



ATTACHMENT 3

Cultural Resources



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

Ms. Emma Young
Architectural Historian
A.D. Marble and Co.
10989 Red Run Blvd., Suite 209
Owings Mills, MD 21117

RE: National Gateway Initiative
FR#: 09-1320-MULTI-2

Dear Ms. Young:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

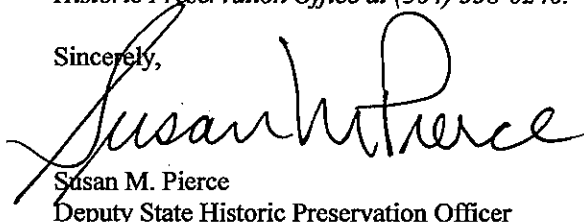
As indicated in the telephone conference on November 17, 2009, and in a subsequent meeting in our office on December 3, 2009, we remain concerned with the final appearance of the Harpers Ferry Portal, which while physically located in Maryland can be seen from West Virginia. In these meetings, we queried as to whether the entire portal could be raised. It was indicated that that is not possible as the entire portal is one piece and would be destroyed by such an endeavor. From the December 3, 2009, meeting, it is our understanding that final design plans for this portal are forthcoming. We look forward to receiving those plans and will supply further comments upon their receipt.

Archaeological Resources:

According to the submitted information, the proposed work at Graham Tunnel will involve the use of two areas in West Virginia for the disposal of excess waste material. These are located to the north of the tunnel on the northwest side of the track to the north of Highline Road and to the south of the tunnel on the southeast side of the tracks immediately across the river from the southern tunnel entrance. Our records indicate that there are no known archaeological sites in either of these areas. However, we need additional information in order to provide our comments. Please submit a copy of the appropriate USGS Topographic that shows the exact locations of the waste disposal areas. Also, please describe the type(s) of ground disturbing activities, if any, that will occur in these areas and indicate whether these are intended to be permanent or temporary waste areas. Finally, please describe any prior disturbances to these areas, if any. We will provide further comment upon receipt of this information.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Lora A. Lamarre, Senior Archaeologist, or Shirley Stewart Burns, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL/SSB



December 29, 2009

received
01-04-10

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

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EEO/AA Employer

Mr. Kenneth Stockert
Project Manager
A.D. Marble & Company
3913 Hartzdale Dr., Suite 1302
Camp Hill, PA 17011

Re: National Gateway Initiative Clearance Project
FR#: 09-1320-MU-3

Dear Mr. Stockert:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Submitted information provides determinations of eligibility for numerous resources that are within the area of potential effect (APE) for this project. Presently, you have requested our comments on these determinations of eligibility.

Submitted information includes documentation for two Winchester & Western Railroad Bridges that are already included in the National Register as contributing resources to the Baltimore & Ohio Railroad and Related Industries Historic District. In addition, it is your opinion that the following resources are eligible for inclusion in the National Register of Historic Places: the Carothers Tunnel, the Stuart Tunnel, the Randolph Tunnel and the Magnolia Cutoff of the Baltimore & Ohio Railroad. It is your opinion that the tunnels are all individually-eligible and the Magnolia Cutoff is eligible as part of the B&O line. We concur with these assessments. However, it is our opinion that while the tunnels are individually eligible, they also are contributing resources to the B&O line and any assessment of effect should take the collective adverse impacts of these resources on the rail line into consideration.

Submitted information indicates that it is your opinion that the Norfolk Southern Railroad Bridge is not eligible for inclusion in the National Register of Historic Places. While the organization that supplied the original Historic Property Inventory (HPI) form for this resource deemed it ineligible, we did not concur with this assessment. As indicated by the internal rating found at the top of the HPI form for JF-0009-0005, it is our opinion that this resource is eligible for the National Register as part of a historic district. We maintain that opinion and request that any assessment of effect address the impact to this historic resource.

We will provide additional comments as requested as your project progresses.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the review process, please contact Shirley Stewart Burns, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB



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EEO/AA Employer

Mr. Kenneth Stockert
Project Manager
A.D. Marble & Company
3913 Hartzdale Dr., Suite 1302
Camp Hill, PA 17011

Re: National Gateway Initiative Clearance Project
FR#: 09-1320-MU-6

Dear Mr. Stockert:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Submitted information provides assessment of effects for this project. Presently, you have requested our comments and concurrence regarding these assessments.

Submitted information includes assessment of effect for components associated with the Baltimore and Ohio Railroad, which is eligible for inclusion in the National Register of Historic Places under Criteria A and C as well as an assessment of effect for components of the B&O Railroad and Related Industries Historic District, which was listed in the National Register of Historic Places in 1980. This information indicates that it is your opinion that there will be an adverse effect to the National Register eligible Baltimore and Ohio Railroad due to the "physical destruction or damage to significant features along the B&O" (p. 9). Specifically, the project will result in an adverse effect to the Carother, Stuart, and Randolph Tunnels of the Magnolia Cutoff, which are individually eligible for inclusion in the National Register of Historic Places and also are considered contributing resources to the Baltimore and Ohio Railroad. Additionally, it is your opinion that the lowering of the line beneath the Norfolk Southern Railroad Bridge will not "sufficiently alter the line to detract from its overall integrity of the portion of the line that passes through West Virginia" (p. 9). We concur with these assessments.

