov; michael.sherman@ncpc.gov; matthew.flis@ncpc.gov; Maureen_Joseph@nps.gov <nps>; joel.gorder@nps.gov; director@patapsco.org; howard.berger@ppd.mncppc.org; buzysusan23@yahoo.com; galencarolyn@verizon.net; flindstrom@cfa.gov; dfox@cfa.gov; carol_braegelmann@ios.doi.gov; Dana.jackson@ars.usda.gov; Genevieve_LaRouche@fws.gov; brad_knudsen@fws.gov; Richard.Olsen@ars.usda.gov; Ramon.Jordan@ars.usda.gov; ogonzalez@vre.org; mrooney@washgas.com; jammailes@gmail.com; Bratcher_Brandon@FRA; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; LMolesworth@mta.maryland.gov; KLyles1@mta.maryland.gov; [Zeringue, Katherine \(FRA\)](mailto:Zeringue.Katherine@FRA); jthorne@mdot.state.md.us; gwendolyn.gibson@maryland.gov; [Jones, Angela](mailto:Jones,Angela); [Cheskey, Mark](mailto:Cheskey,Mark); [Cleven, Brian](mailto:Cleven,Brian); [Henry, Geoffrey](mailto:Henry,Geoffrey); [Lytle, Melanie](mailto:Lytle,Melanie); Mikayal.Raymond@aecom.com; lpesesky@louisberger.com; BWSCMAGLEV
Subject: MAGLEV - ACHP Programmatic Agreement Notification
Date: Wednesday, May 08, 2019 8:53:23 AM
Attachments: [Final MAGLEV e106 \(5-8-19\).docx](#)

ACHP,

Attached please find an e106 submission regarding construction of the SCMAGLEV train between Washington DC and Baltimore MD to:

- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

As the supporting documentation is too large to send via email, AECOM, on behalf of FRA, will follow up with ACHP and those cc-ed with an invitation to transfer the attachments through WeTransfer for download by recipients.

Please let me know if: 1) there is any additional information needed by ACHP to complete this submission, 2) ACHP will participate in the development of this Programmatic Agreement, and 3) there are any questions.

Sincerely,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format

Send to: *e106@achp.gov*

I. Basic information

1. **Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

Federal Railroad Administration (Lead Agency)

Official EIS Cooperating Agencies include U.S. Department of Interior, National Park Service; U.S. Department of Interior, U.S. Fish and Wildlife Service; U.S. Department of Department of Agriculture (USDA), Agricultural Research Service; National Aeronautics and Space Administration; Department of Homeland Security, U.S. Secret Service; U.S. Army (Fort George G. Meade); National Security Agency (leased from FGM).

2. **Name of undertaking/project** (Include project/permit/application number if applicable):
Superconducting Magnetic Levitation (SCMAGLEV) Rail Line.
3. **Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands): Public (federal, state, and local) and private land located in Washington, DC; and Prince George's, Howard, and Anne Arundel Counties and the City of Baltimore, Maryland. The undertaking (SCMAGLEV Project) will not occur on or affect historic properties located on tribal lands.
4. **Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)

5. **Purpose of notification:**

- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

II. Information on the Undertaking*

6. **Describe the undertaking and nature of federal involvement** (if multiple federal agencies are involved, specify involvement of each): The Federal Railroad Administration (FRA) has provided grant funding to Maryland Department of Transportation – Maryland Transit Administration (MDOT MTA) to carry out preliminary engineering, conceptual design, and environmental analyses in compliance with the National Environmental Policy Act (NEPA)(42 U.S.C. § 4321 et seq.) to evaluate the potential impacts of constructing and operating the SCMAGLEV system between Washington, DC and Baltimore, Maryland, with an intermediate stop at Baltimore-Washington/Thurgood Marshall International Airport. The FRA’s funding is considered an undertaking under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations, *Protection of Historic Properties* (36 C.F.R. § 800) (known collectively as “Section 106”). The SCMAGLEV Project is partially located on federal lands and may impact lands owned and/or managed by the federal agencies listed in Item I-1. FRA is currently working with the federal agencies affected to determine their involvement and responsibilities under Section 106.
7. **Describe the Area of Potential Effects (APE):** In Maryland, the APE for above-ground resources includes the geographic area within 150 feet of the proposed ROW of the Project, locations associated with roadway improvements that are outside the proposed facility ROW, and temporary construction areas. In Washington, D.C., the APE for above-ground properties follows the same methodology as that for Maryland, but extends further distances in downtown Washington, D.C. to more accurately assess visual effects to the NRHP-listed L’Enfant Plan’s significant street plan and vistas. The archaeological APE focusses on ground-disturbing activity areas and is defined as the Project LOD, and takes into account direct effects of the Build Alternatives.

The Programmatic Agreement will include a provision to account for changes to the APE after the issuance of the Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) and execution of the agreement, if applicable.

Describe steps taken to identify historic properties: FRA has consulted with the Maryland State Historic Preservation Office (MDSHPO) and District of Columbia Historic Preservation Office (DCHPO), conducted an online search, and located information on previously identified historic properties (listed in or eligible for listing in the National Register of Historic Places). The Programmatic Agreement will include provisions for phased identification and evaluation of historic properties after the issuance of the FEIS/ROD and execution of the agreement.

FRA is currently in the process of field survey to identify additional historic properties that may be located within the Project APE. The survey and evaluation of previously unrecorded properties in the above-ground APE is currently underway, and the results will be integrated into the analysis as available. A comprehensive Phase I Archaeological Survey has been initiated, and, similarly, data regarding additional archaeological cultural resources will be integrated into the

analysis when it is available.

Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information): To date, known historic properties identified by FRA within the Project APE are presented in table format in Attachment A. There are no National Historic Landmarks within the APE. The Programmatic Agreement will include provisions for phased identification and evaluation of historic properties after the issuance of the FEIS/ROD and execution of the agreement. Additional historic properties identified during the ongoing surveys will be integrated into the analysis as available.

Describe the undertaking's effects on historic properties: Effects, both temporary or permanent, on cultural resources and historic properties could occur as a result of temporary (construction) or permanent (operational) direct and indirect impacts of the Build Alternatives. This assessment includes analyses for construction impacts, aesthetics and visual quality, noise and vibration, and traffic. Regardless of the types of effects to a property, effects will be assessed against the seven aspects of integrity (location, design, setting, materials, workmanship, feeling, and association) that contribute to a property's historic significance. To date, no adverse effects have been identified; however, the Programmatic Agreement will include provisions for phased findings of effects to historic properties after the issuance of the FEIS/ROD and execution of the agreement. If effects are determined to diminish any aspects of integrity that contribute to a property's historic significance, a finding of adverse effect will be made.

8. **Explain how this undertaking would adversely affect historic properties** (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects): Anticipated adverse effects on known historic properties identified by FRA within the Project APE are presented in table format in Attachment B. Please note that these have not yet been formally concurred upon by SHPO via a formal consultation process. Additional historic properties identified during the ongoing surveys will be integrated into the effects analysis as available.

The Programmatic Agreement will include provisions for an expedited consultation process and a property-specific MOA provision to resolve adverse effects, should adverse effects be formally determined in consultation after the issuance of the FEIS/ROD and execution of the agreement.

9. **Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public**, including any correspondence from the SHPO and/or THPO: Summaries of correspondence from consulting parties are contained in Attachment C.

* see *Instructions for Completing the ACHP e106 Form*

III. Optional Information

13. **Please indicate the status of any consultation that has occurred to date.** Are there any consulting parties involved other than the SHPO/THPO? *Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?* A list of the local governments, organizations and community groups, and others who have accepted the

invitation to be consulting parties is contained in Attachment D. Discussions about resolution of adverse effects will occur as an outcome of future discussions outlined in the PA.

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links: <https://www.bwmaglev.info/>

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number: The project is listed in the Permitting Dashboard at <https://www.permits.performance.gov/permitting-projects/baltimore-washington-superconducting-maglev-project>. The listing does not specify if it is a “major” or “covered” project.

The following are attached to this form:

- Attachment A - Project Mapping
- Attachment B– Historic Properties and Effects Evaluations
 - Table 1 – SCMAGLEV Build Alternative J (BWP East) Above-ground Resources in the APE
 - Table 2 – SCMAGLEV Build Alternative J (BWP East) Archaeological Resources in the APE
 - Table 3 – SCMAGLEV Build Alternative J1 (BWP East) Above-ground Resources in the APE
 - Table 4 – SCMAGLEV Build Alternative J1 (BWP East) Archaeological Resources in the APE
 - Table 5 – SCMAGLEV Built Alternative J – Adverse Effects on Above-ground Resources from Operation
 - Table 6 - SCMAGLEV Built Alternative J – Adverse Effects on Archaeological Resources from Operation
- Attachment C – Summary of SCMAGLEV Section 106 Consulting Party Communications (as of 4-17-19)
- Attachment D – SCMAGLEV Section 106 Consulting Parties (as of 4-17-19)

From: [Sarah Stokely](#)
To: [Lytle, Melanie](#)
Cc: aaron@anacostiatrails.org; jfoster@anacostiaws.org; chandlerrandall@yahoo.com; jherr@aoc.gov; pzbeve19@aaacounty.org; pzcox000@aaacounty.org; kyle.leggs@baltimorecity.gov; stacy.montgomery@baltimorecity.gov; ajt2485@aol.com; baltimorecityhistoricalsociety@gmail.com; Johns W. Hopkins; Matthew_Carroll@nps.gov; tschum@collegeparkmd.gov; mbader@collegeparkmd.gov; cwmcillion@gmail.com; dtallant@aol.com; info@chrs.org; jasmailes@gmail.com; william_parry@csx.com; tmlingan@venable.com; 1B09@anc.dc.gov; 2C01@anc.dc.gov; 5B02@anc.dc.gov; 6C02@anc.dc.gov; 7D06@anc.dc.gov; greer.gillis@dc.gov; endrea.frazier@dc.gov; stephen.campbell@dc.gov; stephen.plano@dc.gov; David Maloney; Steve Callcott; C. Andrew Lewis; Ruth Troccoli; info@fona.org; peggystrand404@gmail.com; nancy.bryson@verizon.net; Nancy Witherell; Donna Andrews; e.ralph@ghi.coop; Keith Colston; tim.tamburrino@maryland.gov; beth.cole@maryland.gov; lizabeth.r.montgomery@nasa.gov; braulio.r.ramon@nasa.gov; irene.j.romero@nasa.gov; Carlton Hart; kael.anderson@ncpc.gov; Lee Webb; michael.sherman@ncpc.gov; matthew.flis@ncpc.gov; Maureen_Joseph@nps.gov <nps>; joel_gorder@nps.gov; director@patapsco.org; howard.berger@ppd.mncppc.org; buzysusan23@yahoo.com; galencarolyn@verizon.net; Frederick J. Lindstrom; Dan Fox; carol_braegelman@ios.doi.gov; Dana.jackson@ars.usda.gov; Genevieve_LaRouche@fws.gov; brad_knudsen@fws.gov; Richard.Olsen@ars.usda.gov; Ramon.Jordan@ars.usda.gov; ogonzalez@vre.org; mrooney@washgas.com; jammailes@gmail.com; [Bratcher, Brandon \(FRA\)](mailto:Bratcher, Brandon (FRA)); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; LMolesworth@mta.maryland.gov; KLyles1@mta.maryland.gov; jthorne@mdot.state.md.us; gwendolyn.gibson@maryland.gov; Jones, Angela; Cheskey, Mark; Cleven, Brian; Henry, Geoffrey; Raymond, Mikayla; lpeseky@louisberger.com; BWSCMAGLEV; Katherine Zeringue
Subject: RE: MAGLEV - ACHP Programmatic Agreement Notification
Date: Wednesday, May 08, 2019 1:22:04 PM
Attachments: [image001.png](#)
[Proposed Baltimore-Washington Superconducting Magnetic Levitation Project Maryland and Washington DC.msg](#)

Thank you, Melanie, for sending this link to download documents.

Just for clarity, the Advisory Council on Historic Preservation sent our participation letter to FRA on February 6, 2018.

Please see attached email.

I look forward to working with everyone on drafting the Programmatic Agreements for this undertaking.

Please feel free to contact me if you have any questions.

Sarah

Sarah C. Stokely
Program Analyst
Advisory Council on Historic Preservation
Telephone: 202-517-0224
Fax: 202-517-6381
Email: sstokely@achp.gov

From: Lytle, Melanie [<mailto:melanie.lytle@aecom.com>]
Sent: Wednesday, May 08, 2019 9:26 AM
To: e106
Cc: Sarah Stokely; aaron@anacostiatrails.org; jfoster@anacostiaws.org; chandlerrandall@yahoo.com; jherr@aoc.gov; pzbeve19@aaacounty.org; pzcox000@aaacounty.org; kyle.leggs@baltimorecity.gov; stacy.montgomery@baltimorecity.gov; ajt2485@aol.com; baltimorecityhistoricalsociety@gmail.com; Johns W. Hopkins; Matthew_Carroll@nps.gov; tschum@collegeparkmd.gov; mbader@collegeparkmd.gov; cwmcillion@gmail.com; dtallant@aol.com; info@chrs.org; jasmailes@gmail.com;

william_parry@csx.com; tmlingan@venable.com; 1B09@anc.dc.gov; 2C01@anc.dc.gov; 5B02@anc.dc.gov; 6C02@anc.dc.gov; 7D06@anc.dc.gov; greer.gillis@dc.gov; endrea.frazier@dc.gov; stephen.campbell@dc.gov; stephen.plano@dc.gov; David Maloney; Steve Callcott; C. Andrew Lewis; Ruth Troccoli; info@fona.org; peggystrand404@gmail.com; nancy.bryson@verizon.net; Nancy Witherell; Donna Andrews; e.ralph@ghi.coop; Keith Colston; tim.tamburrino@maryland.gov; beth.cole@maryland.gov; lizabeth.r.montgomery@nasa.gov; braulio.r.ramon@nasa.gov; irene.j.romero@nasa.gov; Carlton Hart; kael.anderson@ncpc.gov; Lee Webb; michael.sherman@ncpc.gov; matthew.flis@ncpc.gov; Maureen_Joseph@nps.gov <nps>; joel_gorder@nps.gov; director@patapsco.org; howard.berger@ppd.mncppc.org; buzysusan23@yahoo.com; galencarolyn@verizon.net; Frederick J. Lindstrom; Dan Fox; carol_braegelmann@ios.doi.gov; Dana.jackson@ars.usda.gov; Genevieve_LaRouche@fws.gov; brad_knudsen@fws.gov; Richard.Olsen@ars.usda.gov; Ramon.Jordan@ars.usda.gov; ogonzalez@vre.org; mrooney@washgas.com; jammailes@gmail.com; Bratcher, Brandon (FRA); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; LMolesworth@mta.maryland.gov; KLYles1@mta.maryland.gov; jthorne@mdot.state.md.us; gwendolyn.gibson@maryland.gov; Jones, Angela; Cheskey, Mark; Cleven, Brian; Henry, Geoffrey; Raymond, Mikayla; lpesesky@louisberger.com; BWSCMAGLEV;; Katherine Zeringue
Subject: RE: MAGLEV - ACHP Programmatic Agreement Notification

Good morning,

Please visit this AECOM WeTransfer link to download the SCMAGLEV e106 submission supporting documentation: <https://we.tl/t-XIOYLTylqw>

Thank you,

Melanie Lytle, MA
Architectural Historian
Architectural History and Cultural Landscapes Program
Impact Assessment and Permitting
DC Metro+ Environment
C +1-916-844-8860
melanie.lytle@aecom.com

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From: Zeringue, Katherine (FRA) [mailto:katherine.zeringue@dot.gov]
Sent: Wednesday, May 08, 2019 8:48 AM
To: e106@achp.gov
Cc: sstokely@achp.gov; aaron@anacostiatrails.org; jfoster@anacostiaws.org; chandlerandall@yahoo.com; jherr@aoc.gov; pzbeve19@aacounty.org; pzcox000@aacounty.org;

kyle.leggs@baltimorecity.gov; stacy.montgomery@baltimorecity.gov; ajt2485@aol.com; baltimorecityhistoricalsociety@gmail.com; hopkins@baltimoreheritage.org; Matthew_Carroll@nps.gov; tschum@collegetparkmd.gov; mbader@collegetparkmd.gov; cwmcmillion@gmail.com; dtallant@aol.com; info@chrs.org; jasmalies@gmail.com; william_parry@csx.com; tmlingan@venable.com; 1B09@anc.dc.gov; 2C01@anc.dc.gov; 5B02@anc.dc.gov; 6C02@anc.dc.gov; 7D06@anc.dc.gov; greer.gillis@dc.gov; endrea.frazier@dc.gov; stephen.campbell@dc.gov; stephen.plano@dc.gov; david.maloney@dc.gov; steve.callcott@dc.gov; andrew.lewis@dc.gov; ruth.troccoli@dc.gov; info@fona.org; peggystrand404@gmail.com; nancy.bryson@verizon.net; nancy.witherell@gsa.gov; donna.andrews@gsa.gov; e.ralph@ghi.coop; keith.colston@maryland.gov; tim.tamburrino@maryland.gov; beth.cole@maryland.gov; lizabeth.r.montgomery@nasa.gov; braulio.r.ramon@nasa.gov; irene.j.romero@nasa.gov; carlton.hart@ncpc.gov; kael.anderson@ncpc.gov; lee.webb@ncpc.gov; michael.sherman@ncpc.gov; matthew.flis@ncpc.gov; Maureen_Joseph@nps.gov <nps>; joel_gorder@nps.gov; director@patapsco.org; howard.berger@ppd.mncppc.org; buzysusan23@yahoo.com; galencarolyn@verizon.net; flindstrom@cfa.gov; dfox@cfa.gov; carol_braegelman@ios.doi.gov; Dana.jackson@ars.usda.gov; Genevieve_LaRouche@fws.gov; brad_knudsen@fws.gov; Richard.Olsen@ars.usda.gov; Ramon.Jordan@ars.usda.gov; ogonzalez@vre.org; mrooney@washgas.com; jammailes@gmail.com; Bratcher, Brandon (FRA); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; LMolesworth@mta.maryland.gov; KLYles1@mta.maryland.gov; Zeringue, Katherine (FRA); jthorne@mdot.state.md.us; gwendolyn.gibson@maryland.gov; Jones, Angela; Cheskey, Mark; Cleven, Brian; Henry, Geoffrey; Lytle, Melanie; Mikayal.Raymond@aecom.com; lpesesky@louisberger.com; BWSCMAGLEV,
Subject: MAGLEV - ACHP Programmatic Agreement Notification

ACHP,

Attached please find an e106 submission regarding construction of the SCMAGLEV train between Washington DC and Baltimore MD to:

- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

As the supporting documentation is too large to send via email, AECOM, on behalf of FRA, will follow up with ACHP and those cc-ed with an invitation to transfer the attachments through WeTransfer for download by recipients.

Please let me know if: 1) there is any additional information needed by ACHP to complete this submission, 2) ACHP will participate in the development of this Programmatic Agreement, and 3) there are any questions.

Sincerely,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

From: [Lewis, Andrew \(OP\)](#)
To: [Edwards, Mark \(Germantown\)](#); [Troccoli, Ruth \(OP\)](#)
Cc: [Bratcher, Brandon \(FRA\)](#); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; [Lauren Molesworth](#); [Kelly Lyles](#); [Zeringue, Katherine \(FRA\)](#); [Jacqueline Thorne](#); gwendolyn.gibson@maryland.gov; [Jones, Angela](#); [Cheskey, Mark](#); [Cleven, Brian](#); [Henry, Geoffrey](#); [Lytle, Melanie](#); Mikayal.Raymond@aecom.com; [Pesesky, Lawrence \(lpesesky@louisberger.com\)](#); BWSCMAGLEV@dot.gov
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs
Date: Friday, May 10, 2019 4:35:24 PM
Attachments: [image002.png](#)
[Bible Way Church and Temple DOE - DC SHPO Comments as of May 10 2019.docx](#)
[BO RR Bridge DOE - DC SHPO Comments as of May 10 2019.docx](#)

All:

Thank you for submitting the draft MAGLEV Determination of Eligibility (DOE) Forms to the DC State Historic Preservation Office for review and comment. We were pleased with the quality and thoroughness of the documents and concur with most of their conclusions. However, we are providing comments on the seven documents listed below. Given the size of the files, we will send them individually or in small groups.

1. B&O RR Bridge
2. Bible Way Church
3. FP May Warehouse
4. Holy Redeemer Catholic Church Complex
5. Mt. Vernon Sq HD Expansion
6. PA RR Bridge
7. Peoples Congregational Church

Please revise the forms as recommended and/or contact me directly if you have any questions or comments. We will enter our final comments and sign the forms once we receive and have an opportunity to review the revised documents.

We have no comments on the two remaining DOEs (see below) but will finalize these along with the others.

8. DC Public Schools Warehouse
9. Warehouse at 2215 Adams PI

Best regards,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://planning.dc.gov/historicpreservation>

From: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>
Sent: Wednesday, April 17, 2019 10:55 AM

To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>; Trocolli, Ruth (OP) <Ruth.Trocolli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov;
bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles
<KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline
Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela
<Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian
<brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie
<melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence
(lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov
Subject: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

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Good morning Andrew and Ruth. On April 15, 2019, FRA authorized AECOM to mail you the attached letter. Please check your mail for that delivery.

Because of the size of the DOEs, we have created a master pdf of all MD DOEs. This will be sent to you via our AECOM WeTransfer system, and you should be receiving this master pdf shortly.

Thank you.

Mark R. Edwards, MS

Architectural History Group Leader, Impact Assessment & Permitting Department
D +1-301-820-3169
M +1-301-367-0819
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From: [Edwards, Mark \(Germantown\)](#)
To: [Tim Tamburrino -MDP-](#)
Cc: [Lauren Molesworth \(LMolesworth@mdot.maryland.gov\)](#); [Kelly Lyles \(KLyles1@mdot.maryland.gov\)](#); [Cheskey, Mark](#); [Lytle, Melanie](#)
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project – Additional Information, MD DOE Forms
Date: Friday, June 14, 2019 4:07:23 PM
Attachments: [image002.png](#)

Good afternoon Tim. I'm in touch with you today to let you know that we have prepared additional information, using the standards and guidelines listed below, for the DOEs that were previously sent to your office for review.

MDOT MTA has authorized us to transmit this additional information to you. Our package is being sent out by close of business today via FedEx. The package is being sent to your attention, and you should have this next Monday afternoon. Please let me know if you have any questions about the new materials we have submitted to you.

Have a good weekend.

From: Tim Tamburrino -MDP- <tim.tamburrino@maryland.gov>
Sent: Monday, May 20, 2019 9:51 AM
To: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>
Subject: Re: SUBJECT: Baltimore-Washington SCMAGLEV Project – FRA transmittal of DOEs

Hi Mark,

Thank you for providing our office with copies of the DOEs prepared for the SCMAGLEV project. We are wrapping up our review but want to reach out to request some additional information. As you know, we do not review draft DOE documentation. So in order to complete our review, we are requesting the photos for the full DOEs and the DOE database containing all forms in Access format. Please ensure that the photos are prepared in accordance with our Standards and Guidelines.

https://mht.maryland.gov/documents/PDF/research/Survey_standards_architecture_web.pdf

<https://mht.maryland.gov/documents/pdf/research/Digital-Photos-Standards.pdf>

https://mht.maryland.gov/projectreview_DOEHowTo.shtml#attachments

Thanks! Tim



Tim Tamburrino
Preservation Officer
Maryland Historical Trust

Maryland Department of Planning
MHT.Maryland.gov
(410)
697-9589

[Please take our customer service survey.](#)

On Wed, Apr 17, 2019 at 11:07 AM Edwards, Mark (Germantown) <mark.r.edwards@aecom.com> wrote:

Good morning Tim and Beth. On April 15, 2019, FRA authorized AECOM to mail you the attached letter.

Because of the size of the DOEs, we have created a master pdf of all MD DOEs. We will be sending this master pdf to you via our AECOM WeTransfer system. You should be receiving the master pdf here shortly.

Thank you.

Mark R. Edwards, MS

Architectural History Group Leader, Impact Assessment & Permitting Department

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M +1-301-367-0819

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Edwards, Mark (Germantown)

From: Edwards, Mark (Germantown)
Sent: Wednesday, June 19, 2019 4:03 PM
To: Lewis, Andrew (OP); Troccoli, Ruth (OP)
Cc: Bratcher, Brandon (FRA); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth; Kelly Lyles; Zeringue, Katherine (FRA); Jacqueline Thorne; gwendolyn.gibson@maryland.gov; Jones, Angela; Cheskey, Mark; Cleven, Brian; Henry, Geoffrey; Lytle, Melanie; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com); BWSCMAGLEV@dot.gov
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

Good afternoon Andrew. Hope you have been well.

In response to your May 10, 2019 e-mail to Katherine Zeringue, FRA Federal Preservation Officer, the SCMAGLEV project team has now edited and updated the following DC DOE forms:

- Bible Way Church and Temple
- Baltimore and Ohip (B&O) Railroad Bridge over Montana Avenue, NE
- (Former) FP May Hardware Company Warehouse and Office
- Holy Redeemer Catholic Church and School
- Mount Vernon Square Historic District Addition/Expansion
- Pennsylvania Railroad Bridge over Montana Avenue, NE
- Peoples Congregational Church

Ms. Zeringue has authorized me to transmit the seven revised DOE forms to you. Because each form is large, I will be transmitting pdfs of the edited forms to you via our AECOM WeTransfer system. You should have these shortly.

We would appreciate your final review of these forms. Once you have completed your review, and assuming you concur with all eligibility determinations, please sign and date the forms and send back to FRA and our project team.

Please let us know if you have any questions regarding these new forms.

From: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Sent: Friday, May 10, 2019 4:31 PM
To: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles <KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://planning.dc.gov/historicpreservation>

From: Lewis, Andrew (OP)

Sent: Friday, May 10, 2019 4:29 PM

To: 'Edwards, Mark (Germantown)' <mark.r.edwards@aecom.com>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>

Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles <KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>;

gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov

Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

All:

Thank you for submitting the draft MAGLEV Determination of Eligibility (DOE) Forms to the DC State Historic Preservation Office for review and comment. We were pleased with the quality and thoroughness of the documents and concur with most of their conclusions. However, we are providing comments on the seven documents listed below. Given the size of the files, we will send them individually or in small groups.

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2. Bible Way Church
3. FP May Warehouse
4. Holy Redeemer Catholic Church Complex
5. Mt. Vernon Sq HD Expansion
6. PA RR Bridge
7. Peoples Congregational Church

Please revise the forms as recommended and/or contact me directly if you have any questions or comments. We will enter our final comments and sign the forms once we receive and have an opportunity to review the revised documents.

We have no comments on the two remaining DOEs (see below) but will finalize these along with the others.

8. DC Public Schools Warehouse
9. Warehouse at 2215 Adams PI

Best regards,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://planning.dc.gov/historicpreservation>

From: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>
Sent: Wednesday, April 17, 2019 10:55 AM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles <KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov
Subject: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

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Good morning Andrew and Ruth. On April 15, 2019, FRA authorized AECOM to mail you the attached letter. Please check your mail for that delivery.

Because of the size of the DOEs, we have created a master pdf of all MD DOEs. This will be sent to you via our AECOM WeTransfer system, and you should be receiving this master pdf shortly.

Thank you.

Mark R. Edwards, MS
Architectural History Group Leader, Impact Assessment & Permitting Department
D +1-301-820-3169
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May is National Foster Care Awareness Month. Put your positive parenting super powers to work for a District child or youth in need of foster care. Contact [DC Child & Family Services Agency](#), 202-671-LOVE (5683).

From: [Lewis, Andrew \(OP\)](#)
To: [Edwards, Mark \(Germantown\)](#)
Cc: [Bratcher, Brandon \(FRA\)](#); harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; [Lauren Molesworth](#); [Kelly Lyles](#); [Zeringue, Katherine \(FRA\)](#); [Jacqueline Thorne](#); gwendolyn.gibson@maryland.gov; [Jones, Angela](#); [Cheskey, Mark](#); [Cleven, Brian](#); [Henry, Geoffrey](#); [Lytle, Melanie](#); Mikayal.Raymond@aecom.com; [Pesesky, Lawrence](#) (lpesesky@louisberger.com); BWSCMAGLEV@dot.gov
Subject: DC SHPO Concurrence with SCMAGLEV Project DOEs
Date: Friday, July 19, 2019 3:40:15 PM
Attachments: [image004.png](#)
[image002.png](#)

Hello All:

Thank you for sending the revised MAGLEV DOEs. I am writing to let you know that we have reviewed them, concurred with the determinations, and signed them to complete the review process. The files are quite large so I cannot attach them to this email but I will figure out a way to share them soon.

Best regards,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://planning.dc.gov/historicpreservation>

From: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>
Sent: Wednesday, June 19, 2019 4:03 PM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; [Lauren Molesworth <LMolesworth@mta.maryland.gov>](mailto:Lauren.Molesworth@mta.maryland.gov); [Kelly Lyles <KLyles1@mta.maryland.gov>](mailto:Kelly.Lyles@mta.maryland.gov); [Zeringue, Katherine \(FRA\) <katherine.zeringue@dot.gov>](mailto:katherine.zeringue@dot.gov); [Jacqueline Thorne <jthorne@mdot.state.md.us>](mailto:Jacqueline.Thorne@mdot.state.md.us); gwendolyn.gibson@maryland.gov; [Jones, Angela <Angela.Jones@aecom.com>](mailto:Angela.Jones@aecom.com); [Cheskey, Mark <Mark.Cheskey@aecom.com>](mailto:Mark.Cheskey@aecom.com); [Cleven, Brian <brian.cleven@aecom.com>](mailto:brian.cleven@aecom.com); [Henry, Geoffrey <geoffrey.henry@aecom.com>](mailto:geoffrey.henry@aecom.com); [Lytle, Melanie <melanie.lytle@aecom.com>](mailto:melanie.lytle@aecom.com); Mikayal.Raymond@aecom.com; [Pesesky, Lawrence \(lpesesky@louisberger.com\) <lpesesky@louisberger.com>](mailto:Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>); BWSCMAGLEV@dot.gov
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

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Good afternoon Andrew. Hope you have been well.

In response to your May 10, 2019 e-mail to Katherine Zeringue, FRA Federal Preservation Officer, the SCMAGLEV project team has now edited and updated the following DC DOE forms:

- Bible Way Church and Temple

- Baltimore and Ohip (B&O) Railroad Bridge over Montana Avenue, NE
- (Former) FP May Hardware Company Warehouse and Office
- Holy Redeemer Catholic Church and School
- Mount Vernon Square Historic District Addition/Expansion
- Pennsylvania Railroad Bridge over Montana Avenue, NE
- Peoples Congregational Church

Ms. Zeringue has authorized me to transmit the seven revised DOE forms to you. Because each form is large, I will be transmitting pdfs of the edited forms to you via our AECOM WeTransfer system. You should have these shortly.

We would appreciate your final review of these forms. Once you have completed your review, and assuming you concur with all eligibility determinations, please sign and date the forms and send back to FRA and our project team.

Please let us know if you have any questions regarding these new forms.

From: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Sent: Friday, May 10, 2019 4:31 PM
To: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles <KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov
Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs



C. Andrew Lewis • Senior Historic Preservation Specialist
 DC Historic Preservation Office, DC Office of Planning
 1100 4th Street SW, Suite E650 • Washington, DC 20024
 202-442-8841
andrew.lewis@dc.gov
<http://planningdc.gov/historicpreservation>

From: Lewis, Andrew (OP)
Sent: Friday, May 10, 2019 4:29 PM
To: 'Edwards, Mark (Germantown)' <mark.r.edwards@aecom.com>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <LMolesworth@mta.maryland.gov>; Kelly Lyles

<KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov

Subject: RE: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

All:

Thank you for submitting the draft MAGLEV Determination of Eligibility (DOE) Forms to the DC State Historic Preservation Office for review and comment. We were pleased with the quality and thoroughness of the documents and concur with most of their conclusions. However, we are providing comments on the seven documents listed below. Given the size of the files, we will send them individually or in small groups.

1. B&O RR Bridge
2. Bible Way Church
3. FP May Warehouse
4. Holy Redeemer Catholic Church Complex
5. Mt. Vernon Sq HD Expansion
6. PA RR Bridge
7. Peoples Congregational Church

Please revise the forms as recommended and/or contact me directly if you have any questions or comments. We will enter our final comments and sign the forms once we receive and have an opportunity to review the revised documents.

We have no comments on the two remaining DOEs (see below) but will finalize these along with the others.

8. DC Public Schools Warehouse
9. Warehouse at 2215 Adams Pl

Best regards,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://planning.dc.gov/historicpreservation>

From: Edwards, Mark (Germantown) <mark.r.edwards@aecom.com>

Sent: Wednesday, April 17, 2019 10:55 AM

To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>

Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; harnold@mta.maryland.gov; bsmith9@mdot.state.md.us; Lauren Molesworth <L.Molesworth@mta.maryland.gov>; Kelly Lyles <KLyles1@mta.maryland.gov>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>; Jacqueline Thorne <jthorne@mdot.state.md.us>; gwendolyn.gibson@maryland.gov; Jones, Angela <Angela.Jones@aecom.com>; Cheskey, Mark <Mark.Cheskey@aecom.com>; Cleven, Brian <brian.cleven@aecom.com>; Henry, Geoffrey <geoffrey.henry@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; Mikayal.Raymond@aecom.com; Pesesky, Lawrence (lpesesky@louisberger.com) <lpesesky@louisberger.com>; BWSCMAGLEV@dot.gov
Subject: SUBJECT: Baltimore-Washington SCMAGLEV Project - FRA Transmittal of DOEs

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Good morning Andrew and Ruth. On April 15, 2019, FRA authorized AECOM to mail you the attached letter. Please check your mail for that delivery.

Because of the size of the DOEs, we have created a master pdf of all MD DOEs. This will be sent to you via our AECOM WeTransfer system, and you should be receiving this master pdf shortly.

Thank you.

Mark R. Edwards, MS

Architectural History Group Leader, Impact Assessment & Permitting Department
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M +1-301-367-0819
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May is National Foster Care Awareness Month. Put your positive parenting super powers

to work for a District child or youth in need of foster care. Contact [DC Child & Family Services Agency](#), 202-671-LOVE (5683).

July 19, 2019

Elizabeth Cole
Administrator
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

**RE: Ongoing Section 106 Review, Baltimore-Washington SCMaglev Project
Phase Ia**

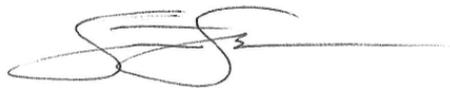
Dear Ms. Cole:

On behalf of the Federal Railroad Administration (FRA), attached please find two copies of the draft *Phase Ia Documentary Study and Archaeological Assessment for the Baltimore-Washington Superconducting Maglev Project, Prince George's County, Anne Arundel County, Baltimore County, and Baltimore City, Maryland* for the Baltimore-Washington SCMAGLEV Project for review by your office pursuant to Section 106 of the National Historic Preservation Act.

Please address your response to Ms. Katherine Zeringue, FRA Federal Preservation Officer, at the Office of Railroad Policy and Development, West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. If you have any questions, please contact me at 301-820-3145 or scott.seibel@aecom.com.

Sincerely,

AECOM



Scott Seibel, RPA
Archaeology Program Manager

CC: Katherine Zeringue, FRA

Attach.

