

**SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT  
AMONG  
THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION,  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE FEDERAL TRANSIT ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

**WHEREAS**, a Programmatic Agreement regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) for the proposed Southeast High Speed Rail Project (SEHSR PA) was executed on April 12, 2016, among the Federal Railroad Administration (FRA), the Virginia State Historic Preservation Officer (Virginia SHPO), the North Carolina State Historic Preservation Officer, the Virginia Department of Rail and Public Transportation (DRPT), the North Carolina Department of Transportation, Rail Division, and the Advisory Council on Historic Preservation (ACHP); and

**WHEREAS**, a subsequent Memorandum of Agreement (MOA) regarding the Washington, D.C., to Richmond, Virginia (DC2RVA), Southeast High Speed Rail project (Project) (Department of Historic Resources [DHR] Project No. 2014-0666) was executed on July 16, 2019, among FRA, ACHP, DRPT, and the Virginia SHPO pursuant to Stipulation VIII of the SEHSR PA (2019 MOA); and

**WHEREAS**, a first amendment (First Amendment) to the 2019 MOA was executed on April 2, 2021, in order to add the Federal Highway Administration (FHWA) as an Invited Signatory due to FHWA's potential to have roles and responsibilities in the implementation of this agreement as a Lead Federal Agency; and

**WHEREAS**, the Shockoe Hill Burying Ground Historic District's (DHR Inventory No. 127-7231) was listed in the National Register of Historic Places (NRHP) on June 16, 2022 and the Shockoe Hill African Burying Ground (44HE1203) was expanded and determined to be eligible for listing in the NRHP and a contributing element to the Shockoe Hill Burying Ground Historic District after the 2019 MOA was executed, and this new information requires additional consultation among the Signatories and the Consulting Parties; and

**WHEREAS**, effective July 1, 2020, under Virginia Code Section 33.2-289 et seq., the Virginia General Assembly created the Virginia Passenger Rail Authority (Authority) which is a political subdivision of the Commonwealth of Virginia responsible for passenger rail. After approval by the Authority's Board, the Authority will assume certain passenger rail agreements from DRPT, and DRPT will assign responsibilities to previously entered agreements concerning passenger rail to the Authority. Upon assignment, the Authority

will replace DRPT as an Invited Signatory, assume DRPT's responsibilities, and notify the Signatories and Consulting Parties; and

**WHEREAS**, DRPT is currently the Lead Project Sponsor, however, the Authority, once assigned responsibilities by DRPT, will assume the role of the Lead Project Sponsor; and

**WHEREAS**, FHWA, FTA, and DRPT notified FRA that FHWA or FTA funds may be used for other portions of this rail corridor, therefore, in accordance with 36 CFR § 800.2(a)(2), FRA, FHWA, or FTA may serve as the Lead Federal Agency for Section 106 compliance for portions of this rail corridor; and

**WHEREAS**, on September 9, 2021, the Federal Transit Administration (FTA) requested in writing to become a Signatory to the MOA in accordance with Stipulation VIII of the 2019 MOA, and the Signatories agreed; and

**WHEREAS**, FHWA executed the *Programmatic Agreement Among the Federal Highway Administration, the U.S. Army Corps of Engineers, Norfolk District, the Tennessee Valley Authority, the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Officer, and the Virginia Department of Transportation Regarding Transportation Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966* (FHWA PA) on August 2, 2016 (and amended on June 23, 2021), outlining a process for consultation on its undertakings subject to Section 106 of the NHPA in Virginia and may elect to utilize the FHWA PA to fulfill its Section 106 obligations when it provides any additional funds for this undertaking and it serves as the Lead Federal Agency for a particular portion of this corridor; and

**WHEREAS**, FRA, FHWA, DRPT, the Virginia SHPO, and the ACHP acknowledge the need to enter into this Second Amendment in order to: 1) add a consultation process for assessing potential effects to the NRHP-listed Shockoe Hill Burying Ground Historic District and the expanded NRHP-eligible Shockoe Hill African Burying Ground based on new information provided by the Virginia SHPO; 2) recognize the Authority will be the assignee of responsibilities from DRPT; 3) recognize that FHWA and the FTA could be the Lead Federal Agency for other specific portions of this rail corridor in the event that either agency provides funds for construction of specific portions of the rail corridor; and 4) add a requirement that the Lead Project Sponsor prepare an annual report detailing work undertaken pursuant to the terms of this amended MOA; and

**WHEREAS**, since the execution of the 2019 MOA, none of the mitigation measures outlined in it are complete nor revised as a result of this Second Amendment; and

**WHEREAS**, none of the appendices from the 2019 MOA (Appendices A–D) have been revised as a result of this amendment; and

**WHEREAS**, FRA, in consultation with Virginia SHPO, identified additional Consulting Parties with a demonstrated interest in the Shockoe Hill Burying Ground Historic District and pursuant to 36 CFR § 800.2(c) invited them to participate in this consultation; and

**WHEREAS**, the following additional Consulting Parties accepted Consulting Party Status: Lenora McQueen (email dated April 23, 2021); Ryan Smith (email dated April 30, 2021); Stephen Thompson (email dated April 30, 2021); Daniel Mouer (email dated April 30, 2021); The Cultural Landscape Foundation (email dated May 19, 2021); the Council of Virginia Archaeologists (email dated August 4, 2021); and Sacred Ground Historical Reclamation Project (email dated October 1, 2021); and

**WHEREAS**, after notification of the First Amendment, the Monacan Indian Nation declined Consulting Party status in an email notification to FRA on April 21, 2021, but requested to be notified if: sites associated with native history may be impacted by this Project; adverse effects associated with this Project are identified; human remains are encountered during this Project; unanticipated native cultural remains are encountered during this Project; other tribes consulting on this Project cease consultation; or the Project size or scope becomes larger or more potentially destructive than currently described; and

**WHEREAS**, all Consulting Parties were provided an opportunity to review and comment on this Second Amendment for thirty (30) days starting on December 9, 2021 and are invited to sign it as a Concurring Party; and

**WHEREAS**, the Signatories and Invited Signatories agreed to add an annual reporting requirement requiring the Lead Project Sponsor to prepare an annual report detailing work undertaken pursuant to the terms of this Second Amendment. If a meeting regarding the annual report is requested, all Consulting Parties may participate; and

**WHEREAS**, Signatories, Consulting Parties, and the public can receive status updates on the Project, including the mitigation commitments required by this Second Amendment, via: [transformingrailva.com](http://transformingrailva.com). Individuals must sign up on the list serve to receive automatically generated notifications of new postings; and

**WHEREAS**, FRA, FHWA, FTA, the Lead Project Sponsor, the Virginia SHPO, and the ACHP collectively are referred to as the Signatories.

**NOW, THEREFORE**, in accordance with Stipulation X of the 2019 MOA, the Signatories agree to amend the 2019 MOA and replace it in its entirety with this Second Amendment.

## **STIPULATIONS**

FRA, FHWA, and FTA, in coordination with the Lead Project Sponsor, shall ensure that the following stipulations are carried out:

## **I. APPLICABILITY**

- A. This MOA is binding on FRA, FHWA, or FTA only to the extent that each agency is the Lead Federal Agency to an undertaking related to the construction of the Project.
- B. Notwithstanding Stipulation I.A, this MOA applies to all of the Lead Project Sponsor's activities necessary to advance the Project toward and/or through construction due to the involvement of federal undertakings which necessitate compliance with Section 106 of the NHPA, including, but not limited to, further design, acquisition of property for the Project, demolition of acquired properties, and construction that is funded with any amount of financial assistance from FRA, FHWA, FTA, federal funds, or non-federal funds.
- C. Nothing herein shall be interpreted as agreement by the Lead Project Sponsor that Section 106 applies to other projects with independent utility that use exclusively non-federal funds.
- D. Upon completion of the Authority's formation and once in operation, DRPT will assign its interest in the Project and its responsibilities under this MOA to the Authority. The Authority will notify the Signatories and Consulting Parties in writing of the assignment when the assignment is fully executed, and the Authority will assume the role of Lead Project Sponsor.

## **II. ROLES AND RESPONSIBILITIES**

- A. Lead Federal Agency
  - 1. Once funding or financial assistance is identified for a specific portion of the Project corridor, FRA, FHWA, or FTA, as appropriate, shall notify the Signatories and Consulting Parties in writing to define the Project scope and boundary, identify themselves as the Lead Federal Agency for that portion of the Project, and indicate that they will use this MOA or other agreement documents to comply with Section 106.
  - 2. If FRA, FHWA, or FTA previously concluded Section 106 consultation for a portion of the Project, FRA, FHWA, or FTA may adopt the other federal agency's previous findings and determinations by notifying the Signatories and Consulting Parties. Following adoption and notification, which can be combined with the notification in Stipulation II.A.1, FRA, FHWA, or FTA has no further requirement for Section 106 review unless the Project changes or five (5) years have passed since the conclusion of the Section 106 consultation.
  - 3. Unless otherwise specified in this MOA, FHWA, when designated the Lead Federal Agency, may conduct consultation for undertakings related to the construction of the Project pursuant to the terms of the FHWA PA.

4. The Lead Federal Agency will ensure the relevant stipulations in this MOA are implemented for their defined portion of the Project. This includes any actions related to Stipulations III, IV, VIII, IX, and XI. Additionally, if the boundaries of an adversely affected historic property extend beyond the Lead Federal Agency's portion of the Project, the Lead Federal Agency will only review mitigation deliverables relevant to the contributing elements of the historic property that fall within their defined portion of the Project.
5. FRA will be the Lead Federal Agency when no other Lead Federal Agency is identified pursuant to A.1. of this Stipulation.
6. FRA will be the Lead Federal Agency for administrative actions related to Stipulation XII Amendments, and notification requirements in Stipulation X.

#### **B. DRPT and The Virginia Passenger Rail Authority**

1. Upon the Authority and DRPT executing an assignment for this MOA, the Authority, as the Assignee of DRPT, will become responsible for implementing all stipulations for which DRPT is assigned and will assume the role of Lead Project Sponsor. Once the Authority is assigned this MOA by DRPT, the Authority will replace DRPT as an Invited Signatory and will sign as such.
2. If the Project changes or any of the agreed-upon stipulations need to be modified due to the assignment from DRPT to the Authority, then the Signatories shall amend this MOA pursuant to Stipulation XII to account for such modifications.
3. If the Project does not change and the agreed upon stipulations assigned to the Authority do not need modification, then FRA will verify that the MOA does not require amendment. No further action pursuant to Stipulation XII is necessary.
4. The Authority will notify all of the Signatories and Consulting Parties that DRPT has made an assignment to the Authority by forwarding a copy of the assignment and the Authority's executed signature page to them.

#### **C. Consulting and Concurring Parties**

Pursuant to 36 CFR § 800.6(c)(3), Consulting Parties are invited to sign this MOA as Concurring Parties, however, the refusal of any Consulting Party to concur does not invalidate or affect the effective date of this MOA. Consulting Parties who choose not to sign this MOA as a Concurring Party will continue to receive information and have an opportunity to participate in consultation as specified in this MOA.

### **III. PROJECT CHANGES AND CONTINUING CONSULTATION**

#### **A. New Information About Historic Properties**

1. Consultation for Shockoe Hill Burying Ground (DHR Inventory No. 127-7231) and Shockoe Hill African Burying Ground (44ST1203)

- a. The Signatories agree to conduct additional consultation with the Consulting Parties with an identified interest in the NRHP-listed Shockoe Hill Burying Ground Historic District and the expanded NRHP-eligible Shockoe Hill African Burying Ground (appropriate Consulting Parties) based on the June 2022 historic property boundaries of the historic district and the burying ground (Appendix E) which occurred after the original MOA was executed in 2019. The Lead Federal Agency will initiate consultation within 90 calendar days following execution of this Second Amendment to the MOA.
- b. The Lead Project Sponsor, in coordination with the Lead Federal Agency for that portion of the Project, will assess effects to the NRHP-listed Shockoe Hill Burying Ground Historic District and the NRHP-eligible Shockoe Hill African Burying Ground (Appendix E) by applying the criteria of adverse effect found at 36 CFR § 800.5(a)(1). The Lead Project Sponsor, in coordination with the Lead Federal Agency, will conduct additional consultation in accordance with Stipulation III.C.
- c. In the event that additional archaeological investigation is required within or adjacent to the boundaries of the Shockoe Hill Burying Ground Historic District and/or the Shockoe Hill African Burying Ground, the Lead Federal Agency will develop the archaeological methodology in consultation with the Virginia SHPO and appropriate Consulting Parties.

2. Other Newly Discovered Historic Properties After MOA Execution

- a. Pursuant to Stipulation VI of the SEHSR PA, the current identification of historic properties within the area of potential effect (APE) is valid for a period of five (5) years. If more than five (5) years have passed since the execution of the 2019 MOA, the Lead Project Sponsor, in coordination with the Lead Federal Agency, will re-evaluate historic properties when a project segment moves forward to right-of-way acquisition and final design.
- b. As the Project progresses, any newly discovered historic properties within the APE or newly discovered effects to historic properties will be addressed by the Lead Project Sponsor, in coordination with the Lead Federal Agency, in accordance with Stipulation III.C.
- c. Should the application of the criteria of adverse effect, consistent with 36 CFR § 800.5, result in an adverse effect not already accounted for and/or resolved in this MOA, the Lead Project Sponsor, in coordination with the Lead Federal Agency, will propose a Treatment Plan to address avoidance, minimization, and mitigation measures in accordance with Stipulation III.C.

B. Reevaluation of the APE and Effect Determinations Resulting From Project Modifications

1. In the event that there is a modification to the Project, the Lead Project Sponsor, in coordination with the Lead Federal Agency, shall apply the APE criteria established in Stipulation V of the SESHRA PA and evaluate the need to modify the APE consistent with 36 CFR § 800.4(a)(1) for that portion of the Project in order to ensure effects to historic properties are fully considered.
  2. If the Lead Federal Agency, in consultation with the Virginia SHPO, determines that the existing APE does not need to be modified, then the Lead Project Sponsor, in coordination with the Lead Federal Agency, shall:
    - a. Notify the Signatories and Consulting Parties in writing that the APE remains unchanged.
    - b. Follow the Document Review Process outlined in Stipulation III.C.2 to evaluate effects on historic properties resulting from the modification to the Project.
  3. If the Lead Federal Agency, in consultation with the Virginia SHPO, determines that the modification to the Project results in a modification to the APE, then the Lead Project Sponsor, in coordination with the Lead Federal Agency, shall:
    - a. Notify the Signatories and Consulting Parties of the change to the APE and provide them with a description of the new APE.
    - b. Follow the process described in Stipulation III.C.1, to identify and evaluate historic properties located within the redefined APE.
    - c. Follow the process described in Stipulation III.C.2, to assess effects to historic properties, both previously and newly identified, located within the redefined APE, and to resolve adverse effects if necessary.
- C. Identification, Evaluation, and Assessment of Effects and Associated Document Review Process

If further Section 106 consultation is required per any of the circumstances identified in Stipulations III.A through B, the Lead Project Sponsor, in coordination with the Lead Federal Agency, shall complete the relevant steps below. The Lead Project Sponsor, in coordination with the Lead Federal Agency, shall consult to resolve any dispute arising from Stipulation III.C pursuant to Stipulation XI.

1. Identification and Evaluation of Historic Properties: The Lead Project Sponsor shall identify historic properties in accordance with 36 CFR § 800.4 and provide Virginia SHPO and Consulting Parties an opportunity to review and comment in accordance with Stipulation III.C.3. This includes consideration of all historic properties over fifty (50) years in age within the project corridor and evaluation of resources to determine NRHP eligibility. If the Virginia SHPO disagrees with a determination of eligibility, the Lead Federal Agency will further consult and provide additional information to the Virginia SHPO in an effort to reach a

consensus. If a consensus cannot be reached, the Lead Federal Agency will obtain a determination of eligibility from the Keeper of the NRHP pursuant to 36 CFR § 800.4(c)(2).

2. Assessment of Effects:

- a. The Lead Project Sponsor, in coordination with the Lead Federal Agency, shall provide a description of historic properties, if present, and an effect finding to the Virginia SHPO and Consulting Parties for review and comment in accordance with Stipulation III.C.3. Upon Virginia SHPO concurrence with the identification of historic properties and a “No Historic Properties Affected” finding, no further consultation for that portion of the Project is required and that portion may move forward to construction. Upon Virginia SHPO concurrence, and no objection from a Consulting Party, with a “No Adverse Effect” finding, no further consultation for that portion of the Project is required and that portion may move forward to construction.
- b. Where the Lead Project Sponsor, in coordination with the Lead Federal Agency, proposes a finding of “No Adverse Effect” with conditions, it shall include in its submittal to the Virginia SHPO those conditions that would avoid adverse effects to historic properties. The Virginia SHPO and Consulting Parties shall review and comment on the finding and proposed conditions in accordance with Stipulation III.C.3. Upon Virginia SHPO concurrence, and no objections from a Consulting Party, with this finding and the proposed conditions, no further consultation for that portion of the Project is required unless otherwise needed to fulfill the proposed conditions and that portion may move forward to construction with the proposed conditions in place.
- c. Where the Lead Project Sponsor cannot avoid adverse effects to historic properties and, in coordination with the Lead Federal Agency, proposes a finding of “Adverse Effect” for a particular portion of the Project, it shall propose a Treatment Plan to address minimization and mitigation measures after finalizing the eligibility finding and assessment of effects determination. The Lead Project Sponsor, in coordination with the Lead Federal Agency, will provide the Treatment Plan to the Virginia SHPO and Consulting Parties for review and comment in accordance with Stipulation III.C.3. Should the application of the criteria of adverse effect result in an adverse effect that is already accounted for and/or resolved in this MOA, instead of developing a Treatment Plan, the Lead Project Sponsor will implement the relevant mitigation measure(s) in Stipulation IV.
- d. The use of a Treatment Plan to resolve adverse effects will negate the need to amend this MOA.
- e. A Treatment Plan for archaeological sites will include, but is not limited to, the following information:



- i. The historic property, properties, or portions of historic properties where site specific data recovery plans shall be carried out;
  - ii. The portion(s) of the historic property to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation;
  - iii. Any historic property, properties, or portions of historic properties that will be destroyed or altered without data recovery;
  - iv. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - v. The methods to be used with an explanation of their relevance to the research questions;
  - vi. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - vii. The proposed disposition of recovered materials and records;
  - viii. The proposed methods of disseminating the results of the work to the interested public; and
  - xi. A schedule for the submission of progress reports to SHPO and Consulting Parties.
- f. A Treatment Plan for all other historic properties will include, but is not limited to, the following information:
- i. Detailed descriptions of treatment measures for eligible buildings, structures, objects, landscapes, and districts that will be affected by the Project;
  - ii. Descriptions of measures to be taken to protect historic properties and to avoid further adverse effects to historic properties;
  - iii. Suggested measures to mitigate the adverse effects to historic properties;
  - iv. The proposed methods of disseminating the results of the work to the interested public; and
  - v. A schedule for the submission of progress reports to Virginia SHPO and Consulting Parties.
- g. Once the Lead Project Sponsor, in coordination with the Lead Federal Agency, finalizes the Treatment Plan, the Lead Project Sponsor shall implement the final Treatment Plan to resolve any adverse effects to the

historic property, and notify the Signatories and Consulting Parties in writing when the Treatment Plan is complete. Once complete, the Lead Project Sponsor may move forward to construction for that portion of the Project.

### 3. Document Review Process

Notwithstanding Stipulation VI, for documents prepared pursuant to Stipulation III, the parties will follow this document review process:

- a. The Lead Project Sponsor will distribute any required Section 106 consultation documentation to the Signatories and Consulting Parties for a thirty (30)-calendar-day review and comment period.
- b. After the close of the review and comment period, the Lead Project Sponsor, in coordination with the Lead Federal Agency, will provide a written summary of all comments received within the thirty (30)-calendar-day review period, as well as a response to those comments, to the Signatories and Consulting Parties. The Lead Project Sponsor in coordination with the Lead Federal Agency will conduct consultation meetings, if necessary, to address comments received.
- c. If there are no objections to an effect finding or proposed Treatment Plan within the thirty (30)-calendar-day review period provided above, then no further consultation is required, and the Lead Project Sponsor may move forward to complete the relevant mitigation measure(s) and/or construction for that portion of the Project.
- d. If an objection is made within the thirty (30)-calendar-day review period, the Lead Project Sponsor, in coordination with the Federal Agency, will notify the Signatories of the objection and consult further with the objecting party. If through further consultation, the objection cannot be resolved, the Lead Federal Agency will resolve the dispute pursuant to Stipulation XI.

## **IV. MITIGATION MEASURES FOR ADVERSELY AFFECTED HISTORIC PROPERTIES (listed north to south)**

### **A. RF&P Railroad (DHR Inventory No. 500-0001)**

1. Within one (1) year of the receipt of funding for the Project as described under Stipulation VII.C, the Lead Project Sponsor shall document, or cause to be documented through the engagement of a qualified consultant, all bridges to be removed as a result of the Project and are contributing elements to the RF&P. The Lead Project Sponsor shall prepare, or cause to be prepared, photographic documentation of each structure consistent with guidance found in “Photographic Documentation for National Park Service Basic Survey” and DHR’s “Virginia Department of Historic Resources (DHR) Photographic Documentation Requirements for Architectural Survey” (Updated 2016); and

complete a Virginia SHPO Intensive Level Survey form for each structure in the Virginia SHPO's Virginia-Cultural Resource Information System (VCRIS). The Lead Project Sponsor shall also ensure that each structure is documented in a written report. The report shall address, at a minimum, the physical description and historical context of each structure. The Lead Project Sponsor shall submit the photographs, VCRIS form, and report concurrently to the Lead Federal Agency, Virginia SHPO, property owner, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate final copies to the Signatories, Virginia SHPO, property owner, and the Virginia Museum of History & Culture, for their collections, and to the other Consulting Parties upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.

2. Within one (1) year of the receipt of funding for Project construction, as described under Stipulation VII.C, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, two (2) oral histories of past and present RF&P and/or CSX Transportation (CSX-T) employees who have extended tenures with the resource and particularly historic structures along the corridor, if such individuals are available. Interviews shall be taped, and transcriptions of the interviews shall be submitted to the Virginia SHPO, the Library of Virginia, the Virginia Museum of History & Culture, HFFI, and the Richmond History Center for their collections, and the other Consulting Parties upon written request.
3. Within four (4) years of receipt of Project construction funding as described in Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a web-based "story map" highlighting the 120 historic properties located within the Project APE. The story map shall include photographs, narratives, and mapping details of all resources (as appropriate to comply with the Archeological Resources Protection Act of 1979) digitally tied to an overall GIS-based map of the project corridor. Draft materials for the story map shall be submitted concurrently to the Lead Federal Agency, Virginia SHPO, and other Consulting Parties for review and comment, as appropriate, as described under Stipulation VI.B and C. The hosting location for the story map shall also be discussed at this time and may include one of the consulting parties or another historically focused webpage. The Lead Project Sponsor shall finalize the story map and notify the Signatories, Virginia SHPO, and the other Consulting Parties when the webpage goes live.

**B. RF&P Bridge over Occoquan River (DHR Inventory No. 500-0001-0022)**

1. Draft designs for the new bridge over the Occoquan River shall be compatible with the architectural and historic character of the existing structure and nearby historic properties. The Lead Project Sponsor shall submit draft design plans for the new bridge at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, property owner, and other Consulting

Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Bridge over Occoquan River to show proposed visual modifications.

2. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing RF&P Bridge over the Occoquan River prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>).
3. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation VII.C and concurrent with the measured drawings, the Lead Project Sponsor shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing RF&P Bridge over Occoquan River. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>) and DHR's "Virginia Department of Historic Resources (DHR) Photographic Documentation Requirements for Architectural Survey" (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the building showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show the bridge and associated railway, as well as the surrounding landscape. Overview and detail photos of the bridge shall be provided, documenting as much as possible of the engineering and construction methods for the property, including exterior elevations and detailed views of significant architectural or historical features.

4. Within six (6) months of the completion of the measured drawings and large-format photography, the Lead Project Sponsor shall prepare or cause to be prepared through the engagement of a qualified consultant, a first draft HAER Outline Format report documenting the bridge. The report shall include any archival research collated on the history of the bridge as it relates to the RF&P, a physical description of the bridge, copies of the measured drawings and large-format photographs collected as part of II.B.2 and II.B.3 above, and any additional data gathered during this process. The draft shall be submitted concurrently to the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The Lead Project Sponsor shall submit final documents to the Signatories, the Virginia SHPO, the Library of Virginia, the Virginia Museum

of History & Culture, the Fairfax County Historical Society, the Prince William Historic Society, and to the other Consulting Parties upon written request.

C. Rippon Lodge (DHR Inventory No. 076-0023)

1. The adverse effect on Rippon Lodge is caused by the installation of a new railroad bridge across Neabsco Creek. As such, draft designs for the new Neabsco Creek Bridge shall be compatible with the architectural and historic character of the existing structure and nearby historic properties. The Lead Project Sponsor shall submit draft design plans for the new bridge at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, Prince William County Department of Planning as property owner, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Neabsco Creek Bridge to show proposed visual modifications.
2. Prior to beginning construction and within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a cultural landscape study of the Neabsco Creek watershed between Rippon Lodge and the Neabsco Creek Bridge. The study shall follow the Secretary of the Interior's Standards for conducting historic landscape studies as well as applicable guidance found in NPS Bulletin #18, *How to Evaluate and Nominate Designed Historic Landscapes*, and other appropriate publications and guidance documents. The landscape study shall include, at a minimum, completing archival research on this segment of Neabsco Creek focusing on historic images and maps of this corridor and gathering spatial data on the current parameters of the waterway in this area. The data shall be used to create a contextual narrative on the evolution of the waterway over time inclusive of GIS overlays and photo documentation. The ensuing cultural landscape report shall be submitted concurrently to the Lead Federal Agency, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate final copies to the Signatories, Virginia SHPO, and Prince William County Planning Office for their collections, and to the other Consulting Parties upon written request.
3. Within one (1) year of the completion of the cultural landscape study, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign near the Rippon Lodge/Neabsco Creek vista as part of Prince William County's signage initiative program to disseminate information about the historical viewshed to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the

interpretive sign. The draft text and layout shall be submitted to the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment, and Prince William County Planning Department for review and approval, as described under Stipulation VI.B and C. If the interpretive sign text and layout are approved by William County, the Lead Project Sponsor shall produce the interpretive sign and install the panel in a location deemed suitable after consultation with the Lead Federal Agency, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate. Prince William County is under no obligation to approve the signage. If the Prince William County Planning Department does not approve the signage to be a part of their marker and signage program, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Prince William County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic viewshed to the public.

4. Within one (1) year of the completion of the cultural landscape study, the Lead Project Sponsor shall engage a qualified consultant to restore the viewshed between Rippon Lodge and the Neabsco Creek rail bridge through the removal of underbrush as depicted in Appendix D. Mature trees shall be left extant. The Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Prince William County Planning Department, and other Consulting Parties, as appropriate, on plans associated with the vegetative removal. Prince William County is under no obligation to approve the vegetative clearing. If the Prince William County Planning Department does not approve the vegetative clearing, The Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, to determine an appropriate method to restore the historic viewshed.

#### D. Civil War Campsite (site 44ST1223)

1. The Lead Project Sponsor shall avoid site 44ST1223 to the greatest extent possible. For the portions of the archaeological site that cannot be avoided, prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains. The archaeological work shall include the following components:
  - a. The Lead Project Sponsor shall develop a draft data recovery plan for the investigations and submit the plan concurrently to the Lead Federal Agency, Virginia SHPO, property owner, Fredericksburg and Spotsylvania National Military Park (NPS- Fredericksburg Division), American Battlefield Protection Program (ABPP), American Battlefield Trust (ABT), and Consulting Parties, as appropriate, for review and comment, as described under Stipulation VI.B and C. The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological*

*Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP’s publication, *Treatment of Archaeological Properties* (1980). The plan shall include:

- i. The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
  - ii. Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
  - ii. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - iv. The methods to be used with an explanation of their relevance to the research questions;
  - v. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - vi. The proposed disposition of recovered materials and records;
  - vii. Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - viii. A schedule for the submission of progress reports to the Lead Federal Agency, the Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and acceptance of a data recovery plan by the Lead Federal Agency and Virginia SHPO, DRPT shall complete or cause to be completed through the engagement of a qualified consultant all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan. The report shall meet all state standards for data recovery reports and include required components. DRPT shall submit draft copies of the ensuing report concurrently to the Lead Federal Agency, Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. Final copies of the report shall be disseminated to the Signatories, Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and Library of Virginia for their collections, and to the other Consulting Parties upon written request. A final VCRIS form and associated packet shall be given to the Virginia SHPO at this time for their archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or

cause to be produced through the engagement of a qualified consultant, a scholarly article discussing the historical and archaeological importance of this site. The Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, NPS-Fredericksburg Division, and other Consulting Parties, as appropriate, regarding the location for submittal for publication. The final publication submittal location shall be determined based on consensus of those parties involved in the consultation. The Lead Project Sponsor shall submit the article to the agreed upon publication and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that the Lead Project Sponsor shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.

3. Within one (1) year of the completion of the archaeological report, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign in a location deemed appropriate by NPS-Fredericksburg Division as part of their signage initiative program to disseminate information about Civil War camps to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, NPS-Fredericksburg Division, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment, and NPS-Fredericksburg Division for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by NPS-Fredericksburg Division, the Lead Project Sponsor shall produce the interpretive sign and install it. NPS-Fredericksburg Division is under no obligation to approve the interpretive sign. If NPS-Fredericksburg Division does not approve the interpretive sign to be a part of their marker and signage program, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic site to the public.

E. Rappahannock River Railroad Bridge and Structures/Platform (DHR Inventory No. 111-0132-0025)

1. Draft designs for the new Rappahannock River Bridge, associated structures in downtown Fredericksburg, and new platform shall be compatible with the architectural and historic character of the existing structure and nearby historic properties and meet the guidelines set forth for new construction in the Old and Historic Fredericksburg District, under the auspice of the Fredericksburg Architectural Review Board (ARB). The Lead Project Sponsor shall submit draft design plans for the new bridge at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, property owner, and other Consulting Parties, as appropriate, for review and comment as described



under Stipulation VI.B and C. The design packet shall include a set of bridge plans and elevations, as well as a schematic showing the proposed bridge design in relation to the existing Rappahannock River Railroad Bridge and Structures/Platform to show proposed visual modifications.

2. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing bridge, structures, and platform prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>).
3. Within one (1) year of the receipt of funding for Project construction in this segment as described under Stipulation VII.C and concurrent with the measured drawings, the Lead Project Sponsor shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing Rappahannock River Railroad Bridge and Structures/Platform. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>) and DHR's "Virginia Department of Historic Resources (DHR) Photographic Documentation Requirements for Architectural Survey" (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the bridge showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show the bridge and associated railway, structures within downtown Fredericksburg, and extant platform, as well as the surrounding landscape. Overview and detail photos of the bridge and other elements shall be provided, documenting as much as possible of the engineering and construction methods for the property including exterior elevations and detailed views of significant architectural or historical features.

4. Prior to beginning construction and within four (4) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a cultural landscape study of the Rappahannock River watershed and historic transportation crossings within the City of Fredericksburg, bounded by the Blue/Grey Parkway bridge on the south and Hawke Street on the north. The cultural landscape study shall follow the Secretary of the Interior's Standards for conducting historic landscape studies as well as applicable guidance found in NPS Bulletin #18, *How to Evaluate and Nominate Designed Historic Landscapes*, and other appropriate publications and

guidance documents. The cultural landscape study shall include, at a minimum, completing archival research on this segment of the Rappahannock River focusing on historic images and maps of this corridor, recording historic transportation crossings in this area including bridges and ferries, and gathering spatial data on the current parameters of the waterway in this area. In addition, the work shall document the extant railroad bridge crossing as an iconic vista in various cultural media in the twentieth century. The data shall be used to create a contextual narrative on the evolution of the waterway over time inclusive of GIS overlays and photo documentation. The cultural landscape study shall also include copies of the measured drawings and photographs as collected during tasks II.E.2 and II.E.3 above. The ensuing cultural landscape study shall be submitted concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate final copies to the Signatories, Virginia SHPO, City of Fredericksburg, Central Rappahannock Regional Library, and HFFI for their collections, and to the other Consulting Parties upon written request. Full-sized copies of the measured drawings and large-format photographs will also be placed on file with the Virginia SHPO and Central Rappahannock Regional Library.

F. Bridge/Marye's Mill (site 44SP0187), Block 49/Train Station (site 44SP0688), and Block 48/Train Station (site 44SP0687)

1. These three (3) sites (44SP0187, 44SP0688, and 44SP0687) are all located within three (3) adjacent blocks in downtown Fredericksburg. The Lead Project Sponsor shall avoid, to the greatest extent possible, all three (3) sites. For the portions of the archaeological sites that cannot be avoided and where appropriate, prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays at each site (as appropriate) followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains. The archaeological work at all three sites shall include the following components:
  - a. The Lead Project Sponsor shall develop a separate draft data recovery plan per site for the investigations and submit the plan concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). Each plan shall include:

- i. The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
  - ii. Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
  - iii. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - iv. The methods to be used with an explanation of their relevance to the research questions;
  - v. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - vi. The proposed disposition of recovered materials and records;
  - vii. Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - viii. A schedule for the submission of progress reports to the Lead Federal Agency, Virginia SHPO, the City of Fredericksburg, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and acceptance of the three (3) data recovery plans by the Lead Federal Agency and Virginia SHPO, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan at each site. Depending on the approved data recovery plan, one (1) report containing data on all three (3) excavations may be produced, or three separate documents may be completed. In either case, the report(s) shall meet all state standards for data recovery reports and include required components. DRTP shall submit draft copies of the ensuing report concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. Final copies of the report shall be disseminated to the Signatories, Virginia SHPO, City of Fredericksburg, Central Rappahannock Regional Library, and Library of Virginia for their collections, and to the other Consulting Parties upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, a

cohesive scholarly article discussing the historical and archaeological importance of these three (3) sites. The Lead Federal Agency, the Lead Project Sponsor, Virginia SHPO, City of Fredericksburg, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. The Lead Project Sponsor shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that the Lead Project Sponsor shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.

3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the archaeological studies on these three sites, preferably to be presented in the City of Fredericksburg. This lecture shall be advertised in the Fredericksburg area and the surrounding region.
4. Within one (1) year of completion of the new passenger facility in Fredericksburg associated with this project, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign near the passenger facility as part of the City of Fredericksburg's signage initiative program to disseminate information to the general public about the history of this area and the archaeological studies completed at sites 44SP0187, 44SP0688, and 44SP0687. In consultation with the Lead Federal Agency, Virginia SHPO, the City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to the Lead Federal Agency, Virginia SHPO, HFFI, and other Consulting Parties, as appropriate, for review and comment, and City of Fredericksburg for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by City of Fredericksburg, the Lead Project Sponsor shall produce the interpretive sign and install it. The City of Fredericksburg is under no obligation to approve the interpretive sign. If the City of Fredericksburg does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, HFFI, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.
5. Within one (1) year of completion of the new passenger facility in Fredericksburg associated with this project, the Lead Project Sponsor shall fund the fabrication and installation of a museum exhibit within the passenger facility

to disseminate information to the general public about the history of this area and the archaeological studies completed at sites 44SP0187, 44SP0688, and 44SP0687. In consultation with the Lead Federal Agency, Virginia SHPO, the City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the exhibit. The draft text and layout shall be submitted to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. Six (6) months after finalizing the text and layout for the exhibit, the Lead Project Sponsor shall produce and install the exhibit within the station.

G. Fredericksburg Historic District (DHR Inventory No. 111-0132)

1. Draft designs for the new parking deck in downtown Fredericksburg shall be compatible with the architectural and historic character of the surrounding historic district and meet the guidelines set forth for new construction in the Old and Historic Fredericksburg District, under the auspice of the Fredericksburg ARB. The Lead Project Sponsor shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, Fredericksburg Architectural Review Board, HFFI, and the other Consulting Parties for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the surrounding historic district to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created, a historic context on the evolution of the rail system in downtown Fredericksburg. This includes acquiring archival data on the establishment of and modifications to the rail line between the Rappahannock River and Hazel Run. The data obtained during the research shall be compiled into a report. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report to the Signatories, Virginia SHPO, City of Fredericksburg, HFFI, Central Rappahannock Regional Library, and Library of Virginia; and to public libraries and historical societies for their collections and to the other Consulting Parties upon written request.
3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the contextual study on the evolution of the railroad in Fredericksburg, preferably to be presented in

the city. This lecture shall be advertised in the Fredericksburg area and the surrounding region.

4. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the public presentation, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, to find an appropriate website, such as the Local History page of the Central Rappahannock Regional Library, to host an abbreviated narrative on the history of the railroad in Fredericksburg, as well as details of the Project. The Lead Project Sponsor shall request that the identified website host the contents for a minimum of two (2) years. If no website host can be identified, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, to identify another means to disseminate the abbreviated narrative to the public. The Lead Project Sponsor shall submit a draft of the webpage content concurrently to the Lead Federal Agency, Virginia SHPO, City of Fredericksburg, HFFI, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C.

#### H. Earthwork/ Jackson's Earthwork (site 44SP0468)

1. The Lead Project Sponsor shall, to the extent possible, avoid site 44SP0468. For the portions of the archaeological site that cannot be avoided, the Lead Project Sponsor shall conduct an intensive pedestrian survey with mapping of all visible surface features and GIS map overlays followed by Phase III archaeological data recovery in areas with the potential for intact subsurface remains prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation VII.C. The archaeological work shall include the following components:
  - a. The Lead Project Sponsor shall develop a draft data recovery plan for the investigations and submit the plan concurrently to the Lead Federal Agency and Virginia SHPO for review and approval, and to the property owner, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). The plan shall include:
    - i. The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
    - ii. Any property, properties, or portions of properties that will be destroyed or altered without data recovery;

- iii. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - iv. The methods to be used with an explanation of their relevance to the research questions;
  - v. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - vi. The proposed disposition of recovered materials and records;
  - vii. Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - viii. A schedule for the submission of progress reports to the Lead Federal Agency, the Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and approval of a data recovery plan by the Lead Federal Agency and Virginia SHPO, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, all pedestrian survey, mapping, GIS overlays, and archaeological excavation described in the recovery plan. The report shall meet all state standards for data recovery reports and include required components. The Lead Project Sponsor shall submit draft copies of the ensuing report concurrently to the Lead Federal Agency, Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. Final copies of the report shall be disseminated to the Signatories, Virginia SHPO, property owner, NPS-Fredericksburg Division, ABPP, ABT, and Library of Virginia for their collections, and to other Consulting Parties upon written request. The Lead Project Sponsor will give to the Virginia SHPO a final VCRIS form and associated packet for DHR's archives.
2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, a scholarly article discussing the historical and archaeological importance of this site. The Lead Federal Agency, the Lead Project Sponsor, Virginia SHPO, NPS-Fredericksburg Division, ABPP, ABT, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. The Lead Project Sponsor shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that

may be taken by the publisher once the article is submitted and accepted or declined, except that the Lead Project Sponsor shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.

3. Within one (1) year of the completion of the archaeological report, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign in a location deemed appropriate by the NPS-Fredericksburg Division as part of their signage initiative program to disseminate information about Civil War camps to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, NPS-Fredericksburg Division, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to the Lead Federal Agency, Virginia SHPO, and other Consulting Parties, as appropriate, for review and comment; and to NPS-Fredericksburg Division for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by NPS-Fredericksburg Division, the Lead Project Sponsor shall produce and install the interpretive sign. NPS-Fredericksburg Division is under no obligation to approve the signage. If the NPS-Fredericksburg Division does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, NPS-Fredericksburg Division, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic site to the public.

I. Doswell Historic District (DHR Inventory No. 042-5448)

1. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, a NRHP nomination form for the historic district. The Lead Project Sponsor shall submit the draft nomination form concurrently to the Lead Federal Agency, Hanover County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C; and to Virginia SHPO for review and approval pursuant to the agency's established procedures and regulations for the Register Program. the Lead Project Sponsor shall submit the final draft of the NRHP nomination to Virginia SHPO for listing to the NRHP as prescribed by the agency's established procedures and regulations for the Register Program. The Lead Project Sponsor shall have no other obligations with respect to any actions that may be taken by Hanover County, the property owners, the Virginia SHPO, or any other entity relating to the nomination of the property to the NRHP. The Virginia Board of Historic Resources is under no obligation to approve the nomination for listing to the NRHP.



2. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the NRHP nomination, the Lead Project Sponsor shall fund the fabrication and installation of a Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1–2202, 10.1–2204, and 10.1–2209, which govern the State Historical Highway Markers Program, to be located within the Doswell Historic District to disseminate information about the history of Doswell to the general public. The historical highway marker shall summarize the historical significance of the Town of Doswell and the related railroad history in this area. In consultation with the Lead Federal Agency, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared, draft text for the state historical highway marker. The Lead Project Sponsor shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency’s established procedures and regulations for the State Historical Highway Markers Program; and to Hanover County and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Virginia SHPO shall then perform its respective role, as prescribed by the agency's established procedures and regulations for the Virginia State Historical Highway Markers Program.

The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, the Lead Project Sponsor shall request that the Virginia Department of Transportation (VDOT) install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the Doswell Historic District to the public.

3. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the marker, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Hanover County, Hanover County Historical Commission, and other Consulting Parties to find an appropriate website, such as Hanover’s Historic Places page of the Hanover County Historical Society’s webpage (<https://hanoverhistorical.org/places.html>), to host an abbreviated narrative on the history of Doswell, as well as details of the Project. The Lead Project Sponsor shall request that the identified website host the contents for a minimum of two (2) years. If no website host can be identified, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Hanover County, and other Consulting Parties to identify another means to disseminate the abbreviated narrative to the public. The Lead Project Sponsor shall submit a

draft of the webpage content concurrently to the Lead Federal Agency, Virginia SHPO, Hanover County, Hanover County Historical Commission, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VII.B and C.

J. Doswell Depot and Tower (DHR Inventory No. 042-0093)

1. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, measured drawings of the existing depot and tower prior to any alterations. The drawings shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<https://www.nps.gov/hdp/standards/index.htm>). Copies of the drawings will be archived at the Virginia SHPO and the Hanover County Department of Planning.
2. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the measured drawings, the Lead Project Sponsor shall engage a professional photographer with experience in preparing large-format, black-and-white, archival-quality photographic documentation for HAER and HAER-type documentation projects to complete large-format photographs of the existing depot and tower. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<https://www.nps.gov/hdp/standards/index.htm>) and DHR's "Virginia Department of Historic Resources (DHR) Photographic Documentation Requirements for Architectural Survey" (Updated 2016). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the building showing the location and direction of the photographs (key to photos) shall be included.

Photographic views shall show both the depot and the tower, as well as the surrounding landscape. Overview and detail photos of the depot, tower, and other elements shall be provided, documenting as much as possible of the engineering and construction methods for the property including exterior elevations and detailed views of significant architectural or historical features. Copies of the photographs will be archived at the Virginia SHPO and the Hanover County Department of Planning.

3. Prior to construction of the Project in this area and after the measured drawings and HAER photographic documentation is completed, the Lead Project Sponsor shall employ a qualified structural engineer with demonstrated experience working with historic properties to carefully move the tower. The tower shall be installed outside of the Project limits of disturbance using the Secretary of the Interior's Standards for Reconstruction and NPS Preservation Briefs, Technical Notes, and other relevant guidance and accepted historic preservation practices,

as appropriate. The Lead Project Sponsor shall consult on the final location of the tower with the Lead Federal Agency, Virginia SHPO, Hanover County, property owners, and other Consulting Parties, as appropriate, prior to moving the historic building.

4. Within two (2) years of the receipt of funding for Project construction in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign near either the depot or the moved tower as part of Hanover County's signage initiative program to disseminate information about the history of the railroad in this area, the Project, and the process to move the tower to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, Hanover County, the property owners, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared through the engagement of a qualified consultant, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign, shall be submitted to the Lead Federal Agency, Virginia SHPO, the property owners, and other Consulting Parties, as appropriate, for review and comment; and Hanover County for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by Hanover County, the Lead Project Sponsor shall produce the interpretive sign and install it. Hanover County is under no obligation to approve the interpretive sign. If Hanover County does not approve the signage to be a part of their marker and signage program or if a suitable location for placement cannot be found, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Hanover County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

K. Berkleytown Historic District (DHR Inventory No. 166-5073)

1. Draft designs for the new structural overpass of Archie Cannon Road shall be compatible with the architectural and historic character of the adjacent historic district and comply with all applicable Town of Ashland design standards. The Lead Project Sponsor shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, Town of Ashland, Ashland Museum, and the other Consulting Parties for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the adjacent historic district to show proposed visual modifications.
2. Within one (1) year of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, two (2) oral histories of individuals with an extended tenure living and/or working within the Berkleytown Historic District and are knowledgeable

of the history and evolution of the area, to include area residents, town staff, or members of the Ashland Museum, among others. Interviews shall be taped, and transcriptions of the interviews shall be submitted to the Signatories, Virginia SHPO, Town of Ashland, Ashland Museum, and the Library of Virginia for their collections, and the other Consulting Parties upon written request.

3. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, a NRHP nomination form for the historic district. The Lead Project Sponsor shall submit the draft nomination form concurrently to the Lead Federal Agency, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C; and to the Virginia SHPO for review and approval pursuant to the agency's established procedures and regulations for the Register Program. The Lead Project Sponsor shall submit the final draft of the NRHP nomination to Virginia SHPO for listing to the NRHP as prescribed by the agency's established procedures and regulations for the Register Program. The Lead Project Sponsor shall have no other obligations with respect to any actions that may be taken by the Town of Ashland, the property owners, the Virginia SHPO, or any other entity relating to the nomination of the property to the NRHP. The Virginia Board of Historic Resources is under no obligation to approve the nomination for listing to the NRHP.
4. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the NRHP nomination, the Lead Project Sponsor shall fund the fabrication and installation of a Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1-2202, 10.1-2204, and 10.1-2209, which govern the State Historical Highway Markers Program, to be located within the Berkleytown Historic District to disseminate information about the history of Berkleytown to the general public. The historical highway marker shall summarize the historical significance of the community. In consultation with the Lead Federal Agency, Virginia SHPO, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared, draft text for the state historical highway marker. The Lead Project Sponsor shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency's established procedures and regulations for the State Historical Highway Markers Program, and to the Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Virginia SHPO shall then perform its respective role, as prescribed by the agency's established procedures and regulations for the Virginia State Historical Highway Marker Program.

The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic

Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, the Lead Project Sponsor shall request that VDOT install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, the Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the Berkleytown Historic District to the public.

5. Within two (2) years of the receipt of funding for Project construction in this segment, as described under Stipulation VII.C and concurrent with the NRHP nomination, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a qualified consultant, narrative text associated with a walking tour of the historic district. Text is to be completed in partnership with the Ashland Museum. The Lead Project Sponsor shall submit the draft walking tour text concurrently to the Lead Federal Agency, Virginia SHPO, Town of Ashland, Ashland Museum, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall submit the final draft of the walking tour text to the Town of Ashland to use if it so chooses, and in a manner it deems appropriate. The Lead Project Sponsor shall have no other obligations with respect to any actions that may be taken by the Town of Ashland, the Ashland Museum, the property owners, the Virginia SHPO, or any other entity relating to the walking tour.

L. Laurel Industrial School Historic District (DHR Inventory No. 043-0292) and Main Building/Robert Stiles Building (DHR Inventory No. 043-0292-0001)

1. Draft designs for the new structural overpass of Hungary Road shall be compatible with the architectural and historic character of the adjacent historic district and nearby historic properties and comply with all applicable City of Richmond design standards. The Lead Project Sponsor shall submit draft design plans for the new structure at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the adjacent historic district and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a historic context on late-nineteenth/early-twentieth century reform schools in Central Virginia. This includes acquiring archival data on the Laurel Industrial School Historic District and other similar institutions in central Virginia, completing an

abbreviated architectural study of nearby, extant facilities that functioned in a similar capacity, and briefly identifying comparable facilities in other parts of the state for contextual analysis. The data obtained during the research shall be compiled into a report. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report to the Signatories, Virginia SHPO, Henrico County, and Library of Virginia; and public libraries and historical societies for their collections and to the other Consulting Parties upon written request. If appropriate, the Lead Project Sponsor shall provide final VCRIS forms and associated packet to the Virginia SHPO at this time for their archives related to any facilities documented as part of this research that are not currently in their records.

3. As part of the contextual research completed above, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a historic map and aerial study of the Laurel Industrial School Historic District and surrounding area. A series of georeferenced, GIS-based overlays shall be created to illustrate the evolution of the landscape and road system in this area. The resulting documents shall include a series of illustrations and an accompanying narrative describing the history of the road system and landscape near the intersection of Hungary Road and the railroad. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report and associated digital data to the Signatories, Virginia SHPO, Henrico County, and Library of Virginia; and public libraries and historical societies for their collections and to the other Consulting Parties upon written request.
4. Within four (4) years of the receipt of funding for Project construction in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign near the Main Building/Robert Stiles Building as part of Hanover County's signage initiative program to disseminate information about the history of the surrounding historic district, the Main Building/Robert Stiles Building, and association of this area with the railroad to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, Henrico County, the property owner, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared, draft text and layout for the interpretive sign. The draft text and layout and proposed location for placement of the interpretive sign shall be submitted to the Lead Federal Agency, Virginia SHPO, the property owner, and other Consulting Parties, as appropriate, for review and comment; and to Henrico County for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by Henrico County, the Lead Project Sponsor shall produce the interpretive sign and install it. Henrico County is under no obligation to approve

the interpretive sign. If Henrico County does not approve the interpretive sign to be a part of their marker and signage program or if a suitable location for placement cannot be found, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, Henrico County, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

M. Shockoe Valley & Tobacco Row Historic District (DHR Inventory No. 127-0344)

1. Draft designs for the platform and other structural changes to Main Street Station and the surrounding rail facilities in Shockoe Bottom shall be compatible with the architectural and historic character of the surrounding historic district and meet the guidelines set forth in the City Old and Historic District, under the auspice of the Richmond Commission of Architectural Review. The Lead Project Sponsor shall submit draft design plans for the new platform and other structural changes at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, National Trust for Historic Preservation (NTHP), and Consulting Parties for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the surrounding historic district and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a historic context on the association of the RF&P railroad, the downtown Richmond segment of the Virginia Central Railroad, and other precursors of the Chesapeake and Ohio/Seaboard Railroad with the slave trade in Virginia. This includes acquiring archival data on the establishment and proliferation of the slave trade in Shockoe Bottom and associated activities between Richmond and Washington, D.C., along the rail lines, as well as gathering reconnaissance-level data on any extant buildings or known archaeological sites along the rail corridor between Washington, D.C., and Richmond that have an association with the slave trade. The task shall also include community engagement and ethnographic research regarding the significance of the slave trade in Shockoe Bottom and surrounding district to the descendent community. The Lead Project Sponsor or its consultants, as applicable, shall consult with Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and Consulting Parties, as appropriate, to identify community members to include in such ethnographic research. The data obtained during all phases of research shall be compiled into a report and georeferenced on modern aerial maps to create a series of GIS-based overlays. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO,

City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report to the Signatories, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties upon written request. The digital data obtained as part of this process shall also be disseminated to the Signatories, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, Library of Virginia, and to other groups who have an interest in this topic upon written request, provided that the dissemination meets the requirements set forth in the Archeological Resources Protection Act.

3. Within four (4) years of receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the contextual study on the association of the RF&P and associated railroads and the slave trade, preferably to be presented in Richmond. The exact time and location will be determined based on consultation with Consulting Parties, with a goal of maximizing opportunities for public attendance. This lecture shall be advertised in Richmond, Fredericksburg, Alexandria, and other areas highlighted in the research.
4. Within four (4) years of funding in this segment as described in Stipulation VII.C and concurrent with the preparation of the RF&P and associated railroads and slave trade context, the Lead Project Sponsor shall fund the fabrication and installation of a Virginia state historical highway marker, in accordance with Va. Code Ann. §§ 10.1–2202, 10.1–2204, and 10.1–2209, which govern the State Historical Highway Markers Program, to be located near the site of Lumpkin’s Jail/Devil’s Half Acre (site 44HE1053) to disseminate information about the site, the nearby Burial Ground for Negros (site 44HE1089), and the associated slave trade in this area to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared, draft text for the state historical highway marker. The Lead Project Sponsor shall submit the draft text for the state historical highway marker to the Virginia SHPO historical highway marker program for review and approval pursuant to the agency’s established procedures and regulations for the State Historical Highway Markers Program; and to the City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Virginia SHPO shall then perform its



respective role, as prescribed by the agency's established procedures for the Virginia State Historical Highway Markers Program.

The Virginia Board of Historic Resources is under no obligation, and nothing in this MOA should be construed to require the Virginia Board of Historic Resources, to approve the state historical highway marker. If the Virginia Board of Historic Resources approves the state historical highway marker, the Lead Project Sponsor shall request that VDOT install the state historical highway marker within six (6) months after its approval. The VDOT is under no obligation to accept this request. If the Virginia Board of Historic Resources does not approve the state historical highway marker, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the slave trade and associated sites of significance in this area to the public.

5. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C and concurrent with the context preparation, the Lead Project Sponsor shall work with the City of Richmond, City of Richmond Planning and Preservation Division, Virginia SHPO, Historic Richmond Foundation, Preservation Virginia, NTHP, and Consulting Parties, as appropriate, to establish boundaries for a potential historic district (or other appropriate historic resource type) that encompasses resources associated with the slave trade in Shockoe Bottom. The geographic data shall be added to the ongoing historic district research completed by the Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, and others on file at the Virginia SHPO office. The Lead Project Sponsor shall submit a draft boundary and any other pertinent data concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final boundary and other pertinent data to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and the other Consulting Parties upon written request. The digital data obtained as part of this process will also be used to update the Virginia SHPO online site database provided that the dissemination meets the requirements set forth in the Archeological Resources Protection Act.

N. Main Street Station Parking Lot/Railroad (site 44HE1098), Railroad Warehouse (44HE1097), and Warehouse (site 44HE1094)

1. These three (3) sites are all located within two (2) adjacent blocks in Shockoe Bottom. The Lead Project Sponsor shall avoid all three (3) sites (44HE1098, 44HE1097, and 44HE1094) where possible. For the portions of the

archaeological sites that cannot be avoided and where appropriate, the Lead Project Sponsor shall conduct Phase III archaeological data recovery in areas with the potential for intact subsurface remains prior to ground disturbing activities and within two (2) years of receipt of Project construction funding in this segment as described under Stipulation VII.C. The archaeological work at all three (3) sites shall include the following components:

- a. The Lead Project Sponsor shall develop a separate draft data recovery plan per site for the investigations and submit the plan concurrently to the Lead Federal Agency and Virginia SHPO for review and approval, and to the City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The plan shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 Fed. Reg. 44734–37, September 29, 1983) and take into account ACHP's publication, *Treatment of Archaeological Properties* (1980). Each plan shall include:
  - i. The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
  - ii. Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
  - iii. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - iv. The methods to be used with an explanation of their relevance to the research questions;
  - v. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
  - vi. The proposed disposition of recovered materials and records;
  - vii. Proposed methods of disseminating the results of the work to interested individuals and/or organizations who have expressed an interest in the data recovery; and
  - viii. A schedule for the submission of progress reports to the Lead Federal Agency, Virginia SHPO, City of Richmond, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate.
- b. Upon revision of the plan and approval of the three (3) data recovery plans by the Lead Federal Agency and Virginia SHPO, the Lead Project Sponsor shall complete, or cause to be completed through the engagement of a

qualified consultant, all GIS overlays and archaeological excavation described in the recovery plan at each site. Depending on the approved data recovery plan, one (1) report containing data on all three (3) excavations may be produced, or three (3) separate documents may be completed. In either case, the report(s) shall meet all state standards for data recovery reports and include required components. The Lead Project Sponsor shall submit draft copies of the ensuing report concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties for review and comment as described under Stipulation VI.B and C. Final copies of the report shall be disseminated to the Signatories, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and Library of Virginia for their collections, and to other Consulting Parties upon written request. Final VCRIS forms and associated packets will be given to the Virginia SHPO at this time for their archives.

2. Using the information gathered during the mapping and data recovery, within four (4) years of the receipt of Project construction funding in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall produce, or cause to be produced through the engagement of a qualified consultant, a cohesive scholarly article discussing the historical and archaeological importance of these three sites. The Lead Federal Agency, the Lead Project Sponsor, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, shall discuss the location for submittal for publication, and the final publication submittal location shall be determined based on consensus of involved parties. The Lead Project Sponsor shall submit the article to the agreed upon location and shall have no other obligations with respect to any actions that may be taken by the publisher once the article is submitted and accepted or declined, except that the Lead Project Sponsor shall undertake any revisions or provide other assistance requested by the publisher if the article is accepted for publication.
3. Within three (3) years of receipt of funding for Project construction in this segment, as described under Stipulation VII.C, the Lead Project Sponsor shall provide, or cause to be provided through the engagement of a qualified consultant, a lecture for the general public on the results of the archaeological studies on these three (3) sites, preferably to be presented in the City of Richmond. This lecture shall be advertised in the Richmond area and the surrounding region.
4. Within three (3) years of the receipt of funding for Project construction in this segment as described under Stipulation VII.C, the Lead Project Sponsor shall fund the fabrication and installation of an interpretive sign within or near Main Street Station as part of station's interior design or exterior landscaping to

disseminate information about the history of this area and the archaeological studies completed at sites 44HE1098, 44HE1097, and 44HE1094 to the general public. In consultation with the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, property owner, and other Consulting Parties, as appropriate, the Lead Project Sponsor shall prepare, or cause to be prepared, draft text and layout for the interpretive sign. The draft text, layout, and proposed location for placement of the interpretive sign shall be submitted to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment; and owners and managers of Main Street Station for review and approval, as described under Stipulation VI.B and C. Within six (6) months after the interpretive sign text, layout, and location are approved by the owners and managers of Main Street Station, the Lead Project Sponsor shall produce the interpretive sign and install it. The owners and managers of Main Street Station are under no obligation to approve the interpretive sign. If the owners and managers of Main Street Station do not approve the signage to be a part of their facility or if a suitable location for placement cannot be found, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, to determine an appropriate method to interpret the historic properties to the public.

O. Main Street Station and Trainshed (DHR Inventory No. 127-0172)

1. Draft designs for platform modifications to Main Street Station and Trainshed shall be compatible with the architectural and historic character of the building and nearby historic properties and meet the guidelines set forth in the City Old and Historic District, under the auspice of the Richmond Commission of Architectural Review. The Lead Project Sponsor shall submit draft design plans for modifications at the schematic, 30%, 65%, and 90% stages concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed platform structure design in relation to the building and nearby historic properties to show proposed visual modifications.
2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a historic context on the evolution of the rail system in downtown Richmond. This includes acquiring archival data on the establishment of and modifications to the earliest

rail lines in the city, development of the RF&P rail line and other nineteenth-century rail lines downtown, creation of the Atlantic Coast Line Railroad and the Seaboard Air Line Railroad, and the physical impacts of the different lines on downtown Richmond, including buildings, structures, and landscapes that represent this evolution. The data obtained during the research shall be compiled into a report. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report to the Signatories, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and Library of Virginia; and public libraries and historical societies for their collections and to the other Consulting Parties upon written request.

3. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C and upon completion of the context, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, an abbreviated narrative on the history of the railroad in Richmond with accompanying visuals, as well as details of the Project, and post the document on a webpage deemed appropriate for the subject matter, such as the Online Exhibits page of the Valentine Museum's webpage (<https://thevalentine.org/exhibitions/online/>). The data can be uploaded as a stand-alone webpage or as a downloadable .pdf. The data shall remain on their webpage for a minimum of two (2) years. The Lead Project Sponsor shall submit a draft of the webpage content concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, The Valentine Museum, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final webpage to The Valentine for their placement on the webpage. The Valentine Museum is under no obligation to approve the webpage. If the Valentine Museum does not approve the webpage content to be a part of their digital programming, the Lead Project Sponsor shall consult with the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, to determine an appropriate method to disseminate this data to the public.

P. Seaboard Air Line Railroad Corridor (DHR Inventory No. 127-6271)

1. Draft designs for modifications to contributing resources to the Seaboard Air Line Railroad Corridor shall be compatible with the architectural and historic character of the rail corridor and any applicable design standards for their respective localities. The Lead Project Sponsor shall submit draft design plans for modifications at the schematic, 30%, 65%, and 90% stages concurrently to

the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The design packet shall include a set of structure plans and elevations, as well as a schematic showing the proposed structure design in relation to the building and nearby historic properties to show proposed visual modifications.

2. Within four (4) years of receipt of Project construction funding in this segment as described in Stipulation VII.C, the Lead Project Sponsor shall create, or cause to be created through the engagement of a qualified consultant, a historic context on railroad depots and associated facilities along the Seaboard Air Line Railroad in Virginia. This includes acquiring archival data on the history of past and present historic buildings developed as part of the Seaboard Air Line Railroad system between the Richmond and the North Carolina state line.

As part of this contextual study, the Lead Project Sponsor shall document, or cause to be documented through the engagement of a qualified consultant, all stations and towers that are contributing elements to the Seaboard Air Line Railroad that have not been previously recorded with the Virginia SHPO. The Lead Project Sponsor shall prepare, or cause to be prepared, photographic documentation of each structure consistent with guidance found in “Photographic Documentation for National Park Service Basic Survey” and DHR’s “Virginia Department of Historic Resources (DHR) Photographic Documentation Requirements for Architectural Survey” (Updated 2016); and complete a Virginia SHPO Intensive Level Survey form for each recorded depot and tower in the Virginia SHPO’s VCRIS system.

The data obtained during the contextual research and architectural study shall be documented in a written report. The Lead Project Sponsor shall submit a draft report concurrently to the Lead Federal Agency, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, and the other Consulting Parties, as appropriate, for review and comment as described under Stipulation VI.B and C. The Lead Project Sponsor shall disseminate the final report to the Signatories, Virginia SHPO, City of Richmond, City of Richmond Planning and Preservation Division, Richmond Commission of Architectural Review, Historic Richmond Foundation, Preservation Virginia, NTHP, Virginia Museum of History & Culture, Library of Virginia, and public libraries and historical societies for their collections; and to the other Consulting Parties, upon written request. Final VCRIS forms and associated packets shall be given to the Virginia SHPO at this time for their archives.

## **V. PROFESSIONAL QUALIFICATIONS**

- A. All cultural resource work carried out pursuant to this MOA shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards for Preservation Professionals (48 Fed. Reg. 44738–44739 [September 29, 1983]).
- B. In preparing all archaeological studies resulting from this MOA, the preparer shall take into account ACHP's publications, *Section 106 Archaeology Guidance* (2009) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) as well as state-specific archaeological guidelines on best practice and procedure, as applicable.
- C. In preparing all architectural studies resulting from this MOA, the preparer shall take into account guidelines on specific architectural projects issued by the U.S. Department of the Interior/National Park Service (such as the Bulletin entitled *How To Complete the National Register Registration Form*) and state-specific guidelines on best practices and procedures, as applicable.

## **VI. PREPARATION AND REVIEW OF DOCUMENTS**

Unless otherwise specified in this MOA, preparation and review of documents will be conducted in the following manner:

- A. All studies, technical reports, and treatment plans prepared pursuant to this MOA shall be consistent with pertinent standards and guidelines including, as applicable, The Secretary's Standards and Guidelines for Historical Documentation (48 Fed. Reg. 44728-30), The Secretary's Standards and Guidelines for Architectural and Engineering Documentation (48 Fed. Reg. 44730-34), Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48 Fed. Reg. 44716-44742, September 29, 1983), ACHP's Treatment of Archaeological Properties: A Handbook, ACHP's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites (1999), and the Virginia SHPO's Guidelines for Conducting Historic Resources Survey in Virginia (October 2017), or subsequent revisions or replacements to these documents, and are in accordance with 36 CFR § 800.11(d) and (e) per the SEHSR PA Stipulation IV.
- B. The Lead Project Sponsor shall provide the Virginia SHPO two (2) copies (one [1] bound archival hard copy and one [1] in .pdf on compact disc or other electronic format that is acceptable to the Lead Project Sponsor and the Virginia SHPO) of all draft and final reports prepared pursuant to this MOA. The Lead Project Sponsor shall also provide a hard copy of any draft and final report, as stated in the stipulations, to the Consulting Parties to this MOA unless a Consulting Party requests the material in another format acceptable to the Lead Project Sponsor. The requesting Consulting Party must submit such requests to the Lead Project Sponsor in writing. The Lead Project Sponsor shall provide a hard copy of all final reports to all non-Consulting Party recipients as identified in the stipulations above.

- C. Unless otherwise specified in this MOA, the Virginia SHPO and other Consulting Parties agree to provide comments on all Project plans, technical reports, treatment plans, and other documentation arising from this MOA to the Lead Project Sponsor within thirty (30)-calendar days of receipt of complete information. If the Lead Project Sponsor does not receive comments from the Virginia SHPO or the other Consulting Parties within the thirty (30) calendar-day review period, the Lead Project Sponsor may assume that the non-responding party has no comments. The Lead Project Sponsor shall ensure that all relevant comments received within the thirty (30)-calendar-day review period are addressed in the final product.
- D. Notwithstanding any other commitments herein to distribute documentation to the Lead Federal Agency, the Lead Project Sponsor shall provide the Signatories with a final copy of any Project plans, technical reports, treatment plans, and other documentation arising under this MOA once it has been agreed upon by Virginia SHPO and the Lead Project Sponsor and any relevant Consulting Parties. All submissions to Signatories, except the Virginia SHPO, should be in electronic format unless electronic format is not feasible or practical. The Virginia SHPO requires hard copies of all submissions.

## **VII. ANTI-DEFICIENCY ACT AND APPROPRIATIONS**

- A. All requirements set forth in this MOA requiring the expenditure of Federal Government funds are expressly subject to the availability of appropriated funds. Nothing in this MOA shall be interpreted to establish obligations or require payments in violation of the Anti-Deficiency Act (31 U.S.C. § 1341). The Lead Project Sponsor shall notify the Signatories and Consulting Parties when it has acquired the funding for the Project, including funding for any phase or portion of the project, as contemplated in Stipulation VII.C.
- B. All requirements set forth in this MOA requiring the expenditure of Commonwealth of Virginia funds are expressly subject to the availability of appropriated funds by the Virginia General Assembly, and, if applicable, the allocation of funds by the Commonwealth Transportation Board.
- C. Funding sources for construction of the Project have not yet been determined. It is expected that there will be a mix of federal, state, and local funding. There is a potential for funding to be available in phases. The mitigation measures for the treatment of adversely affected historic properties described in Stipulations IV and required under Stipulation III will apply as funding is obtained for the Project phase where each resource is physically located. There is no obligation to implement the mitigation measures identified in Stipulations IV or those required under Stipulation III prior to receipt of funding.
- D. The Lead Project Sponsor is responsible for the successful completion and funding of any mitigation measures pursuant to Stipulations III, IV, or VIII.



## VIII. UNEXPECTED DISCOVERIES AND PROJECT IMPACTS

- A. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the APE, but outside of the boundaries of an archaeological site that has been determined to be not eligible for the NRHP in its entirety, the Lead Project Sponsor shall immediately halt all construction work within one-hundred (100) feet of the discovery and in the surrounding area where further subsurface resources can reasonably be expected to occur and immediately notify the Lead Federal Agency and the Virginia SHPO of the discovery. In the case of potentially prehistoric or historic Native American sites, the Lead Project Sponsor shall notify appropriate federally recognized Indian tribes and/or Virginia Indian tribes within two (2) working days of the discovery. Notification of completion of activities shall be done in accordance with Stipulation VI pending Virginia SHPO approval of the action.
- B. The Lead Project Sponsor shall ensure that an archaeologist meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource within seven (7) days of discovery, and then the Lead Project Sponsor shall forward to the Lead Federal Agency, the Virginia SHPO, the other Consulting Parties and, if necessary, the federally recognized Indian tribes with an interest in the area and appropriate Virginia Indian tribes, an assessment of the NRHP eligibility of the resource (36 C.F.R pt. 60.4), determination of project effect, and proposed treatment plan to resolve any adverse effects on historic properties. The Virginia SHPO, the other Consulting Parties and, if participating, the federally recognized Indian tribes and the Virginia Indian tribes, shall respond within five (5) working days of receipt of the Lead Project Sponsor's assessment of NRHP eligibility of and effect to the resource and proposed treatment plan. The Lead Project Sponsor, in coordination with the Lead Federal Agency, shall take into account the recommendations of the Virginia SHPO, the other Consulting Parties and, if participating, the federally recognized Indian tribes and the Virginia Indian tribes regarding NRHP eligibility of the resource and the proposed treatment plan, and then carry out the appropriate actions.
- C. In the event that above-ground historic properties within the APE, but not among the twenty-one (21) adversely effected historic properties listed in this MOA, are inadvertently affected during construction, the Lead Project Sponsor shall immediately halt all construction work within fifty (50) feet of the impacted historic property and in the surrounding area, and immediately notify the Lead Federal Agency, the Virginia SHPO, and the other Consulting Parties of the issue.
- D. The Lead Project Sponsor shall ensure that an architectural historian or historic architect meeting the *Secretary of the Interior's Professional Qualification Standards* (48 Fed. Reg. 44739) investigates the work site and the historic property within seven (7) days, and then the Lead Project Sponsor shall forward to the Lead Federal Agency, the Virginia SHPO, and the other Consulting Parties an assessment of effect to the historic property and proposed treatment plan to resolve any adverse effects on historic properties. The Virginia SHPO and the other Consulting Parties

shall respond within five (5) working days of receipt of the Lead Project Sponsor's assessment of effect and proposed treatment plan. The Lead Project Sponsor, in coordination with the Lead Federal Agency, shall take into account the comments and recommendations of the Virginia SHPO and the other Consulting Parties regarding the assessment of effect and the proposed treatment plan, and then carry out the treatment plan.

- E. The Lead Project Sponsor shall ensure that ground disturbing activities within the affected area do not proceed until the appropriate treatment measures are developed and implemented or a determination of ineligibility, No Historic Properties, or No Adverse Effect is made.

## **IX. HUMAN REMAINS**

The Lead Project Sponsor shall ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of the Project shall be treated in accordance with the Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia NRHP 390-01-02) found in Va. Code Ann. §§ 10.1-2305, *et seq.*, the Virginia Antiquities Act as well as ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects" adopted on February 23, 2007. The Lead Project Sponsor shall obtain a permit from the Virginia SHPO for the removal of human remains in accordance with the regulations stated above, as appropriate.

## **X. COORDINATION WITH OTHER FEDERAL AGENCIES**

- A. In the event that a Federal agency other than FRA, FHWA, or FTA is considering funding, permits, licenses, or approvals for the Project, such Federal agency may become a Signatory, Invited Signatory, or a Concurring Party to the MOA as a means of complying with its responsibilities under Section 106 for its undertaking relating to the Project. To become a signing party to the MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within thirty (30) days or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with Stipulation XII.
- B. Should the Signatories approve Signatory status for the federal agency, an amendment under Stipulation XII will not be necessary if the federal agency's participation does not change the undertaking in a manner that would require any modifications to the Section 106 consultation process set forth in the MOA. FRA will document these conditions and the involvement of the federal agency in a written notification to the Signatories and Consulting Parties, and include a copy of the Federal agency's executed signature page, which will codify the addition of the federal agency as a Signatory in lieu of an amendment.

## **XI. DISPUTE RESOLUTION**

- A. Should any Signatory, federally recognized Indian tribe, or Consulting Party object in writing, regarding any action carried out or proposed with respect to any undertakings covered by the MOA, or to the implementation of the MOA, the Lead Federal Agency shall notify the other Signatories of the objection and consult with the objecting party to attempt to resolve the objection within thirty (30) days of receipt of the written objection.
- B. If after initiating such consultation, the Lead Federal Agency determines within the thirty (30) day period in Stipulation XI.A that the objection cannot be resolved through consultation with the objecting party, the Lead Federal Agency shall:
  - 1. Forward all documentation relevant to the dispute, including the Lead Federal Agency's proposed resolution, to the ACHP (with a copy to the Signatories). ACHP will provide the Lead Federal Agency with its comments on the resolution of the objection within thirty (30) calendar days of receiving documentation.
  - 2. If the ACHP does not provide comment regarding the dispute within thirty (30) calendar days, the Lead Federal Agency will make a final decision on the dispute and proceed accordingly.
  - 3. The Lead Federal Agency will document this decision in a written response that takes into account any timely comments received regarding the dispute from ACHP and the Signatories and provide the Signatories and the objecting party with a copy of the response.
  - 4. The Lead Federal Agency will then proceed according to its final decision.
  - 5. The Signatories remain responsible for carrying out all other actions subject to the terms of the MOA that are not the subject of the dispute.
- C. A member of the public may object to the manner in which the terms of the MOA are being implemented by submitting its objection to the Lead Federal Agency in writing. The Lead Federal Agency will notify the other Signatories of the objection in writing and take the objection into consideration. The Lead Federal Agency will consult with the objecting party and, if the Lead Federal Agency determines it is appropriate, the other Signatories for not more than thirty (30) calendar days. Within fifteen (15) calendar days after closure of this consultation period, the Lead Federal Agency will provide the Signatories and the objecting party with its final decision in writing.

## **XII. AMENDMENTS**

- A. Any Signatory to the MOA may propose to FRA that the MOA be amended, whereupon FRA shall consult with the other Signatories to consider such an

amendment. All Signatories to the MOA must agree to the proposed amendment in accordance with 36 CFR § 800.6(c)(7).

- B. At the time that DRPT assigns this MOA to the Authority, in accordance with Stipulation I.D and II.B, any necessary amendments and notifications will proceed pursuant to Stipulation II.B.2 through 4.
- C. In the event another federal agency becomes a Signatory, Invited Signatory, or a Concurring Party to the MOA, the relevant process in Stipulation X will be followed.
- D. FRA will provide written notification to the Consulting Parties of amendments to the MOA once they become effective.
- E. Revisions to any Appendix may be proposed in writing by any Signatory by submitting a draft of the proposed revisions to all Signatories with a notification to the Consulting Parties. The Signatories will consult for no more than thirty (30) calendar days (or another time period agreed upon by all Signatories) to consider the proposed revisions to the Appendix. If the Signatories unanimously agree in writing to revise the Appendix, FRA will provide a copy of the revised Appendix to the other Signatories and Consulting Parties. Revisions to any Appendix to this MOA will not require an amendment to the MOA.

### **XIII. ANNUAL REPORTING**

Each year following the effective date of this MOA until it expires or is terminated, the Lead Project Sponsor will prepare an annual report detailing work undertaken pursuant to the terms of this MOA. The Lead Project Sponsor will provide the annual report to all Signatories and Consulting Parties within 30 days of the end of the reporting period. Such report will include: an outline of the studies, reports, actions, evaluations, consultation and outreach efforts related to the MOA's implementation; a report on the completion or partial completion of any mitigation measures or treatment plans; the identification of portions or segments of the Project that have received funding and from whom; and information related to any disputes addressed during that reporting year. Within 30 days of distribution, any Signatory, Invited Signatory or Consulting Party may request the Lead Project Sponsor hold a meeting or teleconference to discuss the annual report. If a meeting regarding the annual report is held, all Consulting Parties may participate.

### **XIV. TERMINATION**

- A. If any Signatory to the MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other

Signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, FRA, FHWA and/or FTA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FRA, FHWA, and/or FTA shall notify the Signatories as to the course of action it will pursue.

- B. If the Lead Federal Agency and the Lead Project Sponsor decide they shall not proceed with the Project, they shall notify the other Signatories and Consulting Parties in writing, and the MOA and any amendments to it shall become null and void.
- C. Termination shall include the submission of a technical letter report to the Virginia SHPO by the Lead Project Sponsor, in coordination with the Lead Federal Agencies, on any work done up to and including the date of termination. The Lead Project Sponsor shall ensure that any associated collections and records recovered are curated in accordance with state guidelines.

## **XV. DURATION**

This Amendment to the MOA shall continue in full force and effect for fifteen (15) years from the date of its execution. The addition of the Authority as an Invited Signatory will not affect the duration, unless the MOA is amended as a result. At any time in the six (6)-month period prior to the expiration of that initial term, the Signatories may consult to consider extending or modifying the MOA. Any extension or modification of the MOA shall be completed in accordance with Stipulation XII.

## **XVI. NO WAIVER OF SOVEREIGN IMMUNITY**

Nothing in this MOA shall be deemed a waiver of a Signatory's sovereign immunity.

## **XVII. EXECUTION**

This MOA may be executed in counterpart. FRA shall provide each of the Signatories and Consulting Parties with an executed copy of this agreement.

Execution and implementation of this Second Amendment to the 2019 MOA by FRA, ACHP, FHWA, FTA, and the Virginia SHPO, and its submission to ACHP pursuant to 36 C.F.R § 800.6(c), is evidence that FRA, FHWA, and FTA have afforded ACHP an opportunity to comment on the proposed Project and its effects on historic properties, and that FRA, FHWA, and FTA have taken into account the effects of the Project on historic properties.

**SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT  
AMONG  
THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION,  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE FEDERAL TRANSIT ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

FEDERAL RAILROAD ADMINISTRATION

By: **MARLYS ANN OSTERHUES** Digitally signed by MARLYS ANN OSTERHUES  
Date: 2022.11.04 14:11:45 -04'00' Date: \_\_\_\_\_  
Marlys Osterhues  
*Acting Director, Office of Environmental Program Management*

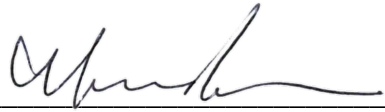
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TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 10/20/22  
Julie V. Langan, Director, Department of Historic Resources

**SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT  
AMONG  
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THE FEDERAL RAILROAD ADMINISTRATION,  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE FEDERAL TRANSIT ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 11.09.2022  
Reid J. Nelson, *Acting Executive Director*



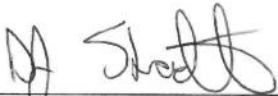
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THE FEDERAL TRANSIT ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By:  Date: October 23, 2022  
Jennifer B. DeBruhl, *Director*

Upon acceptance of Assignment from DRPT:

VIRGINIA PASSENGER RAIL AUTHORITY

By:  Date: August 10, 2023  
D.J. Stadler, *Executive Director*  
STADLER

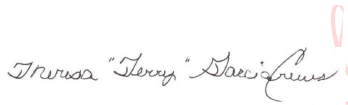
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AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

FEDERAL HIGHWAY ADMINISTRATION

By: ERIC GABRIEL ROTHERMEL Digitally signed by ERIC GABRIEL ROTHERMEL  
Date: 2022.10.20 15:46:52 -04'00' Date: 10/20/2022  
Thomas Nelson, Jr., P.E., *Division Administrator*

**SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT  
AMONG  
THE VIRGINIA HISTORIC PRESERVATION OFFICE,  
THE FEDERAL RAILROAD ADMINISTRATION,  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE FEDERAL TRANSIT ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION  
REGARDING THE WASHINGTON, D.C., TO RICHMOND, VIRGINIA,  
SOUTHEAST HIGH SPEED RAIL PROJECT**

FEDERAL TRANSIT ADMINISTRATION












Digitally signed by  
THERESA GARCIA CREWS  
Date: 2022.10.26 16:14:11






By: \_\_\_\_\_ -04'00' Date: \_\_\_\_\_






Terry Garcia Crews, *Regional Administrator*  
*Federal Transit Administration, Region 3*



**Table 1: Summary of Mitigation Per Adversely Effected Historic Property (Listed North to South).**

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Richmond, Fredericksburg and Potomac Railroad (500- 0001)				X							X			Web-based Story Map on 120 Historic Properties
RF&P Bridge over Occoquan River (500-0001- 0022)							X						X	
Rippon Lodge (076-0023)			X		X								X	Assist with Vegetative Removal/ Underbrush Clearing to Restore Viewshed
Site 44ST1223- Civil War Campsite			X			X		X				X		

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Rappahannock River Railroad Bridge & Structures/ Platform (111-0132-0025)					X		X						X	
Site 44SP0187- Bridge/Marye's Mill			X			X		X		X		X		Artifact Display in New Rail Station
Fredericksburg Historic District (111-0132)									X	X		X	X	Context of RR History in Fredericksburg
Site 44SP0688- Block 49/Train Station			X					X		X		X		Artifact Display in New Rail Station
Site 44SP0687- Block 48/Train Station			X					X		X		X		Artifact Display in New Rail Station

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Site 44SP0468- Earthwork/ Jackson's Earthwork			X			X		X				X		
Doswell Historic District (042- 5448)		X	X						X					
Doswell Depot and Tower (042- 0093)			X				X							Move Tower
Berkleytown Historic District (166-5073)		X	X								X		X	Aid in Text for Walking Tour of District
Laurel Industrial School Historic District (043- 0292)			X			X							X	

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Main Building/ Robert Stiles Building (043- 0292-0001)			X										X	Context on Reform Schools in Central VA
Shockoe Valley & Tobacco Row Historic District (127-0344)			X			X				X	X (research & interviews with descendent comm'y)		X	Context on VA RR & Slave Trade; Boundary Delineation for Slave Trade MPD
Site 44HE1098- Main Street Station Parking Lot/Railroad			X					X		X		X		
Site 44HE1097- Railroad, Warehouse			X					X		X		X		
Main Street Station and Trainshed (127-0172)									X				X	Context on RR history of Richmond

Resource Name	Image	NRHP Nom	Interp Signage	Intensive Arch'ture Survey	Cultural Landscap Report	GIS Mapping & Overlays	HABS/ HAER/ Analysis	Arch'y Data Recovery	Webpage	Public Talk	Oral Histories	Scholarly Article	Structure Treatmt	Other
Seaboard Air Line Railroad Corridor (127- 6271)				X									X	Context on SAL Stations in VA
Site 44HE1094- Warehouse			X					X		X		X		



## **APPENDIX A: List of Cultural Resource Reports Completed on the DC2RVA Project Area**

### **Archaeological Sites/Resources (in publication order)**

Klein, Mike, Emily Calhoun, Marco González, and Earl E. Proper

2015 *Archaeological Background Review and Predictive Model for the Washington, D.C. to Richmond, Virginia, Southeast High Speed Rail Corridor*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

McCloskey, Kevin, Earl Proper, Curtis McCoy, Emily Calhoun, Morgan MacKenzie, and Joseph Blondino

2016 *Phase IB Archaeological Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) through Buckingham Branch/Hospital Wye (BBHW) Segments*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

McCloskey, Kevin, Emily Calhoun, Kerry González, and Mike Klein

2018 *Phase IB Archaeological Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Preferred Alternative Limits of Disturbance*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

### **Buildings, Structures, Objects, and Districts (in publication order)**

Staton, Heather Dollins, and Adriana Lesiuk

2015 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Dahlgren Junction to Fredericksburg (DJFB) Segment, City of Fredericksburg and Stafford County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, Adriana Lesiuk, and M. Chris Manning

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Arkendale to Dahlgren Junction (ARDJ) Segment Stafford County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather D., Adriana T. Lesiuk, and Emily K. Anderson

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) Segment Arlington County and the City of Alexandria*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, Adriana T. Lesiuk, Emily K. Anderson, and Earl P. Proper

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Alexandria to Franconia (AFFR) Segment City*

*of Alexandria and Fairfax County. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Manning, M. Chris, Earl Proper, Adriana Lesiuk, and Heather Dollins Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Franconia to Lorton (FRLO) Segment Fairfax County. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Staton, Heather Dollins, M. Chris Manning, and Adriana Lesiuk

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Lorton to Powells Creek (LOPC) Segment Prince William and Fairfax Counties. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Anderson, Emily K., and Heather D. Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Fredericksburg to Hamilton (FBHA) and Hamilton to Crossroads (HAXR) Segments, Spotsylvania County. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Manning, M. Chris, and Michelle Salvato

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Crossroads to Guinea (XRGU), Guinea to Milford (GUMD), and Milford to North Doswell (MDND) Segments Spotsylvania, Caroline, and Hanover Counties. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Lesiuk, Adriana T., and M. Chris Manning

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Elmont to Greendale (ELGN) Segment, Hanover and Henrico Counties. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Sylvester, Caitlin C., and Heather D. Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Greendale to SAY/WAY (GNSA), SAY/WAY to AM Jct (SAAM) and Buckingham Branch/Hospital Wye (BBHW) Segments, Henrico County and City of Richmond. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Anderson, Emily K., and Heather D. Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project AM Jct to Centralia - S Line (AMCE) and AM Jct to Fulton Yard (AMFY) Segments, City of Richmond and Chesterfield County. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.*

Lesiuk, Adriana T., and Heather D. Staton

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project WAY to Centralia – A Line (WACE) Segment, Chesterfield County and City of Richmond*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Peckler, Danae

2016 *Architectural Reconnaissance Survey for the Washington, D.C. to Richmond, Virginia High Speed Rail Project North Doswell to Elmont (NDEL) Segment, Hanover County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Chase, Kristine A.

2017 *Architectural Reconnaissance Survey of Structures for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Rosslyn to Alexandria (ROAF) through Buckingham Branch/Hospital Wye (BBHW) Segments*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Moss, Adriana T., and Kerri S. Barile

2018 *Addendum: Architectural Reconnaissance Survey of the LOD Expansion Area for the Washington, D.C. to Richmond, High Speed Rail Project, Arlington, Caroline, Chesterfield, Hanover, Henrico, Fairfax, Prince William, Stafford, and Spotsylvania Counties and the Cities of Alexandria, Fredericksburg, and Richmond, Virginia*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Kristine A. Chase, Sean Maroney, Adriana T. Moss, Danae Peckler, and Heather Dollins Staton

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report A)*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Melissa Butler, Adriana T. Moss, Danae Peckler, Heather Dollins Staton, Caitlin Sylvester, and Lenora Wiggs

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report B)*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Barile, Kerri S., Melissa Butler, Adriana T. Moss, Heather Dollins Staton, Caitlin Sylvester, and Lenora Wiggs

2018 *Architectural Intensive Investigations for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) Project (Report C)*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

### **Combined Cultural Resources Reports (in publication order)**

Staton, Heather Dollins, and Earl E. Proper

2016 *Archaeological and Architectural Phase IA Study for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Ashland Bypass (ASBP) Segment, Hanover County*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Staton, Heather Dollins, D. Brad Hatch, and Emily Calhoun

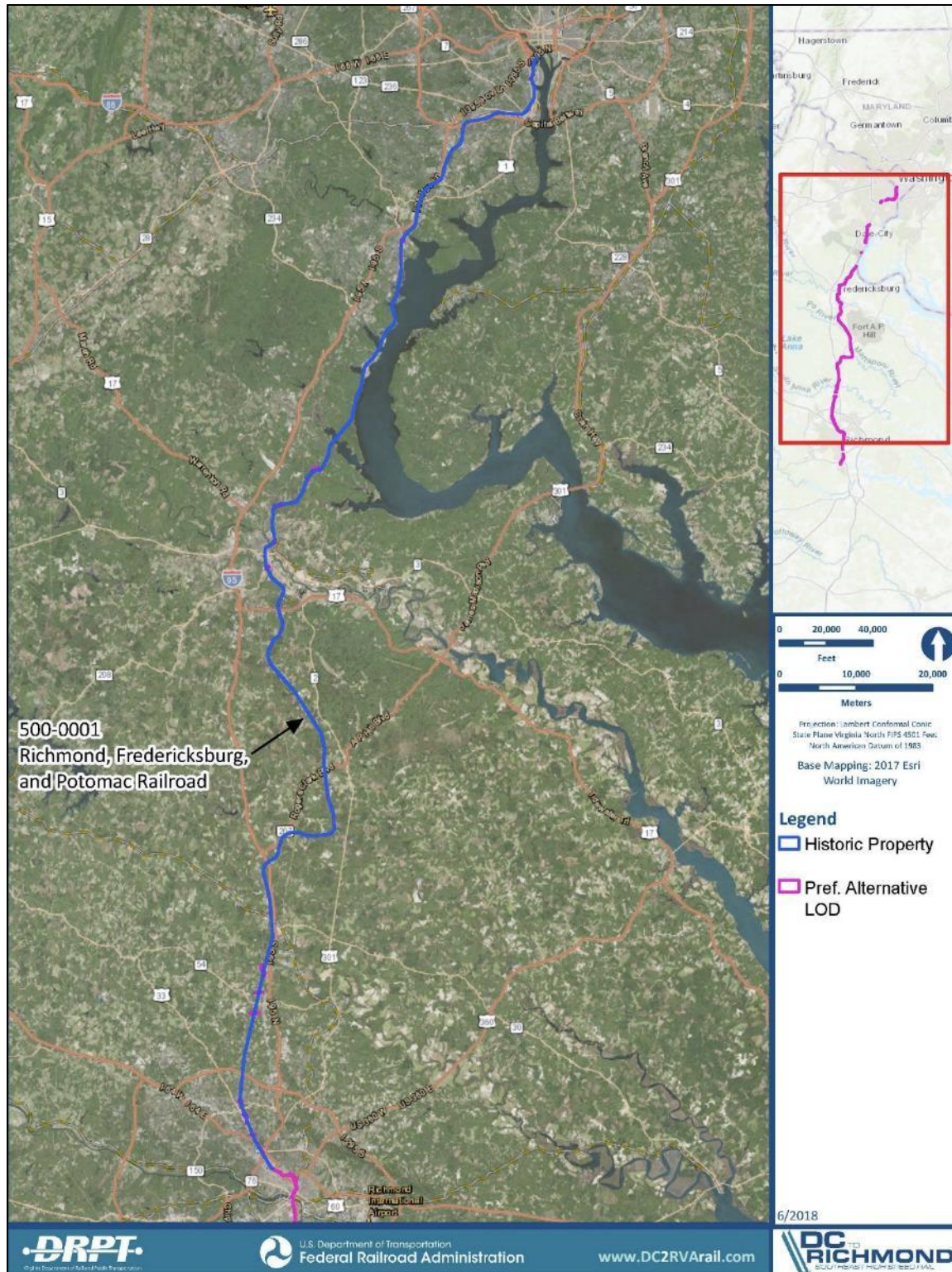
2017 *Archaeological and Architectural Phase IA Study for the Washington, D.C. to Richmond, Virginia High Speed Rail Project Fredericksburg Bypass (FBBP) Segment, Stafford, Caroline, and Spotsylvania Counties*. DC2RVA Project Team/Dovetail Cultural Resource Group, Fredericksburg, Virginia.

Moss, Adriana, Kerri S. Barile, and Kevin McCloskey

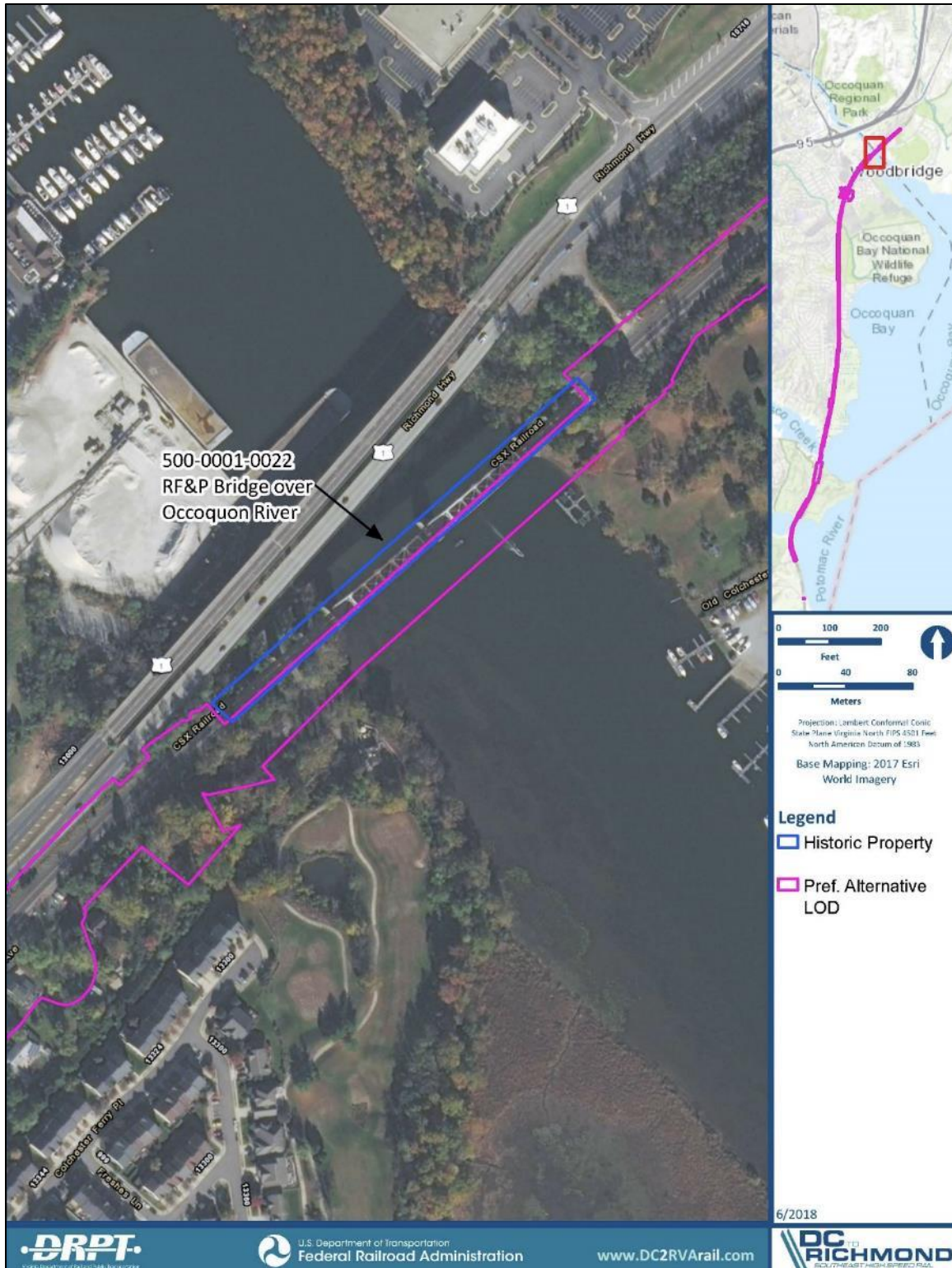
2020 *Addendum Cultural Resource Studies Associated with the Franconia Third Track (DC2RVA) Project, Fairfax County, Virginia*. Dovetail Cultural Resource Group, Fredericksburg, Virginia.

## APPENDIX B: Location of 21 Adversely Effected Properties (North to South)

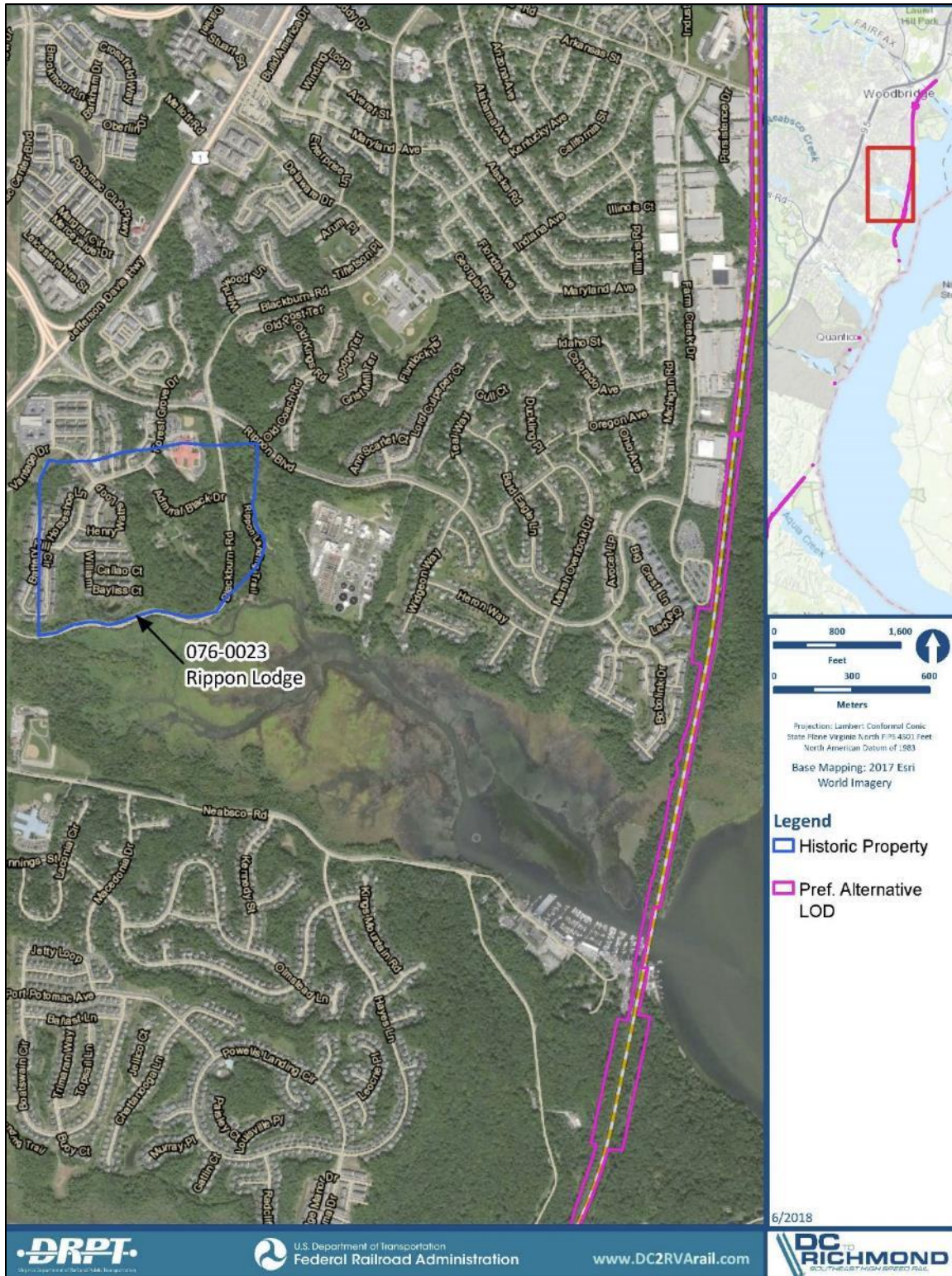
*Maps are not for public distribution per the  
Archeological Resources Protection Act of 1979.*



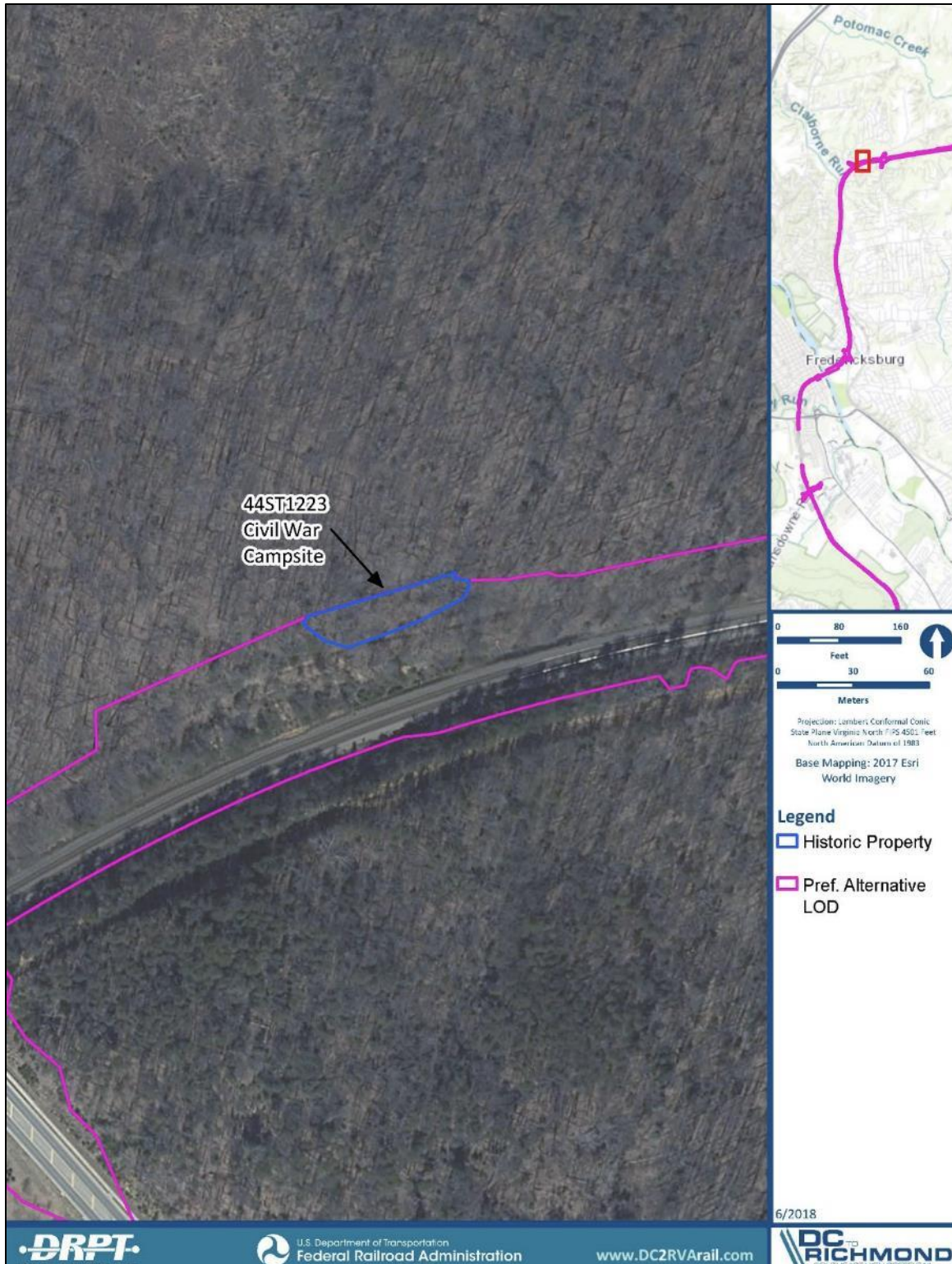




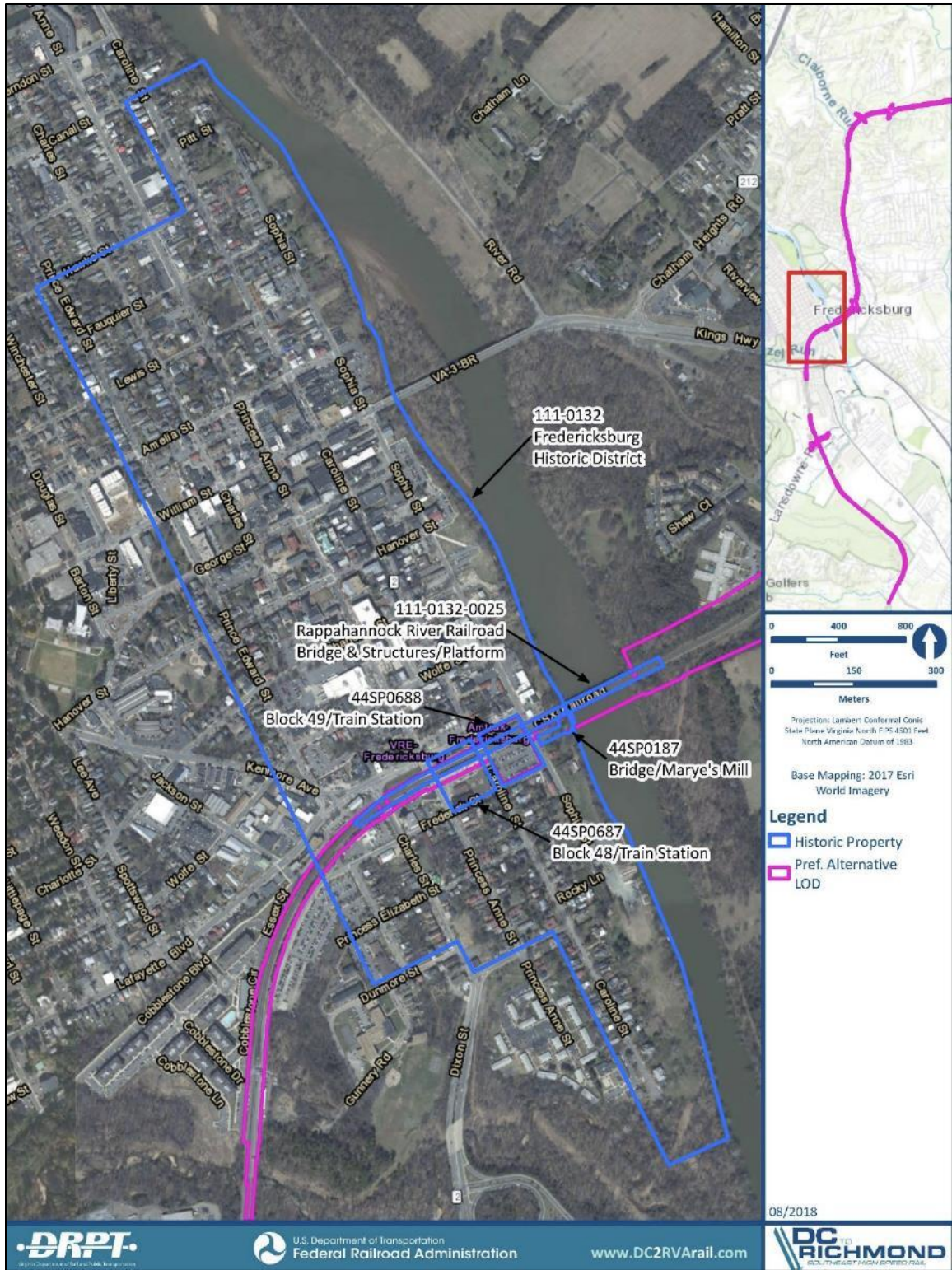




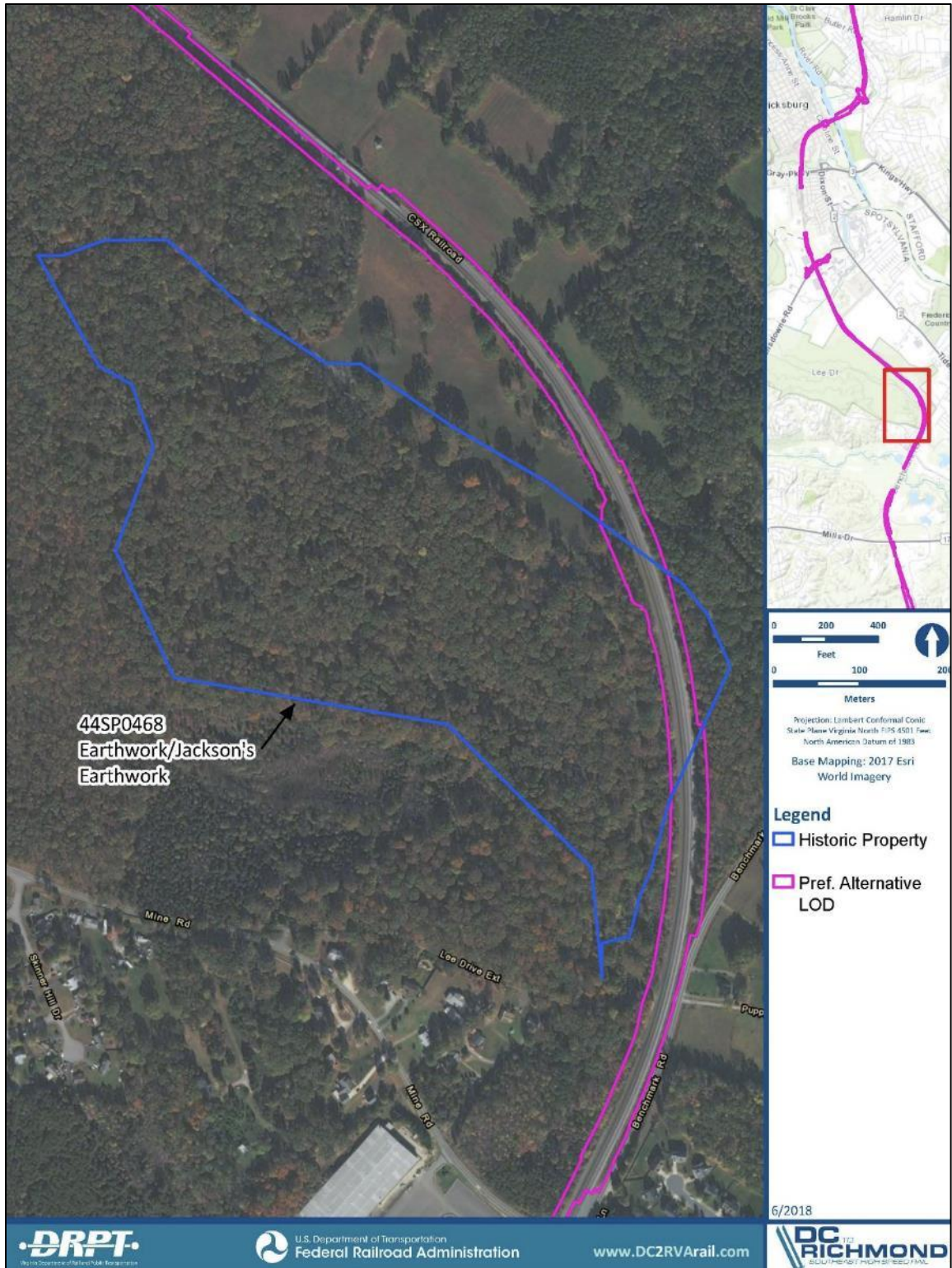


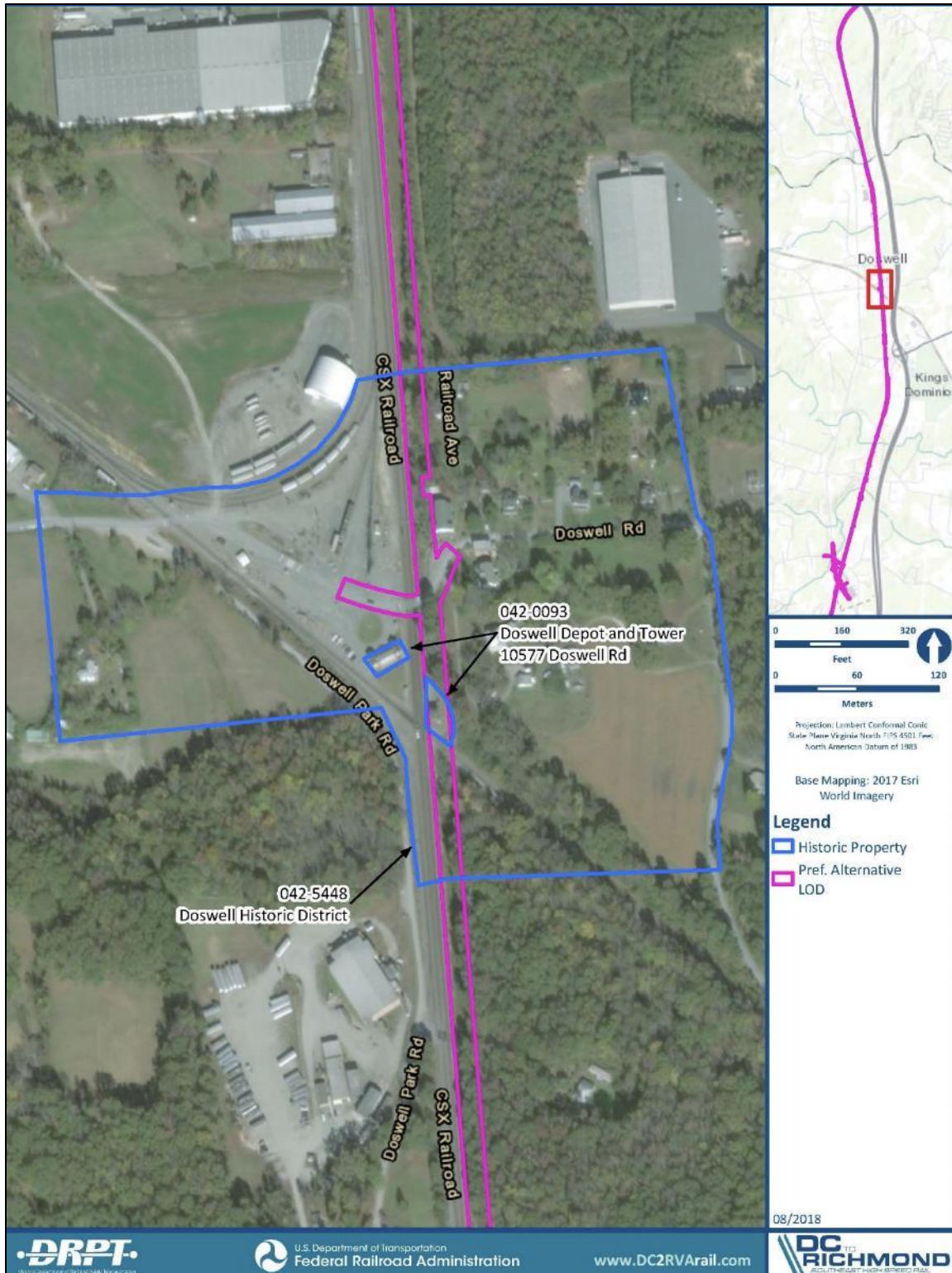




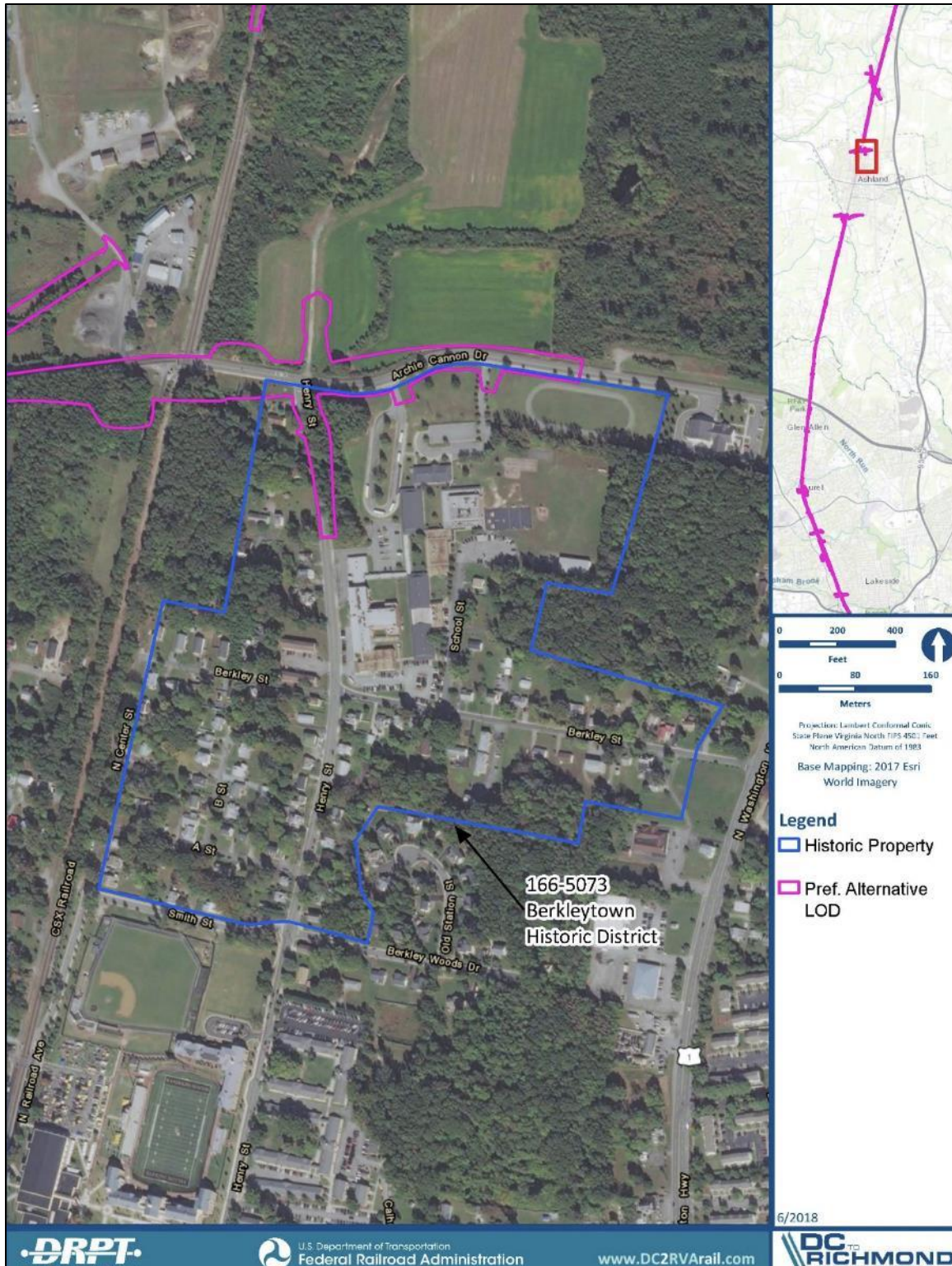




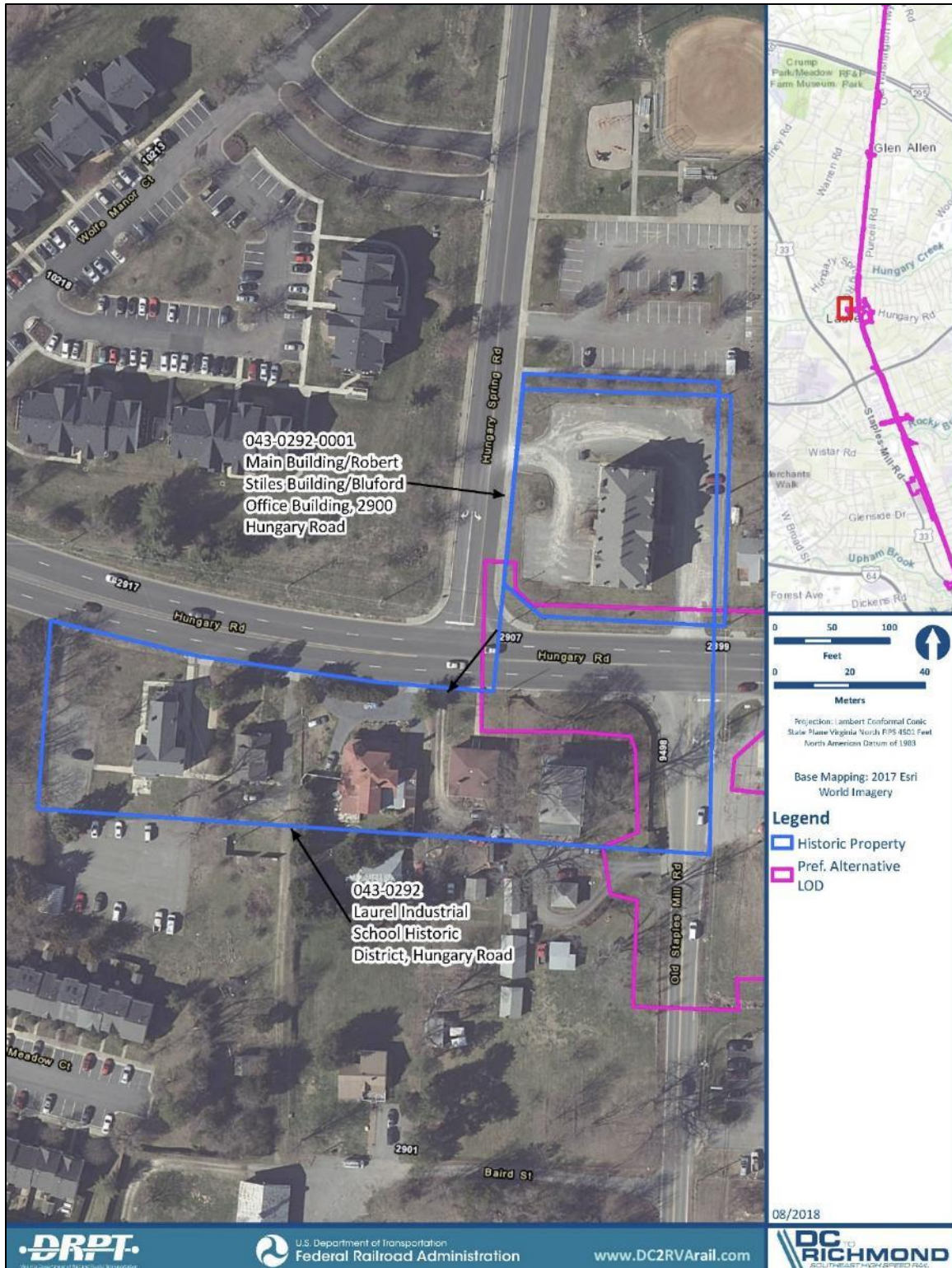




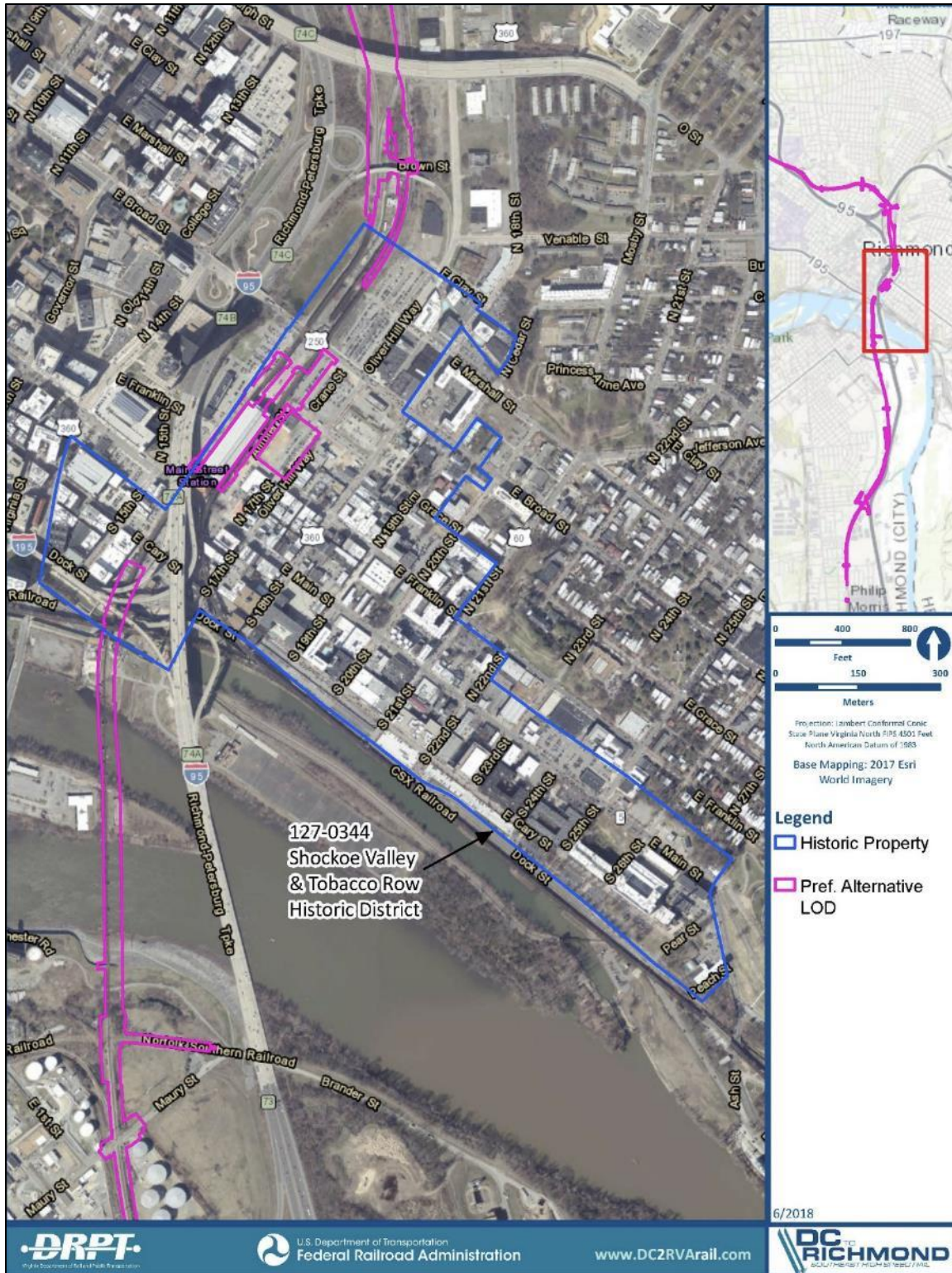








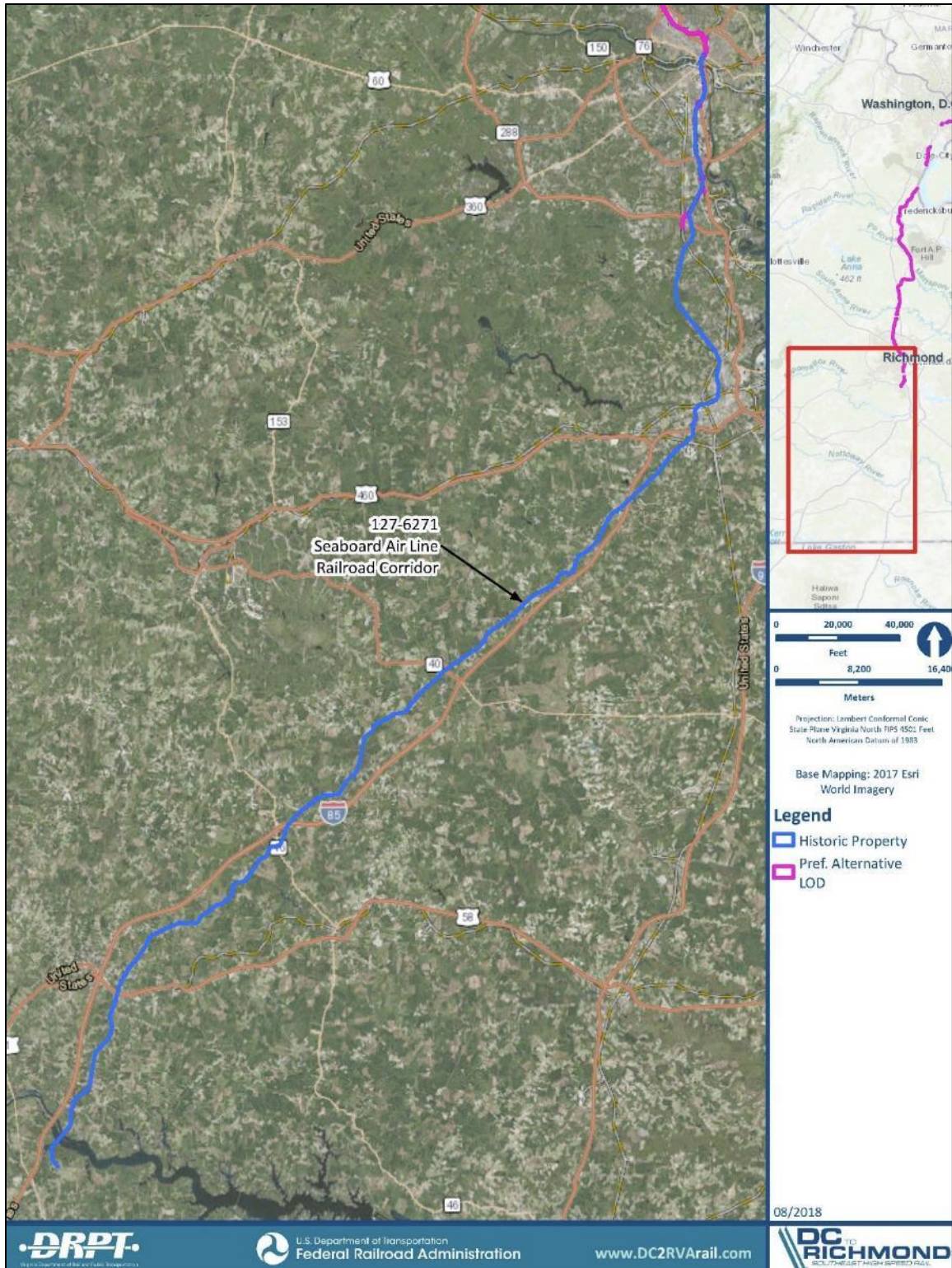














## APPENDIX C: Meetings and Correspondence with Consulting Parties

### Meetings

Date	Attendees	Topics
November 7, 2014	DHR, DRPT	Kick-off meeting; discussions on APE, methodology, reporting
March 19, 2015	VDOT, DRPT	Roadway bridges and Section 106 coordination
February 18, 2016	DHR, DRPT	Update on corridor and status of studies
June 14, 2016	ABT	General discussion on results to date; Richmond to Raleigh Memorandum of Agreement
August 10, 2016	DHR, DRPT	Preliminary dialogue on historic properties and Project effect
May 15, 2017	Ashland Museum, Town of Ashland	Overview of 106 process and technical studies to date
June 8, 2017	NPS-Fredericksburg, DRPT	Update on technical studies and Project plans
July 14, 2017	Town of Ashland; Ashland Museum	Update on technical studies and Project plans
July 26, 2017	DHR, DRPT	Update on technical studies and Project schedule
August 14, 2017	NPS—Richmond, DRPT	Update on technical studies and Project plans
October 11, 2017	Hanover County, Town of Ashland, Ashland Museum	Update on technical studies and Project plans
October 20, 2017	Alexandria Archaeology, City of Alexandria, Arlington County, NTHP, DRPT	Update on technical studies and Project plans
October 24, 2017	ACHP, ABPP, ABT, DRPT	Update on technical studies and Project plans
October 27, 2017	Prince William County, Caroline County, City of Fredericksburg, CVBT, HFFI, DRPT	Update on technical studies and Project plans
October 30, 2017	City of Richmond, Historic Richmond Foundation, DRPT	Update on technical studies and Project plans
February 8, 2018	Rose Center/Urban Land Institute, DRPT	Overview of Project and history of Shockoe Bottom
February 13, 2018	DHR, DRPT	Update on technical studies and Project schedule
April 4, 2018	DHR, DRPT	Discussion of Project limits of disturbance and APE
June 18, 2018	Town of Ashland, Ashland Museum	Historic property list and 106 process
June 19, 2018	DHR, DRPT	Historic properties and Project effect
June 21, 2018	ABT, Historic Richmond Foundation, Town of Ashland, Ashland Museum, Preservation Virginia, DRPT	Historic properties and Project effect
June 26, 2018	ABPP, City of Fredericksburg, NPS Fredericksburg, DRPT, FRA	Historic properties and Project effect
June 28, 2018	NTHP, Alexandria Archaeology, NPS—Mount Vernon Parkway, ACHP, DRPT	Historic properties and Project effect
July 2, 2018	DHR, FRA, DRPT	Revisit of historic properties and Project effect
July 16, 2018	Town of Ashland, Ashland Museum	Technical reports and Project effect

Date	Attendees	Topics
July 17, 2018	NPS-Fredericksburg	DC2RVA LOD and Jackson's Shrine
July 17, 2018	Preservation Virginia	DC2RVA Project summary and list of historic properties
July 19, 2018	City of Richmond, DRPT	Historic properties and Project effect
July 24, 2018	DHR	Resources in Shockoe Bottom
July 26, 2018	FRA, DHR, DRPT	Resources in Shockoe Bottom
July 27, 2018	ACHP	Resources in Shockoe Bottom
July 31, 2018	DHR, FRA, DRPT	Resources in Shockoe Bottom
August 3, 2018	DHR	Resources in Shockoe Bottom
August 6, 2018	DHR, DRPT, VA Secretary of Transportation, VA Secretary of Natural Resources	Discussion on historic resources in Shockoe Bottom
August 29, 2018	City of Richmond, DHR	Resources in Shockoe Bottom, City preservation initiatives near Main Street Station and future projects
September 5, 2018	VA Secretary of Transportation, DHR, DRPT, City of Richmond	Discussion of cultural resources in Shockoe Bottom
September 10, 2018	NTHP, Preservation Virginia, Sacred Ground Project, ACHP, DHR, DRPT	Discussion of upcoming meeting in Shockoe/Richmond, including meeting content and attendees
October 2, 2018	FRA, DHR, ACHP, DRPT	Summary of three October 2018 consulting party meetings, Resources in Shockoe Bottom, Next steps in 106 process
October 2, 2018	DRPT, City of Alexandria	List of historic properties, project effect
October 4, 2018	City of Fredericksburg, Prince William County, Ashland Museum, Alexandria Archaeology, DRPT, FRA	APE, list of historic properties, project effects, MOA mitigation
October 5, 2018	American Battlefield Trust (Civil War Trust), ABPP, Alexandria Archaeology, NPS-Mount Vernon Parkway, NPS-National Capital Region	APE, list of historic properties, project effects, MOA mitigation
October 12, 2018	NTHP, Shockoe Partnership, ACHP, Preservation Virginia, City of Richmond, Slave Trail Commission, Historic Richmond Foundation, Untold RVA, DHR, FRA, DRPT, private citizens	On-site visit at Main Street Station, APE, list of historic properties, project effects, MOA mitigation
October 15, 2018	Historic Richmond Foundation, DRPT	Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation
October 23, 2018	ACHP, DHR, FRA, DRPT	Update on consulting party meetings, list of historic properties, project effect
October 24, 2018	Ashland Museum, Town of Ashland, DRPT	List of historic properties, project effect, MOA mitigation
November 1, 2018	Preservation Virginia, DRPT	Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation
November 2, 2018	Elegba Folklore Society, DRPT	Summary of project, Resources in Shockoe Bottom, list of historic properties, project effect, MOA mitigation

Date	Attendees	Topics
November 28, 2018	NTHP, DRPT	Discussion on reply sent to NTHP on Historic Properties
December 3, 2018	NTHP, Preservation Virginia, Historic Richmond Foundation, Elegba Folklore Society, City of Richmond, DRPT, FRA, ACHP, DHR	Additional discussion on reply sent to NTHP, historic properties in Shockoe Bottom, and effect on historic properties
