



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 24, 2020

Mr. Timothy A. Slavin
Director/State Historic Preservation Officer
Division of Historical and Cultural Affairs
21 The Green
Dover, DE 19901

Re: Initiation of Section 106 Review
Howard Street Tunnel Project
Various Locations Between Baltimore, MD and Philadelphia, PA

Dear Mr. Slavin:

The U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with the Maryland, Pennsylvania, and Delaware State Historic Preservation Officers, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800) for the Howard Street Tunnel Project (Project). The federally-funded Project proposes improvements to address several clearance limitations along the existing I-95 Rail Corridor at the Howard Street Tunnel (HST) in Baltimore City, Maryland, and other obstruction locations between Baltimore City and Philadelphia, Pennsylvania. FRA has determined that the proposed Project is a federal undertaking with the potential to cause effects to historic properties (36 CFR Part 800.3(a)) and that an Environmental Assessment will be prepared pursuant to the National Environmental Policy Act (NEPA). FRA intends to coordinate the Section 106 and NEPA processes, as provided under 36 CFR Part 800.8.

The existing rail corridor is owned and operated by CSX Transportation, and the Maryland Department of Transportation's (MDOT) Maryland Port Administration (MPA) and Pennsylvania Department of Transportation (PennDOT) are Project Sponsors. The undertaking will remove overhead obstructions that restrict passage of modern double-stack intermodal trains along the corridor due to current height clearance limitations. In addition to enabling the passage of double-stack rail cars along the corridor, the Project will provide much needed resiliency into CSX's rail network. The Project will improve freight rail performance and capability in the Mid-Atlantic corridor. The improvements will be constructed primarily within existing rail corridor rights-of-way. Engineering studies for the improvements are in various stages of planning and design. The estimated timeframe for construction is approximately 36 months once permits and other approvals have been obtained.

Preliminary investigations have determined that the work proposed at four locations in Baltimore City, Maryland, and one in Delaware County, Pennsylvania, will require Section 106 consultation. All five rail structures have been previously identified as either an individual historic property or a contributing element to a National Register of Historic Places-eligible railroad historic district. In addition, FRA will consider the applicability of exemptions from Section 106 review for other project activities in Maryland, Pennsylvania, and Delaware, under the activities-based approach of the *Program Comment to Exempt*

Consideration of Effects to Rail Properties Within Rail Rights-of-Way issued by the Advisory Council on Historic Preservation on August 17, 2018 (83 FR 42920).

FRA has identified entities that may be invited to participate in the Section 106 process for this undertaking. A list of Delaware parties with a consultative role, or who may demonstrate interest in the undertaking, is enclosed for your consideration (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Christeen Taniguchi, Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov. FRA looks forward to working with you on this important rail transportation project.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is fluid and cursive, with a long horizontal line extending from the end.

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

Enclosure

cc: Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Katherine Zeringue, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Ligan, Venable LLP
Eric Almquist, RK&K

Attachment: Potential Consulting Parties in Delaware

Howard Street Tunnel Project, Various Locations Between Baltimore, MD and Philadelphia, PA
Potential Consulting Parties in Delaware

Catawba Indian Nation

Delaware Nation, Oklahoma

Delaware Tribe of Indians

Eastern Shawnee Tribe of Oklahoma

City of Wilmington Department of Planning and Development

Delaware Department of Transportation

New Castle County Department of Land Use, Development and Planning

New Castle Historical Society

Preservation Delaware



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 24, 2020

Ms. Andrea Lowery
Director/State Historic Preservation Officer
Pennsylvania Historical and Museum Commission
State Historic Preservation Office
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Initiation of Section 106 Review
Howard Street Tunnel Project
Various Locations Between Baltimore, MD and Philadelphia, PA

Dear Ms. Lowery:

The U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with the Maryland, Pennsylvania, and Delaware State Historic Preservation Officers, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800) for the Howard Street Tunnel Project (Project). The federally-funded Project proposes improvements to address several clearance limitations along the existing I-95 Rail Corridor at the Howard Street Tunnel (HST) in Baltimore City, Maryland, and other obstruction locations between Baltimore City and Philadelphia, Pennsylvania. FRA has determined that the proposed Project is a federal undertaking with the potential to cause effects to historic properties (36 CFR Part 800.3(a)) and that an Environmental Assessment will be prepared pursuant to the National Environmental Policy Act (NEPA). FRA intends to coordinate the Section 106 and NEPA processes, as provided under 36 CFR Part 800.8.

The existing rail corridor is owned and operated by CSX Transportation, and the Maryland Department of Transportation's (MDOT) Maryland Port Administration (MPA) and Pennsylvania Department of Transportation (PennDOT) are Project Sponsors. This undertaking will remove overhead obstructions that restrict passage of modern double-stack intermodal trains along the corridor due to current height clearance limitations. In addition to enabling the passage of double-stack rail cars along the corridor, the Project will provide much needed resiliency into CSX's rail network. The Project will improve freight rail performance and capability in the Mid-Atlantic corridor. The improvements will be constructed primarily within existing rail corridor rights-of-way. Engineering studies for the improvements are in various stages of planning and design. The estimated timeframe for construction is approximately 36 months once permits and other approvals have been obtained.

Preliminary investigations have determined that the work proposed at four locations in Baltimore City, Maryland, and one in Delaware County, Pennsylvania, will require Section 106 consultation (see **Attachments A and B**). All five rail structures have been previously identified as either an individual historic property or a contributing element to a National Register of Historic Places (NRHP)-eligible railroad historic district. In addition, FRA will consider the applicability of exemptions from Section 106

review for other project activities in Maryland, Pennsylvania, and Delaware, under the activities-based approach of the *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* issued by the Advisory Council on Historic Preservation on August 17, 2018 (83 FR 42920).

At the one location, thus far within Pennsylvania that requires Section 106 consultation, the preliminary area of potential effects (APE) for the undertaking has been established based on the nature, size, and scale of the undertaking, defined by the preliminary planning and design information available. The preliminary archaeological APE is the preliminary limits of disturbance (LOD) and is limited to the footprint of proposed ground-disturbing activities within the existing rail right-of-way. The preliminary historic architectural APE for the Boone Tunnel location in Pennsylvania is defined as a 200-foot buffer of the preliminary LOD to account for potential physical, as well as audible, visual, and atmospheric effects.

FRA has identified entities that may be invited to participate in the Section 106 process for this undertaking. A list of Pennsylvania parties with a consultative role, or who may demonstrate interest in the undertaking, is enclosed for your consideration (see **Attachment C**).

If you have any questions or need additional information about this undertaking, please contact Christeen Taniguchi, Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



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

Enclosures

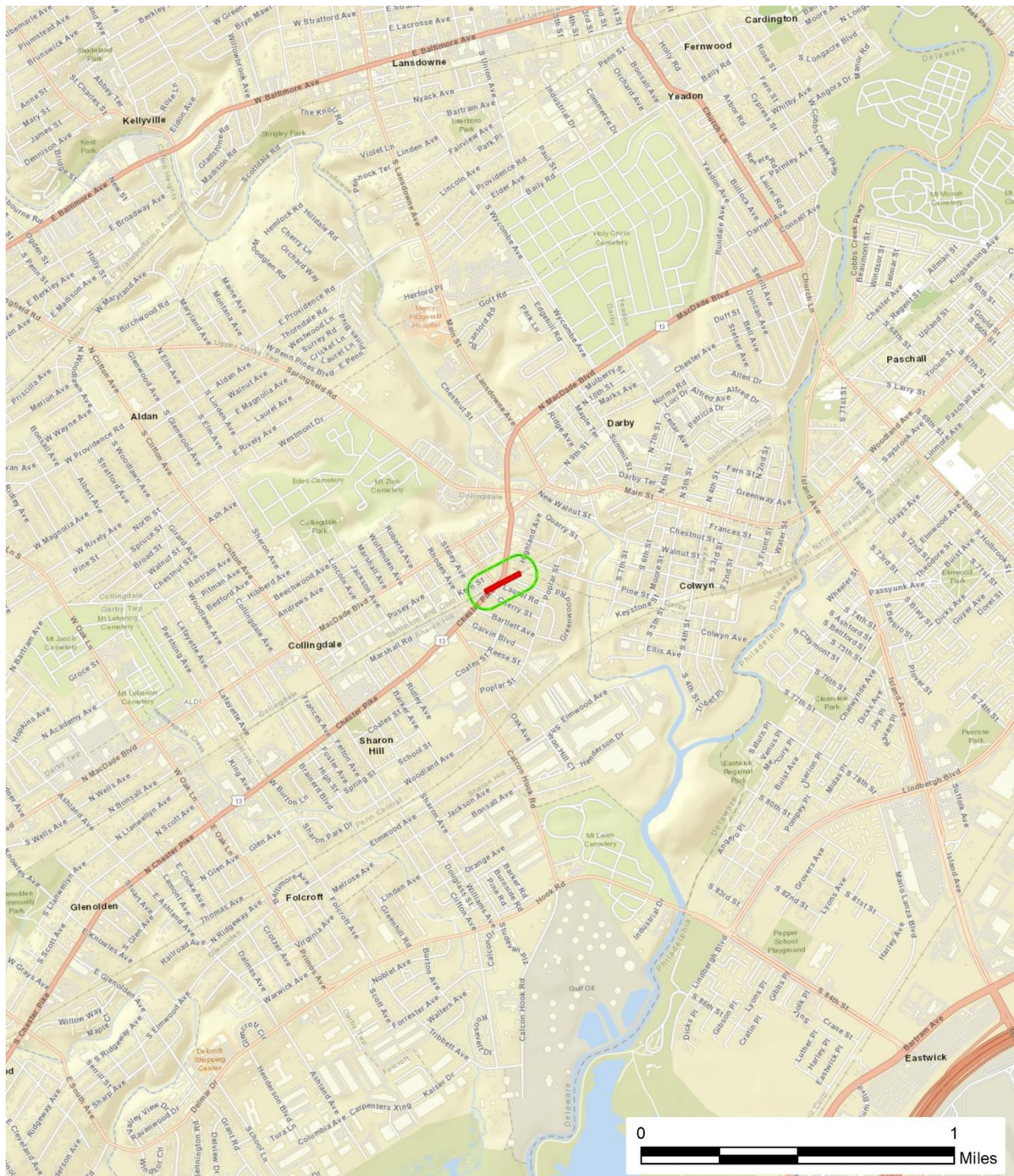
cc: Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Katherine Zeringue, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Ligan, Venable LLP
Eric Almquist, RK&K

Attachment A: Pennsylvania Location for Section 106 Consultation

Howard Street Tunnel Project, Various Locations Between Baltimore, MD and Philadelphia, PA
Pennsylvania Location for Section 106 Consultation

Pennsylvania		
Location	General Description of Activity	NRHP Status
Boone Tunnel (in Collingdale, Sharon Hill and Darby Boroughs in Delaware County)	Tunnel enlargement or complete replacement with bridge structure	Boone Tunnel – Determined eligible for individual listing in the NRHP in 1997 (PA 106212)

Attachment B: Project Maps Showing the Preliminary Area of Potential Effects in Pennsylvania



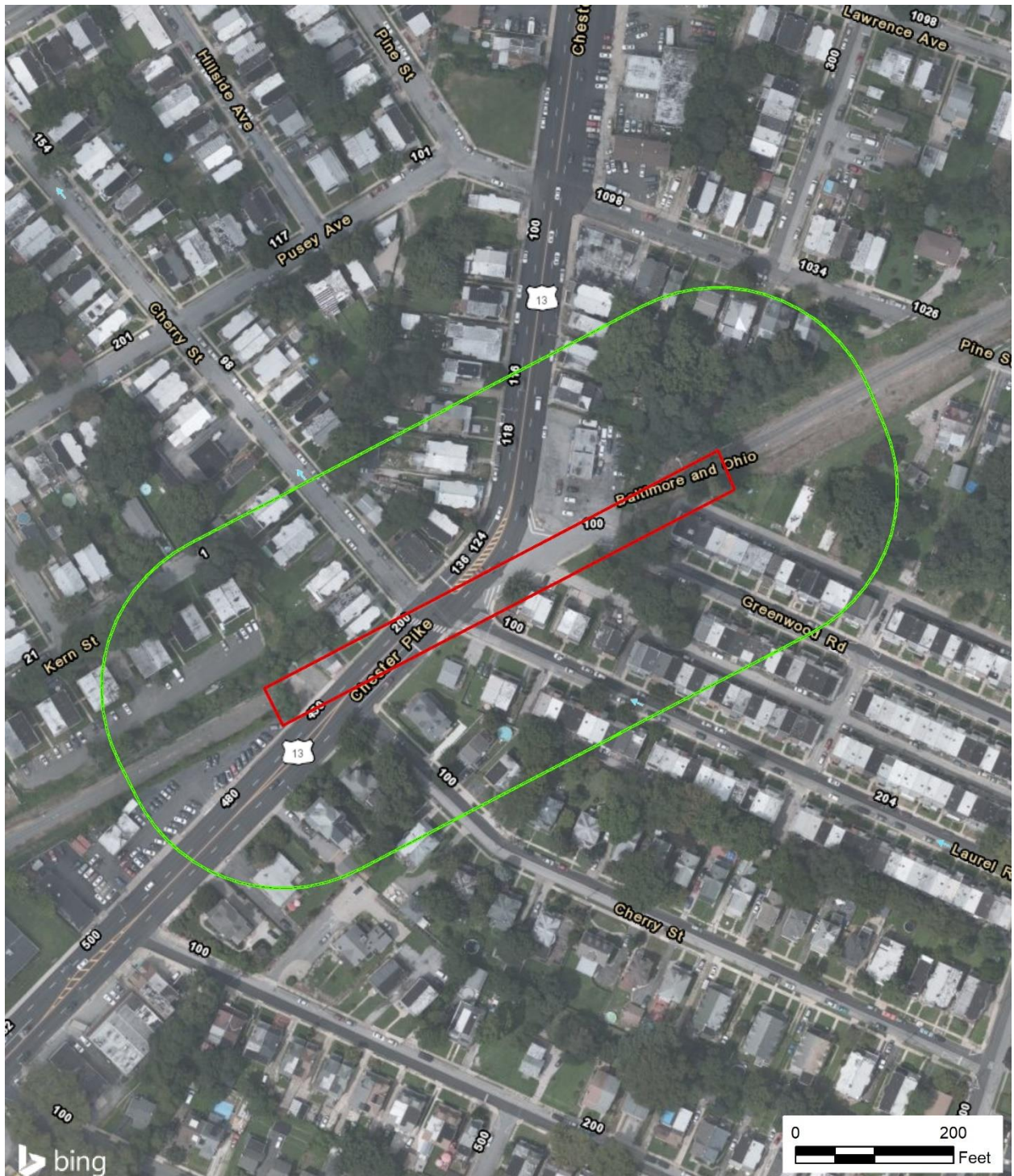
Legend

- Preliminary Archaeological APE
- Preliminary Historic Architectural APE



Howard Street Tunnel Project

Pennsylvania Project Overview



Legend

- Preliminary Archaeological APE
- Preliminary Historic Architectural APE



Howard Street Tunnel Project

Boone Tunnel Enlargement

Attachment C: Potential Consulting Parties in Pennsylvania

Howard Street Tunnel Project, Various Locations Between Baltimore, MD and Philadelphia, PA
Potential Consulting Parties in Pennsylvania

Catawba Indian Nation

Delaware Nation, Oklahoma

Delaware Tribe of Indians

Eastern Shawnee Tribe of Oklahoma

Delaware County Historical Society

Delaware County Planning Department, Heritage Commission

Preservation Alliance for Greater Philadelphia

Preservation Pennsylvania



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 24, 2020

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Re: Initiation of Section 106 Review
Howard Street Tunnel Project
Various Locations Between Baltimore, MD and Philadelphia, PA

Dear Ms. Hughes:

The U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with the Maryland, Pennsylvania, and Delaware State Historic Preservation Officers, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800) for the Howard Street Tunnel Project (Project). The federally-funded Project proposes improvements to address several clearance limitations along the existing I-95 Rail Corridor at the Howard Street Tunnel (HST) in Baltimore City, Maryland, and other obstruction locations between Baltimore City and Philadelphia, Pennsylvania. FRA has determined that the proposed Project is a federal undertaking with the potential to cause effects to historic properties (36 CFR Part 800.3(a)) and that an Environmental Assessment will be prepared pursuant to the National Environmental Policy Act (NEPA). FRA intends to coordinate the Section 106 and NEPA processes, as provided under 36 CFR Part 800.8.

The existing rail corridor is owned and operated by CSX Transportation, and the Maryland Department of Transportation's (MDOT) Maryland Port Administration (MPA) and Pennsylvania Department of Transportation (PennDOT) are Project Sponsors. This undertaking will remove overhead obstructions that restrict passage of modern double-stack intermodal trains along the corridor due to current height clearance limitations. In addition to enabling the passage of double-stack rail cars along the corridor, the Project will provide much needed resiliency into CSX's rail network. The Project will improve freight rail performance and capability in the Mid-Atlantic corridor. The improvements will be constructed primarily within existing rail corridor rights-of-way. Engineering studies for the improvements are in various stages of planning and design. The estimated timeframe for construction is approximately 36 months once permits and other approvals have been obtained.

Preliminary investigations have determined that the work proposed at four locations in Baltimore City, Maryland, and one in Delaware County, Pennsylvania, will require Section 106 consultation (see **Attachments A and B**). All five rail structures have been previously identified as either an individual historic property or a contributing element to a National Register of Historic Places (NRHP)-eligible railroad historic district. In addition, FRA will consider the applicability of exemptions from Section 106 review for other project activities in Maryland, Pennsylvania, and Delaware, under the activities-based

approach of the *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* issued by the Advisory Council on Historic Preservation on August 17, 2018 (83 FR 42920).

At the four locations, thus far within Maryland that require Section 106 consultation, the preliminary area of potential effects (APE) for the undertaking has been established based on the nature, size, and scale of the undertaking, defined by the preliminary planning and design information available. The preliminary archaeological APE is the preliminary limits of disturbance (LOD) and is limited to the footprint of proposed ground-disturbing activities within the existing rail right-of-way. The preliminary historic architectural APE for the four locations in Maryland is defined as a 100-foot buffer of the preliminary LOD to account for potential physical, as well as audible, visual, and atmospheric effects. Within those portions of the LOD contained completely underground within the Howard Street Tunnel and where no open-cut work will occur, the preliminary architectural APE encompasses the tunnel itself, which is the LOD. The preliminary historic architectural APE was expanded northward beyond the Howard Street Tunnel portal at the Mount Royal Station and Trainshed (NRHP-listed and National Historic Landmark) to encompass the tracks and trainshed. This area was included to allow for consideration of potential additional effects because one of the project alternatives involves staging along the tracks in this area and may possibly require temporary removal of part of the trainshed's roof to allow excavating equipment onto the tracks.

FRA has identified entities that may be invited to participate in the Section 106 process for this undertaking. A list of Maryland parties with a consultative role, or who may demonstrate interest in the undertaking, is enclosed for your consideration (see **Attachment C**).

If you have any questions or need additional information about this undertaking, please contact Christeen Taniguchi, Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



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

Enclosures

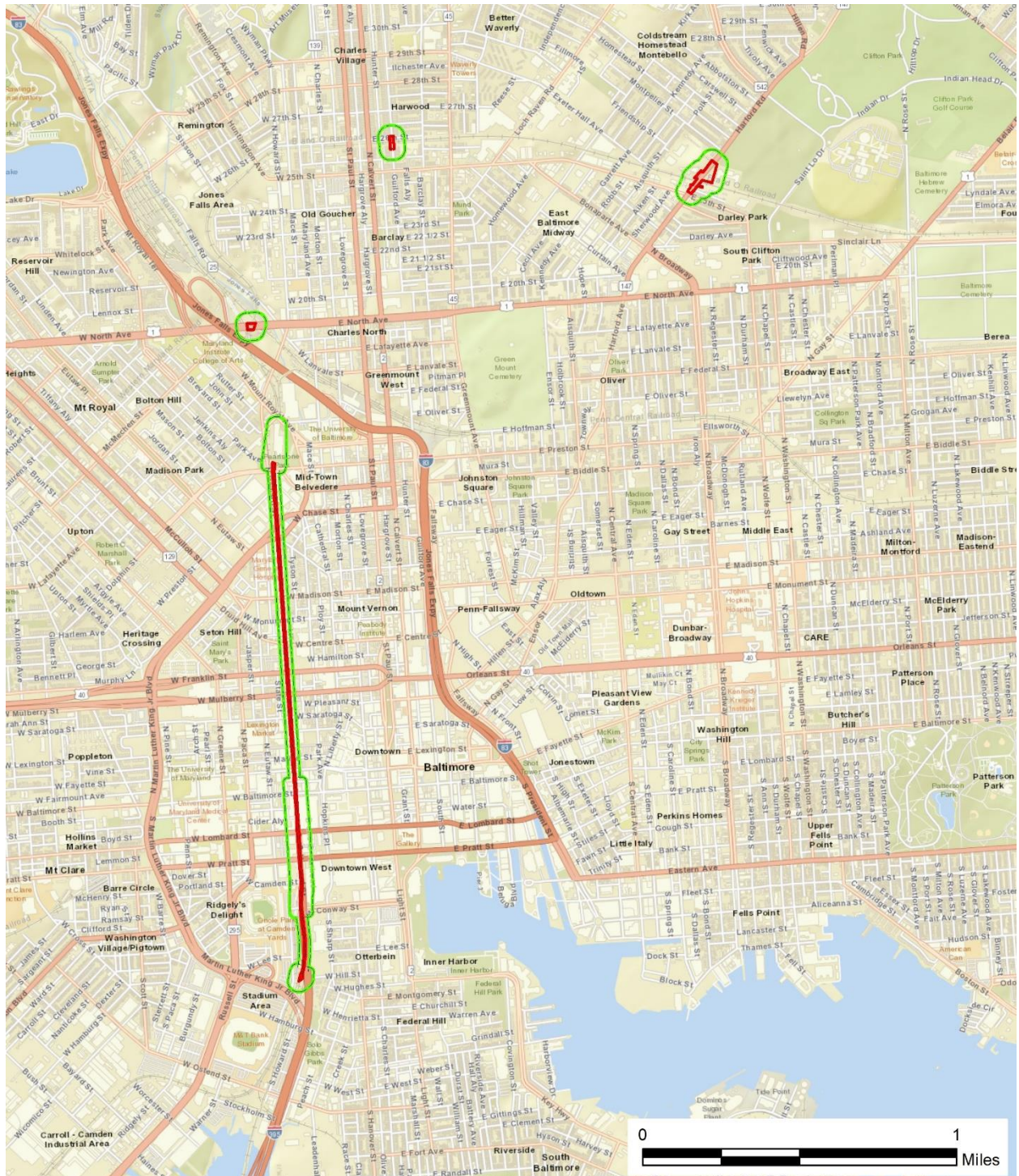
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Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Lingan, Venable LLP
Eric Almquist, RK&K

Attachment A: Maryland Locations for Section 106 Consultation

Howard Street Tunnel Project, Various Locations Between Baltimore, MD and Philadelphia, PA
Maryland Locations for Section 106 Consultation

Maryland		
Location (All in Baltimore City)	General Description of Activity	NRHP Status
Howard Street Tunnel	Dependent on tunnel section and earth cover, tunnel enlargement is proposed and will utilize various methods to achieve additional clearance including: optimize track geometry, track lowering, arch modification, cut/cover replacement, tunnel enlargement, and invert modification.	Howard Street Tunnel – Individually listed in the NRHP in 1973 (B-79, NRHP-73002187)
North Avenue Bridge	Replace central portion of the North Avenue arch bridge with a signal span, shallow girder bridge.	North Avenue Bridge – Contributing Element to the NRHP-eligible B&O Railroad Baltimore Beltway (B-5287)
Guilford Avenue	Replace existing arch with single span, shallow girder bridge	Guilford Avenue Bridge – Contributing Element to the NRHP-eligible B&O Railroad Baltimore Beltway (B-5287)
Harford Road	Replace existing arch with single span, shallow girder bridge	Harford Road Bridge – Contributing Element to the NRHP-eligible B&O Railroad Baltimore Beltway (B-5287)

Attachment B: Project Maps Showing the Preliminary Area of Potential Effects in Maryland



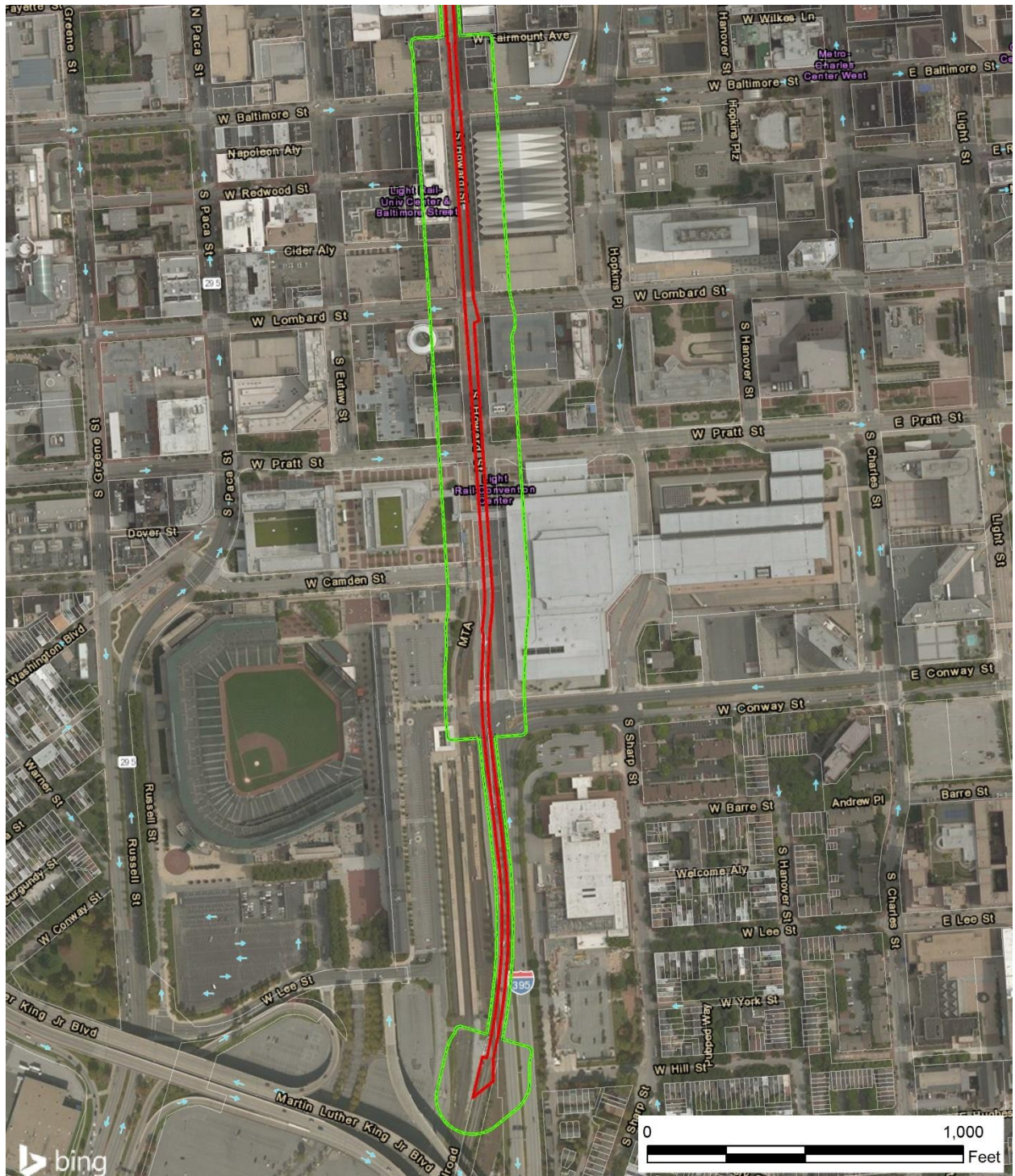
Legend

- Preliminary Archaeological APE
- Preliminary Historic Architectural APE



Howard Street Tunnel Project

Maryland Project Overview



Legend

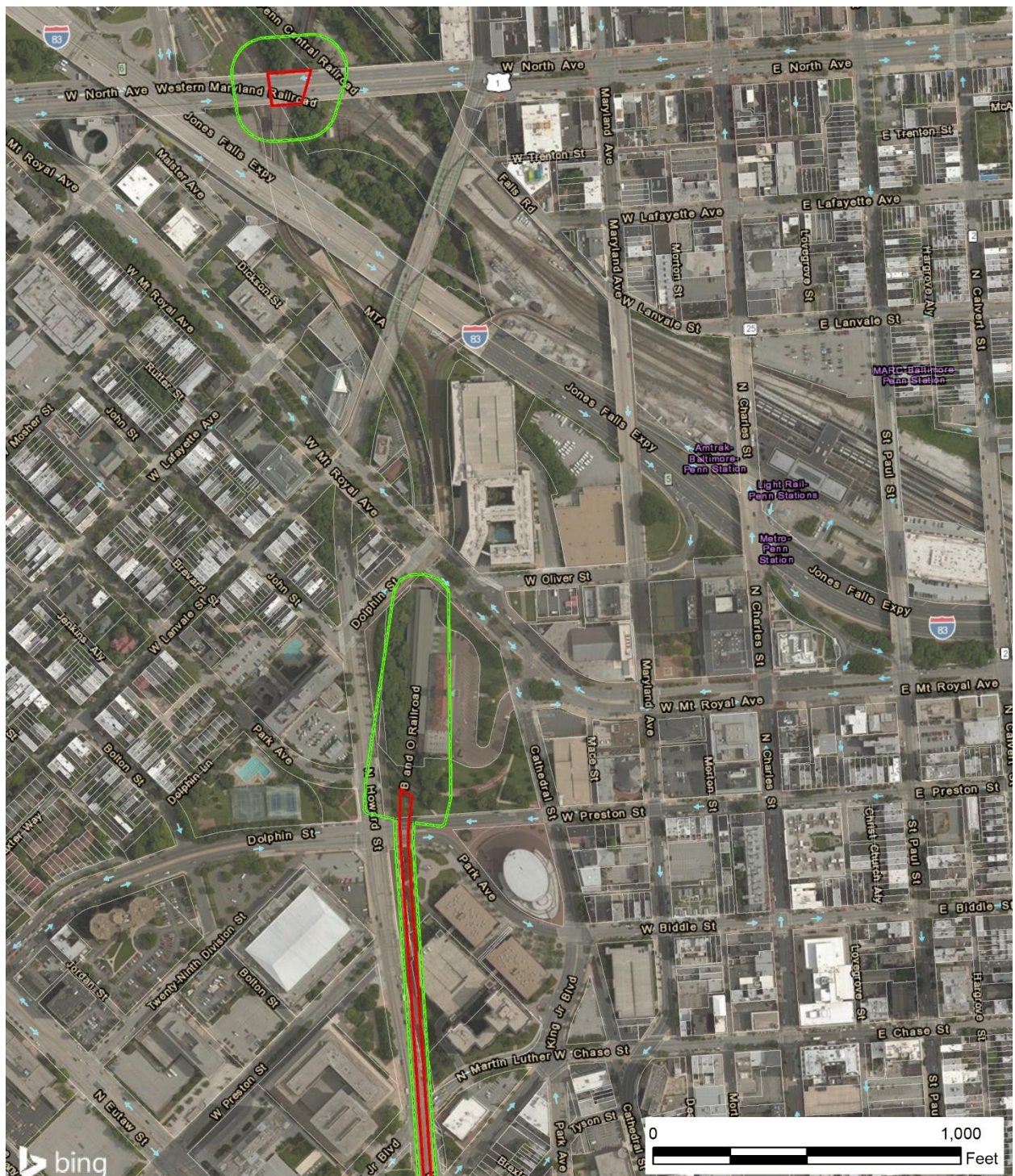
- Preliminary Archaeological APE
- Preliminary Historic Architectural APE