Submitted documentation indicates that this project will result in the elevation of the superstructures of two railroad bridges that are contributing resources to the B&O Railroad and Related Industries Historic District. The elevation will be 1.5 feet at each bridge. It is your opinion that because the "project does not have the potential to alter contributing features of the historic district in a manner that would result in a lost of integrity and significance" that this aspect of the project would result in no adverse effect to the B&O Railroad and Related Industries Historic

March 22, 2010
Mr. Stockert
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District. After review of the submitted information, we concur with this assessment.

Submitted information also includes proposed mitigation for the adverse effects. This office has previously requested that the reconstructed portals of the Carothers, Stuart and Randolph tunnels include incised names and dates of the new construction in the approximate location of the existing names and dates. Mitigation proposed by your organization includes the preparation of an illustrated history of the Magnolia Cutoff with an emphasis on the historic and engineering significance of the cutoff made available on-line as well as photographic documentation. We are amenable to your suggestion of the preparation of an illustrated history of the Cutoff. We also would request that the Historic Property Inventory (HPI) forms previously submitted to us be updated as part of any mitigation measures. Photographs meeting the National Park Service (NPS) also should be part of any mitigation. We also reiterate our request to have the facade of the new portals constructed with names and dates of the new construction. It is our understanding that we will be provided the opportunity to comment on the Harpers Ferry Tunnel as it becomes available.

It is our understanding that a Memorandum of Agreement (MOA) for this project is forthcoming. We will provide additional comments upon its receipt and as requested regarding both the Harpers Ferry Tunnel project as well as the mitigation for the adverse effect occurring to components of the B&O Railroad.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the review process, please contact Shirley Stewart Burns, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,

A handwritten signature in black ink, appearing to read "Susan M. Pierce". The signature is written in a cursive style with a large, looped initial "S".

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB



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EEO/AA Employer

June 22, 2010

Mr. Kenneth Stockert
Project Manager
A.D. Marble & Company
3913 Hartzdale Dr., Suite 1302
Camp Hill, PA 17011

Re: National Gateway Initiative Clearance Project
FR#: 09-1320-MU-8

Dear Mr. Stockert:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Submitted information provides an explanation regarding the decision to *not* include the tunnel names on the proposed newly constructed portals at Carothers, Stuart and Randolph. This information indicates that CSX does not want to include the name on the tunnels for safety and trespassing reasons. It is believed that having the names incised on these tunnels would increase safety and trespassing concerns although there is no documentation provided that substantiates that this has been problematic in the past. Additionally, the estimated cost of construction of these tunnels would increase from \$25,000-\$30,000 each to \$225,000-\$250,000 each. According to submitted information, the installation of the more expensive tunnels would result in affecting rail service for "up to three days." While we cannot concur with the safety and trespassing argument surrounding the decision to not include the portals' names, especially with no proof that it has ever occurred in the past, we recognize the vast difference in cost and the desire to use mitigation funds towards measures that will have more opportunity for public use. We acquiesce with your mitigation measures as proposed, which includes recordation of the three tunnels prior to demolition and the development of a popular history on the Magnolia Cutoff to be placed on a static website and donated to various state depositories. It is our understanding that the Harpers Ferry Tunnel, which is visible to the public, will have a context sensitive design.

We will provide additional comments as your project progresses and as requested.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the review process, please contact Shirley Stewart Burns, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB



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Randall Reid-Smith, Commissioner

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EEO/AA Employer

June 24, 2010

Mr. Kenneth Stockert
Project Manager
A.D. Marble & Company
3913 Hartzdale Dr., Suite 1302
Camp Hill, PA 17011

Re: National Gateway Initiative Clearance Project
FR#: 09-1320-Multi-7

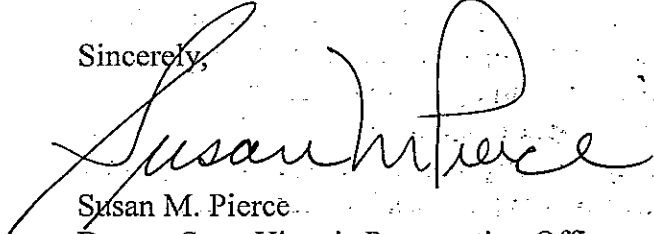
Dear Mr. Stockert:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Submitted information indicates that staging for Graham tunnel will occur in West Virginia. Two areas are proposed for placement of excess materials, one to the north of the tunnel on the northwest side of the track to the north of Highline Road and one to the south of the tunnel along the southeast side of the tracks. A search of our records indicates that there are no previously recorded archaeological resources within the areas proposed for placement of excess materials. In addition, available information indicates that the excess material will be placed in areas that have been previously disturbed. As a result, we are of the opinion that there are no archaeological resources within the areas proposed for placement of excess material that are eligible for inclusion in the National Register of Historic Places.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the review process, please contact Lora A Lamarre, Senior Archaeologist, at (304) 558-0240.*

Sincerely,


Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL