

# **Virginia Avenue Tunnel Reconstruction Project**

## **Cultural Resources MOA - Quarterly Progress Report**

**March 5, 2015 - June 5, 2015**

**June 5, 2015**

### **Work Completed this Quarter:**

#### **Status of Legal Injunctions**

- The Court denied the preliminary injunction filed by the Committee of 100 on the Federal City against the Federal Highway Administration (FHWA) and the District Department of Transportation (DDOT) on April 7, 2015.
- The Committee of 100 on the Federal City filed an emergency stay request on April 15, 2015.
- The Court denied the emergency stay on April 23, 2015.
- On May 13, 2015, the Committee of 100 on the Federal City submitted a Supplemented Motion to Alter Judgment, seeking an order from the District Court setting aside the Court's denial of the Committee's request for a preliminary injunction based on selected documents from the administrative record.
- The District Court denied the Motion to Alter Judgment on May 26, 2015.
- The U.S. Court of Appeals denied both the Committee's request for an emergency stay pending appeal and the Committee's motion for summary reversal on May 27, 2015.
- The Committee's Appeal from the District Court's denial of the preliminary injunction is proceeding in the U.S. Court of Appeals.

#### **Status of Early Project Activities**

- Noise, vibration and air quality monitoring was conducted along the project corridor between February 23, 2015 and March 8, 2015. These monitoring activities provided a baseline to compare to future levels during construction activities. Permanent monitoring stations have been installed at eight locations along the corridor and will be maintained throughout the entire construction period.
- Utility relocations within and adjacent to the existing Virginia Avenue have been initiated.
- Safety fencing and erosion and sedimentation control measures are being installed as required by construction activities.

#### **Status of Construction Damage Claims**

- No construction damage claims were received during this quarter.

#### **Meetings**

- Open House for the general public was held on April 23, 2015.

- Project coordination quarterly conference call conducted with the DC SHPO and DDOT on April 29, 2015.
- A community forum - “Coffee with Chuck” (Chuck Gullakson, CSX Vice President and Engineering Manager) – was held on May 20, 2015.

## **MOA Stipulation I - Historic Built Environment**

### **A. Identification of Additional Historic Built Environment Properties and Assessment of Project Effects**

- No additional historic built environment properties have been identified during the reporting period.

### **B. Construction Protection Plan (CPP)**

- Final CPP was submitted to DC SHPO for final review on March 16, 2015.
- Email sent on March 27, 2015 to DC SHPO to ask if they had any questions on the Final CPP revisions.
- DC SHPO left voice message on April 9, 2015 on Final CPP.
- Email sent on April 10, 2015 to provide additional clarification on the revisions to the Final CPP including the current status of the pre-construction inspections.
- DC SHPO sent an email requesting incorporation of the current status of the pre-construction inspections into the Final CPP on April 13, 2015.
- Email sent on April 14, 2015 to the DC SHPO providing the exact text and figure revisions to the Final CPP on the pre-construction inspections.
- DC SHPO approved the Final CPP on April 15, 2015, based on the April 14, 2015 email information.
- Final CPP (electronic copy) uploaded on the Virginia Avenue Tunnel (VAT) project website and the DC SHPO and consulting parties were notified by email on April 15, 2015.
- Courtesy print copies of the Final CPP were sent to the MOA signatories on April 16, 2015.

### **C. Historic American Engineering Record (HAER) Recordation of the Virginia Avenue Tunnel**

- Additional exterior HAER photographs were taken on March 17, 2015.
- The draft HAER documentation was uploaded to the Virginia Avenue Tunnel project websites and the DC SHPO and consulting parties were notified of its availability for the 30-day review by email on April 16, 2015.
- Courtesy print copies of the draft HAER documentation were sent to the MOA signatories on April 16, 2015.
- The 30-day review period for the HAER documentation ended on May 16, 2015.
- As the U.S. Marine Corps point of contact changed and the HAER documentation were re-submitted on May 12, 2015, an additional two weeks was provided for the U.S. Marine Corps review (until May 29, 2015). No additional comments were received.

### **D. Establishment of a Preservation Fund**

- CSX contacted Rebecca Miller on March 19, 2015 to let her know that she would be receiving an email for the CSX Purchasing Department with the information to submit the

DC Preservation League information on the CSX secured the pay site and that she needed to register the DC Preservation League within 2-3 business days.

- Rebecca Miller at the DC Preservation League finalized the CSX registration on April 20, 2015.
- CSX electronically transferred \$200,000 to the DC Preservation League on May 7, 2015.
- CSX sent a letter to the DC Preservation League verifying the electronic transfer of funds on May 18, 2015.

#### G. Interpretive Signage for the Virginia Avenue Tunnel

- Initiated concept discussion with DC SHPO on April 29, 2015.

#### H. Interpretive Signage for the L'Enfant Plan and Reuse of Virginia Avenue Paving

- Initiated concept discussion with DC SHPO on April 29, 2015.
- Placeholder location for interpretive signage and the paving stone area included on the landscape design drawings.

#### I. Donation and Relocation of the Virginia Avenue Tunnel Portals Stones

- The DC National Railway Historical Society submitted a letter to CSX on March 6, 2015 indicating that they would not be requesting donation on the portal stones.
- A reminder email was submitted to the other three Eligible Entities: DC Department of Parks and Recreation, National Park Service, and Friends of Garfield Park, on March 25, 2015 indicating that a written request for the portal stones needed to be received by CSX by April 1, 2015.
- The DC Department of Parks and Recreation sent an email on March 25, 2015 stating their intent to request some of the portal stone.
- Phone calls to the remaining two Eligible Entities (National Park Service, and Friends of Garfield Park) were made by the Clark/Parsons senior cultural resources specialist on April 3, 2015. A voice message was left for the National Park Service. Bill Phillips at the Friends of Garfield Park was reached. The Friends of Garfield Park had submitted their information to Andrew Lewis at the DC SHPO on March 5, 2015 and forwarded that information to Clark/Parsons on April 3, 2015.
- Email sent to DC SHPO on April 10, 2015 to provide information on the status of the requests.
- Information on the estimated number and type of portal stones available and the emails from the DC Department of Parks and Recreation on their interest in obtaining the portal stones for reuse were sent to the DC SHPO on April 13, 2015.
- Reminder emails on the June 1, 2015 deadline for the DC SHPO approved reuse plan, the quantity of stones, and the location of stone delivery were sent to the Friends of Garfield Park and the DC Department of Parks and Recreation on May 3, 2015.
- DC Department of Parks and Recreation (Brent Sisco) reiterated their interest on obtaining some of the portal stones in an email on May 13, 2015.
- Another reminder email on the June 1, 2015 deadline for the DC SHPO approved reuse plan, the quantity of stones, and the location of stone delivery was sent to the DC Department of Parks and Recreation on May 26, 2015.

- DC Department of Parks and Recreation responded in an email on June 1, 2015 that they still interested in obtaining some of the portal stones and asked when the stones would be available for reuse. The tentative schedule for portal stone removal is October 2015. DC Department of Parks and Recreation indicated that their proposed construction of two Zen gardens (with proposed reuse of the portal stones as benches) will be completed before the portal stones are available in October.

#### J. Designation of Control Point Virginia Tower

- The draft DC Inventory of Historic Sites form and the NRHP nomination form for Control Point Virginia Tower in pdf format were submitted to the DC SHPO for preliminary review on April 30, 2015.
- As the request of the DC SHPO, the NRHP nomination form in Microsoft Word and a signed Application for Historic Landmark or Historic District Designation was submitted on May 6, 2015.

#### K. Rehabilitation of Control Point Virginia Tower

- The draft Rehabilitation Plan for Control Point (CP) Virginia Tower was submitted to the DC SHPO for preliminary review on April 15, 2015.

### **MOA Stipulation II - Archaeological Stipulations**

#### A. Virginia Avenue Paving Site (52SE062)

- The DC SHPO formally concurred with the Archaeological Work Plan (AWP) on April 20, 2015.
- The AWP concurrence letter was uploaded on the VAT project website on April 20, 2015.
- The known portion of the Virginia Avenue Paving Site under the 11<sup>th</sup> Street Bridges was removed from May 6 through May 15, 2015. Approximately 4,900 paving stones, 433 smaller sidewalk stones, and brick and brick fragments were recovered.
- Additional portions of the original Belgian block paved Virginia Avenue SE were identified beyond the known boundaries of the three previously recorded archaeological site segments and extend approximately another 90 feet to 11<sup>th</sup> Street SE. Paving stones were encountered at 40 cm below ground surface near 11<sup>th</sup> Street SE.
- Because this area under the 11<sup>th</sup> Street Bridges is an active construction site and vehicles access the property from a driveway off of 11<sup>th</sup> Street SE, excavation of the expanded limits of the site would have blocked vehicle access. All further excavation ceased at that location and paving stones that were uncovered were removed. The excavation area was backfilled and the location of the edge of the existing *in situ* pavers was marked on the ground surface for future retrieval.
- DDOT personnel transported 54 pallets of paving stones (estimated at 4,150 paving stones) to their maintenance yard for storage and reuse from May 27 to June 1, 2015.
- Approximately 750 paving stones and the 433 sidewalk stones are stockpiled in New Jersey Yard for reuse in the restoration of Virginia Avenue Park. The paving stones will be reset around the interpretive signage on the L'Enfant Plan and the Paving Site, and the sidewalk stone will be incorporated in other pathways and areas in the park.

- As a result of the expanded excavation of the Virginia Avenue Paving site beyond the previously identified site boundaries and the recovery of approximately 10 times the amount of estimated paving stones, CSX submitted a letter to the DC SHPO on June 3, 2015 that it has fulfilled its Section 106 responsibilities for the recovery of the paving stones in accordance with the MOA stipulation II.A.3 and the approved AWP.
- As good stewards of the historic property, CSX will remove of the remainder of the *in situ* stones within the limits of disturbance under the 11th Street Bridges and will continue to coordinate with DDOT regarding their interest in accepting the additional paving stones and relocating them to a DDOT maintenance yard for storage.

#### B. Unanticipated Archaeological Discoveries

- Finalized the Unanticipated Archaeological Discoveries brochure, prepared the Spanish translation, and prepare the bilingual poster for the New Jersey Yard construction board.
- The two Unanticipated Archaeological Discoveries brochures were provided hard copy and electronically for insertion into the Clark/Parsons Welcome packet for all construction personnel on April 14, 2015.
- Submitted the two Unanticipated Archaeological Discoveries brochures and bilingual poster to DC SHPO on April 24, 2015 for their project files.

#### C. Unanticipated Archaeological Discoveries and Treatment of Human Remains on NPS Property

- Submitted the Archaeological Resources Protection Act (ARPA) permit to Dr. Stephen Potter, NPS National Capital Region Regional Archaeologist for review on April 1, 2015.

### **MOA Stipulation IV-Document and Deliverable Review**

#### G. Notification to Consulting Parties

- Notification of the availability of the March 2015 Quarterly Progress Report on the website was sent by email on March 5, 2015.
- A reminder email was submitted to three Eligible Entities: DC Department of Parks and Recreation, National Park Service, and Friends of Garfield Park, on March 25, 2015 indicating that a written request for the portal stones needed to be received by CSX by April 1, 2015.
- Phone calls to the remaining two Eligible Entities (National Park Service, and Friends of Garfield Park) with interest in the portal stones were made by the Clark/Parsons senior cultural resources specialist on April 3, 2015.
- Notification of the availability of the Final Construction Protection Plan and the DC SHPO concurrence email for the final plan was sent by email on April 15, 2015.
- Notification of the availability of the Draft HAER Documentation on the website was sent by email on April 16, 2015.
- Notification of the availability of the DC SHPO concurrence letter for the Archaeological Work Plan on the website was sent by email on April 20, 2015.
- Reminder emails on the June 1, 2015 deadline for the DC SHPO approved reuse plan, the quantity of stones, and the location of stone delivery were sent to the Friends of Garfield Park and the DC Department of Parks and Recreation on May 3, 2015.

- Another reminder email on the June 1, 2015 deadline for the DC SHPO approved reuse plan, the quantity of stones, and the location of stone delivery was sent to the DC Department of Parks and Recreation on May 26, 2015.

### **Anticipated Work for Next Quarter:**

#### **MOA Stipulation I - Historic Built Environment**

##### C. Historic American Engineering Record (HAER) Recordation of the Virginia Avenue Tunnel

- Submit final HAER Recordation to the DC SHPO, the Washingtoniana Room at the Martin Luther King Library, and the Washington Historical Society.

##### G. Interpretive Signage for the Virginia Avenue Tunnel

- Submit text, graphics, and sign schematic for interpretive sign to DC SHPO for preliminary review.

##### H. Interpretive Signage for the L'Enfant Plan and Reuse of Virginia Avenue Paving

- Submit text, graphics, and sign schematic for interpretive sign to DC SHPO for preliminary review.

##### J. Designation of Control Point Virginia Tower

- Submit the NRHP nomination form and DC Inventory of Historic Sites form for Control Point Virginia Tower to the MOA signatories and consulting parties for 30-day review.
- Prepare the final NRHP nomination form and DC Inventory of Historic Sites form and submit to DC SHPO.

##### K. Rehabilitation of Control Point Virginia Tower

- Submit the Rehabilitation Plan for Control Point Virginia Tower to the MOA signatories and consulting parties for 30-day review.
- Prepare the final Rehabilitation Plan for Control Point Virginia Tower and submit to DC SHPO.

#### **MOA Stipulation II - Archaeological Stipulations**

##### A. Virginia Avenue Paving Site (51SE062)

- Prepare a Determination of Eligibility for the Virginia Avenue Paving site and submit to DC SHPO for preliminary review.
- Submit the Determination of Eligibility for the Virginia Avenue Paving site to the MOA Signatories and consulting parties for the 30-day review.
- Monitor the removal of the remainder of the *in situ* paving stones within the limits of disturbance under the 11th Street Bridges and coordinate with DDOT to relocate the rest of the paving stones to a DDOT maintenance yard for storage.
- Continue to monitor all utility excavations near the intersections of 2nd, 3rd, 4th, 5th, 7th, 8th, 9th and 11th Streets SE with Virginia Avenue SE and document evidence of historic pavers.