Howard Street Tunnel Project

Howard Street Tunnel Enlargement

Howard Street Tunnel Enlargement



Legend

-  Preliminary Archaeological APE
 Preliminary Historic Architectural APE



Howard Street Tunnel Project

**Howard Street Tunnel Enlargement
and
North Avenue Bridge Modification**



Legend

- Preliminary Archaeological APE
- Preliminary Historic Architectural APE



Howard Street Tunnel Project

Guilford Avenue Bridge Replacement



Legend

- Preliminary Archaeological APE
- Preliminary Historic Architectural APE



Howard Street Tunnel Project

Harford Road Bridge Replacement

Attachment C: Potential Consulting Parties in Maryland

Howard Street Tunnel Project, Various Locations Between Baltimore, MD and Philadelphia, PA
Potential Consulting Parties in Maryland

Delaware Nation, Oklahoma

Delaware Tribe of Indians

Eastern Shawnee Tribe of Oklahoma

Seneca-Cayuga Nation

Baltimore City Commission for Historical and Architectural Preservation (CHAP)

Baltimore Heritage

Baltimore Heritage Area Association

Baltimore & Ohio Railroad Historical Society

B&O Railroad Museum

Maryland Institute College of Art (MICA)

Preservation Maryland

U.S. Department of the Interior, National Park Service (NPS), Northeast Region (due to the Mount Royal Station and Trainshed being a National Historic Landmark)

From: [Cullen, Kathleen M](#)
To: [Brodnick, Shane](#)
Subject: Re: [EXTERNAL] Project Review Request - Howard Street Tunnel Project
Date: Friday, May 15, 2020 2:13:51 PM
Attachments: [image003.png](#)

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Hi Shane-

Thank you for sending all of this project information for review. Since there will be no tree clearing occurring as part of this project, this project will have no impact on Northern long-eared bat, for all locations proposed. You can print the Online Certification Letter for this project, found: <https://www.fws.gov/chesapeakebay/saving-wildlife/project-review/online-certification-letter.html>

Please let me know if you have any questions. Have a nice weekend!

Thank you,
Kathleen

Kathleen Cullen
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office
177 Admiral Cochrane Dr., Annapolis MD, 21401
410-573-4579 - kathleen_cullen@fws.gov

From: Brodnick, Shane <SBrodnick@trccompanies.com>
Sent: Monday, May 11, 2020 10:46 AM
To: CBFO Project Review, FW5 <cbfoprojectreview@fws.gov>
Cc: Cullen, Kathleen M <kathleen_cullen@fws.gov>
Subject: [EXTERNAL] Project Review Request - Howard Street Tunnel Project

To Whom it May Concern,
Please see attached coordination letter, project mapping, and IPaC lists regarding the Howard Street Tunnel Project. Please note, due to the multiple locations of this project an IPaC was done for each site. This letter will reflect that. Let me know if you have any questions or comments. I hope all is well!

Kind Regards,

Shane Brodnick, PWS
Bat Biologist / Wetland Specialist

**United States Department of the Interior**

U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575



Online Certification Letter

Today's date: 6/16/2020

Project: Howard Street Tunnel Project

Dear Applicant for online certification:

Thank you for using the U.S. Fish and Wildlife Service (Service) Chesapeake Bay Field Office online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at (410) 260-8573. For information in Delaware you should contact the Delaware Division of Fish and Wildlife, Wildlife Species Conservation and Research Program at (302) 735-8658. For information in the District of Columbia, you should contact the National Park Service at (202) 339-8309.

The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay)

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species program at (410) 573-4527.

Sincerely,

Genevieve LaRouche
Field Supervisor



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

June 3, 2020

Mr. Shane Brodnick
TRC Environmental Corporation
1 Kenton Drive
Suite 200
Charleston, WV 25311

RE: Environmental Review for CSX Transportation Inc., Howard Street Tunnel Project: 12 locations for modifications, Baltimore City, Maryland.

Dear Mr. Brodnick:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2020.0805.bc



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

10 June 2020

Shane Brodnick
TRC Companies
1 Kenton Dr., Ste 200
Charleston, WV 25311

Re: TRC 2020 Howard Street Tunnel Project

Dear Mr. Brodnick,

Thank you for contacting the Species Conservation and Research Program (SCRIP) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

State Natural Heritage Site

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

Birds

The 4th Street and Lancaster Avenue bridges have not been surveyed for the presence of nesting migratory birds, which are protected by Title 7, Delaware Code, Chapter 7, Sections 734 and 735. It is possible that one or more pairs of barn swallow (*Hirundo rustica*) and/or Eastern phoebe (*Sayornis phoebe*) nest under the bridge(s). If work is proposed during the breeding season (**April 15 – August 1**), a survey should be completed prior to the start of work to determine if nests are present. If a survey detects nesting activity, the following steps should be taken to avoid nest destruction and take, which is a violation of state law:

1. Perform construction activities from **August 1 to April 15**.

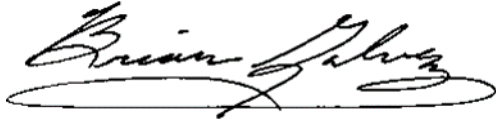
2. If construction cannot be performed in this time period, a deterrent such as mesh netting should be used to block access to nesting sites on the underside of the bridge(s). The material would need to be in place no later than **April 15**, the underside of the bridge(s) would need to be fully encapsulated, and the material should be left in place until construction begins.

If active nests are discovered during the course of work, activities should be halted immediately and SCRP contacted for further guidance.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Galvez", with a large, stylized flourish underneath.

Brian Galvez
Environmental Review Coordinator
Phone: (302) 223-2446
6180 Hay Point Landing Road
Smyrna, DE 19977

(See invoice on next page)

INVOICE - PAYMENT DUE

It is our policy to charge a fee for this environmental review service. This letter constitutes an invoice for \$35.00 (\$35.00/hour for a minimum of one hour). Please make your check payable to "Delaware Division of Fish and Wildlife" and submit to:

DE Division of Fish and Wildlife
89 Kings Hwy.
Dover, DE 19901
ATTN: Brandi Henderson

**In order for us to properly process your payment, you must reference
"TRC 2020 Howard Street Tunnel Project" on your check.**

cc: Brandi Henderson, Fish and Wildlife Accounting Specialist; Code to 72900



COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA GAME COMMISSION

2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Wildlife Habitat Management
(717) 787-6818

June 26, 2020

Mr. Tony Tredway
TRC
One Kenton Drive, Suite 200
Charleston, WV 25311

Project Search ID: PNDI-709879
PNDI Receipt: *project_receipt_csx_howard_street_tunnel__709879_FINAL_1.pdf*
Re: CSX Howard Street Tunnel
Delaware and Philadelphia Counties, County, PA

Dear Mr. Tredway,

Thank you for submitting the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt *project_receipt_csx_howard_street_tunnel__709879_FINAL_1.pdf* for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

No Impact Anticipated

PNDI records indicate species or resources of concern are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, the PGC has determined that no impact is likely. Therefore, no further coordination with the PGC will be necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural

Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Tracey Librandi Mumma
Division of Environmental Planning & Habitat Protection
Bureau of Wildlife Habitat Management
Phone: 717-787-4250, Extension 73614
Fax: 717-787-6957
E-mail: tlibrandi@pa.gov

A PNHP Partner



TLM/tlm

BUREAU OF FORESTRY

June 26, 2020

PNDI Number: 709879
Version: Final_1; 6/24/20

Tony Tredway
TRC
One Kenton Drive
Suite 200
Charleston, WV 25311
Email: ttredway@trccompanies.com (hard copy will not follow)

Re: CSX Howard Street Tunnel Project
Delaware and Philadelphia Counties, PA

Dear Tony Tredway,

Thank you for the submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number **709879**. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

No Impact Anticipated

PNDI records indicate species or resources under DCNR's jurisdiction are located in the vicinity of this project. However, based on the information you submitted concerning the scope of work, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

This response represents the most up-to-date review of the PNDI data files and is valid for two (2) years only. If project plans change or more information on listed or proposed species becomes available, our determination may be reconsidered. Should the proposed work continue beyond the period covered by this letter and a permit has not been acquired, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative, description of project changes and accurate map). As a reminder, this finding applies to potential impacts under DCNR's jurisdiction only. Visit the PNHP website for directions on contacting the Commonwealth's other resource agencies for environmental review.

Should you have any questions or concerns, please contact Megan Pulver, Ecological Information Specialist, by phone (717-705-2819) or via email (c-mpulver@pa.gov).

Sincerely



Greg Podniesinski, Section Chief
Natural Heritage Section



Pennsylvania Fish & Boat Commission

Division of Environmental Services

Natural Diversity Section
595 E Rolling Ridge Dr.
Bellefonte, PA 16823
814-359-5237

August 7, 2020

IN REPLY REFER TO

SIR# 53321

TRC

Tony Tredway
One Kenton Drive
Charleston, West Virginia 25311

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
PNDI Search No. 709879_1
CSX Howard Street Tunnel Bridge
DELAWARE County: - PHILADELPHIA County:**

Dear Tony Tredway:

This responds to your inquiry about a Pennsylvania Natural Diversity Inventory (PNDI) Internet Database search “potential conflict” or a threatened and endangered species impact review. These projects are screened for potential conflicts with rare, candidate, threatened or endangered species under Pennsylvania Fish & Boat Commission jurisdiction (fish, reptiles, amphibians, aquatic invertebrates only) using the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files. These species of special concern are listed under the Endangered Species Act of 1973, the Wild Resource Conservation Act, and the Pennsylvania Fish & Boat Code (Chapter 75), or the Wildlife Code.