July 19, 2019

Dr. Ruth Troccoli
DC Archaeologist
DC State Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, DC 20024

RE: Continuation of Section 106 Consultation for the Baltimore-Washington SCMAGLEV Project
Draft Phase Ia Documentary Study and Archaeological Assessment

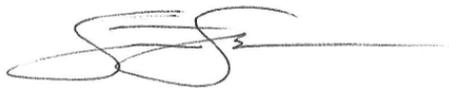
Dear Dr. Troccoli:

On behalf of the Federal Railroad Administration (FRA), attached please find two copies of the draft *Phase Ia Documentary Study and Archaeological Assessment for the Baltimore-Washington Superconducting Maglev Project, Washington, D.C.* for the Baltimore-Washington SCMAGLEV Project for review by your office pursuant to Section 106 of the National Historic Preservation Act.

Please address your response to Ms. Katherine Zeringue, FRA Federal Preservation Officer, at the Office of Railroad Policy and Development, West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. If you have any questions, please contact me at 301-820-3145 or scott.seibel@aecom.com.

Sincerely,

AECOM



Scott Seibel, RPA
Archaeology Program Manager

CC: Katherine Zeringue, FRA

Attach.

From: [Edwards, Mark \(Germantown\)](#)
To: tim.tamburrino@maryland.gov
Cc: [Zeringue, Katherine \(FRA\) \(katherine.zeringue@dot.gov\)](#); [brandon.bratcher@dot.gov](#); Mielke_Matthew@bah.com; [Lauren Molesworth](#); [Kelly Lyles \(KLyles1@mta.maryland.gov\)](mailto:Kelly Lyles (KLyles1@mta.maryland.gov) (KLyles1@mta.maryland.gov)); [Cheskey, Mark](#); [Lytle, Melanie](#); [Seibel, Scott](#)
Subject: 5 MD DOE Forms, SCMAGLEV Project
Date: Monday, August 19, 2019 2:43:22 PM
Attachments: [image001.png](#)
[Transmittal Letter - DOE package \(8-19-19\).doc](#)

Good afternoon Tim. Hope you have had a good summer.

I wanted to notify you that I will be transmitting five (5) new Maryland DOE forms to you, as part of our continuing work on the SCMAGLEV project, for review and comment by your office. Both the Federal Railroad Administration and the Maryland Department of Transportation Maryland Transit Administration has authorized AECOM to send these to you.

I will be transmitting a pdf including these forms to you in a few minutes, via our AECOM WeTransfer system. A formal hard-copy submittal, including a transmittal letter, binder of printed forms, and DVD with database and pdf of forms, is being sent you via FedEx. You should receive this package in the next two business days.

Please let me know if you have any questions about this submittal.

Mark Edwards, MS
Architectural History and Cultural Landscapes Program Manager
Impact Assessment and Permitting
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M +1-301-367-0819
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August 20, 2019

Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
Federal Railroad Administration
1200 New Jersey Ave., SE
Washington, D.C. 20590

Re: Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project
Anne Arundel, Baltimore and Prince George's Counties and Baltimore City, Maryland
Section 106 Review - the Federal Railroad Administration (FRA)

Dear Ms. Zeringue:

Thank you for your ongoing consultation with the Maryland Historical Trust (Trust), pursuant to Section 106 of the National Historic Preservation Act, during project planning for the above-referenced undertaking. The Trust, Maryland's State Historic Preservation Office, carefully reviewed the following materials FRA recently submitted for review and comment: a draft assessment of archeological potential for the area of potential effects (APE), Determination of Eligibility (DOE) forms for identified historic resources within the APE, and concepts for a draft Programmatic Agreement (PA) for the project. We offer the comments presented below and in the attachment to this letter.

Identification of Historic Properties – Archeological Assessment: Trust staff reviewed the following draft report, prepared and submitted on behalf of FRA by AECOM: *Phase IA Documentary Study and Archaeological Assessment for the Baltimore-Washington Superconducting Maglev Project, Prince George's County, Anne Arundel County, Baltimore County, and Baltimore City, Maryland* (Regan et al. 2019). The report presents detailed discussion of the goals, methods, results and recommendations of background research conducted within the APE to assess the project areas' potential for containing significant archeological sites that may be impacted by the proposed undertaking. The study encompassed examinations of 17 facility options (including substations, fresh air/emergency egress facilities, tunnel bore machine launch sites, maintenance of way locations, train maintenance facilities, and storm water management facilities) and three station options (BWI Marshall, Cherry Hill, and Camden Stations) in Maryland. It also included a general consideration of the archeological potential of the two mainline corridor options - Alternative J and Alternative J1. The study has generated useful information documenting the archeological potential of the APE which will help FRA develop a reasonable and appropriate level of effort for the actual identification and evaluation of archeological resources for this undertaking.

Based on the information presented in the report, we agree with FRA that the undertaking's various facility options, station options, and mainline corridor alternatives have varying potentials to contain archeological sites that have not yet been fully identified or evaluated for their eligibility in the National Register of Historic Places (National Register). Further archeological investigations, including Phase I identification and Phase II site evaluation, are warranted during project planning to determine whether the undertaking will affect significant archeological properties. We understand FRA intends to phase its archeological identification and evaluation efforts for this undertaking and will formalize the process for completing those efforts, as well as the consideration of effects on archeological properties, in the undertaking's PA currently under negotiation. FRA should continue its consultation with the Trust and other consulting parties regarding the proposed scope of work for those efforts. In addition, it is essential that FRA complete its identification and evaluation of

archeological resources well in advance of construction to allow plenty of time to resolve any issues as well as consider reasonable avoidance, minimization and mitigation measures.

The draft document meets the reporting requirements of the Trust's *Standards and Guidelines for Archeological Investigations in Maryland*. Attachment 1 lists the Trust's specific comments on the draft itself. We ask FRA to have the consultant address these issues in the preparation of the final document and look forward to receiving two hard copies of the final for our library.

Identification of Historic Properties – Determinations of Eligibility (DOEs): Trust staff reviewed the 35 Determination of Eligibility (DOE) Forms prepared by AECOM and Straughan Environmental, Inc. on behalf of FRA for this undertaking. Our comments regarding the eligibility of historic properties for listing this the National Register are provided below.

It is the Trust's opinion that the following properties are eligible for listing in the National Register:

- B-1319 Sheppard Katzenstein Building/Moses Sheppard House
This building is eligible for listing in the National Register under Criterion C as a rare example of a late eighteenth/early nineteenth century building in the downtown core of Baltimore City.
- B-5321 Cherry Hill Homes Extension I Historic District
This historic district is eligible for listing in the National Register under Criteria A and C as one of the nation's largest and possibly only planned suburban-style public house projects for African Americans.
- B-5318 U.S. Fidelity and Guarantee (USF&G) Building
As you know, the National Register Criteria for Evaluation exclude properties that have achieved significance within the past fifty years unless they are of exceptional importance, and therefore, meet National Register Criteria Consideration G. This property is less than fifty years old and does not meet the requirements of Criteria Consideration G. However, the property will reach the fifty-year threshold during the duration of the undertaking and it represents important theses as identified in the DOE form. Therefore, we concur with FRA that the USF&G Building will be treated as National Register-eligible for the purposes of this study.

It is the Trust's opinion that the following properties are not eligible for listing in the National Register:

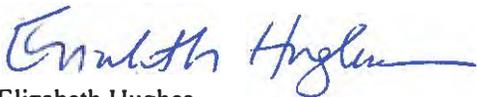
- Maryland City Survey District (MIHP No. AA-2542)
- 84 Manufacturing, 7507 Railroad Avenue
- Traffic Systems, Inc., 7519 Railroad Avenue
- Suburban Airport, 520 Brock Bridge Road
- Colony 7 Motor Inn/National Cryptologic Museum, 8290 Colony Seven Road
- Cherrydale Apartments, 1100 Cherry Hill Road
- 1300 Cherry Hill Road
- 600 West Patapsco Avenue
- 901 West Patapsco Avenue
- 918-948 West Patapsco Avenue
- Patapsco Plaza Shopping Center, 1400 West Patapsco Avenue
- 1401 West Patapsco Avenue
- 2510 Erick Street
- Maryland Pump Tank and Electric, 2512 Erick Street
- Keystone Electric Company, 2807 Annapolis Road
- Joffe Brothers Food Distribution Warehouse, 3100 Viona Avenue
- Holiday Inn, 301 W. Lombard Street

- 3300 Annapolis Road
- 3301 Annapolis Road
- 3302 Annapolis Road
- 3303-3321 Annapolis Road
- 3508 Annapolis Road
- Adell Plastics, 4530 Annapolis Road
- Maryland Paper Box Company, 4546 Annapolis Road
- 3304 English Consul Avenue
- 3306 English Consul Avenue
- 3308 English Consul Avenue
- 2924 Waterview Avenue
- 3103 Magnolia Avenue
- 3307 Geranium Avenue
- Apartment Complex, 11686 South Laurel Drive
- WSSC Anacostia Service Center, 4141 Lloyd Street

Programmatic Agreement (PA): FRA prepared the framework of a draft PA for this undertaking and circulated it to consulting parties for review and comment on August 2, 2019. The Trust agrees that development of a PA is appropriate for this undertaking, given its scope and FRA's intended phased identification and evaluation efforts. The current document is a constructive draft that will help focus the ongoing negotiation of the agreement among the various consulting parties moving forward. The Trust awaits submittal of FRA's preliminary assessment of effects on the identified historic properties within the APE. While we recognize that detailed aspects of project design have yet to be developed, defensible preliminary assessment of effects may be made based on the known project parameters at this time. This information will enable the parties to develop reasonable mitigation for specific properties in the PA, where appropriate, as well as establishing the process for ongoing consultation. Attachment 2 lists the Trust's general comments on the draft PA and we await more detailed development of the agreement following FRA's completion of the assessment of effects.

We look forward to further coordination with FRA and the other consulting parties as project planning proceeds to successfully complete the Section 106 consultation for this undertaking. If you have questions or need further assistance, please contact Beth Cole at beth.cole@maryland.gov or Tim Tamburrino at tim.tamburrino@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director / State Historic Preservation Officer
Maryland Historical Trust

EH/BC/TJT
201901951:201903710/201903903

Attachment 1 – Trust comments on Draft Archeological Assessment Report
Attachment 2 – Trust general comments on Draft Programmatic Agreement

Katherine Zeringue
Baltimore-Washington SCMAGLEV Project
August 20, 2019
Page 4 of 7

cc: Brandon Bratcher (FRA)
Sarah Stokely (ACHP)
Brad Smith (MDOT)
Lauren Molesworth (MDOT MTA)
Kelly Lyles (MDOT MTA)
Andrew Lewis (DC SHPO)
Mark Edwards (AECOM)
Scott Seibel (AECOM)
Kris Beadenkopf (MDOT SHA/MTA)
Steve Foster (MDOT SHA)

ATTACHMENT 1
Trust Comments on Draft Phase IA Archeological Assessment

1. Throughout the Results sections, the report includes tables that list inventoried archeological sites within a 0.5-mile radius of the APE for each facility and station option. The tables include a column for *NRHP Status*, i.e. eligibility for the National Register of Historic Places. The tables should only include statements of Eligible or Not Eligible if a site has been formally evaluated for the National Register, with concurrence from the Trust/SHPO, and documented via a DOE form in the Trust's Medusa system. If there is no formal DOE on record, the column should list status as *unevaluated*. We assume the consultant derived most of the comments on eligibility in the tables from recommendations presented in archeological reports. Many of these reports on previous investigations in the vicinity of the APE were done for compliance with local review processes, thus the associated sites were never officially evaluated for National Register eligibility through the DOE process with the Trust. This information should be corrected in the final report.
2. For the evaluation of the BWI Station and Substation, the consultant should reference information developed by the Maryland Aviation Administration presented in its *Historic Preservation Plan: Baltimore/Washington International Airport, Anne Arundel County, MD* (Klein et al 1995), which includes archeological sensitivity maps for the airport.
3. The assessments of archeological sensitivity for the various facility and station options should consider the areas' potential for containing *National Register-eligible* resources, not just archeological presence in general, particularly for the urban settings and those areas that have been extensively disturbed.
4. It would be helpful to integrate the archeological sensitivity maps included in Appendix B within the body of the text itself to support the summary and recommendations. In addition, the report should provide greater definition for the low, medium and high levels of sensitivity and their corresponding implications for necessary survey investigations.
5. Please provide two hard copies of the final report for our records, along with a PDF version of the document on disk.

ATTACHMENT 2
Trust Comments on Draft Programmatic Agreement (PA)

1. As noted in the letter above, this list presents the Trust's general comments on the draft PA. Once FRA has completed its preliminary assessment of effects, the Trust expects to complete a more thorough review and provide further comments on subsequent revised versions of the PA.
2. References to the Trust throughout the document should be changed to *Maryland State Historic Preservation Officer / MD SHPO*.
3. Add a header or footer with the PA name and title to each page.
4. It is not clear what is intended for Attachment C – *Section 106 Work Completed and Yet to be Completed, Post ROD* referenced in the Whereas clause on page 2. Presumably, the stipulations of the PA itself will be establishing what work remains to be done and associated process for completion and consultation.
5. The PA includes multiple Whereas clauses that note FRA's preliminary effect determinations for multiple federally owned properties. The Trust awaits consultation regarding effect determinations for properties in Maryland.
6. The PA needs an overall Whereas acknowledging the project's effects on other historic properties (non-federal) as well as its potential to affect historic properties that have not yet been identified, principally archeological resources.
7. The PA needs a Whereas clause that establishes the premise for FRA's use of a project PA for the undertaking, pursuant to 36 CFR 800.14(b)(1) and (b)(3).
8. Stipulation I.B.3: add *unless otherwise requested by a Signatory Party*, as there will be instances where SHPOs need hard copies of submitted survey documentation, reports, etc.
9. Stipulation II.B.4: BWRR should be responsible for retaining or employing qualified cultural resources staff to coordinate with FRA and oversee the implementation of its responsibilities under the PA.
10. Stipulation II.B.3: We are unclear on the intent and implication of this stipulation which seems to indicate that consulting parties who do not agree to sign the PA as a concurring party will not be involved in the consultation process during implementation of the agreement.
11. Stipulation IV should be eliminated or reworked. The purpose of the PA is to establish a defined process for consultation and consideration of effects to historic properties during implementation of the PA. The Signatory Parties are agreeing to an alternative and delayed Section 106 process for this complex undertaking and must have a reasonable level of comfort that the process will be effective, meaningful, and timely.
12. The PA needs to include a stipulation or Whereas clause to address the timing of completion for the phased approaches specified in Stipulations V and VI. It is imperative that meaningful consideration of effects occurs well in advance of final design and construction.
13. Stipulation V needs further work to eliminate redundancies and provide further clarification on process and levels of effort.

14. Discussion of identification efforts for archeological resources needs further details (V.B.3.d, V.D.4.b). FRA has already completed a Phase IA archeological assessment for the Maryland facility, station, and mainline corridor options and developed recommendations for Phase I survey. The PA needs to specify that *Phase I* archeological identification will occur as well as Phase II site evaluations for archeological sites within the APE that may be impacted by the project. BWRR will also need to assess project effects on any National Register-eligible archeological properties.
15. Stipulation V.E – Assessment of Effects needs to include a section for *no historic properties affected* determinations and provide additional specificity for how effect determinations will be coordinated with the SHPOs and other consulting parties and integration with the process outlined in Stipulation VI for any adverse effects.
16. Stipulation VI - Resolution of Adverse Effects – we agree that a placeholder for resource-specific mitigation measures is appropriate. Once FRA has made its preliminary assessment of effects for the undertaking, all parties may consult regarding appropriate treatment measures to include in the PA.
17. Stipulation VI – Resolution of Adverse Effects needs to provide greater specificity for how resolution is handled through Standard Treatment Measures or project-specific agreement documents, including levels of consultation with SHPOs and other consulting parties.
18. Resource-specific standard treatment measures currently included in Stipulation VI, such as those identified in Stipulation VI.B.11 and VI.B.12 should be moved to an accompanying resource-specific treatment stipulation, see comment above.
19. Stipulation VI.C – FRA may want to consider alternatives for the phrase *abbreviated consultation* as that expression seems to imply a nominal level of effort would occur to resolve adverse effects on historic properties. Resolution of any adverse effects should be a consultative and deliberative process among the involved parties.
20. Stipulation VI.D – Property-Specific Memoranda of Agreement: This section implies that property-specific MOA are only used in cases of objection to the abbreviated consultation process. The PA needs to acknowledge that FRA may choose to use property-specific MOA not just as a result of disputes.
21. Stipulation VII – Curation will need further clarification for disposition of material remains and associated records generated on private public lands within Maryland and DC, as well as materials recovered from NPS-owned lands as NPS has its own curation facility and related standards.
22. It may be helpful to add a stipulation to capture the various professional standards and guidelines – federal, Maryland, and DC relevant to any cultural resources investigations and historic preservation work conducted during implementation of the PA.



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

September 5, 2019

Mark R. Edwards
AECOM
12420 Milestone Center Drive
Germantown, MD 20876

Re: Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project
Anne Arundel, Baltimore and Prince George's Counties and Baltimore City, Maryland
Section 106 Review – Additional Determination of Eligibility Forms

Dear Mr. Edwards:

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional Determination of Eligibility (DOE) forms to supplement the 35 DOEs previously submitted by your office in June 2019. The Trust provided our concurrence with the National Register eligibility findings for those DOEs in August 2019. We are writing to provide our comments on the five (5) additional DOEs produced for the above-referenced undertaking pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Trust staff reviewed the DOE Forms prepared by AECOM on behalf of the Federal Railroad Administration (FRA) and concurs that the following properties are not eligible for listing in the National Register:

- 3624 Baltimore Street, Halethorpe
- 3700 Baltimore Street, Halethorpe
- 3021 Indiana Avenue, Halethorpe
- 911 W. Patapsco Avenue, Baltimore
- Birchwood/The Evergreens at Laurel

We look forward to further coordination with FRA and the other consulting parties as project planning proceeds to successfully complete the Section 106 consultation for this undertaking. If you have questions or need further assistance, please contact Beth Cole at beth.cole@maryland.gov or me at tim.tamburrino@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,

Tim Tamburrino
Preservation Officer, Project Review & Compliance
TJT/201904177

cc: Katherine Zeringue (FRA)
Brandon Bratcher (FRA)
Sarah Stokely (ACHP)
Brad Smith (MDOT)
Lauren Molesworth (MDOT MTA)
Kelly Lyles (MDOT MTA)
Kris Beadenkopf (MDOT SHA/MTA)
Steve Foster (MDOT SHA)
Howard Berger (Prince George's County Planning Department)
Aaron Marcavitch (Anacostia Trails Heritage Area, Inc.)

Maryland Historical Trust • 100 Community Place • Crownsville • Maryland • 21032

Tel: 410.697.9591 • toll free 877.767.6272 • TTY users: Maryland Relay • MHT.Maryland.gov
SCMAGLEV Programmatic Agreement Draft #4 - Appendix A (Page 105)

Seibel, Scott

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Thursday, June 04, 2020 12:55 PM
To: Lewis, Andrew (OP)
Cc: Seibel, Scott; Lytle, Melanie; BWSCMAGLEV,
Subject: [EXTERNAL] SCMaglev: Informal coordination with DC HPO about new above-ground survey
Attachments: SCMaglev - Table - Addtl Pre-1974 Resources in DC (5-21-20).docx; SCMaglev - Maps - Addtl Pre-1974 Resources in DC (5-21-20).pdf

Hi Andrew,-

As we discussed a few weeks ago, the design engineering for the SCMAGLEV project has progressed over the past few months. The current design includes some refinements and additions in the DC portion of the project, notably the addition of a new above-ground area in NOMA and the expansion of the Ivy City site. Because of these design updates, some additional pre-1974 above-ground resources may be affected. Attached are maps delineating the new areas where we are anticipating there could be effects (blue). For your reference, the areas we assessed previously and reported to you in the April 2020 DOEs (and in the DOE updates in June 2020) are shown in yellow. As we've done in the past, we've prepared a table of the pre-1974 buildings in the new areas that includes FRA's recommendations for whether a DOE is warranted. We would appreciate your thoughts on these recommendations prior to FRA proceeding with the documentation of this new group of pre-1974 buildings and structures.

Soon we will also be updating and requesting your concurrence on an updated above-ground APE. We expect it to be similar, if not identical, to these study areas shown in yellow and blue, but we require some more time to receive and verify the specifics of the work in each above-ground area.

Please let us know your thoughts on the path forward for the DOEs.

Many thanks,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

Seibel, Scott

From: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Sent: Monday, July 06, 2020 3:59 PM
To: Zeringue, Katherine (FRA)
Cc: Seibel, Scott; Lytle, Melanie; BWSCMAGLEV,; Henry, Geoffrey
Subject: [EXTERNAL] RE: SCMaglev: Informal coordination with DC HPO about new above-ground survey
Attachments: SCMaglev - Table - Addtl Pre-1974 Resources in DC (5-21-20) WITH SHPO COMMENTS.docx

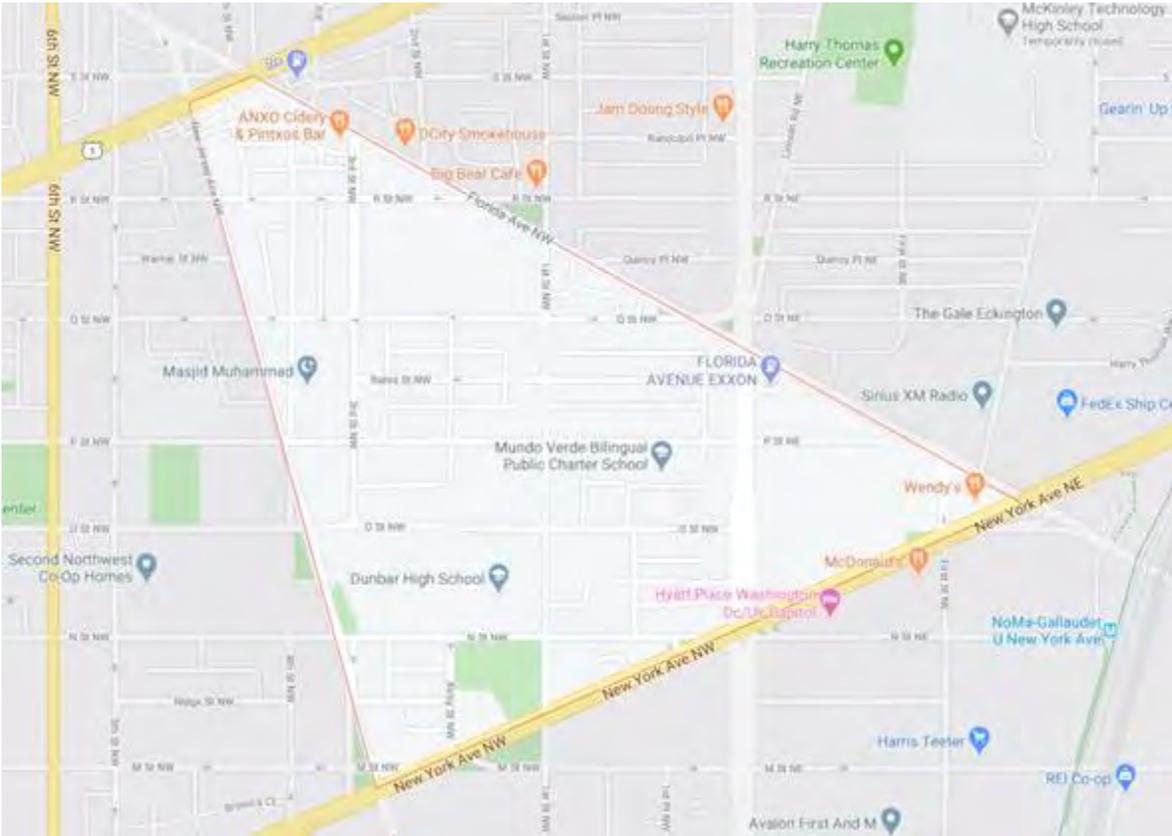
Hello Katherine:

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For the most part, we concur with FRA's recommendations but are concerned that the boundaries of the two small historic districts proposed on the west side of North Capitol Street are too narrowly defined and do not factor in the importance of what may be the highest concentration of African American schools in the city (i.e. Slater, Langston, Cook, Murray, Armstrong Manual and Dunbar [which was recently rebuilt on its original site]). These schools and the surrounding historic residences, especially the "Sanitary Houses" constructed along Bates Street to the north, make up the Truxton Circle neighborhood. We recommend that one DOE be prepared for this neighborhood and that it also include the two landmark buildings "Chapman Coal Company Stable and Garage" and the "Washington Animal Rescue League." The boundaries of the neighborhood that we would ideally like to see evaluated are illustrated in the image below, but we would be willing to consider smaller if that is too large an area to evaluate and a rationale can be provided to reduce its size boundaries (e.g. Q St NW as a northern boundary since the more recent housing to the north of this street creates a natural border; North Capitol Street on the east since this below grade street forms an obvious divide; and N St NW on the south since that area was recently included in a the expanded Mt. Vernon Square HD DOE). However, it may not be possible to properly evaluate significance if too small a portion of a larger historic district is separated off for consideration.

On a related note, we also recommend that all the warehouses along Queens Chapel Lane and Adams Place (including those at 200-2200 and 2215 Adams Pl which were previously studied) be evaluated together as a historic district since these are concentrated in a relatively small area and were constructed at approximately the same time.

Please feel free to contact me if you should have any questions or comments regarding any of these matters.



Hope all is well,



C. Andrew Lewis • Senior Historic Preservation Specialist
DCH Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8890 • Washington, DC 20024
202-441-8941
andrew.lewis@dc.gov
<http://www.dchdc.gov/historicpreservation>

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Sent: Thursday, June 4, 2020 12:55 PM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; BWSCMAGLEV, <BWSCMAGLEV@dot.gov>
Subject: SCMaglev: Informal coordination with DC HPO about new above-ground survey

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Many thanks,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

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Seibel, Scott

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Tuesday, July 28, 2020 2:53 PM
To: Lewis, Andrew (OP)
Cc: Seibel, Scott; Lytle, Melanie; BWSCMAGLEV,; Henry, Geoffrey; Bottiger_Barbara@bah.com
Subject: [EXTERNAL] RE: SCMaglev: Informal coordination with DC HPO about new above-ground survey

Hi Andrew –

Thanks for your response. In coordination with our consultant, we will proceed with DOE production based on DC SHPO feedback in the table; however, we'd like your buy-in on a documentation methodology for the two small potential historic districts on the west side of North Capitol Street with which you were most concerned. You requested that a single DOE be produced to include not only these two areas, but the whole of the Truxton Circle neighborhood. The two areas were included in the proposed survey area because of a new long-term construction laydown area bound by New York Ave, North Capitol, and a former portion of O St SE. Due to the proposed use of this parcel, the area of potential effects is not reasonably expected to extend more than the distance identified in the proposed survey boundaries.

Nonetheless, we are willing to produce a DOE for the larger potential Truxton Circle historic district, but given the lack of reasonable expectation of effects beyond the most immediate buildings to the new laydown area and the budgetary and schedule restrictions we are facing, we propose the DOE be completed under these terms:

1. The study area boundaries of the historic district are New Jersey Avenue NW on the west, N Street on the south, North Capitol Street on the east, and Q Street NW on the north (non-historic development north of Q Street prevents extending the boundary north to Rhode Island and Florida Avenues).
2. Field survey will include photo documentation of only representative streetscapes and notable individual buildings and structures.
3. Research will be limited to Baist and Sanborn maps to document the physical growth of the Truxton Circle neighborhood and NRHP nominations for buildings within the historic district to document the important concentration of African American schools in Truxton Circle for evaluation under NRHP eligibility under Criteria A and B.
4. Results of the field survey will be documented in a table to include Address, Lot/Square, Date, Architect (where known) and a recommendation on contributing (C) or noncontributing status based on age/significance/integrity.
5. Draft DOE form will include the table (#4 above), representational photographs and historic maps, recommendation on NRHP eligibility of Truxton Circle Historic District under Criteria A, B, and C, and a description and justification for the historic district boundary. There will be no NRHP evaluation of individual buildings in the historic district boundaries.

Please let me know if this would be satisfactory solution to your concerns.

Thanks,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)

202-578-4115 (cell)

From: Lewis, Andrew (OP) [mailto:andrew.lewis@dc.gov]
Sent: Monday, July 6, 2020 3:59 PM
To: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; BWSCMAGLEV, <BWSCMAGLEV@dot.gov>; Henry, Geoffrey <geoffrey.henry@aecom.com>
Subject: RE: SCMaglev: Informal coordination with DC HPO about new above-ground survey

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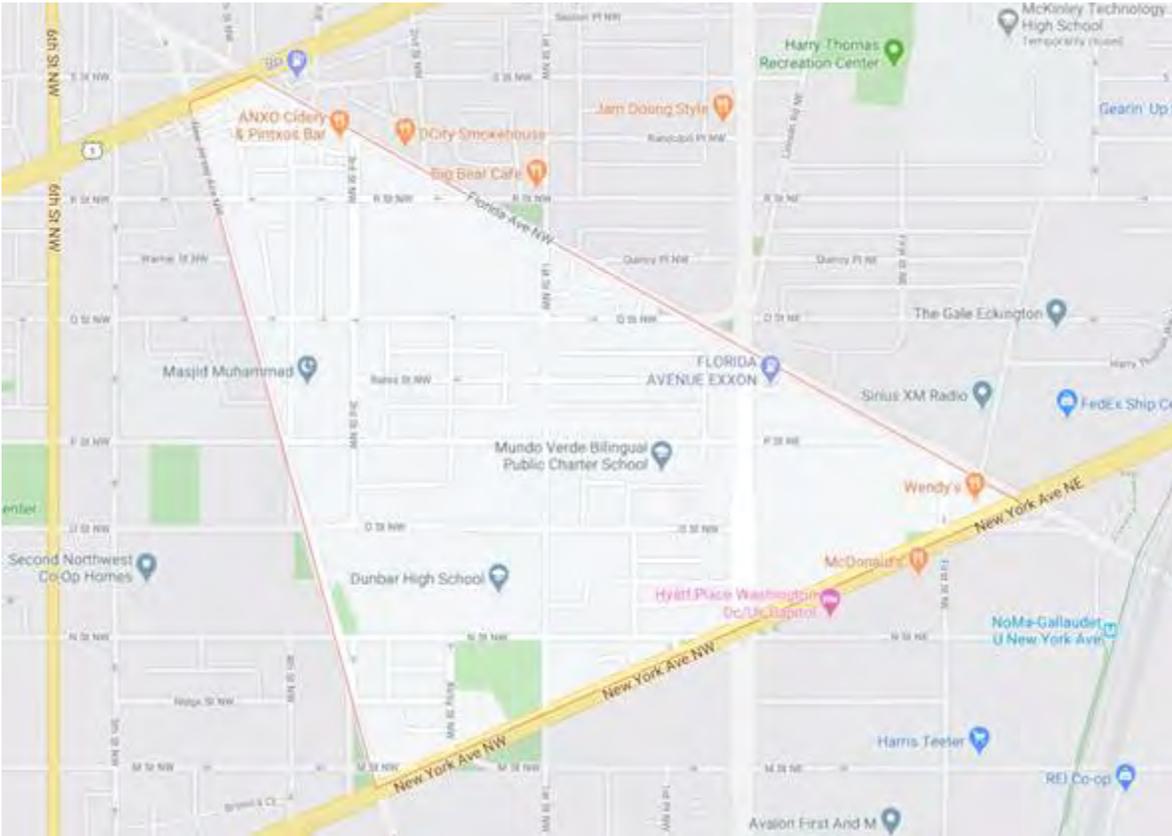
Hello Katherine:

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For the most part, we concur with FRA's recommendations but are concerned that the boundaries of the two small historic districts proposed on the west side of North Capitol Street are too narrowly defined and do not factor in the importance of what may be the highest concentration of African American schools in the city (i.e. Slater, Langston, Cook, Murray, Armstrong Manual and Dunbar [which was recently rebuilt on its original site]). These schools and the surrounding historic residences, especially the "Sanitary Houses" constructed along Bates Street to the north, make up the Truxton Circle neighborhood. We recommend that one DOE be prepared for this neighborhood and that it also include the two landmark buildings "Chapman Coal Company Stable and Garage" and the "Washington Animal Rescue League." The boundaries of the neighborhood that we would ideally like to see evaluated are illustrated in the image below, but we would be willing to consider smaller if that is too large an area to evaluate and a rationale can be provided to reduce its size boundaries (e.g. Q St NW as a northern boundary since the more recent housing to the north of this street creates a natural border; North Capitol Street on the east since this below grade street forms an obvious divide; and N St NW on the south since that area was recently included in a the expanded Mt. Vernon Square HD DOE). However, it may not be possible to properly evaluate significance if too small a portion of a larger historic district is separated off for consideration.

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Please feel free to contact me if you should have any questions or comments regarding any of these matters.



Hope all is well,



C. Andrew Lewis • Senior Historic Preservation Specialist
DCHistoric Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8890 • Washington, DC 20024
202-441-8941
andrew.lewis@dc.gov
<http://www.nhd.gov/historicpreservation>

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Thursday, June 4, 2020 12:55 PM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; BWSCMAGLEV, <BWSCMAGLEV@dot.gov>
Subject: SCMaglev: Informal coordination with DC HPO about new above-ground survey

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Seibel, Scott

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Sent: Thursday, August 06, 2020 3:39 PM
To: Zeringue, Katherine (FRA)
Cc: Seibel, Scott; Lytle, Melanie; BWSCMAGLEV;; Henry, Geoffrey; Bottiger_Barbara@bah.com
Subject: [EXTERNAL] RE: SCMaglev: Informal coordination with DC HPO about new above-ground survey

Hello Katherine:

Thank you for following up on this matter. I apologize for the delayed response but was away last week on vacation and this is the first opportunity I have had to respond due to the backlog of projects. Nevertheless, I appreciate FRA's willingness to move forward with a DOE that responds to most of our recommendations. The terms you propose are reasonable and we look forward to receiving the draft document as soon as it is ready.

Hope you're enjoying your summer,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8890 • Washington, DC 20024
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andrew.lewis@dc.gov
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Sent: Tuesday, July 28, 2020 2:53 PM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
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Hope all is well,



**C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8890 • Washington, DC 20024
202-442-8841
andrew.lewis@dc.gov
<http://www.nhd.org/historicpreservation>**

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Sent: Thursday, June 4, 2020 12:55 PM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; BWSCMAGLEV, <BWSCMAGLEV@dot.gov>
Subject: SCMaglev: Informal coordination with DC HPO about new above-ground survey

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Hi Andrew,-

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Many thanks,
Katherine Zeringue
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202-493-7007 (desk)
202-578-4115 (cell)

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Seibel, Scott

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Monday, September 14, 2020 10:39 AM
To: Lewis, Andrew (OP)
Cc: Lytle, Melanie; Seibel, Scott; Bottiger, Barbara [USA]
Subject: [EXTERNAL] SCMAGLEV - New survey properties along New York Ave & DC Children's Home Clarification
Attachments: SCMaglev - Table - Addtl Pre-1974 Resources in DC - NY Avenue (9-3-20).docx; SCMaglev - Map - Addtl Pre-1974 Resources in DC - NY Avenue (9-3-20).pdf

Morning Andrew,

Two things:

NY Avenue – Historic Property Survey and Documentation

Attached is a table of potential survey properties and mapping in a new portion of above-ground APE along New York Ave in DC. This area has been incorporated into the SCMAGLEV APE because the revised engineering now includes temporary cut-and-cover for installation of underground transmission lines along New York Ave between the long-term laydown area in NOMA and the proposed Ivy City substation. This is the last of these new APE areas in DC. As we did with the new survey area around the NOMA laydown area, we are providing recommendations for survey and DOE approaches for your informal feedback. Please let us know your thoughts.

DC Children's Home

I know this one has come up in conversation with you before and the team was curious and seeking clarification regarding DC SHPO's role for this property. It's a strange one since its technically under the purview of DC state government but is physically located in Maryland. In this case, should we consult both you and the MD SHPO on this property? We don't have anything queued up at the moment, but we just want to make sure we do things correctly for any future consultation/coordination.

Thanks,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

From: Lytle, Melanie [mailto:melanie.lytle@aecom.com]
Sent: Thursday, September 3, 2020 1:44 PM
To: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com>
Subject: SCMAGLEV - New survey properties along New York Ave

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Good afternoon, Katherine –

Attached is a table of potential survey properties and mapping in a new portion of above-ground APE along New York Ave in DC. This area has been incorporated into the APE because the revised engineering now includes temporary cut-and-cover for installation of underground transmission lines along New York Ave between the long-term laydown area in NOMA and the proposed Ivy City substation. This is the last of these new APE areas in DC. As you did with the new survey area around the NOMA laydown area, could you put these recommendations before Andrew Lewis for his informal feedback?

Thank you,

Melanie Lytle, MA
Architectural History and Cultural Landscapes Team Lead
Impact Assessment and Permitting
DC Metro+ Environment
O +1-301-944-2352
M +1-916-844-8860
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

September 28, 2020

Mr. David Maloney
State Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C. 20024

**RE: UPDATES TO AREA OF POTENTIAL EFFECTS (APE) FOR THE BALTIMORE-WASHINGTON
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) PROJECT**

Dear Mr. Maloney:

This letter is to inform you of updates to the Area of Potential Effects (APE) for the Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project. FRA seeks your concurrence as part of the Section 106 consultation process between the Federal Railroad Administration (FRA) and the District of Columbia Historic Preservation Office (DCSHPO) for the SCMAGLEV Project. The updated APE is available at <https://we.tl/t-eYDzqZhdSG>.

The APEs were originally presented to the DCSHPO and Maryland State Historic Preservation Office (MDSHPO) in letters dated July 20, 2018 and to the Consulting Parties at the September 17, 2018, Consulting Party Meeting #2. Based on DCSHPO and Consulting Party comments as well as design refinements, FRA subsequently updated the above-ground APE in Washington, DC, as communicated to you in a letter dated October 31, 2018. The DCSHPO concurred with the Washington, DC APE on November 30, 2018.

Due to refinements in the SCMAGLEV Project design, the APEs were updated and submitted to DCSHPO and MDSHPO in letters dated Dec 21, 2018. The DCSHPO concurred with the Washington, DC APE on November 30, 2018.

Recent updates to engineering design have required re-delineation of the APE. The re-delineation was completed using the same methodologies as used to develop the original and updated APEs.

Historic Architectural (Above-ground) APE

In Washington, DC, the above-ground APE is defined according to the methodology outlined in the October 31, 2018 letter to DCSHPO, MDSHPO, and the Consulting Parties:

The proposed APE considered both direct effects from the project (including construction of above-ground station entrances and “cut and cover” road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. Project plans are evolving and the revised APE in response to Consulting Party and DCSHPO concerns includes consideration of effects on the many contributing resources unique to the L’Enfant Plan, such as reservations (public parks created by the intersection of orthogonal thoroughfares and smaller streets), streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the overall importance of integrity of setting to the L’Enfant Plan’s significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th streets were extended several blocks beyond the distances originally proposed to more accurately assess visual effects on the L’Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting remained intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L’Enfant Plan vistas.

Archaeological (Below-ground) APE

The archaeological APE is defined by FRA as follows:

The APE for archaeological (below-ground) resources includes the SCMAGLEV corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.

FRA requests your written concurrence with the updated APEs within 30 days. FRA and the Maryland Department of Transportation are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. Please contact me if you would like to schedule a meeting or have any questions about the Project.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development 1200
New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

cc: Andrew Lewis, Senior Historic Preservation Specialist
Ruth Troccoli, District Archaeologist
Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Ms. Holly Arnold, Deputy Administrator & Chief Planning, Program, & Engineering Officer,
MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA

Seibel, Scott

From: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Sent: Tuesday, October 13, 2020 2:59 PM
To: Zeringue, Katherine (FRA)
Cc: Lytle, Melanie; Seibel, Scott; Bottiger, Barbara [USA]
Subject: [EXTERNAL] RE: SCMAGLEV - New survey properties along New York Ave & DC Children's Home Clarification
Attachments: SCMaglev - Table - Addtl Pre-1974 Resources in DC - NY Avenue with DC SHPO COMMENTS.docx

Hello Katherine:

I am following up to provide our concurrence for the proposed additional DOEs. See comments in the attached document and let me know if you have any questions or comments.

Hope all's well,



C. Andrew Lewis • Senior Historic Preservation Specialist
DCH Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8050 • Washington, DC 20024
202-441-8941
andrew.lewis@dc.gov
<https://o.pnhp.dc.gov/historicpreservation>

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Monday, September 14, 2020 10:39 AM
To: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Cc: Lytle, Melanie <melanie.lytle@aecom.com>; Seibel, Scott <scott.seibel@aecom.com>; Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com>
Subject: SCMAGLEV - New survey properties along New York Ave & DC Children's Home Clarification

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Morning Andrew,

Two things:

NY Avenue – Historic Property Survey and Documentation

Attached is a table of potential survey properties and mapping in a new portion of above-ground APE along New York Ave in DC. This area has been incorporated into the SCMAGLEV APE because the revised engineering now includes temporary cut-and-cover for installation of underground transmission lines along New York Ave between the long-term laydown area in NOMA and the proposed Ivy City substation. This is the last of these new APE areas in DC. As we did with the new survey area around the NOMA laydown area, we are providing recommendations for survey and DOE approaches for your informal feedback. Please let us know your thoughts.

DC Children's Home

I know this one has come up in conversation with you before and the team was curious and seeking clarification regarding DC SHPO's role for this property. It's a strange one since its technically under the purview of DC state government but is physically located in Maryland. In this case, should we consult both you and the MD SHPO on this property? We don't have anything queued up at the moment, but we just want to make sure we do things correctly for any future consultation/coordination.

Thanks,
Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

From: Lytle, Melanie [<mailto:melanie.lytle@aecom.com>]
Sent: Thursday, September 3, 2020 1:44 PM
To: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Cc: Seibel, Scott <scott.seibel@aecom.com>; Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com>
Subject: SCMAGLEV - New survey properties along New York Ave

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Katherine –

Attached is a table of potential survey properties and mapping in a new portion of above-ground APE along New York Ave in DC. This area has been incorporated into the APE because the revised engineering now includes temporary cut-and-cover for installation of underground transmission lines along New York Ave between the long-term laydown area in NOMA and the proposed Ivy City substation. This is the last of these new APE areas in DC. As you did with the new survey area around the NOMA laydown area, could you put these recommendations before Andrew Lewis for his informal feedback?

Thank you,

Melanie Lytle, MA
Architectural History and Cultural Landscapes Team Lead
Impact Assessment and Permitting
DC Metro+ Environment
O +1-301-944-2352
M +1-916-844-8860
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For the latest information on the District Government's response to COVID-19 (Coronavirus), please visit coronavirus.dc.gov.



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Department of Planning
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

October 15, 2020

**RE: UPDATES TO AREA OF POTENTIAL EFFECTS (APE) FOR THE BALTIMORE-WASHINGTON
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) PROJECT**

Dear Ms. Hughes:

This letter is to inform you of updates to the Area of Potential Effects (APE) for the Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project. FRA seeks your concurrence as part of the Section 106 consultation process between the Federal Railroad Administration (FRA) and the Maryland State Historic Preservation Office (MDSHPO) for the SCMAGLEV Project. The updated APE is available at <https://we.tl/t-eYDzqZhdSG>.

The APEs were originally presented to the MDSHPO and the District of Columbia Historic Preservation Office (DCSHPO) in letters dated July 20, 2018 and to the Consulting Parties at the September 17, 2018, Consulting Party Meeting #2. The MDSHPO concurred with the Maryland APE on October 4, 2018.

Due to refinements in the SCMAGLEV Project design, the APEs were updated and submitted to the DCSHPO and MDSHPO in letters dated Dec 21, 2018. The MDSHPO did not respond.

Recent updates to engineering design have required re-delineation of the APE. The re-delineation was completed using the same methodologies as used to develop the original and updated APEs.

Historic Architectural (Above-ground) APE

In Maryland, the above-ground APE is defined by FRA as follows:

The APE for above-ground resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the SCMAGLEV rail corridor within 150 feet of the right-of-way (ROW) perimeter, as well as stations; tunnel

portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, and temporary and permanent access roads and intersections within 150 feet of construction activity.

Archaeological (Below-ground) APE

The archaeological APE is defined by FRA as follows:

The APE for archaeological (below-ground) resources includes the SCMAGLEV corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.

FRA requests your written concurrence with the updated APEs by November 15, 2020. FRA and the Maryland Department of Transportation are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. Please contact me if you would like to schedule a meeting or have any questions about the Project.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development 1200
New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

cc: Ms. Beth Cole Administrator, Review and Compliance, Maryland Historical Trust
Maryland Department of Planning
Mr. Tim Tamburrino, Preservation Officer, Review and Compliance – SHA, Maryland Historical Trust, Maryland Department of Planning
Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Ms. Holly Arnold, Deputy Administrator & Chief Planning, Program, & Engineering Officer, MDOT MTA
Ms. Jacqueline Thorne, Project Manager - Priority Projects, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA

Seibel, Scott

From: Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Sent: Monday, October 26, 2020 8:43 AM
To: Seibel, Scott; Henry, Geoffrey
Subject: [EXTERNAL] FW: Updates to the Area of Potential Effects for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project

FYI

Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

From: Lewis, Andrew (OP) [mailto:andrew.lewis@dc.gov]
Sent: Friday, October 23, 2020 12:58 PM
To: Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com>; Zeringue, Katherine (FRA) <katherine.zeringue@dot.gov>
Cc: Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>
Subject: RE: Updates to the Area of Potential Effects for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project

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All:

Thank you for consulting with the DC SHPO regarding additional changes proposed for the SC MAGLEVE APEs. We have some questions about the suggested revisions and need to better understand the rationale for the changes before we are able to provide meaningful comments. I will be away from the office next week, but please suggest some dates and times for a conference call/virtual meeting the first couple of weeks of November so we can address our questions and finalize the APEs.

Thank you,



C. Andrew Lewis • Senior Historic Preservation Specialist
DC Historic Preservation Office, DC Office of Planning
1100 4th Street SW, Suite 8890 • Washington, DC 20024
202-441-8941
andrew.lewis@dc.gov
<http://www.nhpdc.gov/historicpreservation>

From: Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com>
Sent: Tuesday, September 29, 2020 10:45 AM

To: Maloney, David (OP) <david.maloney@dc.gov>

Cc: Lewis, Andrew (OP) <andrew.lewis@dc.gov>; Troccoli, Ruth (OP) <Ruth.Troccoli@dc.gov>; Brandon Bratcher (brandon.bratcher@dot.gov) <brandon.bratcher@dot.gov>; Lauren Molesworth <LMolesworth@mdot.maryland.gov>; Bhatnagar, Shreyas (FRA) <shreyas.bhatnagar@dot.gov>; Kelly Lyles <KLyles1@mdot.maryland.gov>; katherine.zeringue (katherine.zeringue@dot.gov) <katherine.zeringue@dot.gov>; Seibel, Scott <scott.seibel@aecom.com>; Lytle, Melanie <melanie.lytle@aecom.com>; harnold@mdot.maryland.gov; bsmith9@mdot.maryland.gov; faris.mohammed@dot.gov

Subject: Updates to the Area of Potential Effects for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project

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Mr. Maloney,

I am writing to you on behalf of the Federal Railroad Administration (FRA) Federal Preservation Officer, Katherine Zeringue to inform you of updates to the Area of Potential Effects (APE) for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project. The updated APE is available at <https://we.tl/t-eYDzqZhdSG>. FRA seeks your concurrence with the updated APE within 30 days as part of the ongoing Section 106 consultation process between the FRA and the District of Columbia Historic Preservation Office (DCSHPO). Please see attached letter for more information.

Feel free to reach out to me if you have any questions or concerns regarding this email.

Regards,

Barbara Bottiger
Senior Environmental Specialist
o: 828-206-4886
bottiger_barbara@bah.com

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For the latest information on the District Government's response to COVID-19 (Coronavirus), please visit coronavirus.dc.gov.

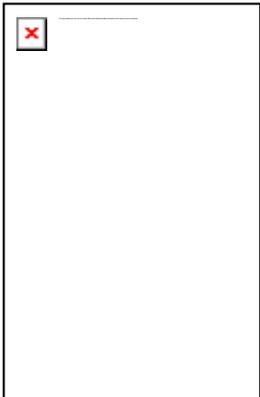
Seibel, Scott

From: Tim Tamburrino -MDP- <tim.tamburrino@maryland.gov>
Sent: Wednesday, November 18, 2020 10:38 AM
To: Bottiger, Barbara [USA]
Cc: beth.cole@maryland.gov; Brandon Bratcher (brandon.bratcher@dot.gov);
harnold@mdot.maryland.gov; Jacqueline Thorne; Lauren Molesworth; Kelly Lyles; katherine.zeringue
(katherine.zeringue@dot.gov); faris.mohammed@dot.gov; Seibel, Scott; Henry, Geoffrey
Subject: [EXTERNAL] Re: Updates to the Area of Potential Effects for the Superconducting Magnetic Levitation
(SCMAGLEV) High-Speed Rail Project

Hi Barbara,

Thank you for providing the Maryland Historical Trust (Trust) with the opportunity to comment on the Federal Railroad Administration's (FRA) updated Area of Potential Effects (APE) for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project. The Trust agrees that the APE has been adequately delineated to encompass the areas within which the undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Thank you, Tim



Tim Tamburrino
Preservation Officer
Maryland Historical Trust

Maryland Department of Planning
MHT.Maryland.gov
(410)
697-9589

[Please take our customer service survey.](#)

On Thu, Oct 15, 2020 at 11:05 AM Bottiger, Barbara [USA] <Bottiger_Barbara@bah.com> wrote:

Ms. Hughes,

I am writing to you on behalf of the Federal Railroad Administration (FRA) Federal Preservation Officer, Katherine Zeringue to inform you of updates to the Area of Potential Effects (APE) for the Superconducting Magnetic Levitation (SCMAGLEV) High-Speed Rail Project. The updated APE is available at <https://we.tl/t-eYDzqZhdSG>. FRA seeks your concurrence with the updated APE within 30 days as part of the ongoing Section 106 consultation process between the FRA and the Maryland State Historic Preservation Office. Please see attached letter for more information.

Feel free to reach out to me if you have any questions or concerns regarding this email.

Regards,

Barbara Bottiger
Senior Environmental Specialist
o: 828-206-4886
bottiger_barbara@bah.com

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

**Federal Railroad
Administration**

Mr. David Maloney
State Historic Preservation Officer
District of Columbia Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C. 20024

December 11, 2020

**RE: TRANSMITTAL OF DETERMINATION OF ELIGIBILITY (DOE) FORMS AND PHASE IA
DOCUMENTARY STUDY AND ARCHAEOLOGICAL ASSESSMENT FOR THE BALTIMORE-
WASHINGTON SCMAGLEV PROJECT**

Dear Mr. Maloney:

Enclosed are 22 Determination of Eligibility (DOE) forms for the pre-1974 above-ground properties surveyed in Washington, DC within the expanded Area of Potential Effects of the Baltimore-Washington SCMAGLEV Project (see Table) as well as the updated Phase IA Documentary Study and Archaeological Assessment. The updated Phase IA Documentary Study and Archaeological Assessment contains FRA’s identification of High, Medium, Low archaeological potential and further recommendations for the level of effort regarding the identification and evaluation of archaeological resources within the APE.

Table – Determination of Eligibility Forms

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible
Adams Place / Queens Chapel Road Warehouse Historic District (Proposed)	Multiple; Bounded by Washington Metropolitan Area Transit Authority rail corridors (north and south sides), Queens Chapel Road, NE (east side), and Montana Avenue, NE (west side)	X	
Truxton Circle Historic District (Proposed)	Multiple; Blocks bounded by Q Street and Florida Avenue, NW (north side), North Capitol Street, NW (east side), N and O Streets, NW (south side) and New Jersey Avenue, NW (west side)	X	
XM Sirius (Current); Judd & Detweiler Inc. Master Printer Building (Historic)	1500-1520 Eckington Place, NE	X	
Capitol CBD	6 P Street NE		X
Refuge of Hope Disciple Center	10-14 P Street, NE		X

Table – Determination of Eligibility Forms

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible
Rowhouses, 26-34 P Street, NE	26-34 P Street, NE	X	
DC Department of Human Services / People's Building (Current); People's Drug Store Warehouse (Historic)	77 P Street, NE		X
Covenant House	7 New York Avenue, NE; 10 N Street, NE		X
PMI Building	37 New York Avenue, NE		X
New Columbia Solar Building	401 New York Avenue, NE	X	
Unnamed Building (Current); Belgiano (F.W.) & Company, Inc. (Historic)	411 New York Avenue, NE	X	
National Park Service / National Mall and Memorial Parks Brentwood Facility	515 New York Avenue, NE	X	
Washington Humane Society Shelter (Current); DC Dog Pound (Historic)	1201 New York Avenue, NE	X	
BP Gas Station (Current); Amoco Gas Station (Historic)	1231 New York Avenue, NE		X
Greyhound Liquors (Historic)	1361 New York Avenue, NE		X
Republic Restoratives / Union Kitchen	1369 New York Avenue, NE		X
Exxon Gas Station	1601 New York Avenue, NE		X
Ivy City Hotel (Current); Executive Motor Inn (Historic)	1615 New York Avenue, NE	X	
Peacock Liquors (Current); Baltimore-Washington Liquors (Historic)	1625 New York Avenue, NE		X
Rev. Alfred J. Tyler House Apartments	1200 North Capitol Street, NE	X	
Pennsylvania Railroad Bridge over Bladensburg Road, NE	Crosses Bladensburg Road north of New York Avenue, NE	X	
Railroad Bridge over New York Avenue, NE	Crosses New York Avenue, NE west of West Virginia Avenue, NE	X	

In accordance with 36 CFR Part 800.4(a)(3) consulting parties are being copied on FRA's determination of eligibility for these resources and the Phase IA Documentary Study and Archaeological Assessment. Should a consulting party have additional information about these historic properties or concerns with

FRA's determinations or conclusions, FRA will consult with the party and your office to address those concerns prior to proceeding to the next step in the process.

FRA seeks your concurrence on these determinations, as well as FRA's identification of High, Medium, Low archaeological potential and further recommendations for the level of effort regarding the identification and evaluation of archaeological resources, as part of the Section 106 consultation process between FRA and the DC State Historic Preservation Office for the Baltimore-Washington SCMAGLEV Project. Pursuant to 36 CFR Part 800.3(c)4, please respond within **thirty (30) calendar days** of receipt of this letter. In the event your office disagrees with FRA's finding, please notify us via e-mail to ensure timely receipt of your communications.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Determination of Eligibility Forms
Phase IA Documentary Study and Archaeological Assessment

cc: Andrew Lewis, Senior Historic Preservation Specialist
Ruth Troccoli, District Archaeologist
Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Ms. Holly Arnold, Deputy Administrator & Chief Planning Program and Engineering Officer,
MDOT MTA
Ms. Jacqueline Thorne, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Section 106 Consulting Parties



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

December 11, 2020

**RE: TRANSMITTAL OF DETERMINATION OF ELIGIBILITY (DOE) FORMS AND A PHASE IA
DOCUMENTARY STUDY AND ARCHAEOLOGICAL ASSESSMENT FOR THE BALTIMORE-
WASHINGTON SCMAGLEV PROJECT**

Dear Ms. Hughes:

Enclosed are 24 Maryland Historical Trust (MHT) Determination of Eligibility (DOE) forms for the pre-1974 above-ground properties surveyed in Maryland within the expanded Area of Potential Effects of the Baltimore-Washington SCMAGLEV Project (see Table) as well as the updated Phase IA Documentary Study and Archaeological Assessment. As directed by your office, Federal Railroad Administration (FRA) has used the MHT Short Form DOE format for 15 individual properties FRA is recommending not eligible for listing in the National Register of Historic Places (NRHP). FRA has used the MHT Regular Form DOE format for 9 properties FRA is recommending eligible for listing in the NRHP as contributing resources in the NRHP-eligible Beltsville Agricultural Research Center (BARC) Historic District. The updated Phase IA Documentary Study and Archaeological Assessment contains FRA's identification of High, Medium, Low archaeological potential and further recommendations for the level of effort regarding the identification and evaluation of archaeological resources within the APE.

Table – Determination of Eligibility Forms

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
Auto Shop	2201 Brightseat Rd, Landover, MD 20785		X	Short
House	3201 Magnolia Ave, Baltimore, MD 21227		X	Short
House	3205 Magnolia Ave, Baltimore, MD 21227		X	Short
Duplex	3201-3203 Lily Ave, Baltimore, MD 21227		X	Short
House	3205 Lily Ave, Baltimore, MD 21227		X	Short
House	3207 Lily Ave, Baltimore, MD 21227		X	Short

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
House	3209 Lily Ave, Baltimore, MD 21227		X	Short
House	3211 Lily Ave, Baltimore, MD 21227		X	Short
House	3213 Lily Ave, Baltimore, MD 21227		X	Short
Convenience Store	6901 Riverdale Rd, Lanham, MD 20706		X	Short
House	7021 Riverdale Rd, Lanham, MD 20706		X	Short
House	7606 Harmans Rd, Hanover, MD 21076		X	Short
House	7608 Harmans Rd, Hanover, MD 21076		X	Short
House	10643 Gross Ln, Beltsville, MD 20705		X	Short
House	10645 Gross Ln, Beltsville, MD 20705		X	Short
Building 467 (Entomology C Building)	10300 Baltimore Ave, Building 467, BARC Central Farm	X		Regular
Building 469-1	10300 Baltimore Ave, Building 469-1, BARC Central Farm	X		Regular
Building 483	10300 Baltimore Ave, Building 483, BARC Central Farm	X		Regular
Building 484-1	10300 Baltimore Ave, Building 484-1, BARC Central Farm	X		Regular
Building 606 (Aircraft Hanger)	10300 Baltimore Ave, Building 606, BARC East Farm	X		Regular
Beltsville Airfield	10300 Baltimore Ave, Airfield, BARC East Farm	X		Regular
"Bunker"	10300 Baltimore Ave, BARC Central Farm	X		Regular
Outbuilding 1	10300 Baltimore Ave, BARC Central Farm	X		Regular

Resource Name	Resource Address	Recommended NRHP Eligible	Recommended NRHP Ineligible	DOE Form Type
Outbuilding 2	10300 Baltimore Ave, BARC Central Farm	X		Regular

In accordance with 36 CFR Part 800.4(a)(3) consulting parties are being copied on FRA's determination of eligibility for these resources and the Phase IA Documentary Study and Archaeological Assessment. Should a consulting party have additional information about these historic properties or concerns with FRA's determinations or conclusions, FRA will consult with the party and your office to address those concerns prior to proceeding to the next step in the process.

FRA seeks your concurrence on these determinations, as well as FRA's identification of High, Medium, Low archaeological potential and further recommendations for the level of effort regarding the identification and evaluation of archaeological resources, as part of the Section 106 consultation process between the FRA and the Maryland State Historic Preservation Office (MD SHPO) for the Baltimore-Washington SCMAGLEV Project. Pursuant to 36 CFR Part 800.3(c)4, please respond within **thirty (30) calendar days** of receipt of this letter. In the event your office disagrees with FRA's finding, please notify us via e-mail to ensure timely receipt of your communications.

FRA and MDOT are available to meet with you or your staff to discuss the SCMAGLEV Project and any of the topics described in this letter. If you would like to schedule a meeting or have any questions about the Project, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Determination of Eligibility Forms
Phase IA Documentary Study and Archaeological Assessment

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA

Ms. Holly Arnold, Deputy Administrator & Chief Planning Program and Engineering Officer,
MDOT MTA

Ms. Jacqueline Thorne, Office of Freight and Multimodalism, MDOT

Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA

Ms. Kelly Lyles, Environmental Manager, MDOT MTA

Ms. Beth Cole, MHT

Mr. Tim Tamburrino, MHT

Section 106 Consulting Parties

APPENDIX A

PART 2 – NATIVE AMERICAN TRIBE CORRESPONDENCE

Summary of SCMAGLEV Native American Tribe Correspondence		
Date	Type of Communication	Description
8-29-2018	Letter	FRA to Delaware Nation, Oklahoma (Kimberly Penrod): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Delaware Tribe of Indians (Chester Brooks): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Delaware Tribe of Indians (Susan Bachor): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Delaware Tribe of Indians (Brice Obermeyer): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Pamunkey Indian Tribe (Robert Gray): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Seneca-Cayuga Nation (William Fisher): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Letter	FRA to Seneca-Cayuga Nation (William Tarrant): Invitation to be Section 106 Consulting Party/Government-to-government consultation
8-29-2018	Email	Delaware Tribe of Indians acceptance of Consulting Party meeting invite
9-4-2018	Email	Delaware Nation acceptance of Consulting Party meeting invite
10-31-2018	Letter	FRA to Federal Tribes (with other Consulting Parties): Notification Regarding Updates to Above-Ground Area of Potential Effects and Methodology
12-21-2018	Letter	FRA to Federal Tribes (with other Consulting Parties): APE Updates
8-22-2019	Letter	FRA to Pamunkey Indian Tribe (Robert Gray): Second invitation to be Section 106 Consulting Party/Government-to-government consultation
8-22-2019	Letter	FRA to Seneca-Cayuga Nation (William Fisher): Second invitation to be Section 106 Consulting Party/Government-to-government consultation
8-22-2019	Letter	FRA to Seneca-Cayuga Nation (William Tarrant): Second invitation to be Section 106 Consulting Party/Government-to-government consultation
1-10-2020	Letter and Email	FRA to Absentee-Shawnee Tribe of Indians of Oklahoma; Cayuga Nation of New York; Oneida Nation of New York; Oneida Nation; Onondaga Nation of New York; Pawnee Nation of Oklahoma; Seneca Nation of New York; St. Regis Band of Mohawk Indians of New York; Stockbridge Munsee Community of Wisconsin; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York: Invitation to be Section 106 Consulting Party/Government-to-government consultation



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Kimberly Penrod
Director of Cultural Resources & Section 106
Delaware Nation, Oklahoma
P.O. Box 825
Anadarko, OK 73005

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Ms. Penrod:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (Section 106) and Section 106 implementing regulations (“Protection of Historic Properties”) at 36 CFR Part 800.

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology to provide maglev service between Baltimore and Washington, D.C. BWRR, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence has been issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MDSHPO),

District of Columbia Preservation Office (DCHPO), and consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the development of the PA, review and comment on FRA's delineation of the Area of Potential Effects (APE), identification of historic properties in the APE, and assessment of the Project's potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting will be held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The "Area of Potential Effects" (APE) as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist." (Attachment C – APE Map [based on the limits of design (LOD) for both alternatives]).

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Identification of Historic Properties and Determinations of Effects

The Project Team anticipates fieldwork to identify historic properties in the Study Area will begin in Fall 2018. FRA and MDOT will identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on the National Register of Historic Places (NRHP) criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior's Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR §63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Upon submittal of this information, your tribe will have the opportunity to

review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of July 2018
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

The Honorable Chester “Chet” Brooks
Chief, Delaware Tribe of Indians
5100 Tuxedo Boulevard
Bartlesville, OK 74006

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Brooks:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (Section 106) and Section 106 implementing regulations (“Protection of Historic Properties”) at 36 CFR Part 800.

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology to provide maglev service between Baltimore and Washington, D.C. BWRR, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence has been issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MDSHPO),

District of Columbia Preservation Office (DCHPO), and consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the development of the PA, review and comment on FRA's delineation of the Area of Potential Effects (APE), identification of historic properties in the APE, and assessment of the Project's potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting will be held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The "Area of Potential Effects" (APE) as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist." (Attachment C – APE Map [based on the limits of design (LOD) for both alternatives]).

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
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The Project Team anticipates fieldwork to identify historic properties in the Study Area will begin in Fall 2018. FRA and MDOT will identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on the National Register of Historic Places (NRHP) criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior's Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR §63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Upon submittal of this information, your tribe will have the opportunity to

review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of July 2018
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Ms. Susan Bachor
Preservation Representative (East Coast)
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Ms. Bachor:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

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The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of July 2018
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Brice Obermeyer, Ph.D.
Historic Preservation
Delaware Tribe of Indians
1 Kellog Circle
Emporia, KS 66801

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Dr. Obemeyer:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

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Project Background

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In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology to provide maglev service between Baltimore and Washington, D.C. BWRR, proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence has been issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MDSHPO),

District of Columbia Preservation Office (DCHPO), and consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the development of the PA, review and comment on FRA's delineation of the Area of Potential Effects (APE), identification of historic properties in the APE, and assessment of the Project's potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting will be held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The "Area of Potential Effects" (APE) as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist." (Attachment C – APE Map [based on the limits of design (LOD) for both alternatives]).

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Identification of Historic Properties and Determinations of Effects

The Project Team anticipates fieldwork to identify historic properties in the Study Area will begin in Fall 2018. FRA and MDOT will identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on the National Register of Historic Places (NRHP) criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior's Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR §63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Upon submittal of this information, your tribe will have the opportunity to

review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of July 2018
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

The Honorable Robert Gray
Chief, Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Gray:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (Section 106) and Section 106 implementing regulations (“Protection of Historic Properties”) at 36 CFR Part 800.

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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Programmatic Agreement

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Area of Potential Effects Delineation

The "Area of Potential Effects" (APE) as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist." (Attachment C – APE Map [based on the limits of design (LOD) for both alternatives]).

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

The Honorable William Fisher
Chief, Seneca-Cayuga Nation
1 Kellog Circle
Emporia, KS 66801

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Fisher:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

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The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

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Area of Potential Effects Delineation

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MTA

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. William Tarrant
Tribal Historic Preservation Officer
Seneca-Cayuga Nation
P.O. Box 45322
Grove, OK 74345

August 29, 2018

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Tarrant:

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U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
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cc:

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Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MTA
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Ms. Kelly Lyles, Environmental Manager, MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of July 2018
Attachment C – Area of Potential Effects Maps

From: [Edwards, Mark \(Germantown\)](#)
To: [Lytle, Melanie](#)
Subject: FW: Invitation to Attend Maglev Section 106 Consulting Party Meeting #2
Date: Wednesday, August 29, 2018 1:26:11 PM

“temple” at Delaware tribe will attend our meeting. Please add to the master list you are creating.

Thanks.

Mark Edwards, MS
Architectural History Program Manager

Impact Assessment and Permitting, DC Metro
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M +1-301-367-0819
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-----Original Appointment-----

From: Eastern Historic Preservation [<mailto:temple@delawaretribe.org>]
Sent: Wednesday, August 29, 2018 1:25 PM
To: Edwards, Mark (Germantown)
Subject: Invitation to Attend Maglev Section 106 Consulting Party Meeting #2
When: Monday, September 17, 2018 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: District Department of Transportation, 55 M Street SE, 4th Floor Conference Room 432, Washington, DC 20003

From: [Edwards, Mark \(Germantown\)](#)
To: [Lytle, Melanie](#)
Subject: FW: Webinar Meeting on September 17, 2018 for SCMAGLEV Project
Date: Tuesday, September 04, 2018 11:48:39 AM
Attachments: [image001.png](#)

Kimberly Penrod (Delaware Nation) just sent this directly to me stating that she will be joining the meeting on the 17th. I got the impression that this will be via WebEx.

Mark Edwards, MS
Architectural History Program Manager
Impact Assessment and Permitting, DC Metro
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From: Kimberly Penrod [<mailto:kpenrod@delawarenation.com>]
Sent: Tuesday, September 04, 2018 11:18 AM
To: Edwards, Mark (Germantown)
Subject: RE: Webinar Meeting on September 17, 2018 for SCMAGLEV Project

Mark,
I will be in attendance on the webinar for the upcoming meeting on September 17, 2018 from 10am-Noon regarding the SCMAGLEV Rail Project.
I look forward to working with you.
Kim

Respectfully,

Kim Penrod
Delaware Nation
Director, Cultural Resources/106

Archives, Library and Museum
31064 State Highway 281
PO Box 825
Anadarko, OK 73005
(405)-247-2448 Ext. 1403 Office
(405)-924-9485 Cell
kpenrod@delawarenation.com

Unless someone like you cares a whole awful lot, nothing is going to get better. It's not. ~Dr. Seuss

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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 31, 2018

RE: NOTIFICATION REGARDING UPDATES TO ABOVE-GROUND AREA OF POTENTIAL EFFECTS (APE), AND METHODOLOGY FOR SURVEY AND DETERMINATIONS OF ELIGIBILITY IN WASHINGTON, DC FOR THE BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Dear SCMAGLEV Consulting Party:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is notifying you regarding updates to: 1) the above-ground Area of Potential Effects (APE) and 2) the methodology for survey and Determinations of Eligibility preparation in Washington, DC for the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project. These changes are a direct result of comments received by Consulting Parties during the September 17, 2018 Consulting Party Meeting #2 and correspondence from the DC State Historic Preservation (DC HPO) to FRA dated September 28, 2018.

Above-ground APE Background

The APE, as defined at 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist."

The draft APE for above-ground resources defined by FRA at the September 17, 2018, Consulting Party Meeting #2, is as follows:

The APE for above-ground resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the right-of-way (ROW) perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, and temporary and permanent access roads and intersections within 150 feet of construction activity.

Comments from Consulting Parties and DC HPO Regarding Above-ground APE

FRA received comments from some Consulting Parties during the September 17, 2018, meeting and written comments from the DC HPO dated September 28, 2018 (Attachment A), stating that the 150-foot APE in Washington, DC, may not be sufficient to consider effects on historic properties. Specifically, the DC HPO commented:

We appreciate that FRA has prepared draft Areas of Potential Effect (APE) for our review...but we are unable to concur with the draft APEs for the Mt. Vernon Square station locations because the proposed boundaries appear to have been somewhat arbitrarily limited to 150' feet from the proposed stations. Even though we have been informed that the above-ground stations are to be relatively modest, we do not yet know enough about their design to gauge their potential for direct or indirect effects. This could be of particular concern when considering the importance of views and vistas that contribute to the Plan of the City of Washington (aka L'Enfant Plan), including those along K Street and New York and Massachusetts Avenues, NW, which provide exceptional views of the landmark Central Public Library (aka Carnegie Library) from distances well beyond 150'. Even if relatively simple station entrances are proposed, taller elements like canopies that may be required to protect escalators from inclement weather could interrupt or limit these important viewsheds. Similarly, other indirect effects such as traffic backups that may result from "cut and cover" station construction could extend well beyond 150'. For these reasons, we believe the station location APEs should be expanded to take these potential effects into account. We also recommend that ellipses be incorporated into the APE boundaries to indicate that planned views and vistas continue for significant distances.

Proposed Updates to the Above-ground APE in Washington, DC

The proposed APE considered both direct effects from the project (including construction of above-ground station entrances and "cut and cover" road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. Project plans are evolving and the revised APE in response to Consulting Party and DC HPO concerns includes consideration of effects on the many contributing resources unique to the L'Enfant Plan, such as reservations (public parks created by the intersection of orthogonal thoroughfares and smaller streets), streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

The two attached maps (Attachment B) illustrate the revision and expansion of the APE around the proposed Mount Vernon Square station sites and the Ivy City Vent Plant. Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the overall importance of integrity of setting to the L'Enfant Plan's significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th streets were extended several blocks beyond the distances originally proposed to more accurately assess visual effects on the L'Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting remained intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L'Enfant Plan vistas.

As a result, the APE acreage around the Mount Vernon Square Stations has increased by 426%, from 58.56 acres to 307.74 acres. The APE acreage around the Ivy City Vent Plant has increased

by 47%, from 18.20 acres to 26.67 acres.

In general, a provision for future amendment of the APE, and subsequent identification of historic properties and assessment of effects, will be codified in the Programmatic Agreement in development for this project. The methodology outlined will be used to expand or reduce APEs as specific project design details become known.

Methodology for Survey and Determinations of Eligibility (DOE) in Washington, DC

In comments dated September 28, 2018 (Attachment A), DC HPO recommended FRA provide a list of properties for which determination of eligibility (DOE) forms are proposed, because DC HPO may already have information about some of these properties and/or may not consider DOE forms necessary for every building that meets the 45-year age threshold for survey and evaluation. Within the expanded above-ground APE, FRA has assembled a revised table of properties within the APE, along with recommendations as to which of these should be documented through DOE forms, as well as those where we believe this is not warranted (Attachment C). We are submitting this to the DC HPO for their review and comment. The methodology for Maryland, which calls for survey and evaluation of every pre-1974 building, remains unchanged. The differences in methodologies for identification and evaluation of historic properties in Washington, DC and Maryland will be codified in the Programmatic Agreement that is in development for this project.

Should you have any comments regarding updates to the above-ground APE and methodology for survey and determinations of eligibility for properties in Washington, DC, please submit them to FRA **within fourteen (14) calendar days** of receipt of this letter. Submit your response to Brandon Bratcher, FRA Environmental Protection Specialist, at brandon.bratcher@dot.gov.

If you have any questions about the Project, please contact Mr. Bratcher at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE

Enclosures

Attachment A – DC HPO Comments, September 28, 2018

Attachment B – Revised Above-ground APE Map for Washington, DC

Attachment C – Table of Washington, DC Properties with Recommendations on DOE Completion

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Director, Office of Freight and Multimodalism, MDOT
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning, Program and

Engineering Officer, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

December 21, 2018

**RE: NOTIFICATION REGARDING UPDATES TO AREA OF POTENTIAL EFFECTS (APE) FOR THE
BALTIMORE-WASHINGTON SCMAGLEV PROJECT**

Dear SCMAGLEV Consulting Party:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is notifying you regarding updates to the Area of Potential Effects (APE) for the Baltimore-Washington SCMAGLEV Project.

Summary of Recent Design Refinements

Since the last APE delineation, there have been refinements to the SCMAGLEV design, which are summarized below:

- The elevated NoMa station was dropped due to constructability issues of building over the AMTRAK rail lines and impacts on the L'Enfant Plan.
- The designs of both Mount Vernon Square East and West stations have been further refined as preliminary engineering has been undertaken. After meeting with the DC HPO, Commission of Fine Arts (CFA), National Capital Planning Commission (NCPC), and other stakeholders, the Mount Vernon Stations were redesigned to exclude any use of Carnegie Library, Mount Vernon Square, and other L'Enfant Plan Reservations. The Mount Vernon Square West station now has entrances located closer to more Metro stations.
- Efforts were made to reduce the footprint of Rolling Stock Depots (RSD). Meetings with the USDA and other agencies have resulted in the elimination of the BARC RSD location as potential site. Efforts to reduce impacts at the MD 198 RSD, and the existing power line corridor, just to the south in the Patuxent Research Refuge, necessitated the realignment of the ramps to the RSD and the main line alignment of Alternative J. The alignment is now closer to the Baltimore-Washington Parkway.
- A new RSD option was developed in Baltimore City along industrial land along Patapsco Avenue. This option requires maintenance of way facilities at either Suburban Airport or adjacent to a Harley Davidson dealership to optimize the distance covered by nighttime inspection and repair crews.

Updates to Area of Potential Effects (APE)

Due to the recent refinements to the project design, it is necessary to update the APEs in accordance with the APE delineation methodologies previously applied.

The APEs were originally presented to the DC HPO and MD SHPO in letters dated July 20, 2018 and to the Consulting Parties at the September 17, 2018, Consulting Party Meeting #2. Based on DC HPO and Consulting Party comments as well as design refinements, FRA subsequently updated the above-ground APE in Washington, DC, as communicated to you in a letter dated October 31, 2018. The DC HPO concurred with the Washington, DC APE on November 30, 2018. The Maryland SHPO concurred with the Maryland APE on October 4, 2018.

Historic Architectural (Above-ground) APE

In delineating an updated APE, FRA applied the same methodologies previously used. The revised above-ground APE maps are attached (Attachment A).

In Washington, DC, the above-ground APE is defined according to the methodology outlined in the October 31, 2018 letter to DC HPO, MD SHPO, and the Consulting Parties:

The proposed APE considered both direct effects from the project (including construction of above-ground station entrances and “cut and cover” road construction) on historic properties, as well as such quantifiable indirect effects such as noise and vibration. Project plans are evolving and the revised APE in response to Consulting Party and DC HPO concerns includes consideration of effects on the many contributing resources unique to the L’Enfant Plan, such as reservations (public parks created by the intersection of orthogonal thoroughfares and smaller streets), streets/avenues, and vistas in and around Mount Vernon Square and along New York Avenue. Cumulative effects can result from impacts from the project that individually may not constitute adverse effects but that could, collectively and cumulatively, diminish character-defining features and/or aspects of integrity.

Factors considered in revising the APE include proximity of project components to these contributing elements, the significance of the viewsheds potentially affected, and the overall importance of integrity of setting to the L’Enfant Plan’s significance. The expanded APE considers indirect and cumulative effects from projected maintenance of traffic (MOT) measures such as street closures and traffic diversions. The affected vistas along New York, Massachusetts, and New Jersey Avenues and K and 8th streets were extended several blocks beyond the distances originally proposed to more accurately assess visual effects on the L’Enfant Plan components.

The revised APE also considers the cumulative effects of project-related construction located proximate to historic properties and districts where integrity of setting remained intact. Where known, the MOT areas are also depicted, and the APE likewise expanded several blocks to more accurately assess the effects on historic properties and L’Enfant Plan vistas.

In Maryland, the above-ground APE is defined by FRA as follows:

The APE for above-ground resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the SCMAGLEV rail corridor within 150 feet of the right-of-way (ROW) perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, and temporary and permanent access roads and intersections within 150 feet of construction activity.

Archaeological (Below-ground) APE

In delineating an updated APE, FRA applied the same methodologies previously used. The revised archaeological APE maps are attached (Attachment B). The archaeological APE is defined by FRA as follows:

The APE for archaeological (below-ground) resources includes the SCMAGLEV corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.

The updated APE has resulted in some changes to the above-ground resources to be studied. In Maryland, the FRA methodology calls for survey and evaluation of every pre-1974 building, a methodology which will continue to be applied within the updated APE in Maryland. In Washington, DC, the DC HPO has recommended FRA provide a list of every building that meets the 45-year age threshold for survey and evaluation along with FRA's proposals for whether a determination of eligibility (DOE) form should be completed or not for each property; DC HPO would then respond with their recommendations. For the October 2018 APE, FRA provided a list to DC HPO on October 31, 2018, and DC HPO responded on November 30, 2018.

For your Information: Changes in Maryland Properties Recommended for DOE Completion

Based on the updates to the APE, a number of properties that had been previously identified for NRHP evaluation have been removed. These include:

1. WSSC Parkway Water Treatment Plant
2. Thomas J Waxter Center (375 Red Clay Rd)
3. Freemire & Associates (1209 Old Dorsey Rd)
4. Hillis-Carnes Engineering Associates (4545 Annapolis Rd)
5. Perry Kurz Allstate Insurance (3601 Annapolis Rd)
6. J. Burke Catering (3600 Annapolis Rd)
7. Gateway Tavern (3520 Annapolis Rd)

8. Auto Repair Center (3529 Annapolis Rd)
9. Steel & Wire Products Co. Inc. (1501 W Patapsco Ave)
10. 3201 Lily Ave
11. 3201 Magnolia Ave
12. 3205 Magnolia Ave
13. 3301 English Consul Ave
14. 3319 English Consul Ave
15. 3323 English Consul Ave
16. Metro Truck & Tractor (911 W Patapsco)
17. Art Litho Co (3500 Marmenco Court)
18. 3510 Marmenco Court
19. 3515 Marmenco Court
20. ARC Construction Services (3513 Marmenco Court)
21. 3501 Marmenco Court
22. 3624 Baltimore St
23. 3021 Indiana Ave
24. 3700 Baltimore St
25. 3016 New Jersey Ave
26. 3004 Maryland Ave
27. 3002 Maryland Ave
28. 2932 Maryland Ave
29. 2933 Maryland Ave

Changes in the APE have also necessitated additional pre-1974 properties that will be evaluated for NRHP eligibility. These include:

1. 7519 Railroad Ave
2. 1300 Cherry Hill Rd
3. 1100 Cherry Hill Rd (Apartment Complex)
4. Spellman Rd and Bethune Rd District
5. Transamerica Building (100 Light St)
6. 200 W Pratt St
7. 206 W Pratt St
8. 100 South Charles St

Revisions to Table of Washington, DC Properties with Recommendations for DOE Completion

Based on the updates to the APE, FRA has created an *Updated Table of Washington, DC Properties with Recommendations for DOE Completion* for DC HPO's review and comment (Attachment C). The newly added properties and FRA recommendations are highlighted in brown in the attached table. The revised APE has resulted in the inclusion of three additional properties that had not been previously surveyed. FRA recommends completion of a DOE for two of the properties and no DOE for the other; all the other additions have been previously listed or determined eligible for the NRHP, so FRA recommends no further survey or evaluation

for those properties. Changes in the APE have not resulted in any properties being removed from the list of properties previously recommended for NRHP evaluation.

Should you have any comments regarding updates to the APE and the *Updated Table of Washington, DC Properties*, please submit them to FRA within **fourteen (14) calendar days** of receipt of this letter. Submit your response to Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-7007

Attachments:

Attachment A – Revised Above-Ground APE Map

Attachment B – Revised Archaeological APE Map

Attachment C – *Updated Table of Washington, DC Properties with Recommendations on DOE*

cc: Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Suhair Al Khatib, Deputy Administrator & Chief Planning Program and Engineering Officer, MDOT MTA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Lauren Molesworth, Environmental Planning Division Manager, MDOT MTA
Ms. Kelly Lyles, Environmental Manager, MDOT MTA



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 22, 2019

The Honorable Robert Gray
Chief, Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

**Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
SECOND INVITATION TO BE A CONSULTING PARTY IN THE DEVELOPMENT OF A PROJECT-
SPECIFIC PROGRAMMATIC AGREEMENT**

Dear Mr. Gray:

On August 29, 2018, the Federal Railroad Administration (FRA), wrote you to notify you of its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as "the Project"); (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation. Because FRA has not received a response from you, the purpose of this letter is to once again extend the invitation to be a consulting party and offer the opportunity for government-to-government consultation.

FRA requests that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,

Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Molesworth, Environmental Planning Manager, MDOT MTA

Attachment: FRA Letter to Mr. Gray, August 29, 2018



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 22, 2019

The Honorable William Fisher
Chief, Seneca-Cayuga Nation
1 Kellogg Circle
Emporia, KS 66801

**Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
SECOND INVITATION TO BE A CONSULTING PARTY IN THE DEVELOPMENT OF
A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT**

Dear Mr. Fisher:

On August 29, 2018, the Federal Railroad Administration (FRA), wrote you to notify you of its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”); (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation. Because FRA has not received a response from you, the purpose of this letter is to once again extend the invitation to be a consulting party and offer the opportunity for government-to-government consultation.

FRA requests that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,

Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Molesworth, Environmental Planning Manager, MDOT MTA

Attachment: FRA Letter to Mr. Fisher, August 29, 2018



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

August 22, 2019

Mr. William Tarrant
Tribal Historic Preservation Officer
Seneca-Cayuga Nation
P.O. Box 45322
Grove, OK 74345

**Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
SECOND INVITATION TO BE A CONSULTING PARTY IN THE DEVELOPMENT OF
A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT**

Dear Mr. Tarrant:

On August 29, 2018, the Federal Railroad Administration (FRA), wrote you to notify you of its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”); (2) invite you to be a consulting party in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation. Because FRA has not received a response from you, the purpose of this letter is to once again extend the invitation to be a consulting party and offer the opportunity for government-to-government consultation.

FRA requests that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,

Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Molesworth, Environmental Planning Manager, MDOT MTA

Attachment: FRA Letter to Mr. Tarrant, August 29, 2018



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. George Blanchard, Governor
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 South Gordon Cooper Drive
Shawnee, OK 74801

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Blanchard:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project

authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106

consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The “Area of Potential Effects” as defined at 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist.” Attachment C is a map that represents the APE defined prior to the mid-2019 pause of the project:

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106

consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

Attachments:

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Ms. Karen Kaniatobe
Tribal Historic Preservation Officer
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 South Gordon Cooper Drive
Shawnee, OK 74801

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Ms. Kaniatobe:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

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

**Federal Railroad
Administration**

January 10, 2020

Mr. Clint Halftown
Nation Representative and NAGPRA POC
Cayuga Nation of New York
2540 State Route 89
P.O. Box 803
Seneca Falls, NY 13148

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Ms. Christina Danforth
NAGPRA POC
Oneida Tribe of Indians of Wisconsin
P.O. Box 365
Oneida, WI 54155

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Richard C. Hill, Chairperson
Oneida Tribe of Indians of Wisconsin
P.O. Box 365
Oneida, WI 54155

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Hill:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project

authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. BWRR proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (the Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. FRA and MDOT-MTA have determined that two alignments (J and J1) plus the No Build Alternative be advanced for further study. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106

consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

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FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106

consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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Attachments:

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Ray Halbritter
Nation Representative
Oneida Nation of New York
5218 Patrick Rd
Verona, NY 13478

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Halbritter:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

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potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Tony Wonderley
NAGPRA POC
Oneida Nation of New York
223 Genesee Street
Oneida, NY 13421

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Wonderley:

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of January 2020
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Anthony Gonyea
NAGPRA POC
Onondaga Nation of New York
102 West Conklin Avenue
P.O. Box 319-B
Nedrow, NY 13120

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Gonyea:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. BWRR proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (the Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. FRA and MDOT-MTA have determined that two alignments (J and J1) plus the No Build Alternative be advanced for further study. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's

potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The “Area of Potential Effects” as defined at 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist.” Attachment C is a map that represents the APE defined prior to the mid-2019 pause of the project:

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

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of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

The Honorable Irving Powless, Jr.
Chief, Onondaga Nation of New York
102 West Conklin Avenue
P.O. Box 319-B
Nedrow, NY 13120

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Chief Powless:

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The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

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Programmatic Agreement

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potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Marshall Gover
President and NAGPRA POC
Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
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of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Ms. Lana Watt
Tribal Historic Preservation Officer
Seneca Nation of New York
90 O:hi'you Way
Salamanca, NY 14779

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

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In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's

potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The “Area of Potential Effects” as defined at 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist.” Attachment C is a map that represents the APE defined prior to the mid-2019 pause of the project:

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Robert Odawi Porter
President
Seneca Nation of New York
P.O. Box 321
Salamanca, NY 14779

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Mr. Porter:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

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Programmatic Agreement

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Arnold L. Printup
Tribal Historic Preservation Officer
St. Regis Band of Mohawk Indians of New York
412 State Route 37
Hogansburg, NY 13655

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

The Honorable Mark Garrow, Monica Jacobs, and Randy Hart
Chiefs
St. Regis Band of Mohawk Indians of New York
412 State Route 37
Hogansburg, NY 13655

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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The “Area of Potential Effects” as defined at 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist.” Attachment C is a map that represents the APE defined prior to the mid-2019 pause of the project:

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
- The APE for historic architectural (above-ground) resources, including buildings, structures, districts, and objects, includes the cut-and-cover tunnel at ground level and elevated sections of the rail corridor within 150 feet of the ROW perimeter, as well as stations; tunnel portals; construction laydown and staging areas; layover/maintenance facilities within 150 feet of the proposed facility perimeter boundary; those locations associated with roads outside existing the ROW, as well as temporary and permanent access roads and intersections within 150 feet of construction activity.

Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Ms. Kimberly Vele
President
Stockbridge Munsee Community of Wisconsin
N8476 Mo He Con Nuck Road
Bowler, WI 54416

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Ms. Vele:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. BWRR proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (the Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. FRA and MDOT-MTA have determined that two alignments (J and J1) plus the No Build Alternative be advanced for further study. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's

potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

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Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

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FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Ms. Sherry White
NAGPRA POC
Stockbridge Munsee Community of Wisconsin
N8476 Mo He Con Nuck Road
Bowler, WI 54416

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Ms. White:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

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In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

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Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's

potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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Attachments:

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U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Darwin Hill
NAGPRA POC
Tonawanda Band of Seneca Indians of New York
7027 Meadville Road
P.O. Box 795
Basom, NY 14013

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
Ms. Kelly Lyles, Environmental Manager, MDOT MTA
Ms. Lauren Moleswoth, Environmental Planning Manager, MDOT MTA

Attachments:

Attachment A – *Final Preliminary Alternatives Screening Report*, January 2018
Attachment B – Section 106 Consulting Parties as of January 2020
Attachment C – Area of Potential Effects Maps



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

The Honorable Roger Hill
Chief
Tonawanda Band of Seneca Indians of New York
7027 Meadville Road
P.O. Box 795
Basom, NY 14013

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

Dear Chief Hill:

The Federal Railroad Administration (FRA), in coordination with the Maryland Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed Baltimore-Washington Super-Conducting Magnetic Levitation (SCMAGLEV) Rail Project (hereinafter known as “the Project”) in accordance with the National Environmental Policy Act of 1969 (NEPA). If advanced, the project sponsor, Baltimore Washington Rapid Rail (BWRR), would ultimately construct and operate a high-speed ground transportation system utilizing SCMAGLEV technology. The system would operate between Baltimore, MD, and Washington, D.C., with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport. The Project would also include new passenger rail stations, a rolling stock depot, tunnels, and ancillary facilities such as power substations and ventilating structures. The Project may require temporary and/or permanent rerouting and realignment of existing roadways and the construction of temporary access roads.

Future funding, whether from federal or private source(s), or some combination thereof, has not been identified to advance the Project through final design and/or construction. However, because FRA is providing grant funding for engineering and the environmental study, the Project is subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations at 36 CFR Part 800 - Protection of Historic Properties (collectively referred to as Section 106).

The purpose of this letter is to: (1) notify you that FRA, in coordination with MDOT, will be carrying out its responsibilities under Section 106 in coordination with the NEPA process for the Project; (2) invite you to be a consulting party for the Project and in the development of a project-specific Programmatic Agreement; and (3) offer you the opportunity for government-to-government consultation.

Project Background

In 2003, FRA and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) prepared a Draft EIS and Section 4(f) Evaluation (2003 Draft EIS) for a similar proposed project authorized under the Magnetic Levitation Transportation Technology Deployment Program (23 U.S.C. 322). The 2003 Draft EIS studied the potential impacts of construction of a Maglev alignment between Washington, DC and Baltimore, MD, as well as potential station locations: one in downtown Washington, DC; one at Baltimore Washington Thurgood Marshall International Airport; and one in downtown Baltimore, MD. FRA and MDOT MTA published a Final EIS in 2007 (2007 Final EIS), but FRA did not issue a Record of Decision and the project did not advance.

In 2016, FRA awarded MDOT a \$27.8 million grant to complete the environmental and engineering studies for the SCMAGLEV Project. The current effort proposes to utilize SCMAGLEV technology and build upon the previous efforts to provide maglev service between Baltimore and Washington, D.C. BWRR proposes the construction and operation of a high-speed SCMAGLEV train system between Washington, D.C. and Baltimore, Maryland with an intermediate stop at BWI Thurgood Marshall Airport. The Study Area includes a 40-mile long corridor in which FRA and MDOT evaluated 15 preliminary alternative alignments (14 Build + No Build) and station zones (refer to Attachment A – *Preliminary Alternatives Screening Report*, January 2018). FRA and MDOT (the Project Team) developed these alignments by examining previous maglev studies conducted in the Baltimore-Washington region, considering input from the land-managing agencies and communities within the Study Area, and through coordination with BWRR. Additionally, impacts on historic properties were considered as part of the alignment analyses. FRA and MDOT-MTA have determined that two alignments (J and J1) plus the No Build Alternative be advanced for further study. For additional information on the Project, please visit the Project website at <http://www.bwmaglev.info>.

In mid-2019, FRA paused the development of the EIS to allow BWRR to further refine engineering. During this pause, FRA is continuing to progress the Section 106 process.

Section 106 Consultation

In letters dated May 15, 2017, FRA initiated Section 106 consultation with the Maryland and Washington, D.C. State Historic Preservation Officers (SHPOs). The SHPOs assisted FRA in the initial identification of consulting parties. As the Project boundaries have been refined and FRA continues to coordinate with other federal agencies, additional consulting parties and federally-recognized Indian Tribes have been identified, and subsequent correspondence is being issued.

Programmatic Agreement

FRA and MDOT have determined that Section 106 compliance for the Project will be achieved through execution and implementation of a project-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.14(b)(1). Because the effects of the Project on historic properties are multi-state in scope and cannot be fully determined prior to the approval of the Undertaking, the development of a project-specific PA is appropriate to fulfil FRA's Section 106 responsibilities. The PA will provide Project-wide consistency in consultation procedures, documentation standards, the resolution of adverse effects, Federal agency oversight, and roles and responsibilities of FRA, MDOT, Maryland State Historic Preservation Office (MD SHPO), District of Columbia Preservation Office (DC SHPO), and consulting parties. The PA is in the initial draft stages and will be developed in consultation with the consulting parties.

As the Section 106 process moves forward, FRA invites your tribe to be a consulting party in the identification of historic properties in the Area of Potential Effects (APE) and assessment of the Project's

potential effects on these properties. A list of those who have accepted the invitation to be consulting parties is attached (Attachment B – Section 106 Consulting Parties). The first NHPA Section 106 consulting party meeting was held on March 14, 2018 at MDOT headquarters in Hanover, Maryland. A second consulting party meeting was held on September 17, 2018 at DDOT headquarters in Washington, DC.

Area of Potential Effects Delineation

The “Area of Potential Effects” as defined at 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if such properties exist.” Attachment C is a map that represents the APE defined prior to the mid-2019 pause of the project:

- The APE for archaeological (below-ground) resources includes the rail corridor, stations (including boarding platforms, parking lots, access roads, and associated features); those locations associated with layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance roads (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities.
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Once project engineering details become known, FRA will update the consulting parties on if the APE has changed as a result, and consult regarding the subsequent identification of historic properties and assessment of effects.

Identification of Historic Properties and Determinations of Effects

Some initial fieldwork was completed to identify historic properties in the APE represented in Attachment C. In 2019, FRA submitted determinations of eligibility to the DC and MD SHPOs for 49 above-ground resources (40 in MD, 9 in DC), of which FRA determined 10 (3 in MD, 7 in DC) are eligible for listing in the National Register of Historic Places (NRHP). The SHPOs concurred with FRA’s determinations.

FRA and MDOT will continue to identify historic properties and prepare the required documentation according to all relevant federal and DCHPO/MDSHPO standards. Findings will be made by FRA based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria will be consistent with the *Secretary of the Interior’s Standards and Guidelines for Evaluation* (48 Federal Register 44729-44738) (36 CFR § 63) and will be completed by professionals qualified in the appropriate disciplines of archaeology, architectural history, architecture, or history. FRA will send the resulting historic resources and effects reports to the consulting parties. Should you choose to participate as a consulting party for the Project, upon submittal of this information, your tribe will have the opportunity to review and provide comment.

FRA requests (1) that you provide any information you may have regarding historic properties of religious or cultural significance to your tribe that may be present in the APE and (2) that you notify FRA within 30 days of receipt of this letter whether you accept or decline this invitation to be a Section 106 consulting party for the Project and in the development of the Programmatic Agreement. If you decline or do not respond to this invitation, you may request government-to-government consultation in the future. I can be reached by mail at the address below, by telephone at (202) 493-7007, or by email at katherine.zeringue@dot.gov. For expediency, e-mail correspondence is preferred.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

Mr. Brandon Bratcher, Environmental Protection Specialist, FRA
Mr. Bradley M. Smith, Office of Freight and Multimodalism, MDOT
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of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Bryan Printup
NHPA & NAGPRA Representative
Tuscarora Nation of New York
Tuscarora Community Center
5226 Walmore Rd
Lewiston, NY 14092

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
DEVELOPMENT OF A PROJECT-SPECIFIC PROGRAMMATIC AGREEMENT

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1200 New Jersey Avenue, SE
Washington, D.C. 20590

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1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

January 10, 2020

Mr. Leo Hemy
Chief
Tuscarora Nation of New York
2006 Mount Hope Road
Lewiston NY 14123

Re: SUPER-CONDUCTING MAGNETIC LEVITATION (SCMAGLEV) RAIL PROJECT
BALTIMORE, MARYLAND TO WASHINGTON, DC
INITIATION OF SECTION 106 AND INVITATION TO BE A CONSULTING PARTY IN THE
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Federal Preservation Officer
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Federal Railroad Administration
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

cc:

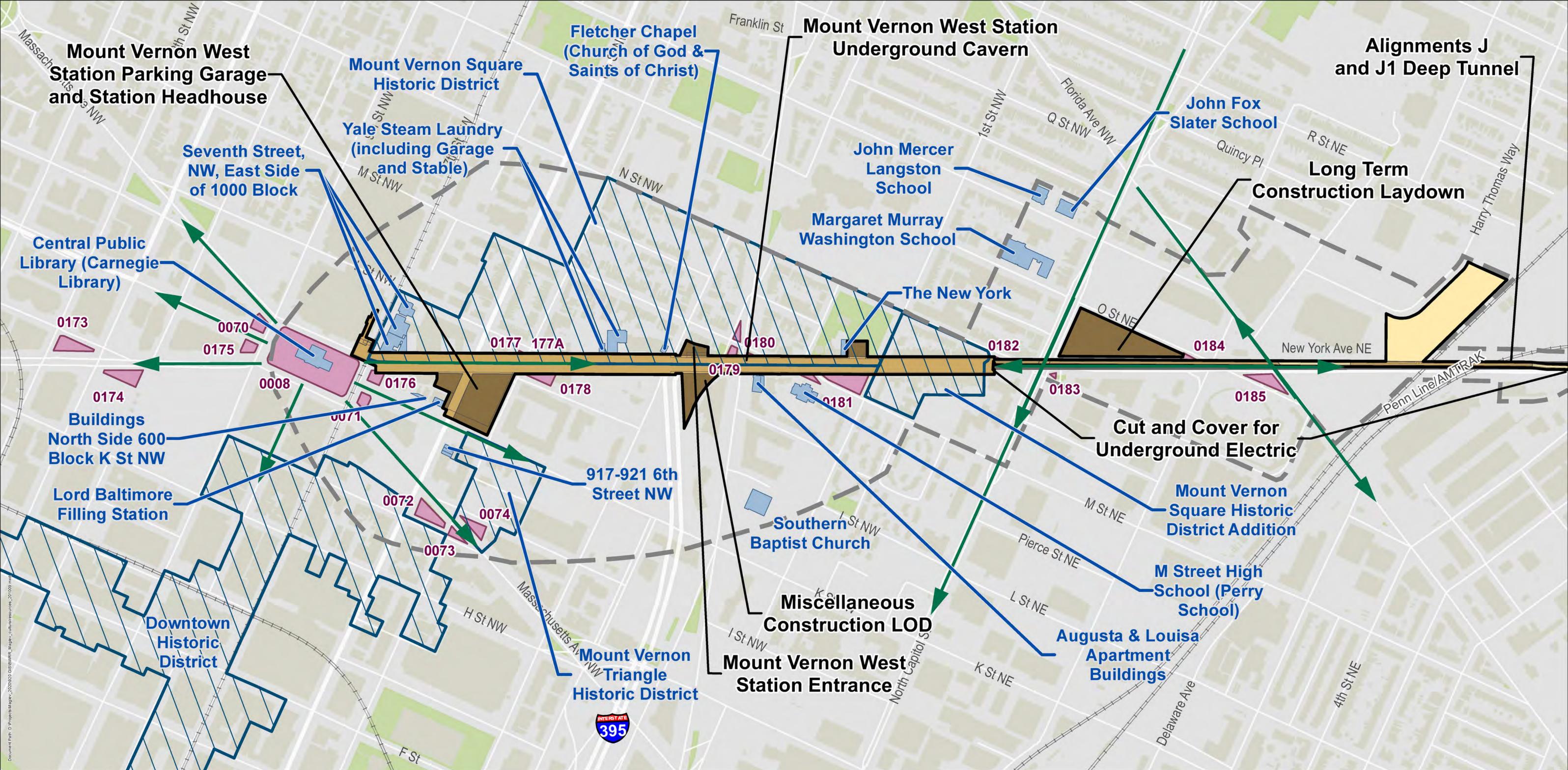
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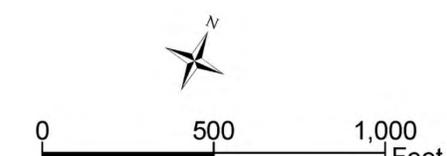
APPENDIX B

AREA OF POTENTIAL EFFECTS MAPS



- Alignments J and J1 Tunnel Segment
 - Parks
 - Surface Waters
 - Above-ground Resources Area of Potential Effects (APE)
 - Archaeology APE
 - L'Enfant Plan Reservation
 - L'Enfant Plan Vista
- NRHP Listed/Eligible District
 - NRHP Listed/Eligible Resource
- Archaeological Sensitivity**
 - High
 - Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.

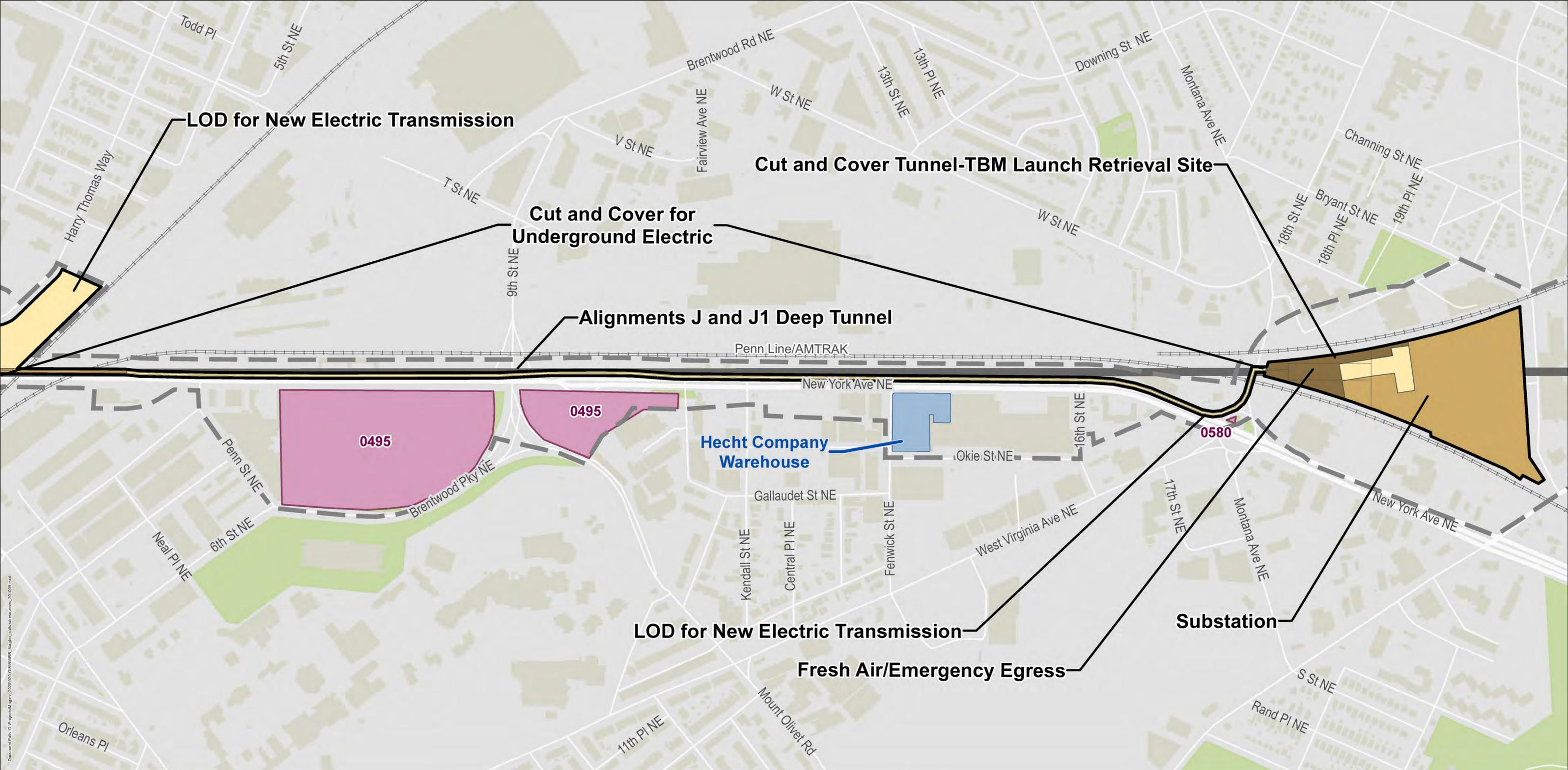


BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

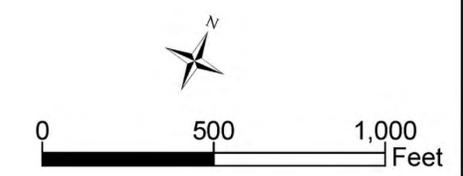




- Alignments J and J1 Tunnel Segment
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 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



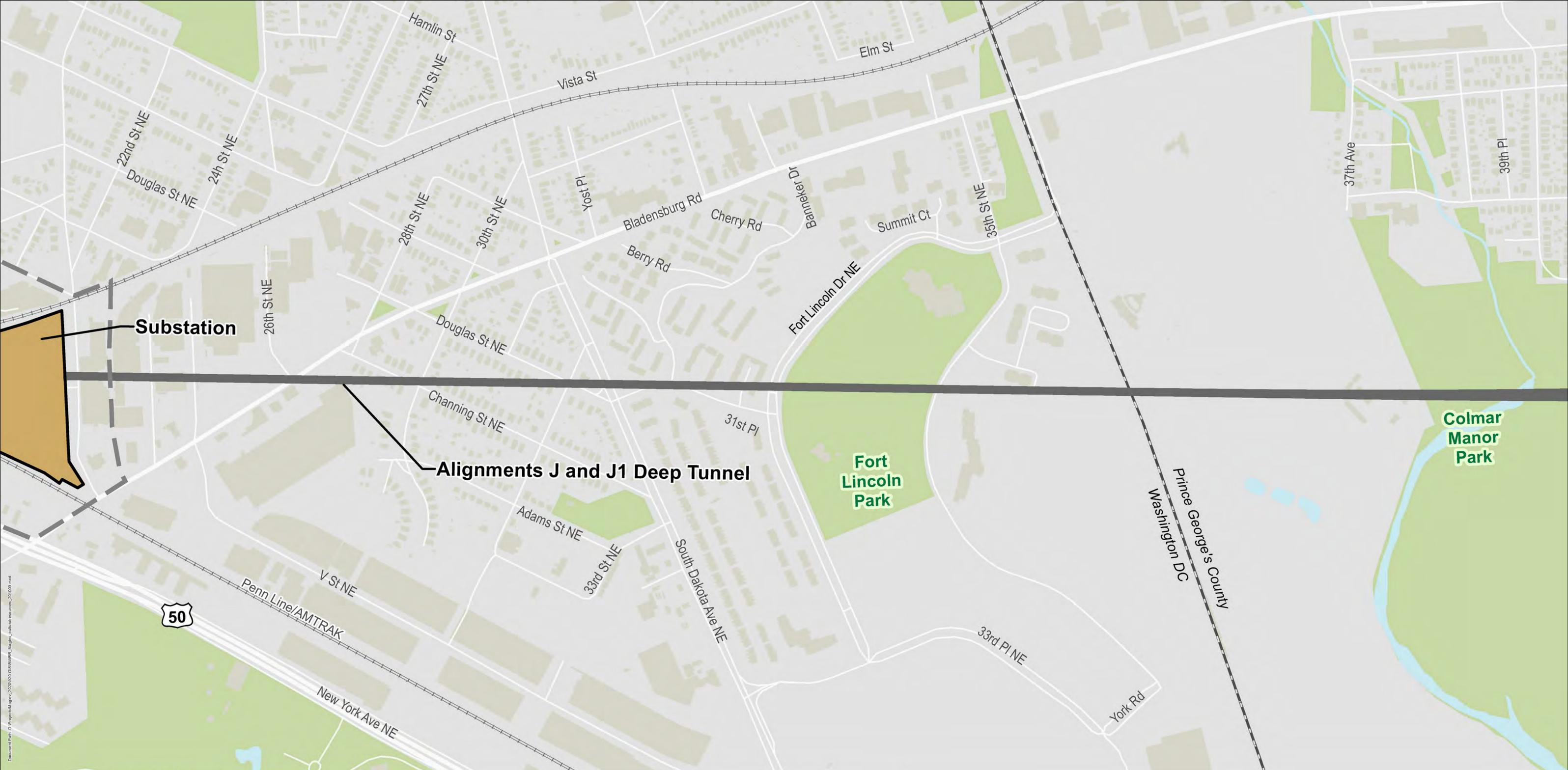
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 2 of 29

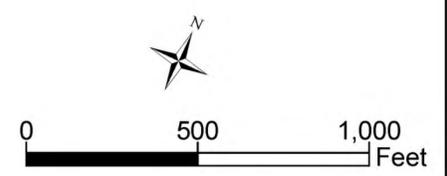
Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





-  Alignments J and J1 Tunnel Segment
 -  Parks
 -  Surface Waters
 -  Above-ground Resources Area of Potential Effects (APE)
 -  Archaeology APE
- Archaeological Sensitivity**
 -  Medium

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



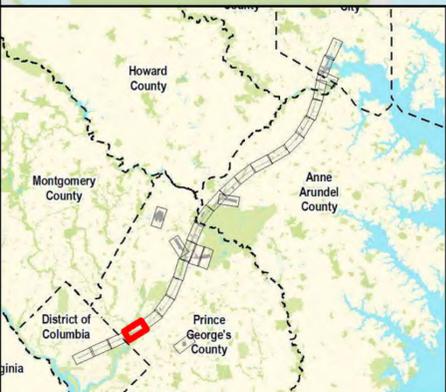
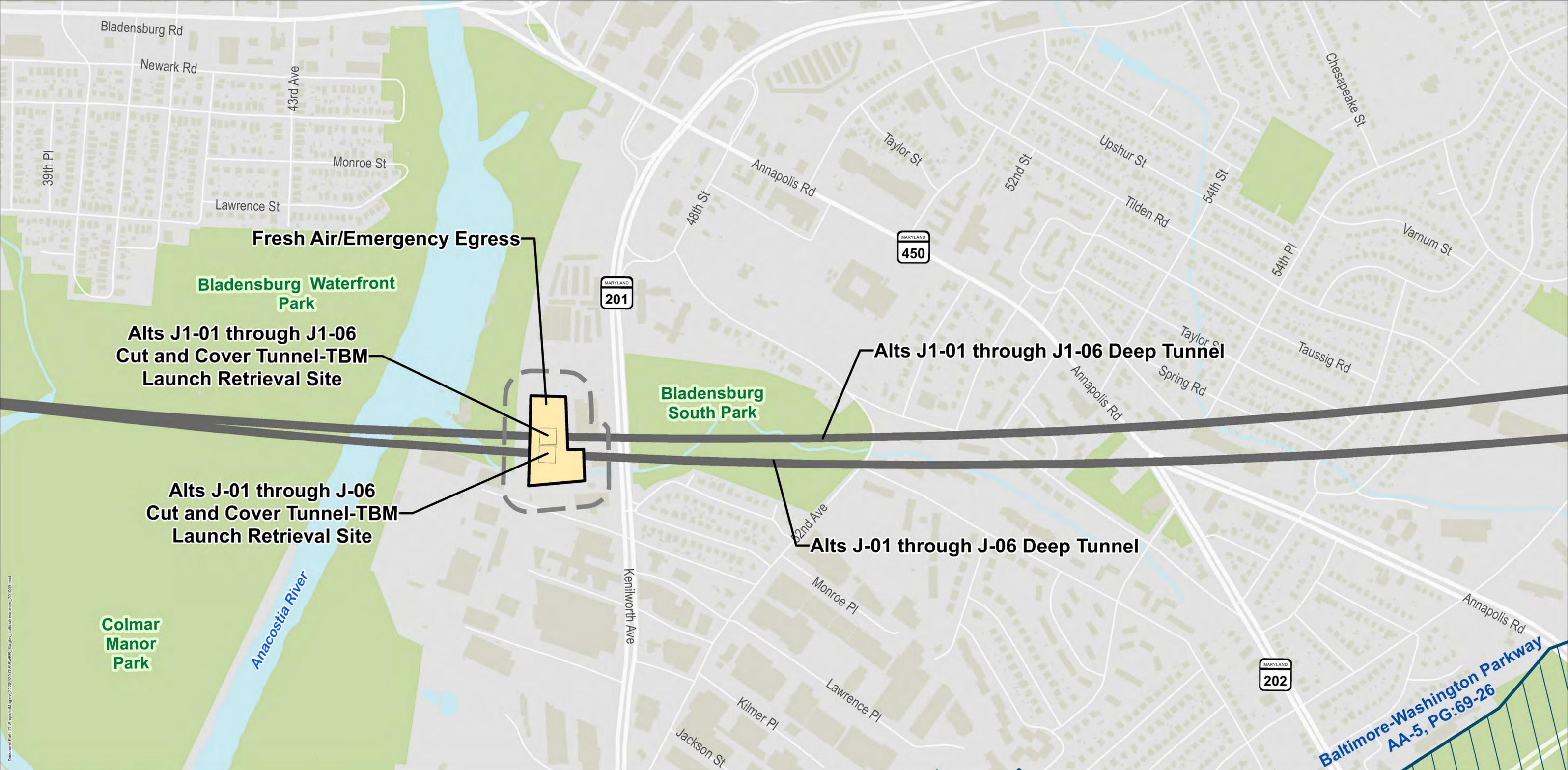
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 3 of 29

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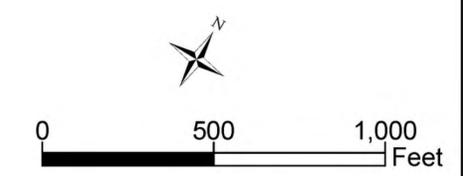




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
- Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



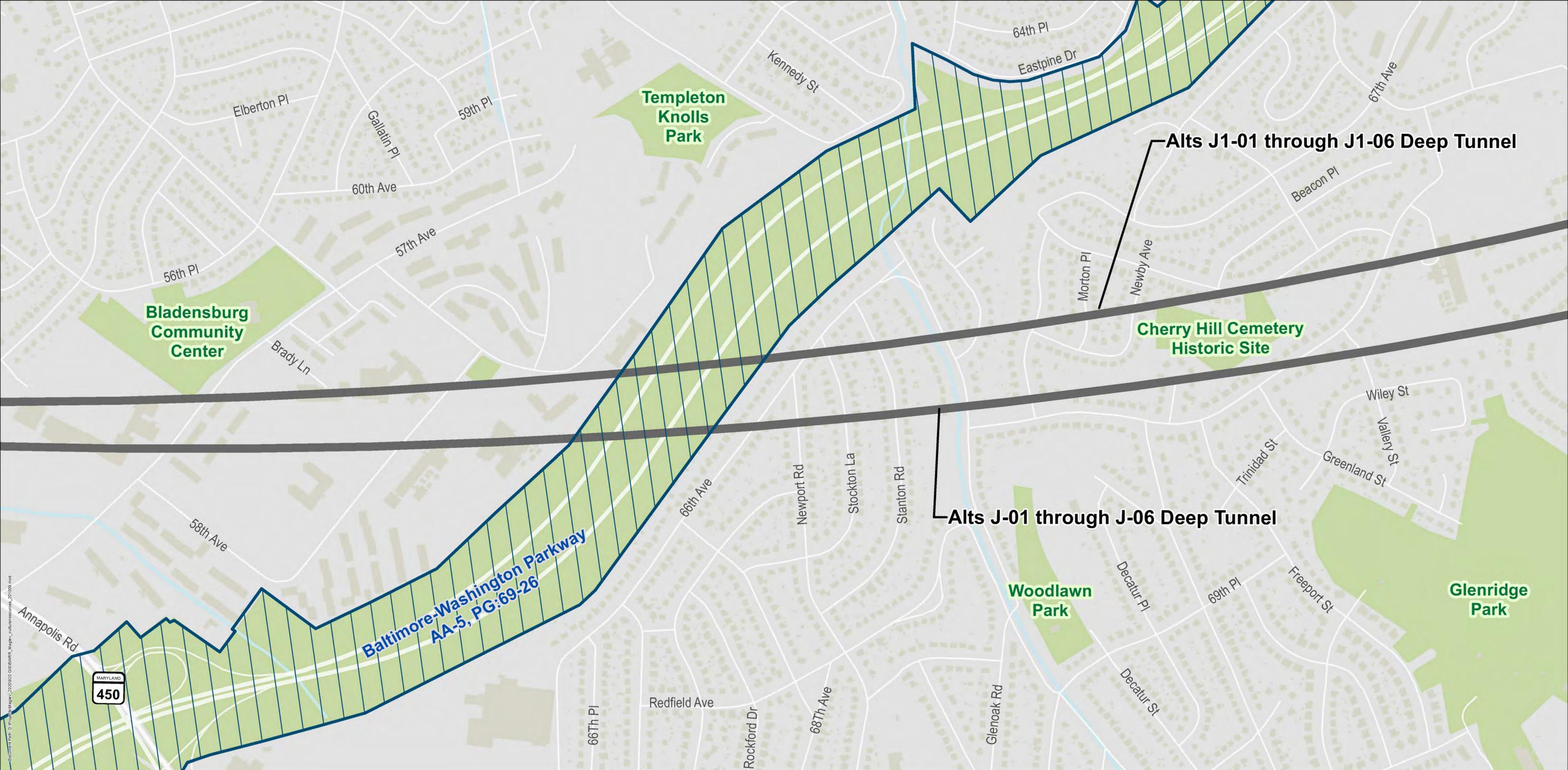
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

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Alignments J and J1 Tunnel Segment

- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters

Historic Resource

- NRHP Listed/Eligible District

***Note:** Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.

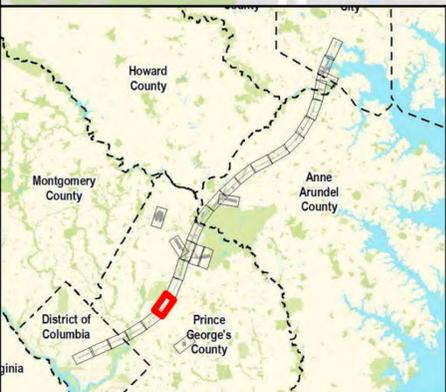
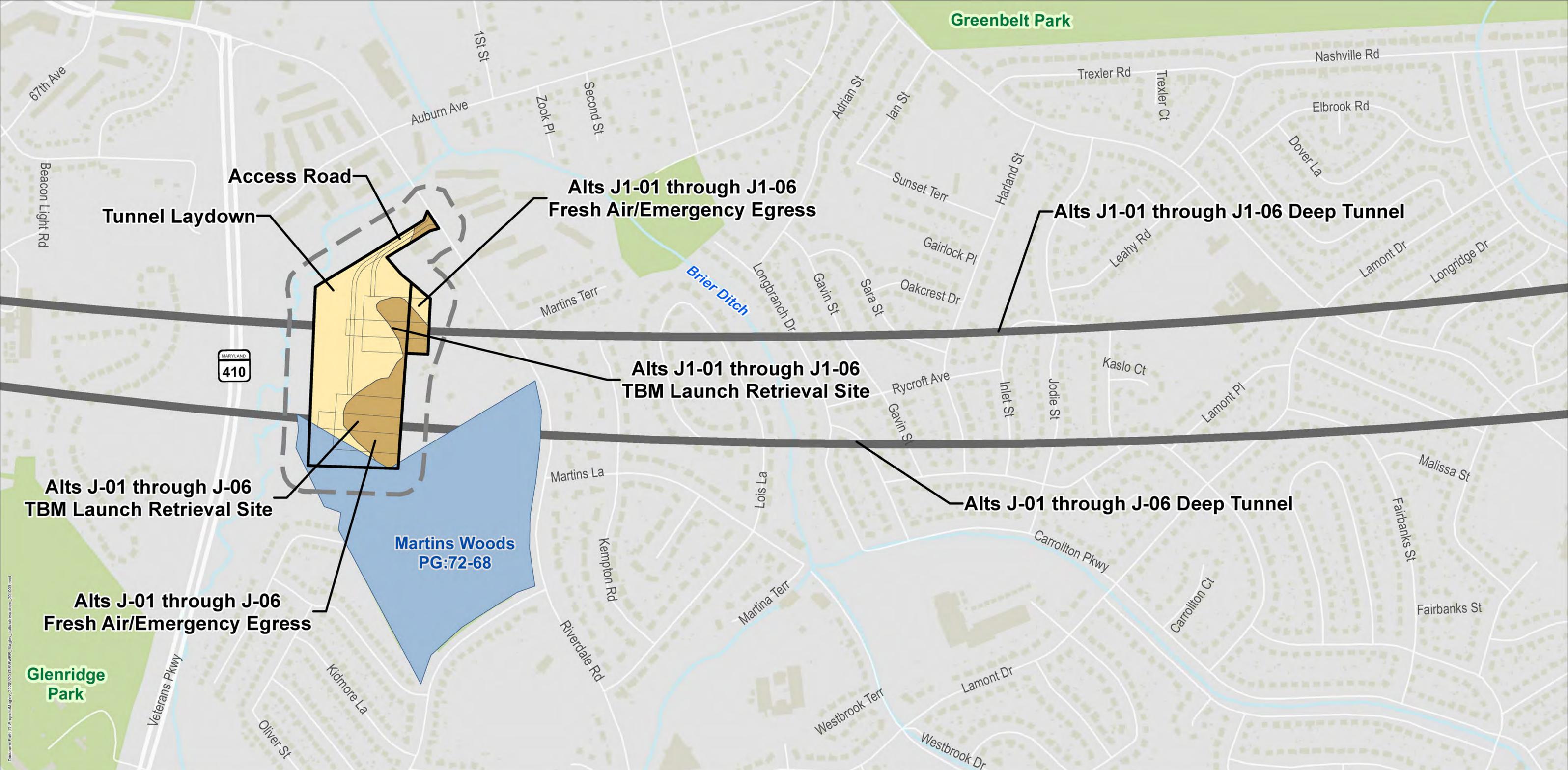
0 500 1,000 Feet

BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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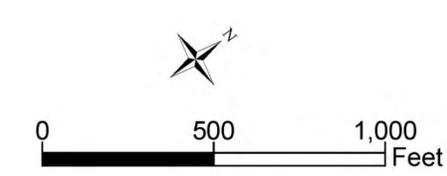




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible Resource
- Archaeological Sensitivity**
- Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.

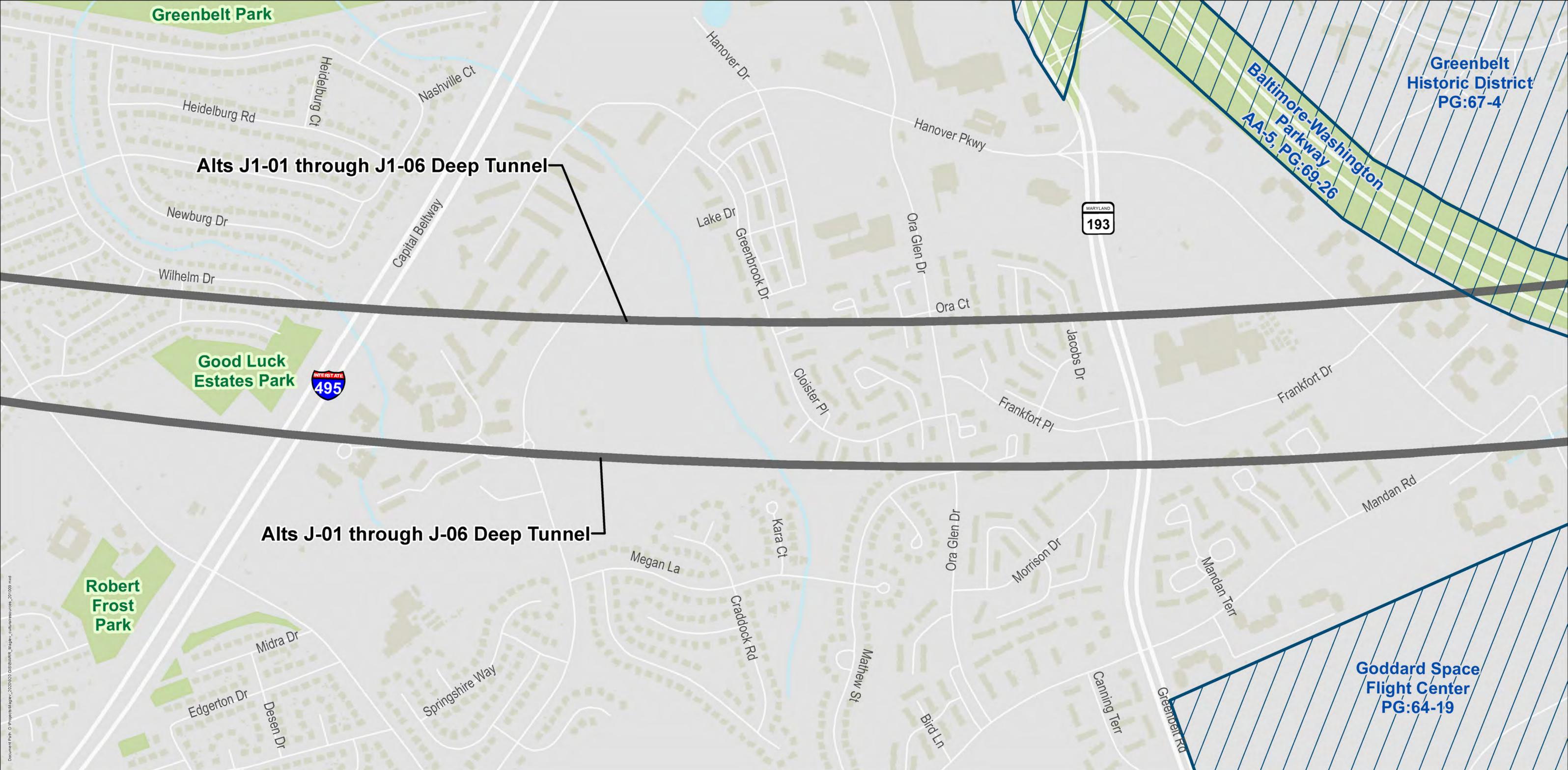


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Cultural Resources

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Alts J1-01 through J1-06 Deep Tunnel

Alts J-01 through J-06 Deep Tunnel

Greenbelt Historic District
PG:67-4

Baltimore-Washington Parkway
AA-5, PG:69-26

Goddard Space Flight Center
PG:64-19

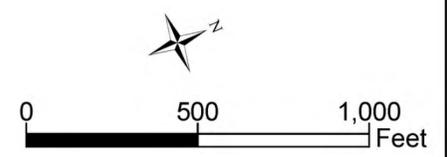
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-  Alignments J and J1 Tunnel Segment
-  Parks
-  Surface Waters

- Historic Resource**
-  NRHP Listed/Eligible District

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



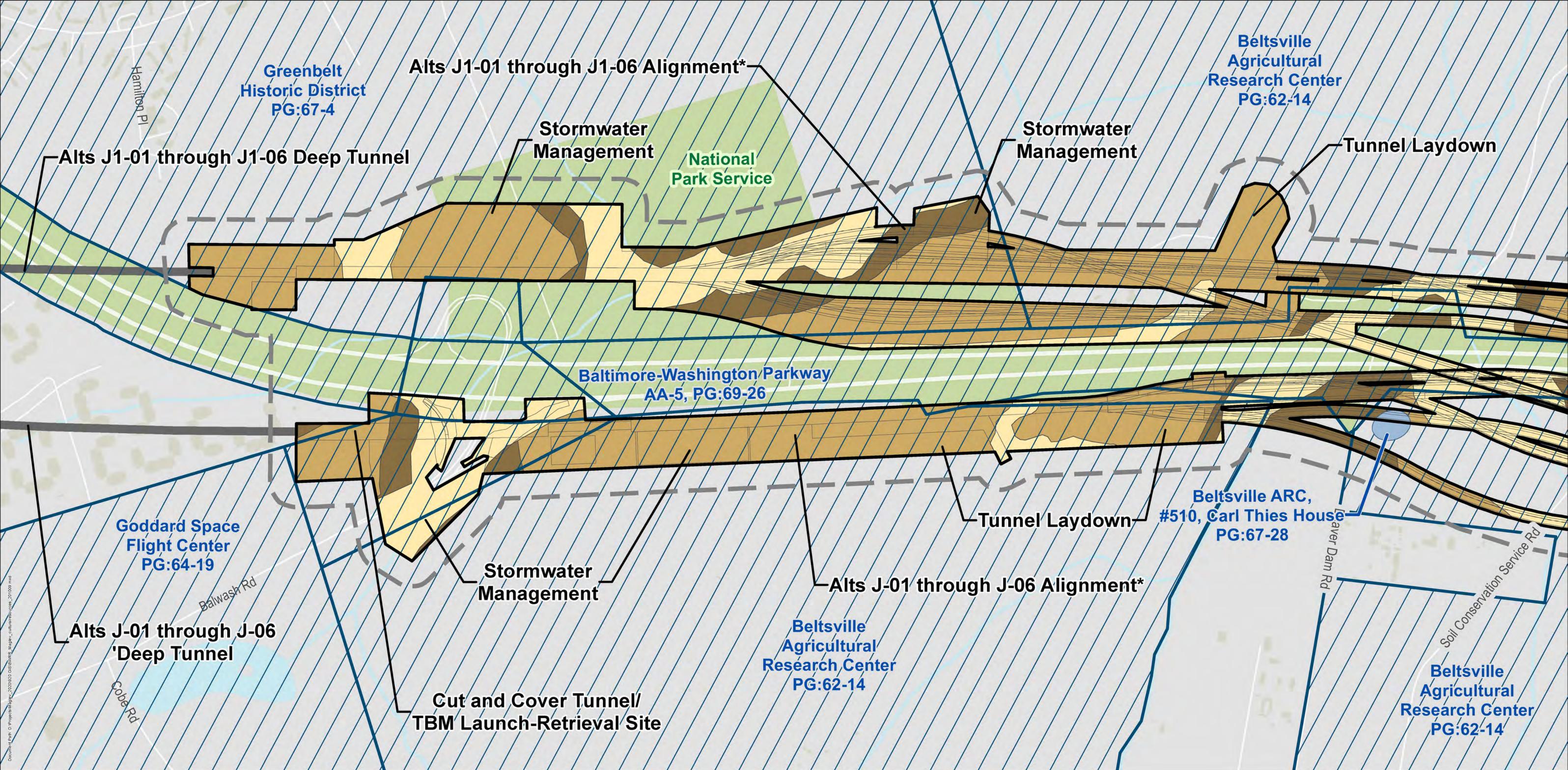
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 7 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





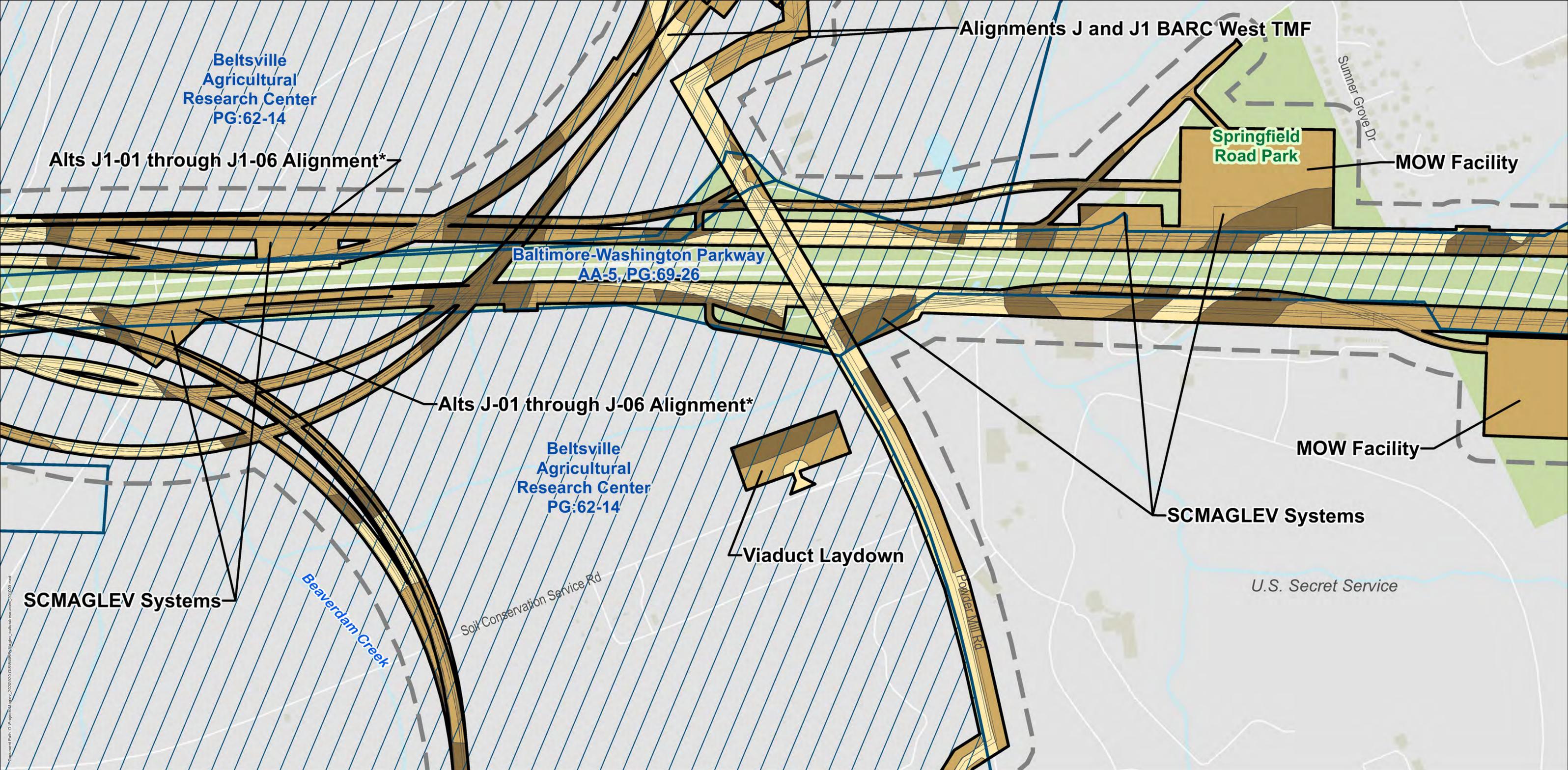
<ul style="list-style-type: none"> Alignments J and J1 Tunnel Segment Parks Surface Waters Above-ground Resources Area of Potential Effects (APE) Archaeology APE 	<p>Historic Resource</p> <ul style="list-style-type: none"> NRHP Listed/Eligible District NRHP Listed/Eligible Resource <p>Archaeological Sensitivity</p> <ul style="list-style-type: none"> High Medium Low 	<p>*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMagLEV systems and operations areas and viaduct areas.</p> <div style="text-align: center;"> </div> <div style="text-align: center;"> </div>
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BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

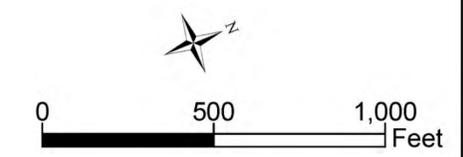
Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE
- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
- High
- Medium
- Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



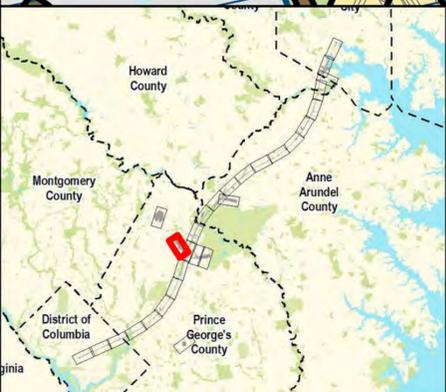
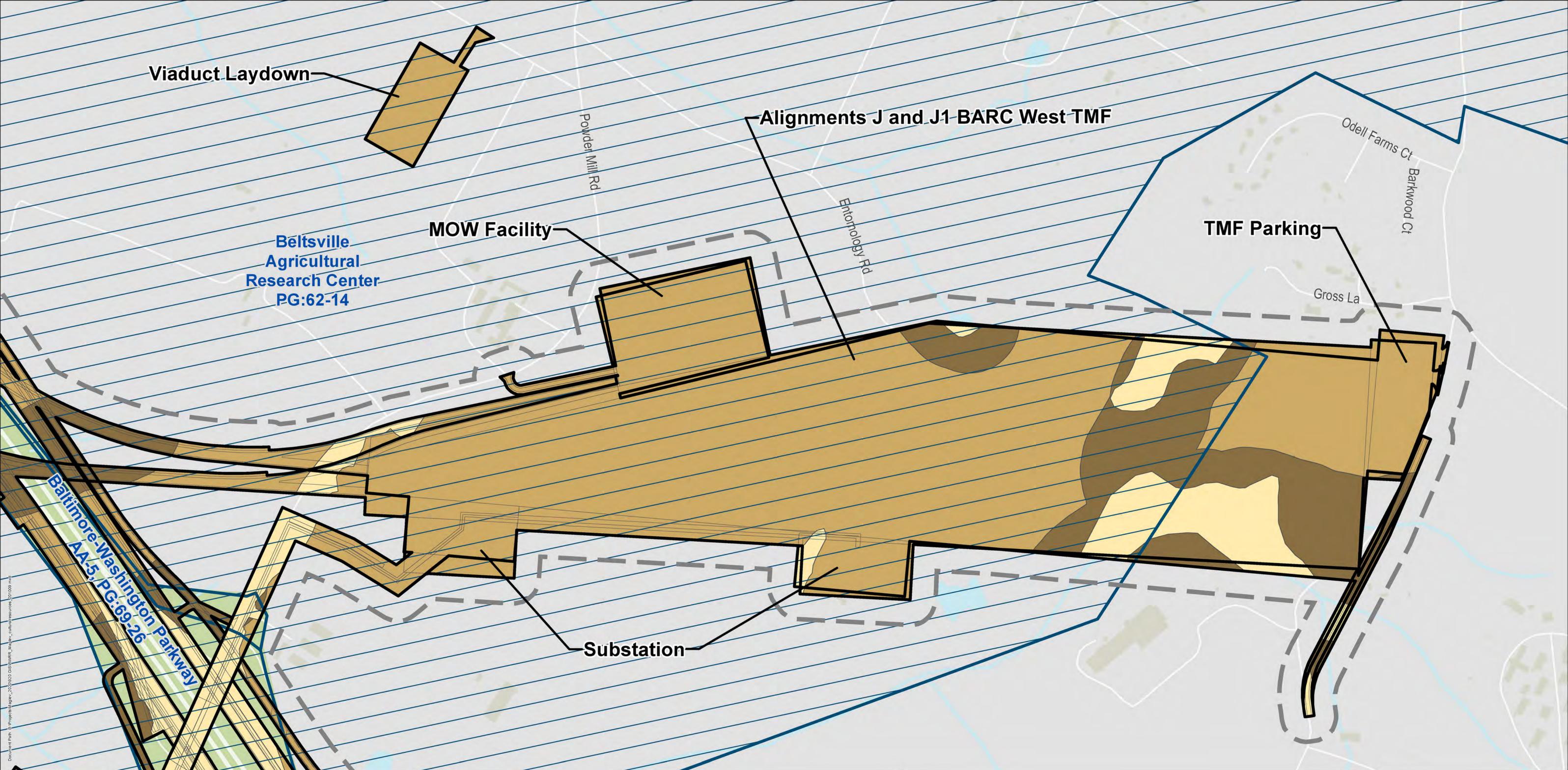
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 9 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

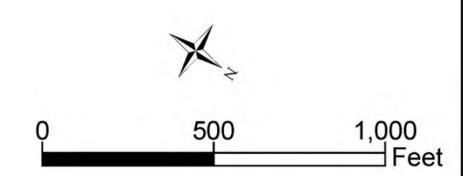




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
- High
 - Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



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Cultural Resources

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Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





<ul style="list-style-type: none"> Alignments J and J1 Tunnel Segment Parks Surface Waters Above-ground Resources Area of Potential Effects (APE) Archaeology APE 	<p>Historic Resource</p> <ul style="list-style-type: none"> NRHP Listed/Eligible District NRHP Listed/Eligible Resource <p>Archaeological Sensitivity</p> <ul style="list-style-type: none"> High Medium Low 	<p>*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.</p> <div style="text-align: center;"> </div> <div style="text-align: center;"> </div>
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BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

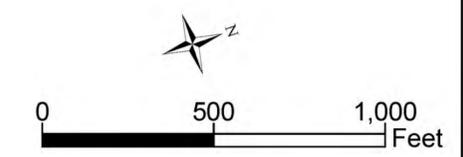




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
- High
 - Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



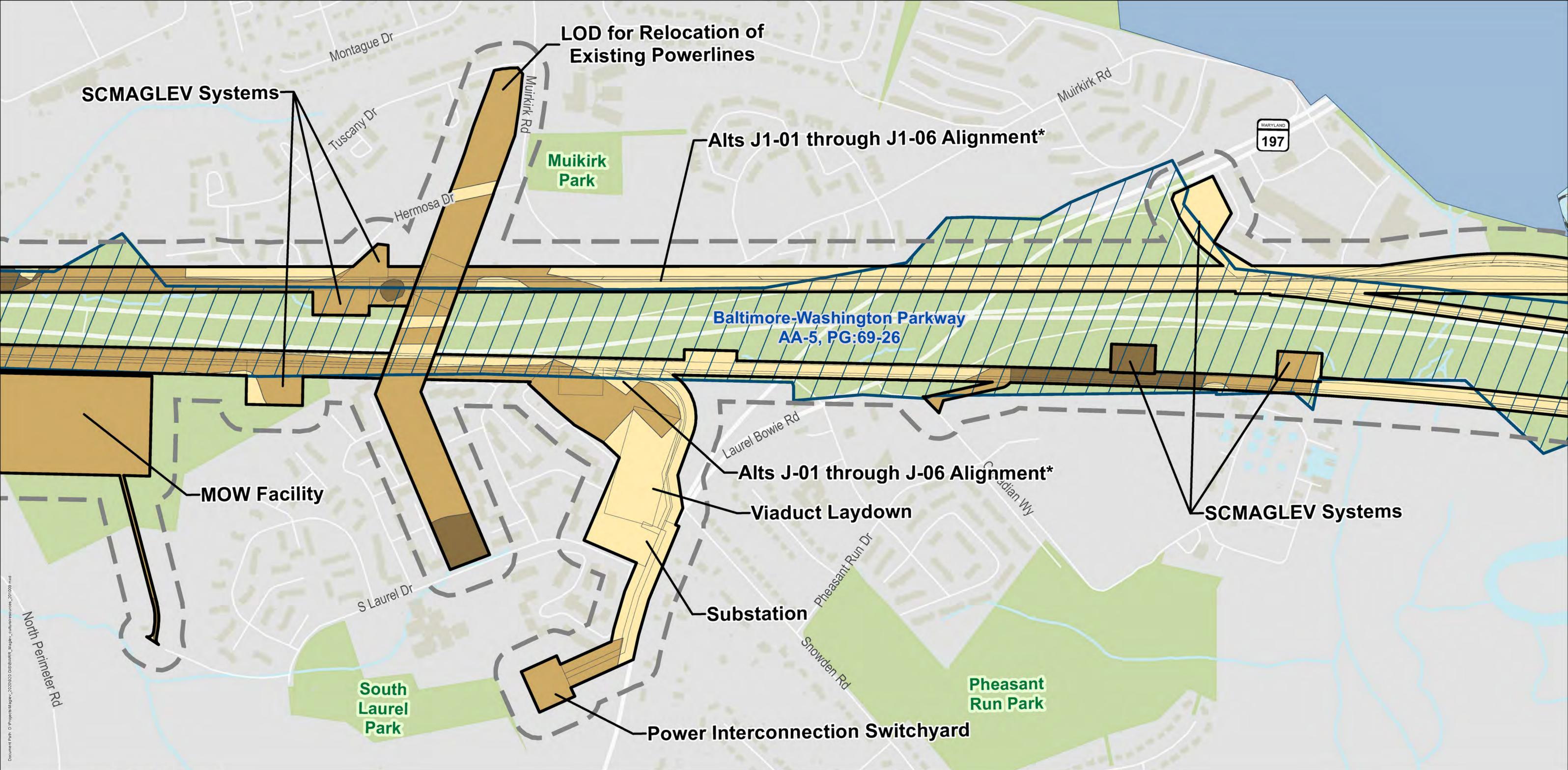
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

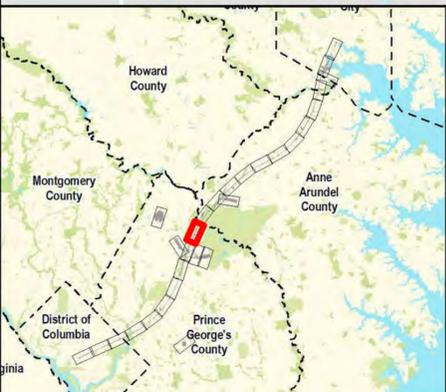
Sheet 12 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





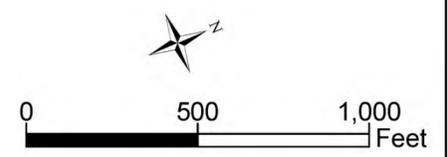
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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
 - NRHP Listed/Eligible Resource
- Archaeological Sensitivity**
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 - Medium
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*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



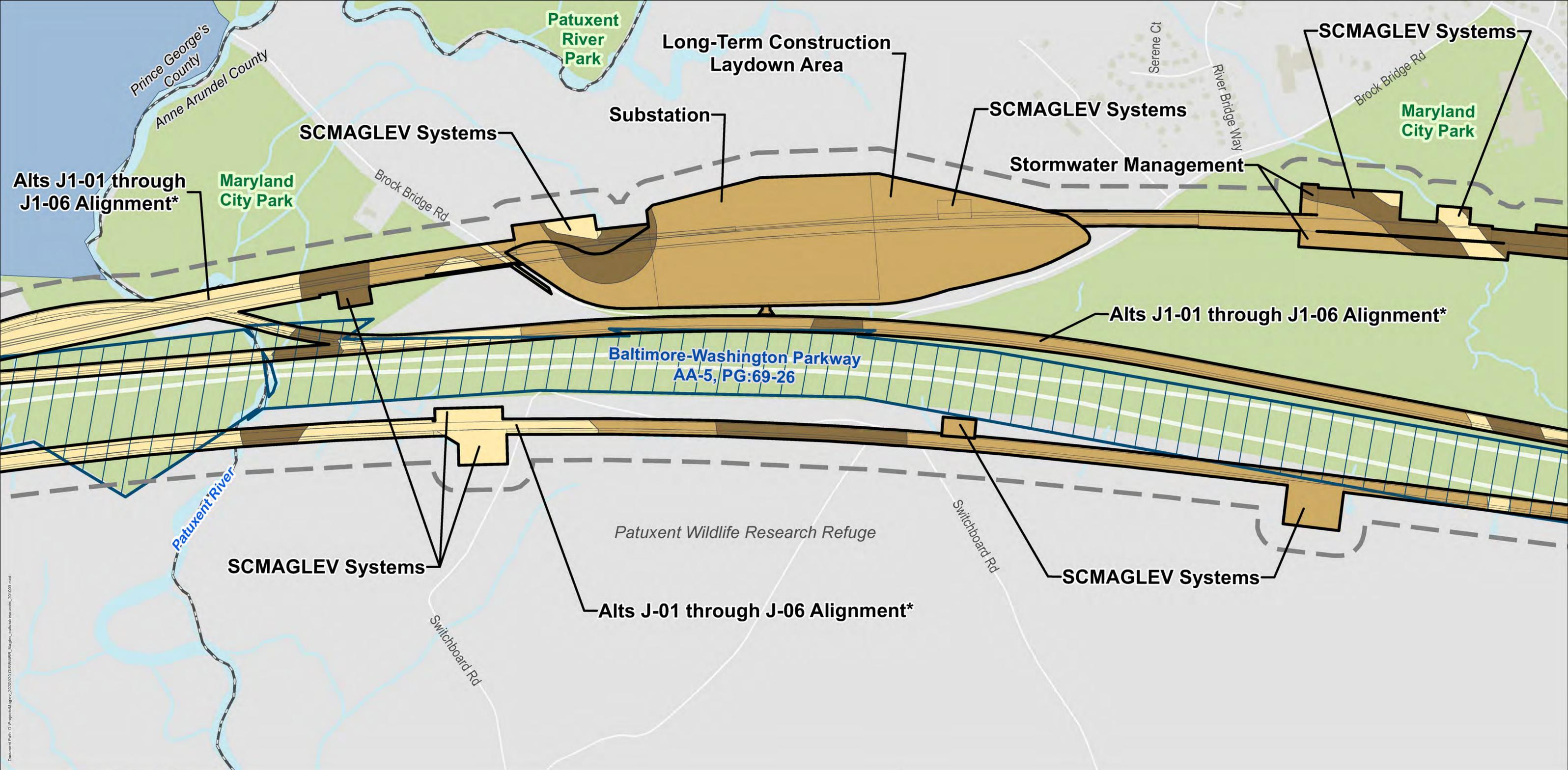
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 13 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

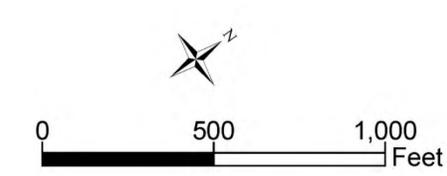




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
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 - Medium
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*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



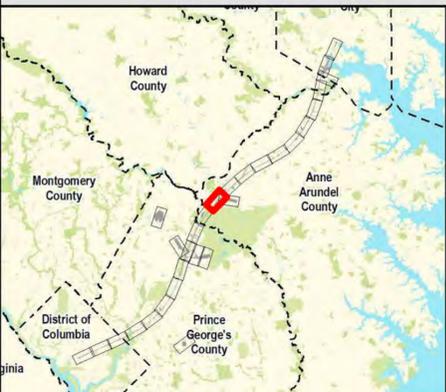
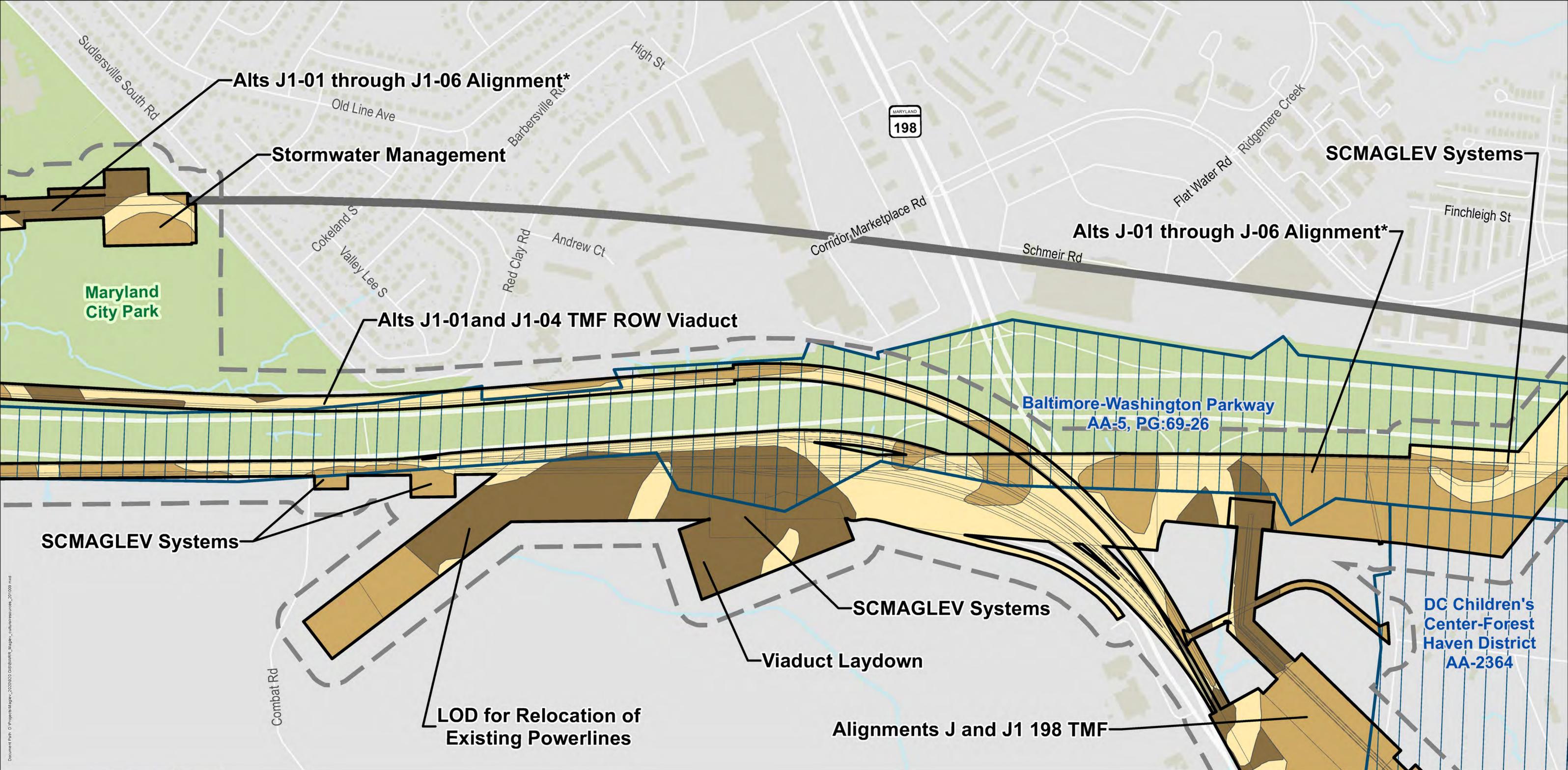
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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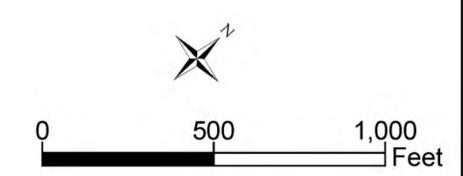
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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE
- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
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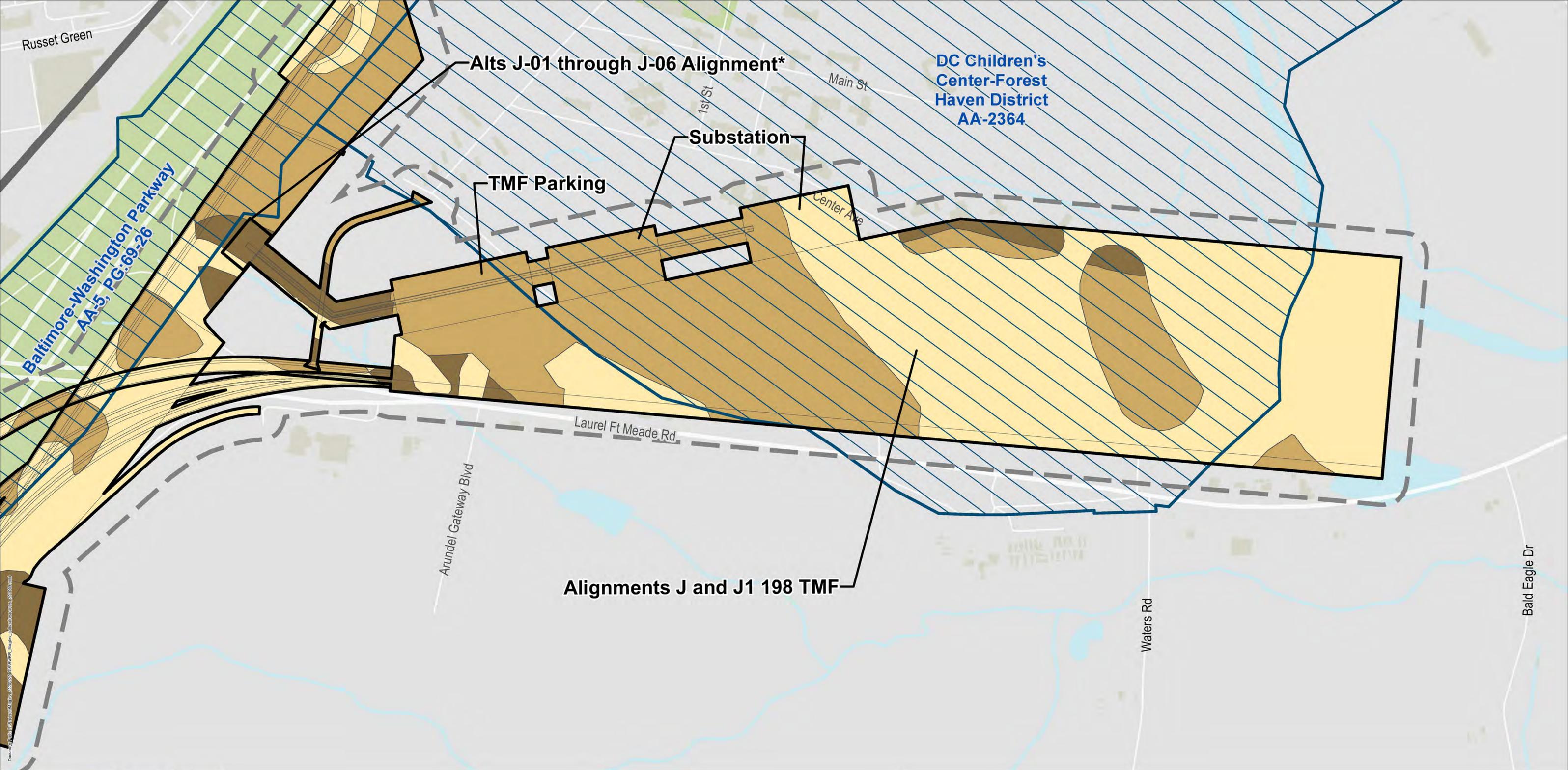
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 15 of 29

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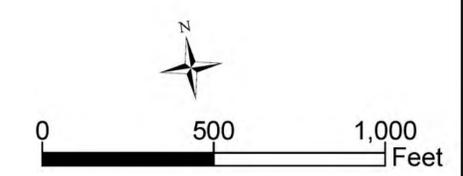




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
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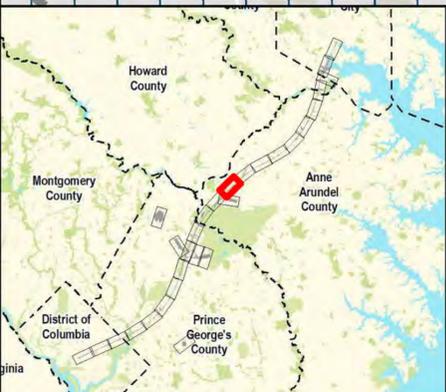
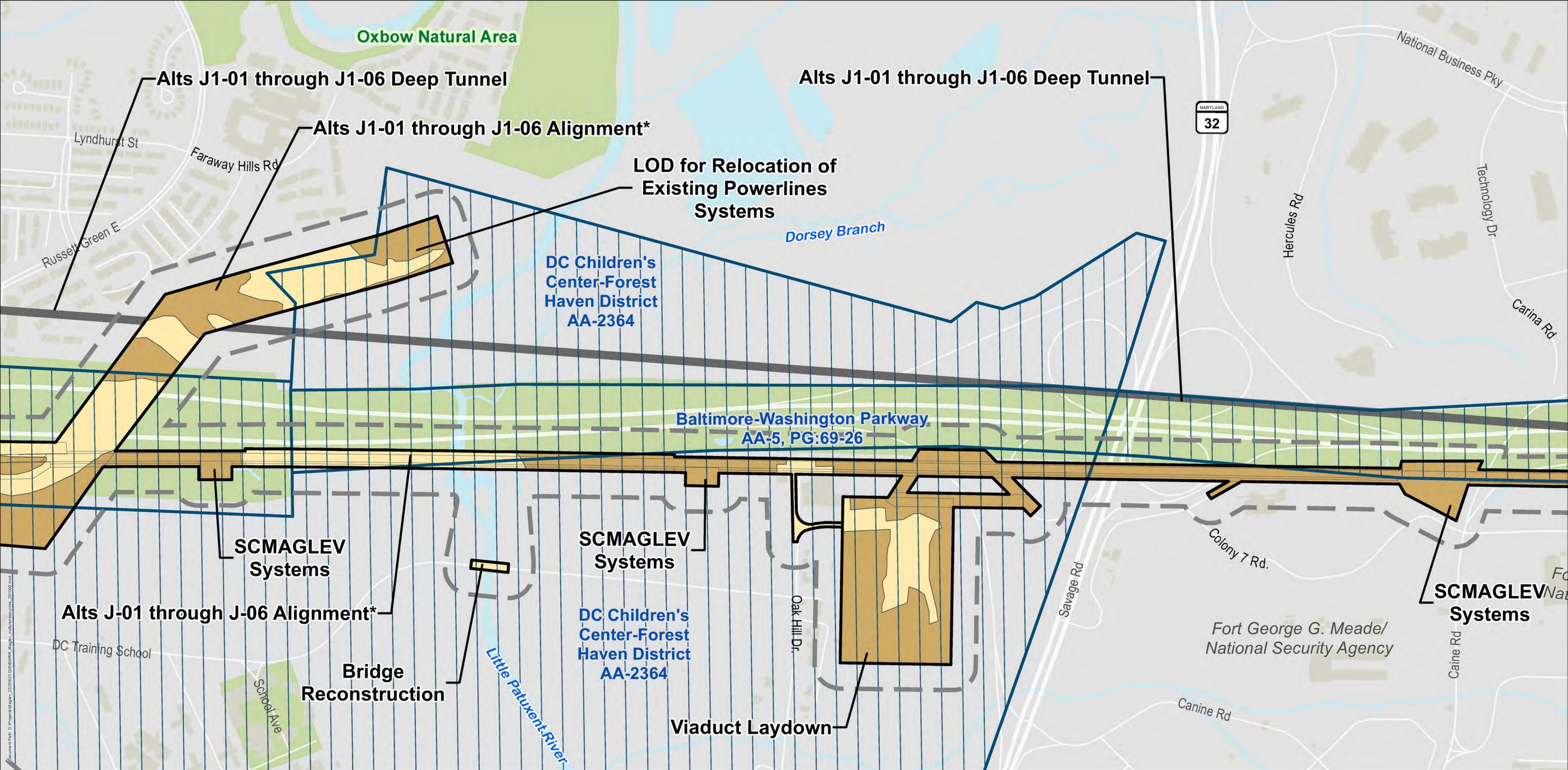
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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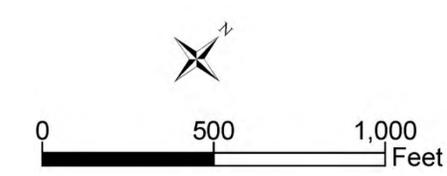
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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE
- Historic Resource
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
- Medium
- Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.

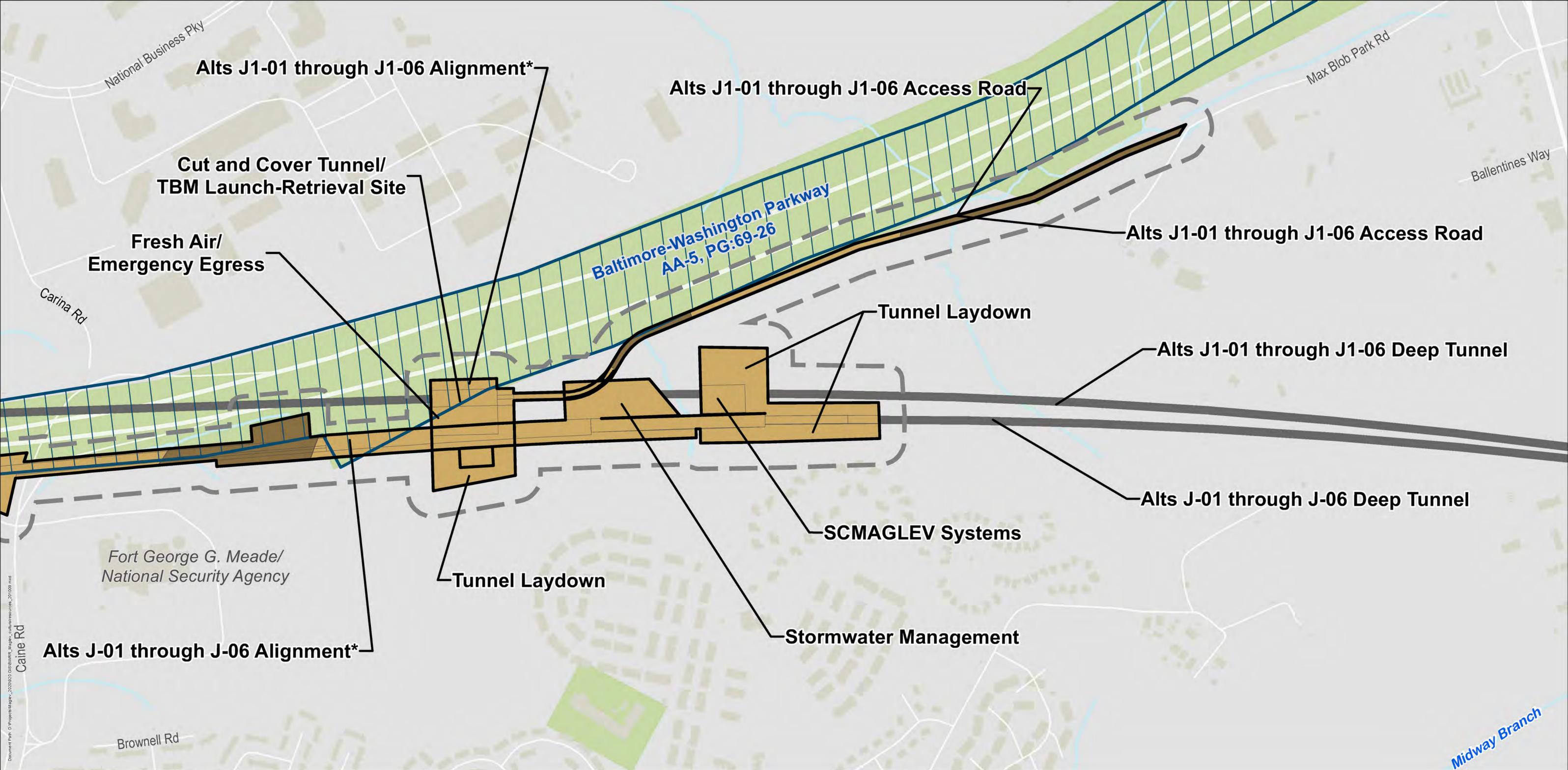


BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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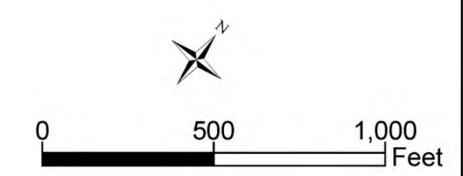
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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
- Archaeological Sensitivity**
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*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



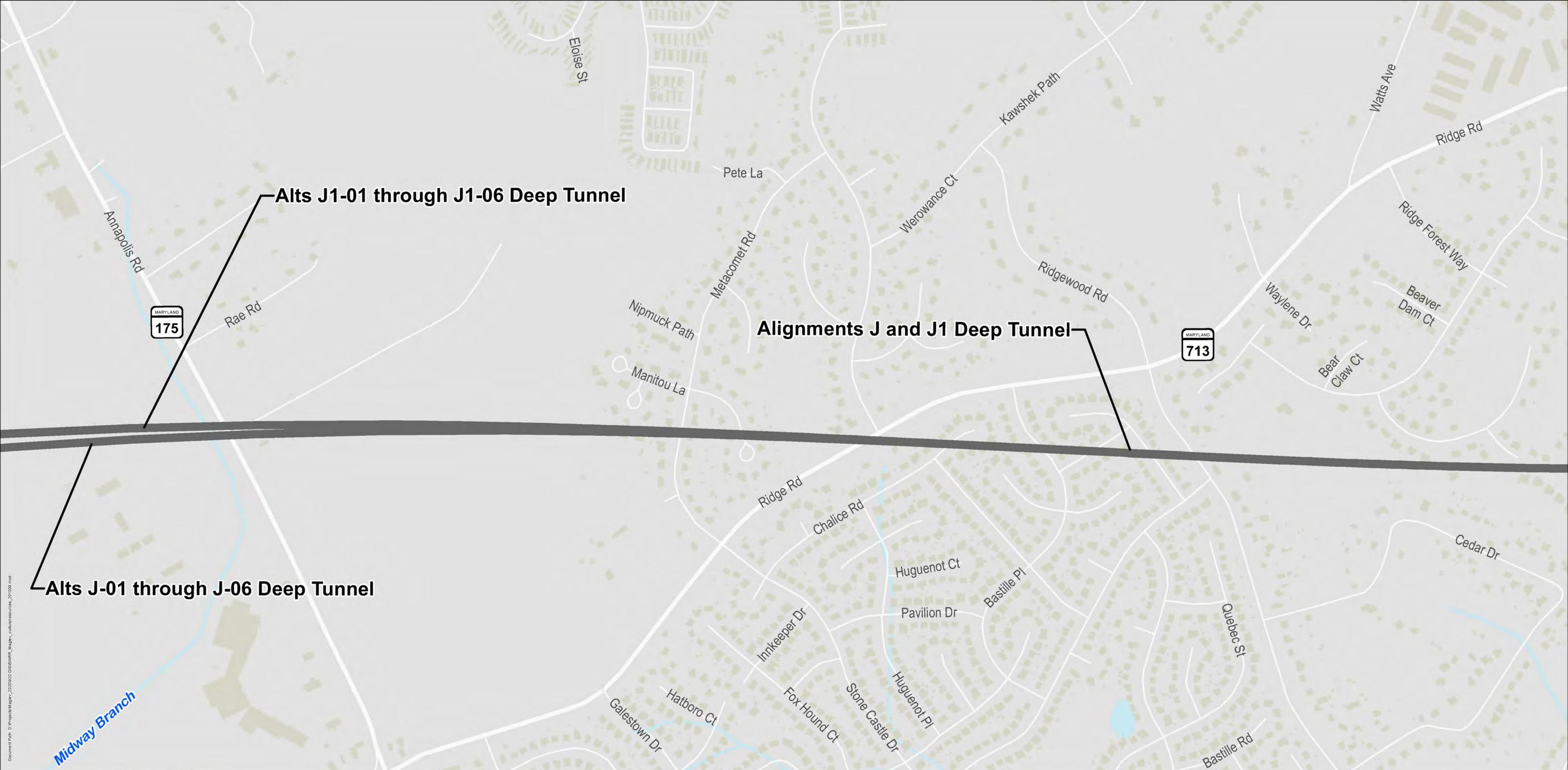
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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Alts J1-01 through J1-06 Deep Tunnel

Alignments J and J1 Deep Tunnel

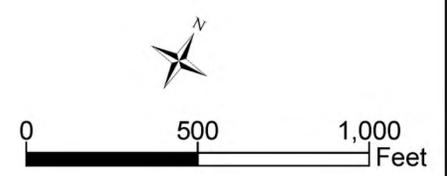
Alts J-01 through J-06 Deep Tunnel

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-  Alignments J and J1 Tunnel Segment
-  Parks
-  Surface Waters

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



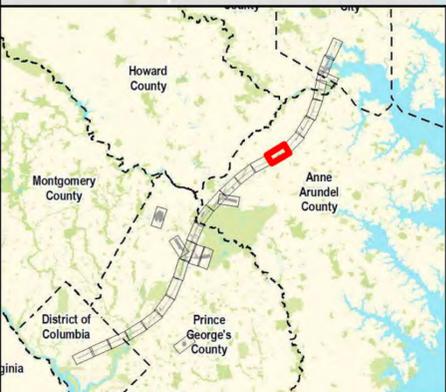
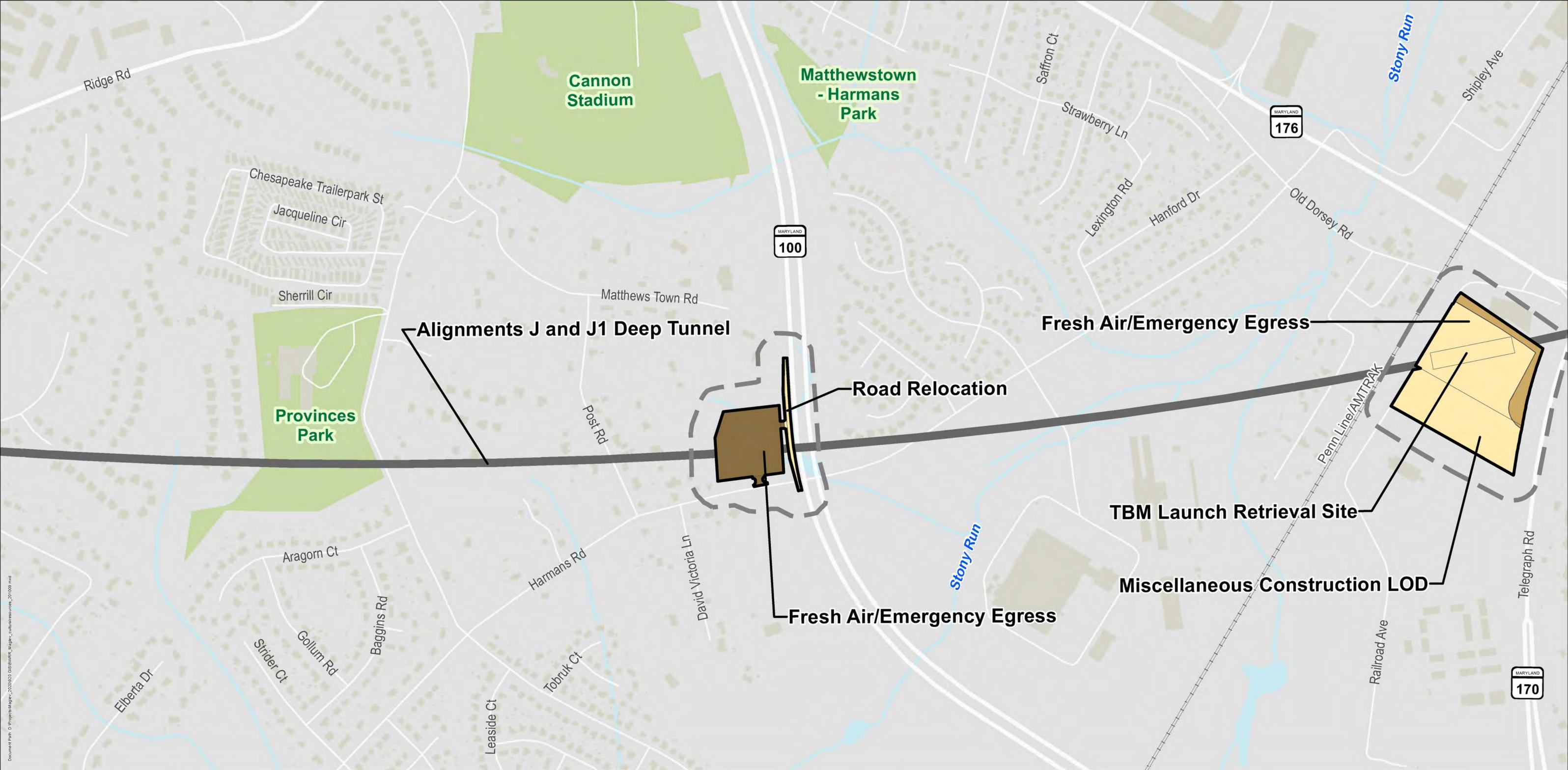
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

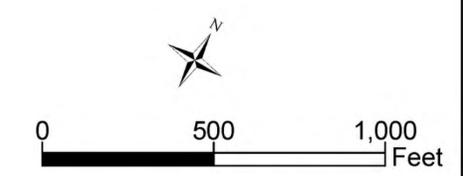




-  Alignments J and J1 Tunnel Segment
-  Parks
-  Surface Waters
-  Above-ground Resources Area of Potential Effects (APE)
-  Archaeology APE

- Archaeological Sensitivity**
-  High
 -  Medium
 -  Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



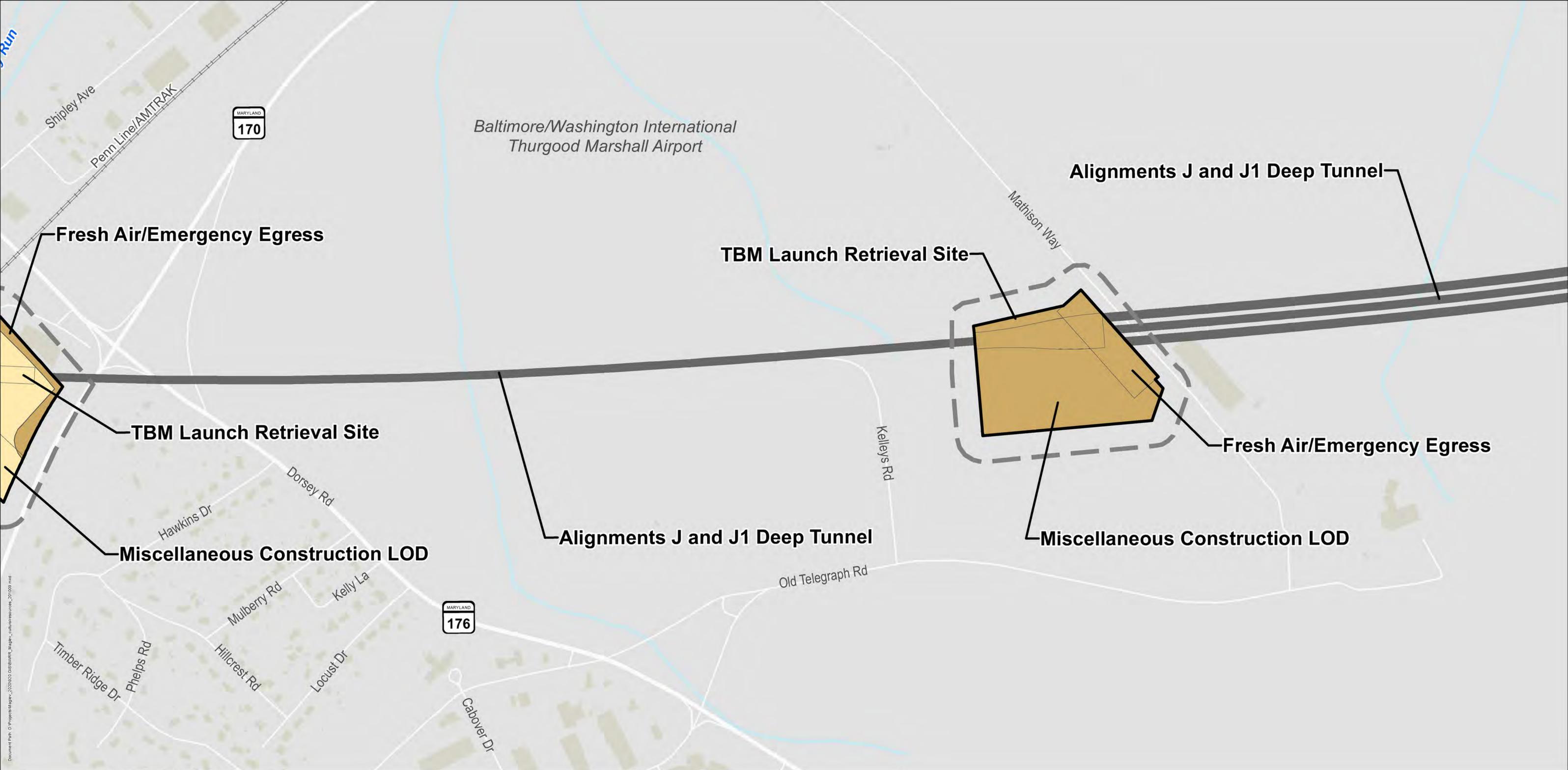
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

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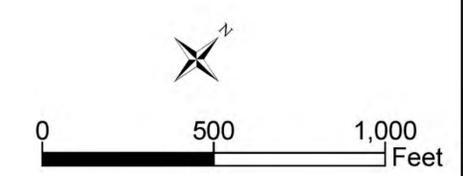
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-  Alignments J and J1 Tunnel Segment
 -  Parks
 -  Surface Waters
 -  Above-ground Resources Area of Potential Effects (APE)
 -  Archaeology APE
- Archaeological Sensitivity**
 -  Medium
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*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



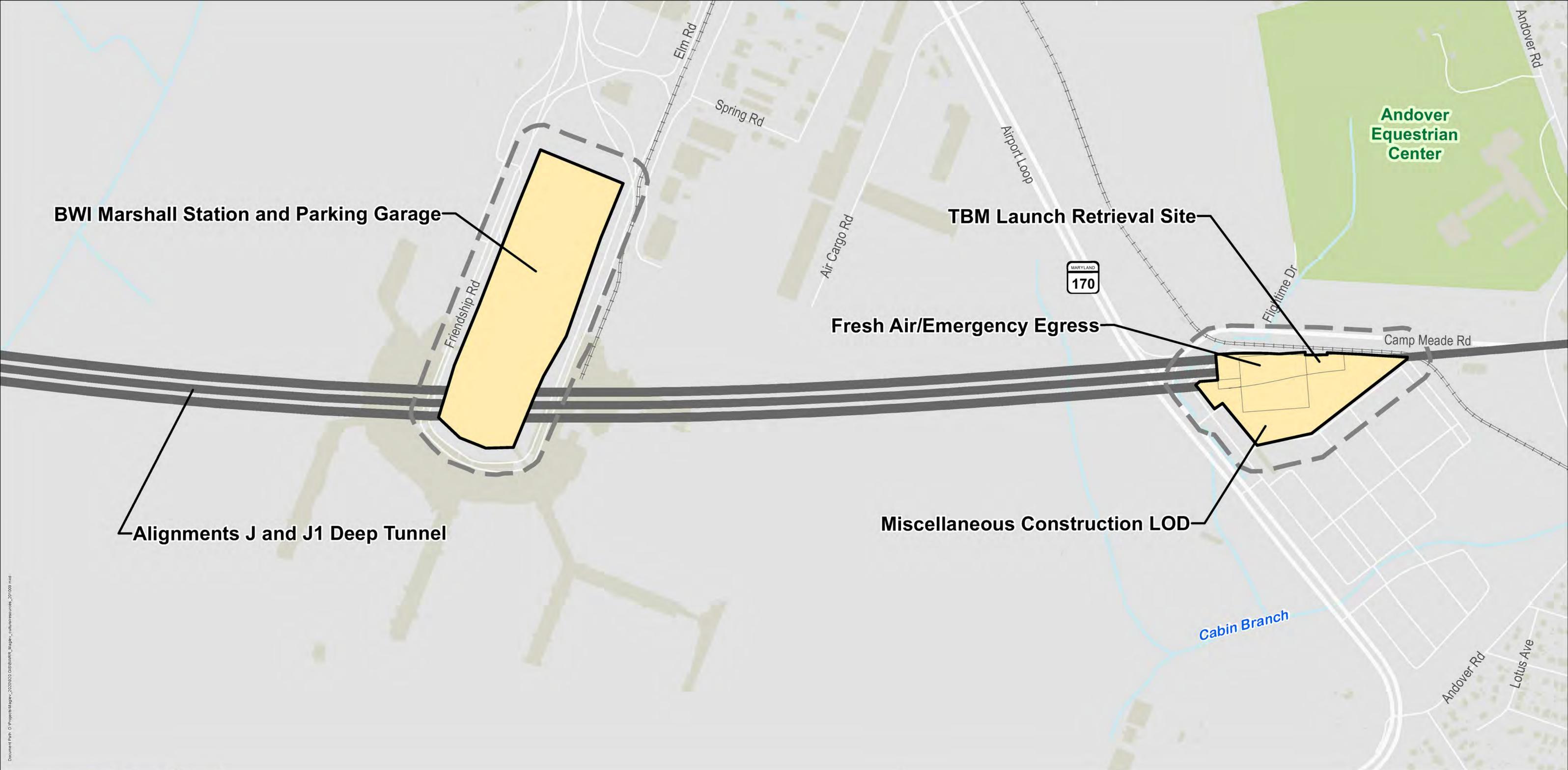
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 21 of 29

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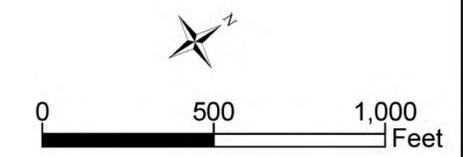


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- Alignments J and J1 Tunnel Segment
 - Parks
 - Surface Waters
 - Above-ground Resources Area of Potential Effects (APE)
 - Archaeology APE
-
- Archaeological Sensitivity**
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



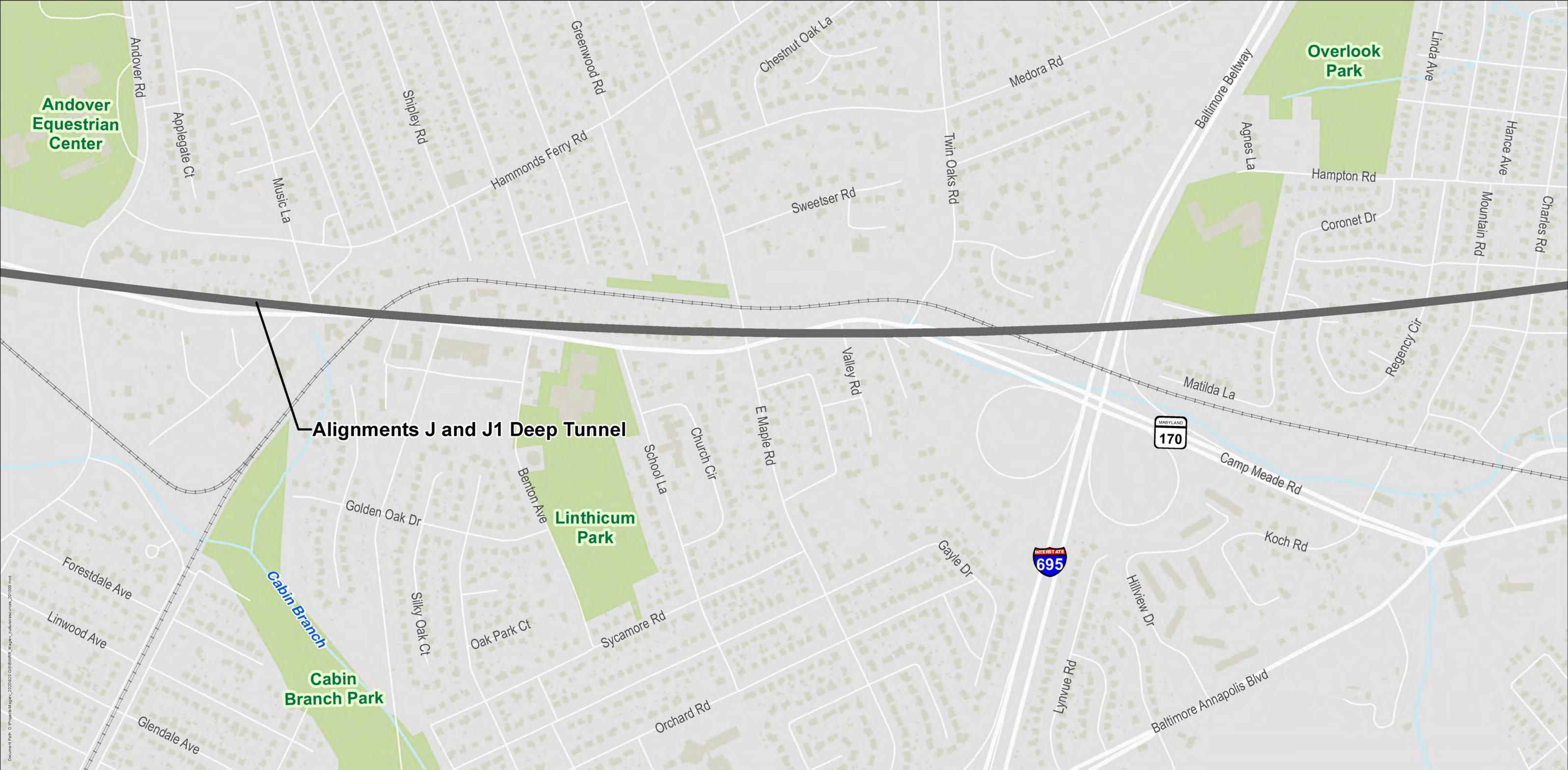
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

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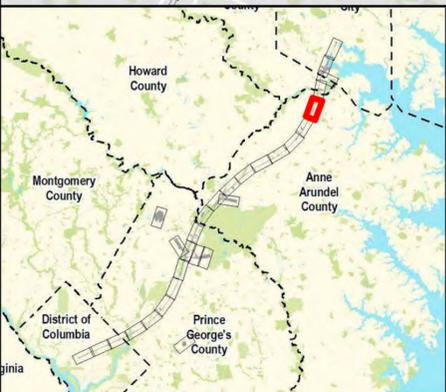
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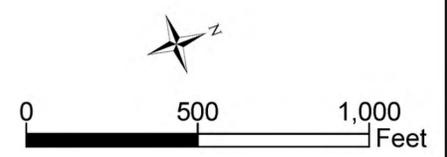
Alignments J and J1 Deep Tunnel

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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



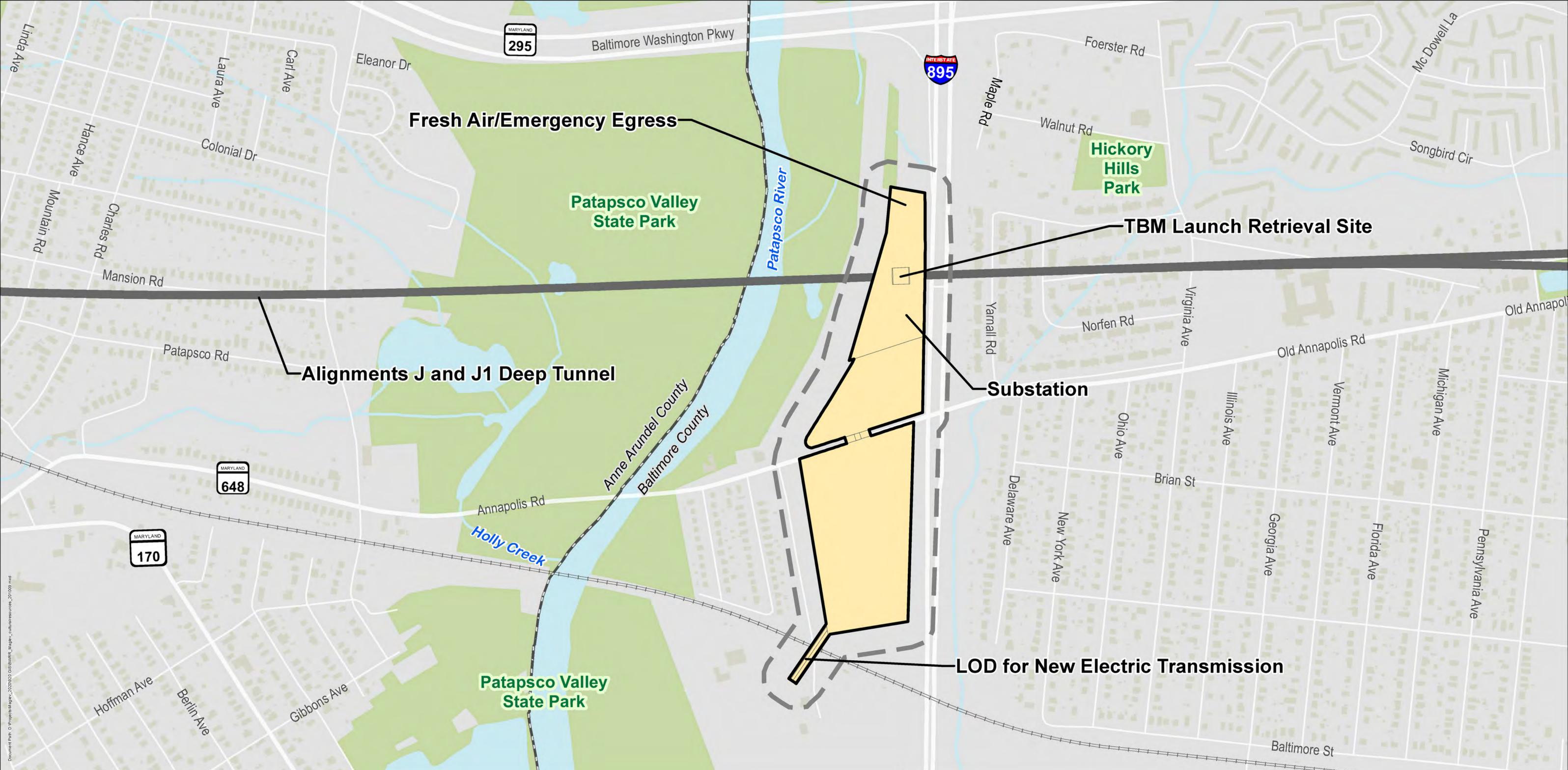
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 23 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

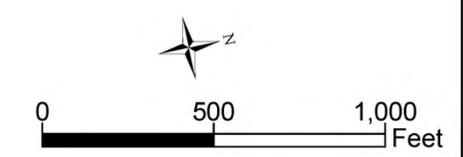




-  Alignments J and J1 Tunnel Segment
-  Parks
-  Surface Waters
-  Above-ground Resources Area of Potential Effects (APE)
-  Archaeology APE

- Archaeological Sensitivity**
-  Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 24 of 29

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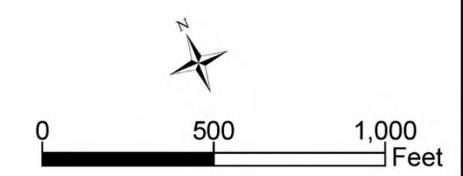


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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE
- Historic Resource NRHP Listed/Eligible District
- Archaeological Sensitivity**
- High
- Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



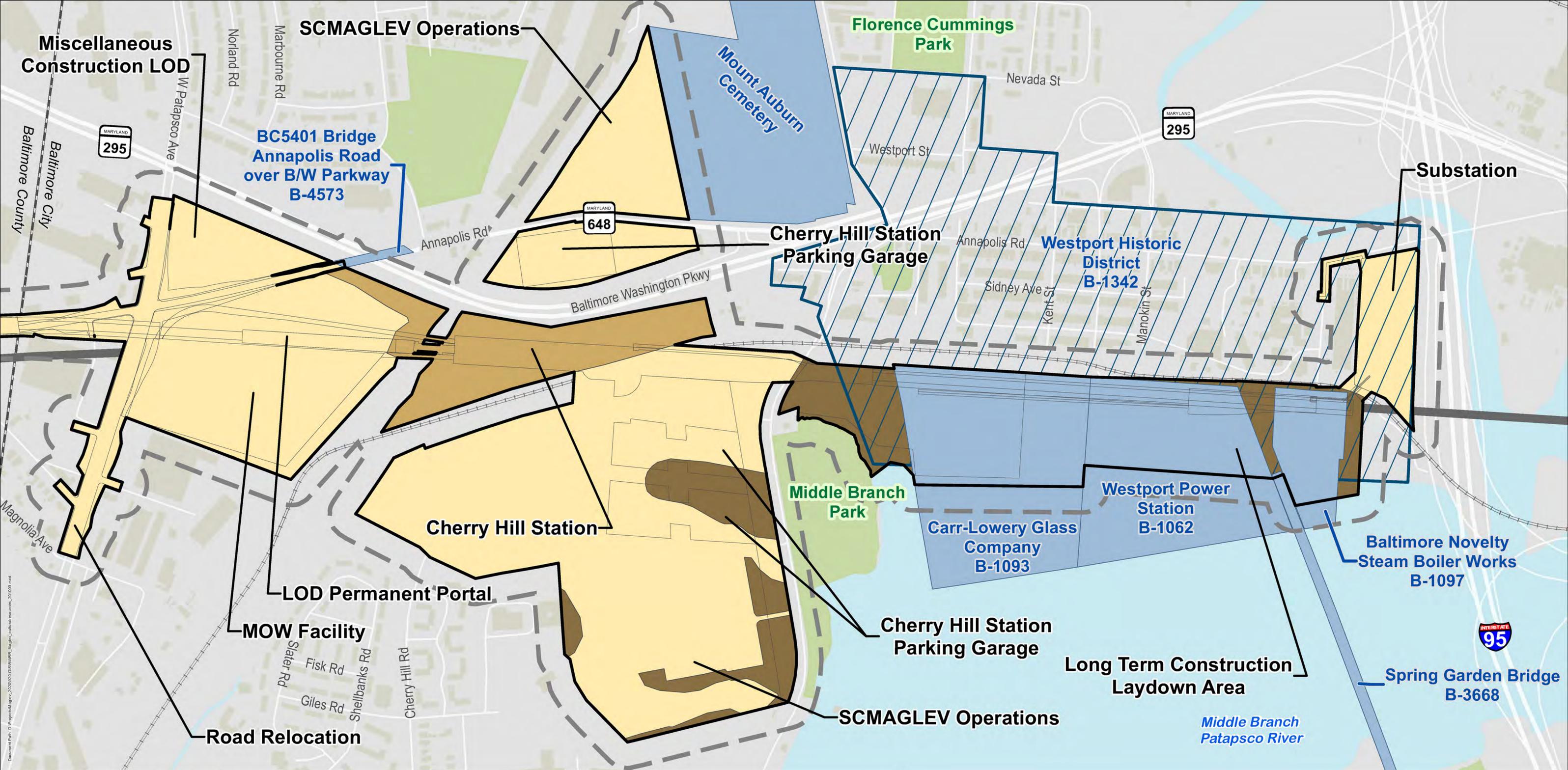
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 25 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

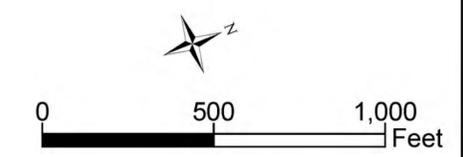




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
 - NRHP Listed/Eligible Resource
- Archaeological Sensitivity**
- High
 - Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMaglev systems and operations areas and viaduct areas.



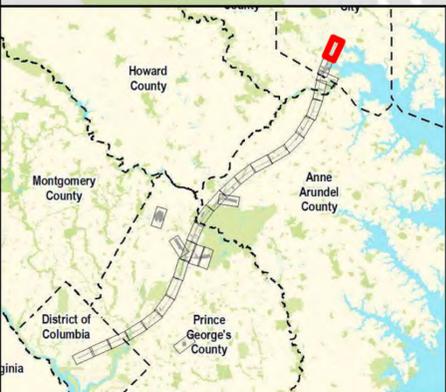
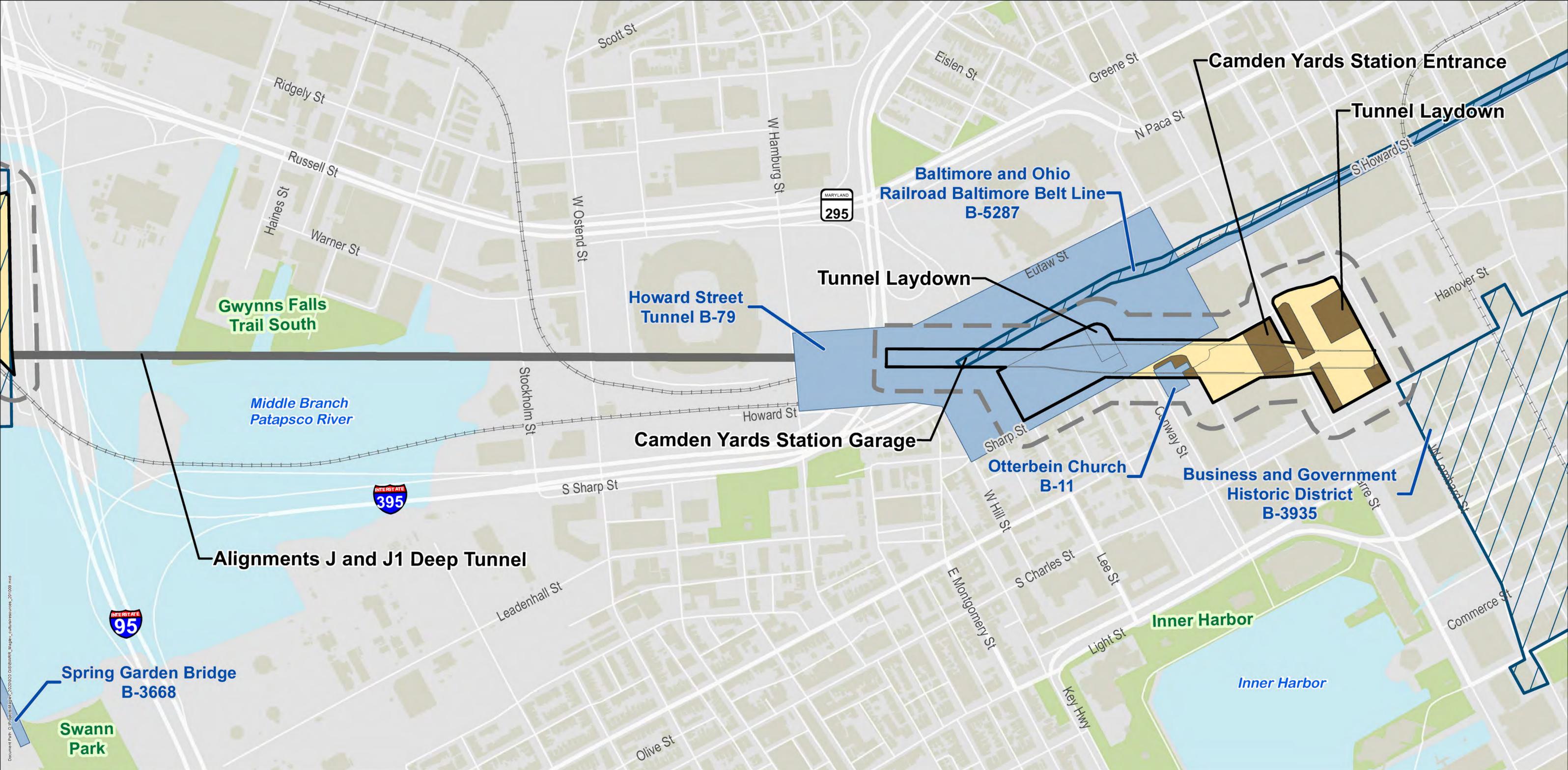
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 26 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.

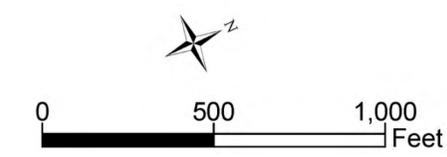




- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Historic Resource**
- NRHP Listed/Eligible District
 - NRHP Listed/Eligible Resource
- Archaeological Sensitivity**
- High
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 27 of 29

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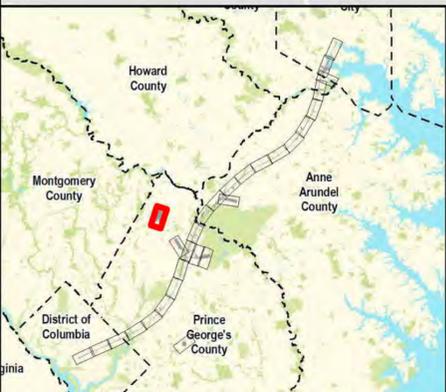




Long-Term Construction Laydown Area



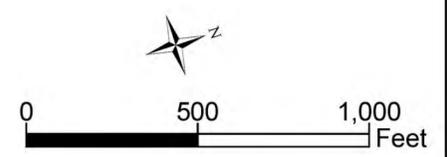
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- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Archaeological Sensitivity**
- High
 - Medium
 - Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



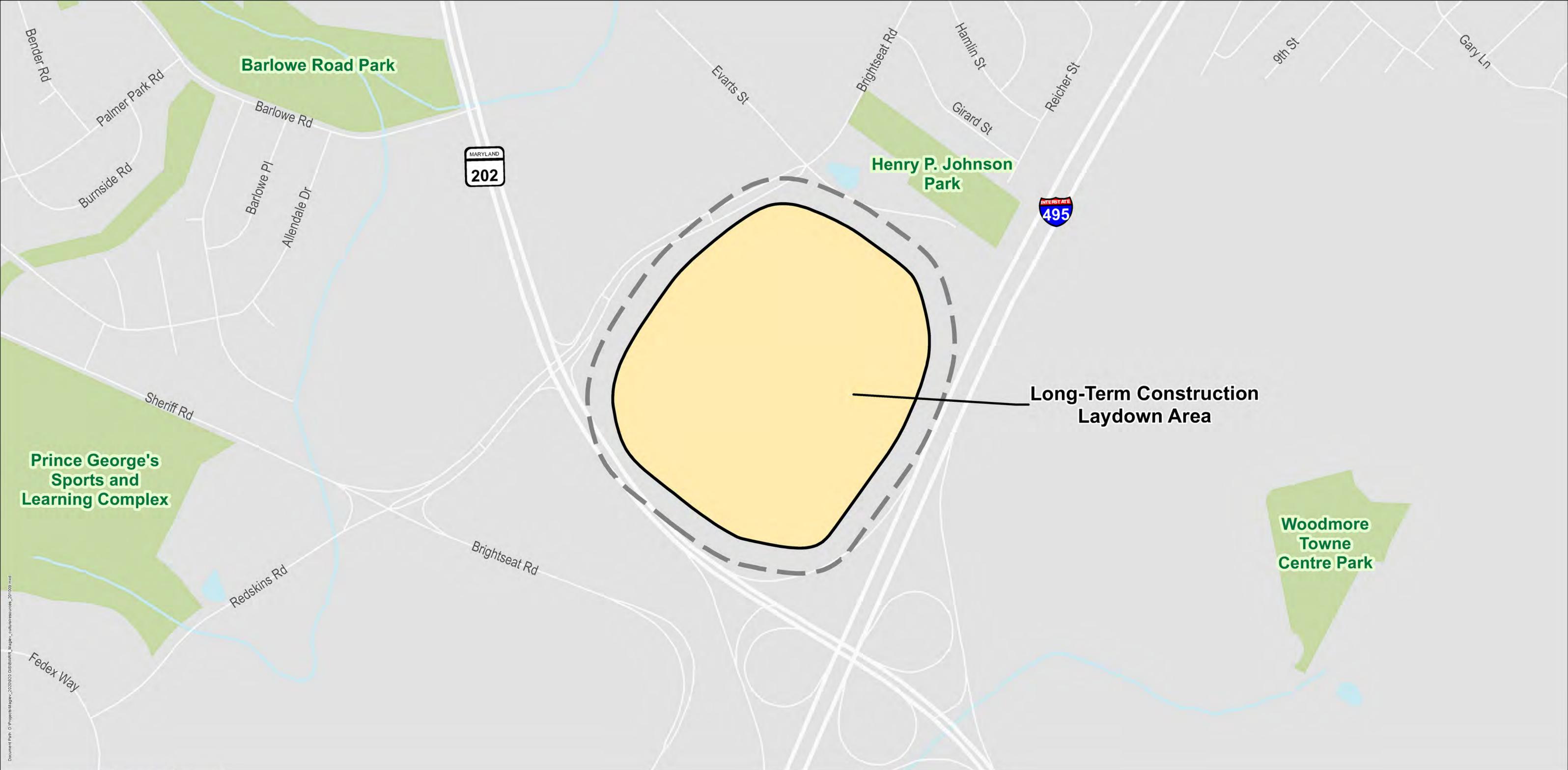
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

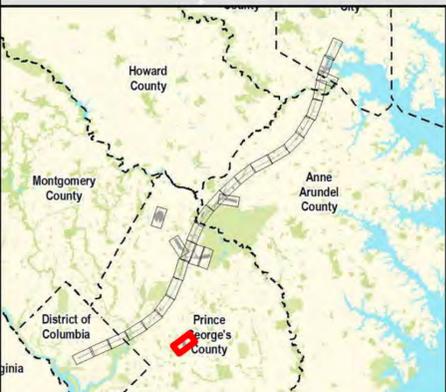
Sheet 28 of 29

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





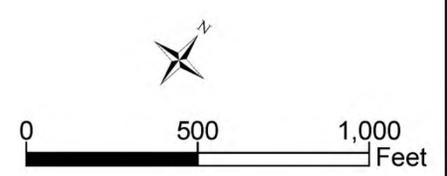
Long-Term Construction Laydown Area



- Alignments J and J1 Tunnel Segment
- Parks
- Surface Waters
- Above-ground Resources Area of Potential Effects (APE)
- Archaeology APE

- Archaeological Sensitivity**
- Low

*Note: Alignment includes features such as access roads, construction LOD, cut and cover areas, laydown areas, LOD for electric/powerline relocation/realignment, stormwater management, SCMAGLEV systems and operations areas and viaduct areas.



BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Cultural Resources

Sheet 29 of 29

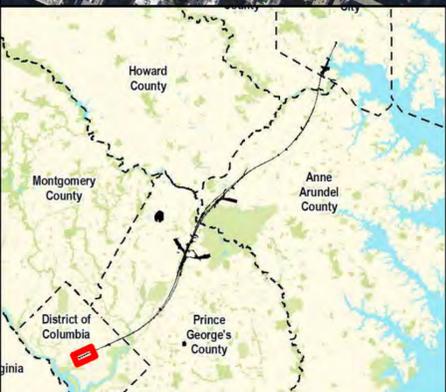
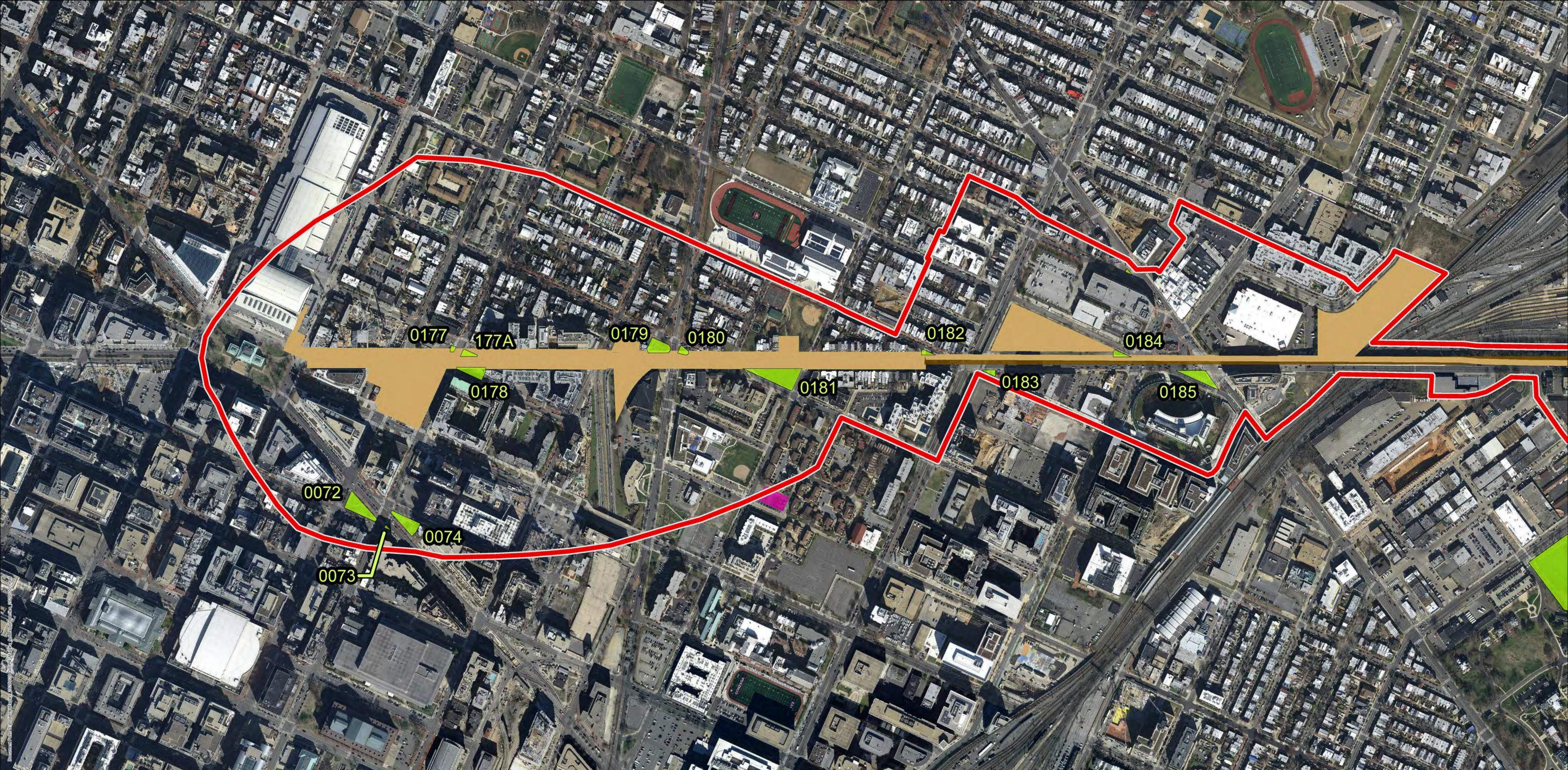
Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.



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APPENDIX C

FEDERAL PROPERTIES MAPPING



SCMAGLEV LOD	General Services Administration
SCMAGLEV Deep Tunnel	National Aeronautics and Space Administration
Area of Potential Effects (APE)	National Park Service
Federal Agency	National Park Service - DC Reservation
Department of Agriculture	US Army
Fish & Wildlife Service	

0 500 1,000 Feet

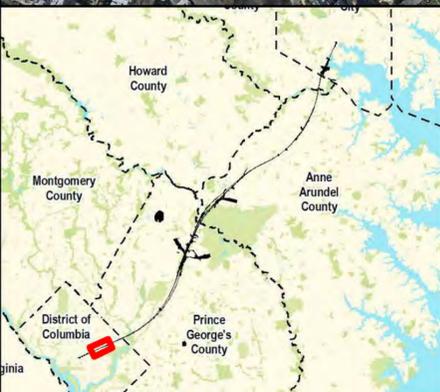
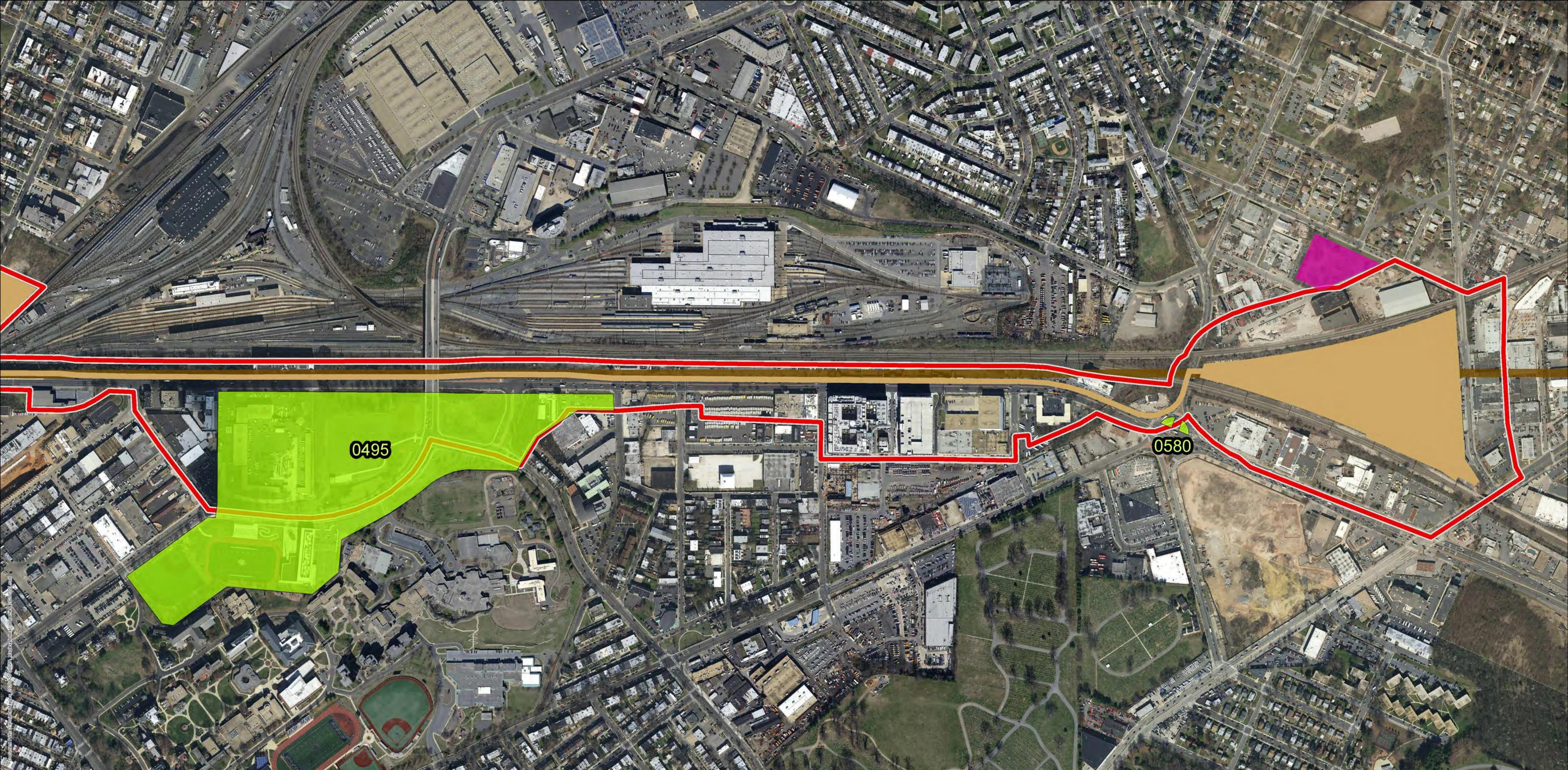
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Federal Properties within Maglev LOD and Cultural Resources APE

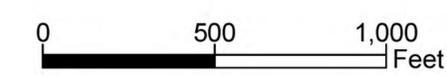
Sheet 1 of 3

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





- | | |
|---------------------------------|---|
| SCMAGLEV LOD | General Services Administration |
| SCMAGLEV Deep Tunnel | National Aeronautics and Space Administration |
| Area of Potential Effects (APE) | National Park Service |
| Federal Agency | National Park Service - DC Reservation |
| Department of Agriculture | US Army |
| Fish & Wildlife Service | |



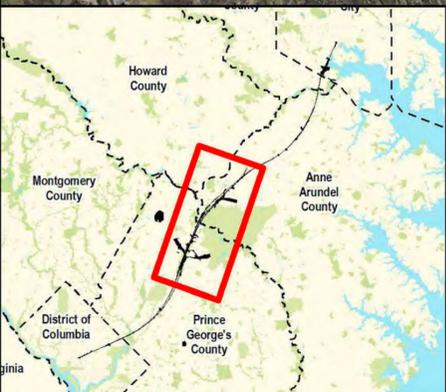
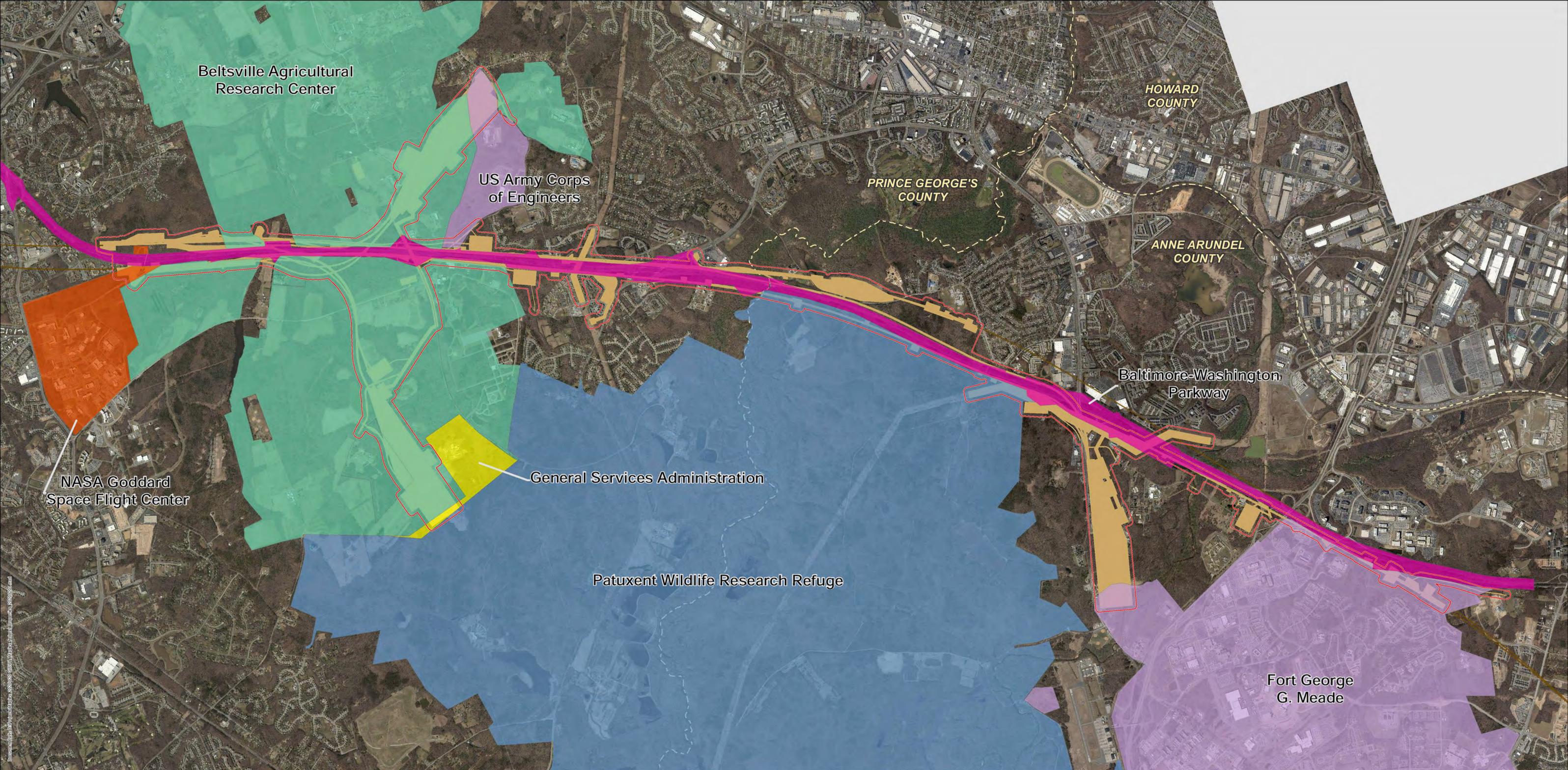
BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Federal Properties within Maglev LOD and Cultural Resources APE

Sheet 2 of 3

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.





SCMaglev LOD	General Services Administration
SCMaglev Deep Tunnel	National Aeronautics and Space Administration
Area of Potential Effects (APE)	National Park Service
Federal Agency	
Department of Agriculture	National Park Service - DC Reservation
Fish & Wildlife Service	US Army

BALTIMORE-WASHINGTON SCMAGLEV PROJECT

Federal Properties within Maglev LOD and Cultural Resources APE

Sheet 3 of 3

Important Note: These maps illustrate the Build Alternatives (alignments, stations, TMF, and ancillary facilities). Locations represented are approximate and are subject to change during the planning process.



APPENDIX D

CONSULTING PARTIES

SCMaglev Section 106 Recognized Consulting Parties (12-10-20)		
Organization	Date Invited	Date Accepted
Advisory Council on Historic Preservation	1-17-18	2-28-18
Anacostia Trails Heritage Area Inc./Maryland Milestones	1-17-18	1-23-18
Anacostia Watershed Society	1-17-18	2-5-18
Arboretum Neighborhood Association	1-17-18	2-1-18
Architect of the Capitol	1-17-18	3-14-18
Anne Arundel County Planning and Zoning	1-17-18	1-22-18
Baltimore City Comprehensive Planning Division	1-17-18	2-2-18
Baltimore City Commission for Historical and Architectural Preservation (CHAP)	1-17-18	2-2-18
Baltimore City Historical Society	1-17-18	2-13-18
Baltimore Heritage	1-17-18	1-23-18
City of College Park	1-17-18	1-30-18
City of Greenbelt	7-28-20	8-7-20
Capitol Hill Restoration Society	1-17-18	1-30-18
The Committee of 100 on the Federal City	1-17-18	11-9-18
CSX Transportation, Inc., Albany Division Headquarters Building	1-17-18	1-31-18
Delaware Nation, Oklahoma	8-29-18	9-20-18
Delaware Tribe of Indians	8-29-18	8-29-18
Department of Labor	12-11-20	12-15-20
DC Advisory Neighborhood Commission 1B	1-17-18	2-21-18
DC Advisory Neighborhood Commission 2C	1-17-18	2-22-18
DC Advisory Neighborhood Commission 5B	1-17-18	3-14-18
DC Advisory Neighborhood Commission 6C	1-17-18	1-29-18
DC Advisory Neighborhood Commission 7D	1-17-18	2-21-18
DC Department of General Services	1-17-18	2-12-18
DC Department of Transportation	1-17-18	2-12-18
District of Columbia State Historic Preservation Office (DC SHPO)	5-15-17	6-27-17
Friends of the National Arboretum	1-17-18	2-21-18
Greenbelt Homes, Inc.	2-22-18	10-25-18
Maryland Commission on Indian Affairs	1-17-18	2-1-18
Maryland Historical Trust (MD SHPO)	5-15-17	8-15-17
Maryland-National Capital Park and Planning Commission	1-17-18	1-23-18
NASA Goddard Space Flight Center	2-20-18	3-7-18
National Capital Planning Commission	1-17-18	1-29-18
National Park Service	1-17-18	3-14-18
National Security Agency	8-7-19	10-2-19

SCMaglev Section 106 Recognized Consulting Parties (12-10-20)

Organization	Date Invited	Date Accepted
Patapsco Heritage Greenway	1-17-18	1-24-18
Savage Historical Society	1-17-18	1-30-18
U.S. Army, Fort Meade	9-19-19	9-30-19
U.S. Commission of Fine Arts	1-17-18	2-23-18
U.S. Dept. of the Interior	1-17-18	2-20-18
U.S. Dept. of Agriculture, Agricultural Research Service	2-20-18	3-14-18
U.S. General Services Administration	1-17-18	2-1-18
U.S. Fish & Wildlife Service, Patuxent Research Refuge	1-17-18	2-13-18
U.S. National Arboretum	1-17-18	3-1-18
U.S. Secret Service	8-2-19	No Response
Virginia Railway Express	1-17-18	1-29-18
Washington Gas	1-17-18	1-29-18

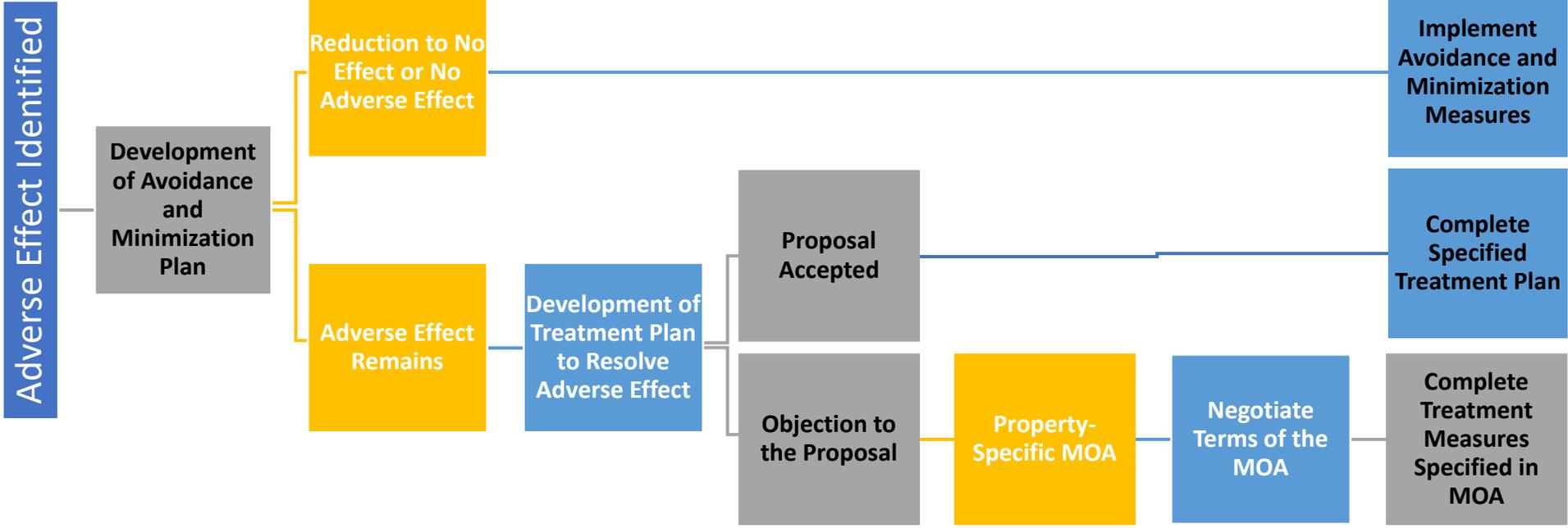
**Organizations Invited to Participate as Consulting Parties
but Who Did Not Respond or Declined (12-10-20)**

Organization	Date Invited	Date Declined
Absentee-Shawnee Tribe of Indians of Oklahoma	1-10-20	No response
Anne Arundel County Historical Society	1-17-18	No response
Apple, Inc.	11-2-18	No response
U.S. Environmental Protection Agency	1-17-18	No response
Baltimore County Planning Office	1-17-18	No response
Baltimore National Heritage Area	1-17-18	1-23-18
Cayuga Nation of New York	1-10-20	No response
Cedarville Band of Piscataway Indians, Inc.	1-17-18	No response
Choptico Band of Piscataway	1-17-18	No response
City of Bowie	1-17-18	1-23-18
DC Preservation League	1-17-18	No response
DC Advisory Commissions 2B, 2F, 5A, 5C, 5D, 5E, 6A, 7C	1-17-18	No response
DC Mayor, Deputy Mayor of Planning & Economic Development, Ward 5 Councilmember, DC Department of Energy & Environment, DC Department of Parks and Recreation, DC Office of Planning, DC Metropolitan Police Department	1-17-18 (Police, 11-2-18)	No response
DC Water	1-17-18	No response
Events DC	11-2-18	No response
Historical Society of Baltimore County	1-17-18	No response
Laurel Historical Society	1-17-18	No response
Montgomery County Historical Society	1-17-18	No response
Mount Vernon Triangle Community Improvement District	11-2-18	No response
DCNRHS, National Railway Historical Society, Washington, DC Chapter	1-17-18	No response
National Trust for Historic Preservation	1-17-18	No response
Oneida Nation of New York	1-10-20	2-12-20
Oneida Nation (formerly Oneida Tribe of Indians of Wisconsin)	1-10-20	2-8-20
Onondaga Nation of New York	1-10-20	No response
Pamunkey Indian Tribe	8-29-18	No response
Pawnee Nation of Oklahoma	1-10-20	2-6-20
PEPCO Engineering	1-17-18	No response
Piscataway Conoy Tribe	1-17-18	No response
Piscataway Indian Nation	1-17-18	No response
Preservation Howard County	1-17-18	No response
Preservation Maryland	1-17-18	No response
Prince George's County Historical Society	1-17-18	No response
St. Regis Band of Mohawk Indians of New York	1-10-20	No response

Organizations Invited to Participate as Consulting Parties but Who Did Not Respond or Declined (12-10-20)		
Seneca Nation of New York	1-10-20	2-10-20
Seneca-Cayuga Nation	8-29-18	No response
Stockbridge Munsee Community of Wisconsin	1-10-20	2-19-20
Tonawanda Band of Seneca Indians of New York	1-10-20	No response
Tuscarora Nation of New York	1-10-20	2-6-20
Union Station Redevelopment Corporation	1-17-18	No response
U.S. House of Representatives, District of Columbia Congresswoman	1-17-18	No response
Washington Metropolitan Area Transit Authority	1-17-18	No response

APPENDIX E

RESOLUTION OF ADVERSE EFFECTS PROCESS GRAPHIC



APPENDIX F

PROPERTY-SPECIFIC MOA TEMPLATE

*** Draft #2 12-XX-2020 ***

Appendix F

Property Specific Memorandum of Agreement Template

MEMORANDUM OF AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,
BALTIMORE-WASHINGTON RAPID RAIL,
STATE HISTORIC PRESERVATION OFFICER,

,

AND

[THE ADVISORY COUNCIL ON HISTORIC PRESERVATION]

REGARDING ADVERSE EFFECTS RESULTING FROM THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT BETWEEN
BALTIMORE, MARYLAND AND WASHINGTON, DC

ON

[Name of the Property or Properties]
[City/County and State]

WHEREAS, Baltimore-Washington Rapid Rail (BWRR) is designing and constructing a high-speed Superconducting Magnetic Levitation (SCMAGLEV) rail line to connect Baltimore, Maryland (MD) with Washington, D.C. (the Project). The Project consists of construction and operation of a high speed rail technology rail line including new passenger rail stations, trainset maintenance facilities, tunnels, and ancillary facilities such as power substations and fresh air/egress structures, to connect Baltimore, Maryland with Washington, D.C., along with an intermediate stop at Baltimore-Washington International/Thurgood Marshall Airport; and

WHEREAS, a Programmatic Agreement (PA) was executed on *[insert date here]* (SCMAGLEV PA) among the Federal Railroad Administration (FRA), BWRR, the Maryland State Historic Preservation Officer (MD SHPO), the District of Columbia State Historic Preservation Officer (DC SHPO), the National Park Service – National Capitol Region (NPS), the US Department of Agriculture – Beltsville Agricultural Research Center (USDA), and the Advisory Council on Historic Preservation (ACHP), regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) (54 USC § 306108) and in accordance with its implementing regulations (36 Code of Federal Regulations [CFR] Part 800), as it pertains to the SCMAGLEV Project; and

WHEREAS, pursuant to Stipulations IV.D. and V.A.5 of the SCMAGLEV PA, FRA determined that the Project will have an adverse effect on *[name of Property(ies) adversely affected]* (Historic Property(ies)) and *[insert applicable SHPO]* concurred with this determination in a letter dated *[date]* (Attachment 1); and

WHEREAS, Stipulation VI.D of the SCMAGLEV PA states that the FRA may develop a property-specific Memorandum of Agreement (MOA) to resolve adverse effects on a historic property based on the nature of the adverse effect, the severity of the adverse effect, the determination of the historic property's eligibility for the National Register of Historic Properties (NRHP) including its significance on a National, State, or Local level, and the views of the Signatories, Native American tribe, and Consulting Parties; and

WHEREAS, FRA is developing this property-specific MOA to resolve adverse effects on the Historic Property(ies) for the following reason(s): *[insert reason why MOA is being used to resolve adverse effects rather than the expedited consultation process]*; and

WHEREAS, BWRR, as the proponent of the Project, assumes financial responsibility for the implementation and completion of the stipulations explicitly assigned to it in this MOA and therefore FRA has invited BWRR to participate in this consultation and sign this MOA as an Invited Signatory; and

WHEREAS, in a letter dated *[insert date]*, BWRR, on behalf of FRA, invited previously recognized Consulting Parties listed in Appendix D of the SCMAGLEV PA, to reaffirm their interest in participating in the development of this MOA and sign this MOA as a Concurring Party. The following reaffirmed their interest and accepted FRA's invitation to be a Consulting Party to this MOA: *[insert list of entities who accepted]*; and

WHEREAS, pursuant to Stipulation V.D.2 of SCMAGLEV PA, FRA newly identified additional Consulting Parties, in consultation with *[insert applicable SHPO]* in a letter dated *[date]* (Attachment 1); and

WHEREAS, in a letter dated *[insert date]*, BWRR, on behalf of FRA, invited these additional agencies and organizations with a demonstrated interest in the adversely affected Historic Property to participate in the Section 106 process as Consulting Parties, participate in the development of this MOA, and sign this MOA as a Concurring Party: *[insert list of entities invited to consult]*. The following reaffirmed their interest and accepted FRA's invitation to be a Consulting Party to this MOA *[insert list of entities who accepted]*; and

WHEREAS, pursuant to 36 C.F.R. § 800(3)(f)(2), in a letter dated *[insert date]*, FRA invited the following Federally-recognized Indian tribes (herein collectively referred to as Native American tribes) to participate in the consultation for this MOA and sign this MOA as a Concurring Party: *[list Tribes]*. The *[describe responses of Tribes – accepted/declined/no response, including dates for Tribes that declined invitation]*; and

WHEREAS, pursuant to 36 C.F.R. § 800.6(a)(1), FRA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and intention to enter into this MOA on *[date]*, and the ACHP, in a letter dated *[date]*, *[elected or declined]* to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) (Attachment 1); and

WHEREAS, pursuant to 36 C.F.R § 800.6(a) and in consultation with *[insert applicable SHPO]* and Consulting Parties, FRA considered the following avoidance and minimization measures: *[describe avoidance and/or minimization efforts related to the adverse effect here]*. These measures *[avoid and/or minimizes]* the adverse effects of the Project; and

WHEREAS, pursuant to Stipulation VI.D.5 of the SCMAGLEV PA, FRA and BWRR sought and considered the views of the public regarding Section 106 for this Historic Property by making the Draft MOA available to the public for review and comment through distribution to all SCMAGLEV PA Consulting Parties and posting to the Project-specific website (<http://bwmaglev.info/>) from *[dates]*. FRA considered all comments received when finalizing the MOA; and

WHEREAS, FRA, BWRR, MDSHPO, DCSHPO, [insert Invited Signatories] and [ACHP (if participating)] collectively will be referred to as the Signatories; and

NOW, THEREFORE, FRA, BWRR, [insert appropriate SHPO], and [include ACHP if participating] (collectively referred to as the Signatories) agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on the Historic Property(ies).

STIPULATIONS

FRA will ensure the following measures are carried out:

I. GENERAL

The following stipulations of the SCMAGLEV PA (Attachment #) will be utilized to implement this MOA:

- A. Stipulation I.A: Applicability, except for references to Amendments which will follow the terms set forth in Stipulation VI of this MOA.
- B. Stipulation I.B: Timeframes and Communications
- C. Stipulation III: Standards and Guidelines
- D. Stipulation VIII: Curation, except for references to annual reporting requirements which will follow the terms set forth in Stipulation V of this MOA
- E. Stipulation IX: Unanticipated and Post-Review Discoveries
- F. Stipulation X: Confidentiality
- G. Stipulation XIII: Dispute Resolution

II. DOCUMENTATION STANDARDS

All studies, reports, plans, and other documentation prepared pursuant to this MOA will be consistent with pertinent standards and guidelines outlined in *Archaeology and Historic Preservation: Secretary of the Interior's [SOI] Standards and Guidelines* (48 F.R. 44716-44742, September 29, 1983) including, as applicable: *Secretary of the Interior's Standards for Historical Documentation* (48 F.R. 44728-30); *Secretary of the Interior's Standards for Architectural and Engineering Documentation* (48 F.R. 44730-34); *Secretary of the Interior's Standards for Archeological Documentation* (48 F.R.44734-37). In addition, documentation will also follow the ACHP's *Section 106 Archaeology Guidance* (2009); the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999), [and any applicable SHPO or State standards/required formats] or subsequent revisions or replacements to these documents.

III. TREATMENT MEASURES FOR ARCHITECTURAL HISTORIC PROPERTIES

[To be determined through consultation]

IV. TREATMENT MEASURES FOR ARCHAEOLOGICAL RESOURCES

[To be determined through consultation]

V. REPORTING

Following the effective date of this MOA, until it expires or is terminated, BWRR will include information detailing work undertaken to implement the terms of the MOA in the Annual Report pursuant to Stipulation XI of the SCMAGLEV PA and will ensure that the Annual Report is provided to all newly added Consulting Parties.

VI. AMENDMENTS

- A. If FRA determines that an amendment is required or any Signatory to this MOA or Native American tribe requests that it be amended, FRA will notify all the Signatories, Consulting Parties, and Native American tribes as appropriate and then consult for no more than thirty (30) calendar days (or another time period agreed upon by all Signatories) to consider such amendment. The amendment will be effective on the date it is signed by all the Signatories. FRA will file the executed amendment with the ACHP.
- B. In the event that a Federal agency or other agency designated to act on behalf of a Federal Agency not initially a party to or subject to this MOA issues federal funding, other federal financial assistance, or approvals for undertakings associated with the Project as described in the SCMAGLEV PA, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with the Signatories. No further action pursuant to Stipulation VI.A is necessary if the terms of the MOA remain unchanged as a result of adding this Federal agency. Any necessary amendments will be considered in accordance with Stipulation VI.A of this MOA.

VII. TERMINATION

If any Signatory to this MOA determines that its terms will not or cannot be carried out, that Signatory will immediately consult with the other Signatories to develop an amendment per Stipulation VI.A. If within thirty (30) calendar days (or another time period agreed upon by all Signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories. In the event the MOA is terminated, and prior to work continuing on the Project, FRA must either: 1) execute a new MOA pursuant to 36 C.F.R. § 800.6, or 2) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. FRA will notify the Signatories as to the course of action it will pursue.

VIII. EFFECTIVE DATE

- A. This MOA will become effective immediately upon execution by FRA, SHPO, and ACHP, if participating; if ACHP is not participating, the MOA become effective immediately upon the date it is filed with ACHP Pursuant to 36 CFR § 800.6(c)(2), the effective date of this document is not contingent upon the signature of Invited Signatories or Consulting Parties.
- B. Within one (1) week of the last signature on this MOA, BWRR shall provide each Signatory and Consulting Party with one high quality, legible, full color, electronic copy of this fully executed MOA and all of its Appendices fully integrated into one, single document. If the electronic copy

is too large to send by e-mail, BWRR shall provide each Signatory and Consulting Party with a copy of this MOA as described above, on a compact disc or other suitable, electronic means.

- C. If another federal agency becomes a Signatory to this MOA after its date of execution, and no amendments are required pursuant to Stipulation IV.A as a result, the effective date remains unchanged.

IX. DURATION

Unless amended or terminated, this MOA shall remain in effect for a period of ten (10) years from the date the MOA goes into effect or until the stipulations set forth in the MOA are complete. The Signatories to this MOA will consult six (6) months prior to expiration to determine if there is a need to extend the duration of this MOA and amend the PA pursuant to Stipulation VI.A. Upon completion of the stipulations set forth above, BWRR will provide a letter (with attached documentation) of completion to FRA, with a copy to the Signatories. If FRA and SHPO concur the stipulations are complete within thirty (30) calendar days, FRA will notify BWRR, the Signatories and Consulting Parties in writing and this MOA will expire, at which time the Signatories will have no further obligations hereunder.

X. EXECUTION AND IMPLEMENTATION

Execution of this MOA by the Signatories, filing a copy with the ACHP by FRA, and implementation of the MOA's terms demonstrates that FRA has taken into account the effect of the Undertaking on the Property, has afforded the ACHP an opportunity to comment, and FRA has satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

MEMORANDUM OF AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,
BALTIMORE-WASHINGTON RAPID RAIL,
STATE HISTORIC PRESERVATION OFFICER,

AND

[THE ADVISORY COUNCIL ON HISTORIC PRESERVATION]

REGARDING ADVERSE EFFECTS RESULTING FROM THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT BETWEEN
BALTIMORE, MARYLAND AND WASHINGTON, DC

TO

[Name of the Property or Properties]
[City/County and State]

Signatory

FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____
Marlys Osterhues, Chief, Environment and Project Engineering Division

MEMORANDUM OF AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,
BALTIMORE-WASHINGTON RAPID RAIL,
STATE HISTORIC PRESERVATION OFFICER,

AND

[THE ADVISORY COUNCIL ON HISTORIC PRESERVATION]

REGARDING ADVERSE EFFECTS RESULTING FROM THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT BETWEEN
BALTIMORE, MARYLAND AND WASHINGTON, DC

TO

[Name of the Property or Properties]

[City/County and State]

Signatory

[List state here] STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

[NAME], State Historic Preservation Officer

MEMORANDUM OF AGREEMENT

AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
BALTIMORE-WASHINGTON RAPID RAIL,
STATE HISTORIC PRESERVATION OFFICER,

AND
[THE ADVISORY COUNCIL ON HISTORIC PRESERVATION]

REGARDING ADVERSE EFFECTS RESULTING FROM THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT BETWEEN
BALTIMORE, MARYLAND AND WASHINGTON, DC

TO
[Name of the Property or Properties]
[City/County and State]

Invited Signatory

BALTIMORE-WASHINGTON RAPID RAIL

By: _____ Date: _____
[NAME], [TITLE]

MEMORANDUM OF AGREEMENT

AMONG

THE FEDERAL RAILROAD ADMINISTRATION,
BALTIMORE-WASHINGTON RAPID RAIL,
STATE HISTORIC PRESERVATION OFFICER,

AND

[THE ADVISORY COUNCIL ON HISTORIC PRESERVATION]

REGARDING ADVERSE EFFECTS RESULTING FROM THE
SUPERCONDUCTING MAGNETIC LEVITATION (SCMAGLEV) HIGH-SPEED RAIL PROJECT BETWEEN
BALTIMORE, MARYLAND AND WASHINGTON, DC

TO

[Name of the Property or Properties]

[City/County and State]

Signatory

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
John M. Fowler, Executive Director

[Add Signature Pages for other Invited Signatories and Concurring Parties if applicable]

ATTACHMENTS