An element occurrence of a rare, candidate, threatened, or endangered species under our jurisdiction is known from the vicinity of the proposed project. However, given the nature of the proposed project, the immediate location, or the current status of the nearby element occurrence(s), no adverse impacts are expected to the species of special concern.

This response represents the most up-to-date summary of the PNDI data and our files and is valid for two (2) years from the date of this letter. An absence of recorded species information does not necessarily imply species absence. Our data files and the PNDI system are continuously being updated with species occurrence information. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered, and consultation shall be re-initiated.

Our Mission:

www.fish.state.pa.us

To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

If you have any questions regarding this review, please contact Kathy Gipe at 814-359-5186 and refer to the SIR # 53321. Thank you for your cooperation and attention to this important matter of species conservation and habitat protection.

Sincerely,

A handwritten signature in black ink, reading "Christopher A. Urban". The signature is written in a cursive, flowing style.

Christopher A. Urban, Chief
Natural Diversity Section

CAU/KDG/dn

PNDI # _____ USFWS Project # _____

U.S. FISH AND WILDLIFE SERVICE
110 Radnor Road, Suite 101, State College, PA 16801

This responds to your inquiry about a PNDI Internet Database search that resulted in a potential conflict with a federally listed, proposed or candidate species.

PROJECT LOCATION INFORMATION

County: _____

Township: _____

MISC INFORMATION

Date received by FWS: _____

☐ ACTIVE ☐ ARCHIVE

USFWS COMMENTS

EMAILED

MAILED

Email: _____

To: _____

Affiliation: _____

SPECIFIC PROJECT: _____

FISH AND WILDLIFE SERVICE COMMENT(s):

_____ ***NOT LIKELY TO ADVERSELY AFFECT***

The federally listed _____ occurs or may occur in or near the project area. However, based on our review of the information provided, including the project description and location (_____

_____),

no adverse effects to this species are likely to occur. If there is any change in the location, scale, scope, layout or design of the project, further consultation or coordination with the Service will be necessary.

The above determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. Consequently, comments on this form are not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities. *Please reference the above PNDI # and USFWS Project # in any future correspondence regarding this project.*

This review was conducted by the biologist listed below. He/she can be contacted at 814-206-(Extension).

Melinda Turner (x7449)

Nicole Ranalli (x7455)

Jennifer Kagel (x7451)

Richard Novak (x7477)

Alison Whitlock (x7461)

Pamela Shellenberger (x7459)

SIGNATURE: _____

Supervisor, Pennsylvania Field Office

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

June 3, 2020

Ms. Laura Shick
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Howard Street Tunnel Project
Initiation of Section 106 Review
Baltimore City, Maryland

Dear Ms. Shick,

Thank you contacting the Maryland Historical Trust (Trust), Maryland's State Historic Preservation Office, to initiate the Section 106 review process for the above-referenced project. We look forward to working with your agency and other involved parties to successfully complete the preservation requirements for the proposed undertaking.

In addition to your recent letter, the Trust appreciated the opportunity to discuss the proposed undertaking with the Federal Railroad Administration (FRA), CSX Transportation (CSX), the Maryland Port Administration (MPA) and the other consulting parties on 14 May 2020. We understand that the project will remove overhead obstructions along the I-95 Rail Corridor that inhibit the passage of double-stack intermodal trains. The project will improve current height limitations at four locations within the City of Baltimore, including the Howard Street Tunnel.

As noted in your project letter and presentation, considerable information already exists regarding identified historic resources within this study area. We agree with the preliminary Area of Potential Effects (APE) delineated for this undertaking. The FRA has appropriately identified the known historic structures within this APE and we agree with the list of potential consulting parties for this undertaking as presented in FRA's submittal. As the Section 106 coordination and public outreach efforts progress, additional relevant parties may be identified and invited to participate in the consultation.

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 or me (for the historic built environment) at tim.tamburrino@maryland.gov.

Sincerely,

Tim Tamburrino
Preservation Officer

TJT/202002326



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

President Deborah Dotson
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear President Dotson:

The U.S. Department of Transportation's (USDOT's) Federal Railroad Administration (FRA) is pleased to submit the enclosed revised *Phase IA Archaeological Assessment Technical Report* (January 2021) and *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021) for the Howard Street Tunnel Project (Project) in Baltimore City, Maryland; Wilmington, Delaware; Delaware County, Pennsylvania; and Philadelphia County, Pennsylvania. The revised reports support FRA's continued compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800).

Recent Consultation

The *Phase IA Archaeological Assessment* (November 2020) and *Architectural Historic Properties Identification and Effects Assessment* (November 2020) reports were submitted to the Project's Section 106 consulting parties on November 6, 2020. The additional consulting parties that are not federally recognized Indian tribes only received the historic architectural report in order to protect potentially sensitive information about archaeological resources.

The Maryland Historical Trust (MHT) responded on December 2, 2020, and concurred with most of FRA's findings. Exceptions included the NRHP evaluation findings of three newly identified architectural resources which MHT believes to be eligible for NRHP listing: Clifton Park Junior High School (B-5329), Darley Park (B-5330), and Cannon Shoe Company (B-5332). MHT noted the group of rowhouses at 2518-2526 Harford Road, 2508-2510 Harford Road, and 2514-2516 Harford Road cannot be evaluated in isolation from the larger neighborhood of which they are a part, and that they believe this as-yet-undefined historic district would be eligible. MHT also noted edits needed for Maryland archaeological site records search results.

The Pennsylvania Historical and Museum Commission responded on December 7, 2020, and concurred with the report findings, including that both the conventional and non-conventional construction methods

would have an adverse effect on Boone Tunnel. The agency also noted its preference for the conventional construction method of track lowering within the tunnel.

On December 7, 2020, the Delaware Nation indicated the proposed project location does not endanger cultural or religious sites of interest to the Tribe, and also noted the steps for any unanticipated discoveries during construction.

The Delaware Division of Historical and Cultural Affairs (DHCA) responded to the report findings on January 6, 2021, stating no objection to the finding that the one architectural resource evaluated in Delaware, 100 Hawley Street (N10686), is not eligible for NRHP listing. The agency concurred that there is little potential for intact archaeological resources and no further archaeological work is needed in Delaware, if construction, staging, stockpiling, and access to the project locations in the state will be confined to the existing railroad right-of-way. DHCA also provided additional comments on the reports, project information, the Area of Potential Effects, and consulting parties.

Revised Reports and Continued Consultation

The enclosed archaeological and historic architectural reports have been revised to address MHT comments. This includes a new Determination of Eligibility (DOE) Form for one newly identified residential historic district (which includes the three originally identified groups of rowhouses): the Lower Coldstream Homestead Montebello Historic District (B-5331). In addition to the seventeen Maryland architectural historic properties that had originally been identified within the historic architectural APE for this Project, four additional historic properties have been identified in this state (south to north): Cannon Shoe Company (B-5332), Darley Park (B-5330), Clifton Park Junior High School (B-5329), and Lower Coldstream Homestead Montebello Historic District (B-5331). FRA has applied the criteria of adverse effect (36 CFR Part 800.5) to these four additional architectural historic properties within the historic architectural APE, and found that the Project would have an adverse effect on the Cannon Shoe Company (B-5332). The six other Maryland historic properties that would be adversely affected by the Project are (south to north): Howard Street Tunnel & Power House (B-79), Baltimore and Ohio (B&O) Railroad Baltimore Belt Line (B-5287), Rombro Building (B-2371), North Avenue Bridge (BC1208) (B-4521), Guilford Avenue Bridge (BC8029) (B-4526), and Harford Road Bridge (BC8026) (B-4523).

Some DHCA comments are addressed in these reports, including requested technical edits, supplementary material in the historic contexts, and additional details in the Delaware architectural evaluation. The reports have also been updated to document the non-conventional construction method is no longer under consideration at Boone Tunnel in Pennsylvania, as well as recent consultation. There have been no substantive changes regarding the anticipated effects of the Project on archaeological resources.

FRA will continue to consult with MHT, PHMC, and the additional Section 106 consulting parties, and involve the public as it seeks ways to avoid, minimize, or mitigate the Project's adverse effects to historic properties in Maryland and Pennsylvania (36 CFR Part 800.6(a)). FRA will notify the Advisory Council on Historic Preservation of the adverse effect finding by providing the relevant documentation (36 CFR Part 800.6(a)(1)). The Section 106 process will conclude with the development and implementation of a Memorandum of Agreement (MOA) to resolve adverse effects of the Project on historic properties. FRA is conducting the Section 106 process concurrently with development of an Environmental Assessment (EA) for the Project in accordance with the National Environmental Policy Act (NEPA). FRA anticipates including a draft MOA with the EA when it is circulated for public review and comment in Spring 2021.

FRA requests any comments on the enclosed revised reports within 30 days of receipt of this letter. If you have any questions or would like additional information about the Project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist, at (202) 493-0564 or christeen.taniguchi@dot.gov.

FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you please provide any comments via email. We continue to be available for Government-to-Government consultation.

Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,



Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report* (January 2021)
- *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021)

cc:

Erin Paden, Delaware Nation
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Ligan, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Ms. Erin Paden
Director of Historic Preservation
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Ms. Paden:

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FRA requests any comments on the enclosed revised reports within 30 days of receipt of this letter. If you have any questions or would like additional information about the Project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist, at (202) 493-0564 or christeen.taniguchi@dot.gov.

FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you please provide any comments via email. We continue to be available for Government-to-Government consultation.

Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is fluid and cursive, with a horizontal line extending from the end.

Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report (January 2021)*
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cc:

President Deborah Dotson, Delaware Nation
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
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Elizabeth Bonini, PennDOT
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Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Chief Chet Brooks
Delaware Tribe of Indians
601 High Street
Bartlesville, OK 74006

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Chief Brooks:

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Sincerely,



Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

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cc:

Susan Bachor, Delaware Tribe of Indians
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
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Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Ms. Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Re: MHT Log No. 202002326
Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Ms. Hughes:

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Revised Reports and Continued Consultation

The enclosed archaeological and historic architectural reports have been revised to address MHT comments. This includes a new Determination of Eligibility (DOE) Form for one newly identified residential historic district (which includes the three originally identified groups of rowhouses): the Lower Coldstream Homestead Montebello Historic District (B-5331). In addition to the seventeen Maryland architectural historic properties that had originally been identified within the historic architectural APE for this Project, four additional historic properties have been identified in the state (south to north): Cannon Shoe Company (B-5332), Darley Park (B-5330), Clifton Park Junior High School (B-5329), and Lower Coldstream Homestead Montebello Historic District (B-5331). FRA has applied the criteria of adverse effect (36 CFR Part 800.5) to these four additional architectural historic properties within the historic architectural APE, and has found that the Project would have an adverse effect on the Cannon Shoe Company (B-5332). As indicated in our previous consultation letter, the six other Maryland historic properties that will be adversely affected by the Project are (south to north): Howard Street Tunnel & Power House (B-79), Baltimore and Ohio (B&O) Railroad Baltimore Belt Line (B-5287), Rombro Building (B-2371), North Avenue Bridge (BC1208) (B-4521), Guilford Avenue Bridge (BC8029) (B-4526), and Harford Road Bridge (BC8026) (B-4523).

Some DHCA comments are addressed in the reports, including requested technical edits, supplementary material in the historic contexts, and additional details in the Delaware architectural evaluation. The reports have also been updated to document the non-conventional construction method is no longer under consideration at Boone Tunnel in Pennsylvania, as well as recent consultation. There have been no substantive changes regarding the anticipated effects of the Project on archaeological resources. In addition to the three SHPOs, the federally recognized Indian tribes that have accepted roles as consulting parties are also receiving both reports, under individual cover letters.

Per comments from DHCA, FRA will invite two state-recognized Indian tribes as consulting parties: the Lenape Indian Tribe of Delaware and the Nanticoke Indian Tribe. In addition, second invitations will be extended to the City of Wilmington and the Delaware Department of Transportation (DelDOT) and addressed to the representatives suggested by DHCA. Along with the additional consulting parties that are not federally recognized Indian tribes, these invitees will receive an electronic copy of the revised historic architectural report under a separate cover letter.

FRA will continue to consult with MHT, PHMC, and the additional Section 106 consulting parties, and involve the public as it seeks ways to avoid, minimize, or mitigate the Project's adverse effects to historic properties in Maryland and Pennsylvania (36 CFR Part 800.6(a)). FRA will notify the Advisory Council on Historic Preservation of the adverse effect finding by providing the relevant documentation (36 CFR Part 800.6(a)(1)). The Section 106 process will conclude with the development and implementation of a Memorandum of Agreement (MOA) to resolve adverse effects of the Project on historic properties. FRA is conducting the Section 106 process concurrently with development of an Environmental Assessment (EA) for the Project in accordance with the National Environmental Policy Act (NEPA). FRA anticipates including a draft MOA with the EA when it is circulated for public review and comment in Spring 2021.

FRA requests your review and concurrence of the revised NRHP evaluations and effects assessment findings, and any comments on the enclosed reports, within 30 days of receipt of this letter. If you have any questions or would like additional information about the Project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist, at (202) 493-0564 or christeen.taniguchi@dot.gov, or Laura van Opstal, RK&K Architectural Historian, at (703) 259-3707 or lvvanopstal@rkk.com. FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you please provide comments and/or concurrence via email.

Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,



Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report* (January 2021)
- *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021)

cc:

Beth Cole, MHT
Tim Tamburrino, MHT
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Lingam, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Ms. Andrea Lowery
Director/State Historic Preservation Officer
Pennsylvania Historical and Museum Commission
State Historic Preservation Office
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: ER 2020-1426-045-A
Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Ms. Lowery:

The U.S. Department of Transportation's (USDOT's) Federal Railroad Administration (FRA) is pleased to submit the enclosed revised *Phase IA Archaeological Assessment Technical Report* (January 2021) and *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021) for the Howard Street Tunnel Project (Project) in Baltimore City, Maryland; Wilmington, Delaware; Delaware County, Pennsylvania; and Philadelphia County, Pennsylvania. The revised reports support FRA's continued compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800).

Recent Consultation

The *Phase IA Archaeological Assessment* (November 2020) and *Architectural Historic Properties Identification and Effects Assessment* (November 2020) reports were submitted to the Project's Section 106 consulting parties on November 6, 2020. The additional consulting parties that are not federally recognized Indian tribes only received the historic architectural report in order to protect potentially sensitive information about archaeological resources.

The Maryland Historical Trust (MHT) responded on December 2, 2020, and concurred with most of FRA's findings. Exceptions included the NRHP evaluation findings of three newly identified architectural resources which MHT believes to be eligible for NRHP listing: Clifton Park Junior High School (B-5329), Darley Park (B-5330), and Cannon Shoe Company (B-5332). MHT noted the group of rowhouses at 2518-2526 Harford Road, 2508-2510 Harford Road, and 2514-2516 Harford Road cannot be evaluated in isolation from the larger neighborhood of which they are a part, and that they believe this as-yet-undefined historic district would be eligible. MHT also noted edits needed for Maryland archaeological site records search results.

The Pennsylvania Historical and Museum Commission responded on December 7, 2020, and concurred with the report findings, including that both the conventional and non-conventional construction methods would have an adverse effect on Boone Tunnel. The agency also noted its preference for the conventional construction method of track lowering within the tunnel.

On December 7, 2020, the Delaware Nation indicated the proposed project location does not endanger cultural or religious sites of interest to the Tribe, and also noted the steps for any unanticipated discoveries during construction.

The Delaware Division of Historical and Cultural Affairs (DHCA) responded to the report findings on January 6, 2021, stating no objection to the finding that the one architectural resource evaluated in Delaware, 100 Hawley Street (N10686), is not eligible for NRHP listing. The agency concurred that there is little potential for intact archaeological resources and no further archaeological work is needed in Delaware, if construction, staging, stockpiling, and access to the project locations in the state will be confined to the existing railroad right-of-way. The DHCA also provided additional comments on the reports, project information, the Area of Potential Effects, and consulting parties.

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Per comments from DHCA, FRA is now inviting the following two state recognized Indian tribes as consulting parties: the Lenape Indian Tribe of Delaware and the Nanticoke Indian Tribe. In addition, second invitations will be extended to the City of Wilmington and the Delaware Department of Transportation (DelDOT). The first invitations were sent on June 4, 2020, but were not addressed to the representatives suggested by DHCA: Debra C. Martin (City of Wilmington Historic Preservation Planner) and Heidi Krofft (DelDOT Environmental Studies Manager). Along with the additional consulting parties that are not federally recognized Indian tribes, these invitees will receive an electronic copy of the revised historic architectural report under a separate cover letter.

FRA will continue to consult with MHT, PHMC and the additional Section 106 consulting parties, and involve the public as it seeks ways to avoid, minimize, or mitigate the Project's adverse effects to historic properties in Maryland and Pennsylvania (36 CFR Part 800.6(a)). FRA will notify the Advisory Council on Historic Preservation of the adverse effect finding by providing the relevant documentation (36 CFR Part 800.6(a)(1)). The Section 106 process will conclude with the development and implementation of a Memorandum of Agreement (MOA) to resolve adverse effects of the Project on historic properties. FRA is conducting the Section 106 process concurrently with development of an Environmental Assessment (EA) for the Project in accordance with the National Environmental Policy Act (NEPA). FRA anticipates including a draft MOA with the EA when it is circulated for public review and comment in Spring 2021.

FRA requests any comments on the enclosed reports within 30 days of receipt of this letter. FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you

please provide any comments via email. If you have any questions or would like additional information about the Project, please contact me at (202) 493-0564 or christeen.taniguchi@dot.gov, or Laura van Opstal, RK&K Architectural Historian, at (703) 259-3707 or lvvanopstal@rkk.com.

Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christeen Taniguchi".

Christeen Taniguchi
Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report* (January 2021)
- *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021)

cc:

Emma Diehl, PHMC
Mark Shaffer, PHMC
Laura Shick, FRA
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Lingan, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Ms. Susan Bachor
Archaeologist
Delaware Tribe of Indians
126 University Circle
Stroud Hall, Room 437
East Stroudsburg, PA 18301

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Ms. Bachor:

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FRA requests any comments on the enclosed revised reports within 30 days of receipt of this letter. If you have any questions or would like additional information about the Project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist, at (202) 493-0564 or christeen.taniguchi@dot.gov. FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you please provide any comments via email. We continue to be available for Government-to-Government consultation.

Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,



Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report (January 2021)*
- *Architectural Historic Properties Identification and Effects Assessment Technical Report (January 2021)*

cc:

Chief Chet Brooks, Delaware Tribe of Indians
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Lingan, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2021

Ms. Erin Paden
Director of Historic Preservation
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Ms. Paden:

The U.S. Department of Transportation's (USDOT's) Federal Railroad Administration (FRA) is pleased to submit the enclosed revised *Phase IA Archaeological Assessment Technical Report* (January 2021) and *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021) for the Howard Street Tunnel Project (Project) in Baltimore City, Maryland; Wilmington, Delaware; Delaware County, Pennsylvania; and Philadelphia County, Pennsylvania. The revised reports support FRA's continued compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800).

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would have an adverse effect on Boone Tunnel. The agency also noted its preference for the conventional construction method of track lowering within the tunnel.

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Thank you, and we look forward to working with you to complete Section 106 consultation for this important rail transportation project.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is fluid and cursive, with a horizontal line extending from the end.

Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

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cc:

President Deborah Dotson, Delaware Nation
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
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William Parry, CSX Transportation
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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 14, 2021

Johns W. Hopkins, Executive Director
Baltimore Heritage

Dennis J. Coker, Principal Chief
Lenape Indian Tribe of Delaware

Debra C. Martin, Historic Preservation Planner
City of Wilmington Department of Planning and Development

Norwood Carmine, Chief
Nanticoke Indian Tribe

Beverlee Barnes, Historic Preservation Planning Manager
Delaware County Planning Department

Nicholas Redding, Executive Director
Preservation Maryland

Heidi Krofft, Environmental Studies Manager
Delaware Department of Transportation

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Architectural Historic Properties Identification and Effects Assessment (Revised)

Dear Consulting Parties:

The U.S. Department of Transportation's (USDOT's) Federal Railroad Administration (FRA) is pleased to submit the enclosed revised *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021) for the Howard Street Tunnel Project (Project) in Baltimore City, Maryland; Wilmington, Delaware; Delaware County, Pennsylvania; and Philadelphia County, Pennsylvania. The revised report supports FRA's continued compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800).

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Properties: A Citizen's Guide to Section 106 Review which can be found here:

<https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>. Should you accept consulting party status, please identify the point of contact(s) for your organization and current contact information.

FRA will continue to consult with MHT, PHMC, and the additional Section 106 consulting parties, and involve the public as it seeks ways to avoid, minimize, or mitigate the Project's adverse effects to historic properties in Maryland and Pennsylvania (36 CFR Part 800.6(a)). FRA will notify the Advisory Council on Historic Preservation of the adverse effect finding by providing the relevant documentation (36 CFR Part 800.6(a)(1)). The Section 106 process will conclude with the development and implementation of a Memorandum of Agreement (MOA) to resolve adverse effects of the Project on historic properties. FRA is conducting the Section 106 process concurrently with development of an Environmental Assessment (EA) for the Project in accordance with the National Environmental Policy Act (NEPA). FRA anticipates including a draft MOA with the EA when it is circulated for public review and comment in Spring 2021.

FRA requests any comments on the enclosed report within 28 days of receipt of this letter. Please provide any comments via email to Ms. van Opstal at her email address noted above. If you have any questions, please contact me at (202) 493-0564 or christeen.taniguchi@dot.gov or Ms. van Opstal at (703) 259-3707 or ivanopstal@rkk.com.

Thank you for working with us on this important rail transportation project.

Sincerely,



Christeen Taniguchi
Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosure:

- *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021)

cc:

Laura Shick, FRA
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Ligan, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

February 9, 2021

Andrew Weidman
Principal Investigator
RK&K
8 Penn Center 1628
JFK Boulevard, Suite 1202
Philadelphia, PA 19103

Re: 2020PR02919; Phase IA Archaeological Assessment, Howard Street Tunnel Project;
Collingdale, Sharon Hill, and Darby Boroughs, Delaware County, Pennsylvania.

Dear Mr. Weidman,

Thank you for submitting additional information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

This report meets our standards and specifications as outlined in Guidelines for Archaeological Investigations in Pennsylvania (SHPO 2017) and the Secretary of the Interior's Guidelines for Archaeological Documentation. We agree with the recommendations of this report, and in our opinion, no further archaeological work is necessary for this project.

If you need further information concerning archaeological issues, please consult Casey Hanson at chanson@pa.gov or (717) 772-0923.

Sincerely,

Douglas C. McLearn, Chief
Division of Environmental Review



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

February 10, 2021

Mr. Timothy A. Slavin
Director/State Historic Preservation Officer
Delaware Division of Historical and Cultural Affairs
21 The Green
Dover, DE 19901

Re: Howard Street Tunnel Project
Various Locations between Baltimore, MD and Philadelphia, PA
Continuation of Section 106 Consultation
Phase IA Archaeological Assessment and Architectural Historic Properties Identification and
Effects Assessment (Revised)

Dear Mr. Slavin:

The U.S. Department of Transportation's (USDOT's) Federal Railroad Administration (FRA) is pleased to submit the enclosed revised *Phase IA Archaeological Assessment Technical Report* (January 2021) and *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021) for the Howard Street Tunnel Project (Project) in Baltimore City, Maryland; Wilmington, Delaware; Delaware County, Pennsylvania; and Philadelphia County, Pennsylvania. The revised reports support FRA's continued compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800).

Recent Consultation

The *Phase IA Archaeological Assessment* (November 2020) and *Architectural Historic Properties Identification and Effects Assessment* (November 2020) reports were submitted to the Project's Section 106 consulting parties on November 6, 2020. The additional consulting parties that are not federally recognized Indian tribes only received the historic architectural report in order to protect potentially sensitive information about archaeological resources.

The Maryland Historical Trust (MHT) responded on December 2, 2020, and concurred with most of FRA's findings. Exceptions included the National Register of Historic Places (NRHP) evaluation findings for three newly identified architectural resources, which MHT believes to be eligible for NRHP listing: Clifton Park Junior High School (B-5329), Darley Park (B-5330), and Cannon Shoe Company (B-5332). MHT noted the group of rowhouses at 2518-2526 Harford Road, 2508-2510 Harford Road, and 2514-2516 Harford Road cannot be evaluated in isolation from the larger neighborhood of which they are a part, and that they believe this as-yet-undefined historic district would be eligible. MHT also noted edits needed for Maryland archaeological site records search results.

The Pennsylvania Historical and Museum Commission responded on December 7, 2020, and concurred with the report findings, including that both the conventional and non-conventional construction methods

would have an adverse effect on Boone Tunnel. The agency also noted its preference for the conventional construction method of track lowering within the tunnel.

On December 7, 2020, the Delaware Nation indicated the proposed project location does not endanger cultural or religious sites of interest to the Tribe, and also noted the steps for any unanticipated discoveries during construction.

The Delaware Division of Historical and Cultural Affairs (DHCA) responded to the report findings on January 6, 2021, stating no objection to the finding that the one architectural resource evaluated in Delaware, 100 Hawley Street (N10686), is not eligible for NRHP listing. DHCA also concurred that there is little potential for intact archaeological resources and no further archaeological work is needed in Delaware, if construction, staging, stockpiling, and access to the project locations in the state will be confined to the existing railroad right-of-way (ROW). Regarding the applicability of the Advisory Council on Historic Preservation's (ACHP's) *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* (Program Comment) exemptions, DHCA inquired about the nature of the overall undertaking and the delineation of the Area of Potential Effects (APE) in Delaware based on the results of the *Draft Howard Street Tunnel Noise and Vibration Assessment Technical Report* (2020). DHCA also provided additional comments, including those for the archaeological assessment, historic architectural identification/evaluation, historic contexts, and additional potential consulting parties. A follow-up call on January 11, 2021 to further discuss DHCA comments included representatives from DCHA, FRA, CSX Transportation, Maryland Department of Transportation Maryland Port Administration (DOT MPA), and RK&K. At the meeting, DHCA also asked about potential construction vibration effects to bridges at the track lowering locations.

Revised Reports and Continued Consultation

The enclosed archaeological and historic architectural reports have been revised to address MHT comments. This includes a new Determination of Eligibility (DOE) Form for one newly identified residential historic district (which includes the three originally identified groups of rowhouses): the Lower Coldstream Homestead Montebello Historic District (B-5331), as well as additional effects assessments. The reports have also been updated to document the non-conventional construction method is no longer under consideration at Boone Tunnel in Pennsylvania.

Some DHCA comments are addressed in the reports, including technical edits, supplementary material in the historic contexts, and additional details in the Delaware architectural evaluation. Revisions to the historic architectural report include the addition of a Sanborn map at the location of APE 7 in Delaware; clarification of the address, additional information, and an additional photograph supporting the eligibility assessment for one previously identified resource, the warehouse at 101 Hawley Street (CRS N10686); and the addition of supplementary historic context references. In the archaeological report, revisions included the addition of information acknowledging that Delaware defines pre-contact periods differently than Maryland and Pennsylvania, and that Delaware does have a predictive model for the Coastal Plain, as well as the rearrangement of some text and photographs for improved readability.

The draft noise and vibration study for the Project identified the potential for construction vibration impacts to one non-rail property adjacent to the railroad ROW in Delaware, located at the Lancaster Avenue location. Therefore, FRA established an APE limited to this one parcel with the potential for construction vibration effects and conducted an architectural survey at that location, which resulted in the identification of one architectural resource, the warehouse at 101 Hawley Street (CRS N10686), greater than 49 years of age (identification age threshold established to account for the Project's anticipated construction advertisement date in late 2021). FRA determined this resource is not eligible for the NRHP.

Regarding potential vibratory effects of the Project to the bridges at track lowering locations during the construction period, such vibration (as well as associated noise) will be similar to the levels generated during typical operations and maintenance activities on an active railroad, and will not involve aggressive construction methods, such as jackhammering. Therefore, the Program Comment is applicable at these locations.

Construction, staging, stockpiling, and access to the project locations in Delaware will be confined to the existing railroad ROW. Therefore, there is little potential for intact archaeological resources and no further archaeological work is needed in Delaware.

In addition to the three State Historic Preservation Officers, the federally recognized Indian tribes that have accepted roles as consulting parties also received both reports under individual cover letters on January 12, 2021. Per comments from DHCA, FRA invited two state-recognized Indian tribes as consulting parties on January 14, 2021: the Lenape Indian Tribe of Delaware and the Nanticoke Indian Tribe. FRA also extended second invitations to the City of Wilmington and the Delaware Department of Transportation (DelDOT), addressed to the representatives suggested by DHCA. Along with the additional consulting parties that are not federally recognized Indian tribes, these invitees received an electronic copy of the revised historic architectural report under a separate cover letter. The City of Wilmington accepted their role as a consulting party on January 14, 2021.

FRA is continuing to consult with Section 106 consulting parties and involve the public as it seeks ways to avoid, minimize, or mitigate the Project's adverse effects to historic properties in Maryland and Pennsylvania (36 CFR Part 800.6(a)). FRA will notify ACHP of the adverse effect finding by providing the relevant documentation (36 CFR Part 800.6(a)(1)). The Section 106 process will conclude with the development and implementation of a Memorandum of Agreement (MOA) to resolve adverse effects of the Project on historic properties. FRA is conducting the Section 106 process concurrently with development of an Environmental Assessment (EA) for the Project in accordance with the National Environmental Policy Act (NEPA). FRA anticipates including a draft MOA with the EA when it is circulated for public review and comment in Spring 2021.

FRA requests your review of the enclosed reports documenting our identification and evaluation efforts, and concurrence with our determination that the Project will have No Effect on historic properties in Delaware. These findings have not changed since our previous consultation. Because of the need to maintain the Project schedule, we respectfully request your response within 14 days of receipt of this letter. If you have any questions or would like additional information about the Project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist, at (202) 493-0564 or christeen.taniguchi@dot.gov, or Laura van Opstal, RK&K Architectural Historian, at (703) 259-3707 or lvvanopstal@rkk.com. FRA staff are working remotely and have limited access to mailed correspondence. Therefore, we request that you please provide comments and/or concurrence via email.

Thank you for working with us on this important rail transportation project. We look forward to concluding the Section 106 review process for project locations in Delaware.

Sincerely,



Laura Shick
Supervisory Environmental Protection Specialist
Environment and Project Engineering Division
Office of Railroad Policy and Development

Enclosures:

- *Phase IA Archaeological Assessment Technical Report* (January 2021)
- *Architectural Historic Properties Identification and Effects Assessment Technical Report* (January 2021)

cc:

Gwen Davis, DHCA
Shreyas Bhatnagar, FRA
Brandon Bratcher, FRA
Christeen Taniguchi, FRA
William Parry, CSX Transportation
Bradley Smith, MDOT MPA
Elizabeth Bonini, PennDOT
Jennie Granger, PennDOT
Thomas Ligan, Venable
Kate Murphy, TRC
Eric Almquist, RK&K
Nicole Diehlmann, RK&K
Laura van Opstal, RK&K



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

February 12, 2021

Ms. Christine Taniguchi
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: ER 2020PRO2919; FRA: Howard Street Tunnel Project; Collingdale, Sharon Hill, and Darby Boroughs, Delaware County, Pennsylvania; Phase IA Archaeological Assessment and Architectural Historic Properties Identification and Effects Assessment REVISED

Dear Ms. Taniguchi,

Thank you for submitting information concerning the above referenced project. The proposed project includes improvements to address multiple clearance restrictions along CSX Transportation's (CSX) Interstate 95 Rail Corridor between Baltimore, Maryland and Philadelphia, Pennsylvania. This the last major intermodal rail-freight corridor on the CSX network unable to provide modern double-stack service due to various height-clearance obstructions located in Maryland, Delaware, and Pennsylvania. The Federal Rail Administration (FRA) has applied exemptions for project activities within the railroad right-of-way within the *Exempted Activities List of the ACHP's Program Comment to Exempt Consideration of Effects to Rail Properties within Rail Rights-of-way* (2018). Only those activities within the vicinity of the proposed bridge, tunnel, and track-lowering components of the project are being considered with regards to Section 106 consultation.

Please note the comments below are specific only to the proposed work in Pennsylvania.

Archaeological Resources

Based on the results of the Phase IA Archaeological Assessment, we agree with the recommendation that no further archaeological investigations are necessary within the project APE in Pennsylvania. For questions concerning archaeological resources, please contact Casey Hanson at (717) 772-0923 or chanson@pa.gov.

Above Ground Resources

We understand that the proposed project has been revised in Pennsylvania to eliminate the non-conventional construction method as an alternative for the Boone Tunnel location. As indicated in our letter of 7 December 2020, while we recognize that ultimately the project will result in an Adverse Effect to historic properties (Boone Tunnel), the conventional construction method ultimately minimizes the effects by allowing the existing tunnel to remain largely intact. We look forward to continued consultation with FRA and other consulting parties regarding other minimization and mitigation measures.

If you need further information concerning this review and/or future consultation, please contact Emma Diehl at emdiehl@pa.gov or (717) 787-9121.

Sincerely,

Douglas C. McLearn, Chief
Division of Environmental Review



Maryland

DEPARTMENT OF PLANNING

MARYLAND HISTORICAL TRUST

February 18, 2021

Ms. Laura Shick
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Howard Street Tunnel Project
Cultural Resources Identification and Effects Assessment in Maryland
Baltimore City, Maryland

Dear Ms. Shick,

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information for the Howard Street Tunnel Project. The Federal Railroad Administration's (FRA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. The Trust previously commented on the results of cultural resources investigations conducted for this undertaking on 2 December 2020. Based on those comments, the FRA has revised the cultural resources technical reports and updated the undertaking's effect assessment. We are writing to provide our comments and concurrence.

Archeology: Trust staff reviewed the Maryland sections of the following revised report, prepared for CSX Transportation by RK&K: *Howard Street Tunnel Project, Phase IA Archaeological Assessment Technical Report, City of Baltimore, Maryland; Wilmington, Delaware; and Philadelphia County, Pennsylvania* (Weidman et al. 2021). We appreciate the consultant's attention to addressing the comments the Trust made on the initial document and we have no further comments.

Architectural Historic Properties: Trust staff reviewed the Maryland sections of the following revised report, prepared for CSX Transportation by RK&K: *Architectural Historic Properties Identification and Effects Assessment Technical Report, City of Baltimore, Maryland; Wilmington, Delaware; and Philadelphia County, Pennsylvania* (RK&K 2021). The report includes a new Determination of Eligibility (DOE) form for one newly identified resource: the Lower Coldstream Homestead Montebello Historic District (MIHP No. B-5331). The Trust agrees that the Lower Coldstream Homestead Montebello Historic District is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and C as a representative rowhouse neighborhood within the City of Baltimore. Furthermore, our previous letter identified three additional architectural resources that we believe are eligible for NRHP listing. These properties include the Clifton Park Junior High School (MIHP No. B-5329), Darley Park (MIHP No. B-5330), and the Cannon Shoe Company (MIHP No. B-5332). We note that the FRA concurs with our NRHP eligibility recommendations for these properties and has conducted additional effects assessments on the four newly identified historic properties, as discussed below.

Revised Assessment of Effects: Four new historic properties have been identified within the undertaking's area of potential effects, for a total of twenty-one historic properties in Maryland. The Trust concurs with FRA's determination that the overall undertaking continues to have an adverse effect on historic properties. As discussed in the *Architectural Historic Properties Identification and Effects Assessment Technical Report*, the undertaking will have an **adverse effect** on the following seven (7) historic properties in Maryland:

- Howard Street Tunnel & Power House (MIHP No. B-79);
- Baltimore & Ohio Railroad Belt Line (MIHP No. B-5287);
- Rombro Building (MIHP No. B-2371);
- North Avenue Bridge (MIHP No. B-4521);
- Guilford Avenue Bridge (MIHP No. B-4526);
- Harford Road Bridge (MIHP No. B-4523); and
- Cannon Shoe Company (MIHP No. B-5332).

Resolution of Adverse Effects: The Trust looks forward to further consultation with FRA, Maryland Department of Transportation Maryland Port Administration, CSX Transportation, the PA and DE SHPOs, and other consulting parties pursuant to 36 CFR 800.6 to resolve the undertaking's adverse effect on historic properties. A draft Memorandum of Agreement (MOA) has been provided to our office for review. Our comments on the draft MOA will be sent under separate cover.

Section 4(f) de minimis Impact Determination: The Trust agrees that the undertaking will have no adverse effect on the Clifton Park Junior High School (MIHP No. B-5329). For Section 4(f) purposes, we acknowledge that the FRA intends to seek a de minimis impact determination pursuant to 23 CFR 774 for this property.

We look forward to working with your agency and other involved parties to successfully complete the preservation requirements for the proposed undertaking. If you have questions or require any assistance, please contact Beth Cole (for archeology) at beth.cole@maryland.gov or Tim Tamburrino (for the historic built environment) at tim.tamburrino@maryland.gov.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/202100135

Cc: Christeen Taniguchi (FRA)
Matthew Bray (RK&K)
Nicholas Redding (Preservation Maryland)
Johns Hopkins (Baltimore Heritage)
Eric Holcomb (CHAP)
Bradley Smith (MDOT MPA)
Timothy A. Slavin (DE SHPO)
Andrea Lowery (PA SHPO)



Maryland

DEPARTMENT OF PLANNING

MARYLAND HISTORICAL TRUST

February 18, 2021

Ms. Laura Shick
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Howard Street Tunnel Project
Cultural Resources Identification and Effects Assessment in Maryland
Baltimore City, Maryland

Dear Ms. Shick,

Thank you for providing the Maryland Historical Trust (Trust), the Maryland State Historic Preservation Office, with additional information for the Howard Street Tunnel Project. The Federal Railroad Administration's (FRA) submittal represents ongoing consultation to assess the project's effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. The Trust previously commented on the results of cultural resources investigations conducted for this undertaking on 2 December 2020. Based on those comments, the FRA has revised the cultural resources technical reports and updated the undertaking's effect assessment. We are writing to provide our comments and concurrence.

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Architectural Historic Properties: Trust staff reviewed the Maryland sections of the following revised report, prepared for CSX Transportation by RK&K: *Architectural Historic Properties Identification and Effects Assessment Technical Report, City of Baltimore, Maryland; Wilmington, Delaware; and Philadelphia County, Pennsylvania* (RK&K 2021). The report includes a new Determination of Eligibility (DOE) form for one newly identified resource: the Lower Coldstream Homestead Montebello Historic District (MIHP No. B-5331). The Trust agrees that the Lower Coldstream Homestead Montebello Historic District is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and C as a representative rowhouse neighborhood within the City of Baltimore. Furthermore, our previous letter identified three additional architectural resources that we believe are eligible for NRHP listing. These properties include the Clifton Park Junior High School (MIHP No. B-5329), Darley Park (MIHP No. B-5330), and the Cannon Shoe Company (MIHP No. B-5332). We note that the FRA concurs with our NRHP eligibility recommendations for these properties and has conducted additional effects assessments on the four newly identified historic properties, as discussed below.

Revised Assessment of Effects: Four new historic properties have been identified within the undertaking's area of potential effects, for a total of twenty-one historic properties in Maryland. The Trust concurs with FRA's determination that the overall undertaking continues to have an adverse effect on historic properties. As discussed in the *Architectural Historic Properties Identification and Effects Assessment Technical Report*, the undertaking will have an **adverse effect** on the following seven (7) historic properties in Maryland:

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- Harford Road Bridge (MIHP No. B-4523); and
- Cannon Shoe Company (MIHP No. B-5332).

Resolution of Adverse Effects: The Trust looks forward to further consultation with FRA, Maryland Department of Transportation Maryland Port Administration, CSX Transportation, the PA and DE SHPOs, and other consulting parties pursuant to 36 CFR 800.6 to resolve the undertaking's adverse effect on historic properties. A draft Memorandum of Agreement (MOA) has been provided to our office for review. Our comments on the draft MOA will be sent under separate cover.

Section 4(f) de minimis Impact Determination: The Trust agrees that the undertaking will have no adverse effect on the Clifton Park Junior High School (MIHP No. B-5329). For Section 4(f) purposes, we acknowledge that the FRA intends to seek a de minimis impact determination pursuant to 23 CFR 774 for this property.

We look forward to working with your agency and other involved parties to successfully complete the preservation requirements for the proposed undertaking. If you have questions or require any assistance, please contact Beth Cole (for archeology) at beth.cole@maryland.gov or Tim Tamburrino (for the historic built environment) at tim.tamburrino@maryland.gov.

Sincerely,



Elizabeth Hughes
Director/State Historic Preservation Officer

EH/BC/TJT/202100135

Cc: Christeen Taniguchi (FRA)
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