December 16, 2021	NPS Fredericksburg; NPS George Washington Memorial Parkway; NPS National Capital Region; NPS Northeast Regional Office; Alexandria Archaeology; COVA; Caroline County; City of Fredericksburg; City of Richmond; Town of Ashland; American Battlefield Trust; Ashland Museum; Historic Richmond Foundation; NTHP; Preservation Virginia; Sacred Ground Historical Reclamation Project; The Cultural Landscape Foundation; Lenora McQueen; Ryan Smith; L. Daniel Mouer; Stephen Thompson; FRA; DRPT; Authority; DHR; ACHP; FHWA	The Section 106 process and Second Amendment to the MOA

### **Correspondence Sent to Consulting Parties**

Date	Medium	Recipient	Topic
September 25-October 15, 2014	E-mail; Letter	DHR, FRA, DRPT	Initiation of Section 106 Process
January 5-February 2, 2015	E-mail, Letter	DHR, FRA, DRPT	Defining Project APE
June 8, 2015	E-mail	VDOT	VDOT/DHR PA on Historic Bridges
June 22, 2015	Letter	Civil War Trust, DRPT	Receipt of comments on Project screening review
July 30, 2015	E-mail	All Consulting Parties, DRPT	Distribution of Archaeological Predictive Model report for review
July 17, 2015; August 28, 2015	Letter, E-mail	DHR	Submittal of Archaeological Predictive Model Report; DHR Reply
August 3-September 4, 2015	E-mail	Arlington County, City of Alexandria, Prince William County, City of Fredericksburg, DRPT	Receipt of comments on Archaeological IA Predictive model
August 28, 2015	E-mail	All Consulting Parties, DRPT	Reminder to submit comments on Predictive Model Report
October 20, 2015; December 18, 2015	Letters	NPS (FSNMP)	<i>Archaeological Resources Protection Act</i> (ARPA) permit to dig on federal land (Original Segment 7)
December 9, 2015; February 5, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 7); DHR Reply
December 15, 2015	Letter	DHR	Application to conduct archaeology on state lands (Original Segment 11)
March 18-31, 2016	E-mail; Memo	DHR	Discussion of alternative methodology for architecture in Original Segment 18

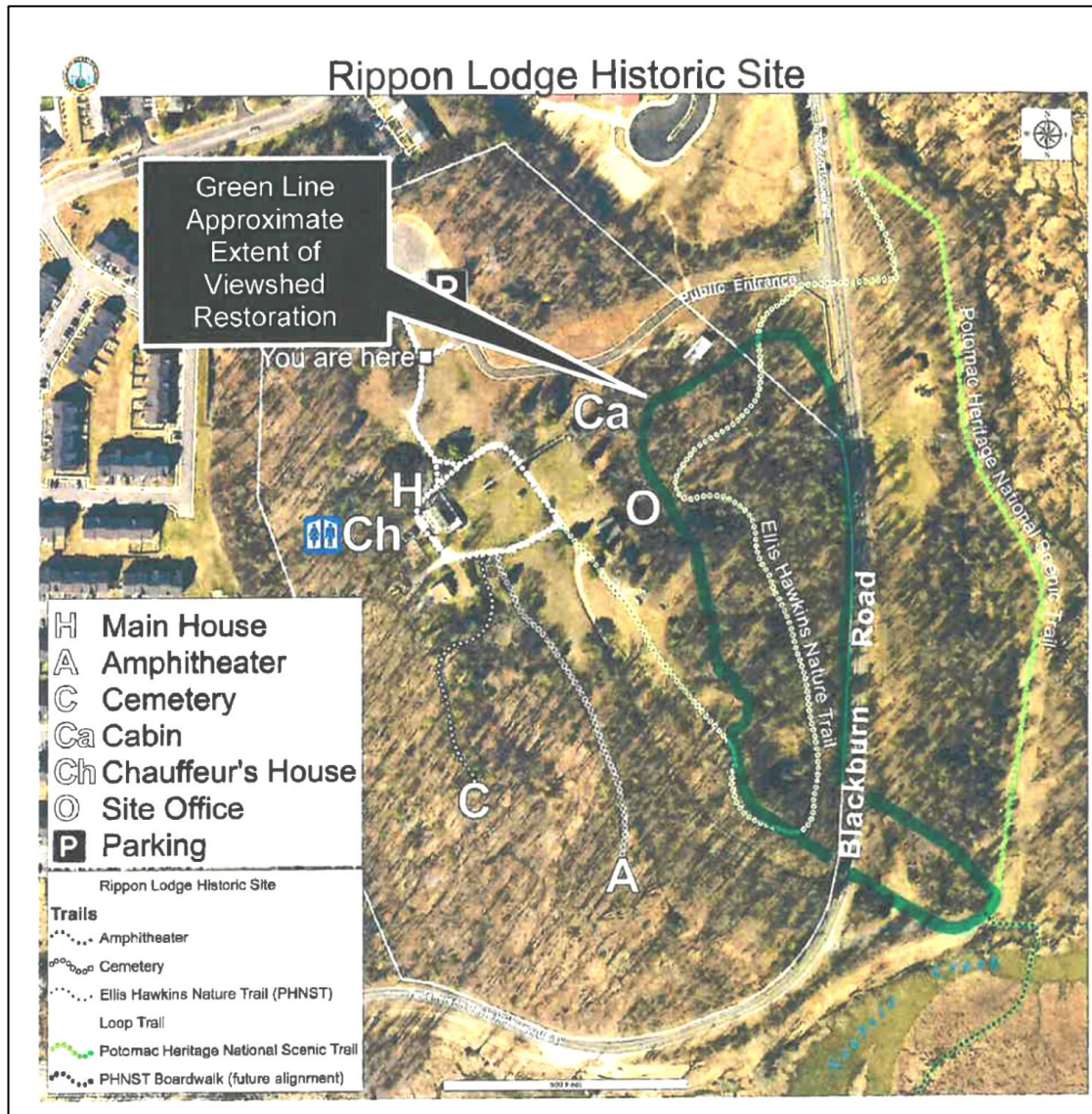
Date	Medium	Recipient	Topic
April 13- April 26, 2016	E-mail	David Hamilton (Consulting Party), DHR, DRPT, FRA	Mr. Hamilton is a private property owner along the Ashland Bypass. Numerous E-mails were exchanged with Mr. Hamilton regarding his concerns, his position as a consulting party, and distributing Project data
May 20, 2016; June 8, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 6); DHR reply
May 31, 2016; June 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 3); DHR reply
May 31, 2016; June 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 4); DHR reply
June 21, 2016; June 28, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 8-9); DHR reply
July 6, 2016; July 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 1); DHR reply
July 6, 2016; July 15, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 2); DHR reply
July 25, 2016; August 15, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 10-12); DHR reply
December 21, 2016; February 21, 2017	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 13); DHR reply
August 3, 2016; August 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 14); DHR reply
September 6, 2016; October 11, 2016	Letter, E-mail	DHR	Submittal of Archaeological Phase I Report (Original Segments 1-20); DHR reply
October 21, 2016; November 30, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 15, 16, 20); DHR reply
November 14, 2016; December 22, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segments 17, 19); DHR reply
October 21, 2016; November 3, 2016	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Original Segment 18); DHR reply
January 20, 2017; March 1, 2017	Letter, E-mail	DHR	Submittal of Architectural Phase I Report (Structures); DHR reply
January 6, 2017; February 3, 2017	Letter, E-mail	DHR	Submittal of Phase IA Ashland Bypass Report; DHR reply
January 20, 2017; February 3, 2017	Letter, E-mail	DHR	Submittal of Phase IA Fredericksburg Bypass Report; DHR reply
February 24, 2017; March 24, 2017	E-mail	All Consulting Parties	Distribution of Architectural Reports for review; Consulting Party comments
March 28, 2017	E-mail	All Consulting Parties	Update on technical study distribution
April 14, 2017; May 14, 2017	Letter; E-mail	All Consulting Parties	Distribution of All Phase IA and IB reports for review; Consulting Party comments
May 17, 2017	E-mail	All Consulting Parties	Reminder of comment deadline for reports
June 1, 2017	E-mail	All Consulting Parties	Extension of deadline for comments on reports
September 19, 2017	E-mail	All Consulting Parties	Summary of upcoming Draft EIS meetings and offer for on-on-one meetings
October 7, 2017	E-mail	All Consulting Parties	Reminder of Draft EIS meetings
November 2, 2017	E-mail	All Consulting Parties	Distribution of historic map overlays showing Shockoe Bottom
November 21, 2017	Letter; E-mail	Professor J.V. Moeser, Secretary of Transportation	Resources in Shockoe Bottom
February 7, 2018	E-mail	All Consulting Parties	Update on LOD and technical studies progress

Date	Medium	Recipient	Topic
February 13, 2018	Letter; Email	Tribes who received federal status in 2018	Invitation to participate in project; Updates on project to date and future steps (Tribes were included on all subsequent All Consulting Party communication)
May 8, 2018	E-mail	All Consulting Parties	Update on distribution of LOD and Phase II technical reports
May 14, 2018; June 12, 2018	E-mail	DHR	Submittal of Archaeological LOD Expansion Areas Report; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Archaeological LOD Expansion Areas Report for review; Consulting Party comments
May 4, 2018; June 11, 2018	E-mail	DHR	Submittal of Architectural LOD Expansion Areas Report for review; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Architectural LOD Expansion Areas Report for review; Consulting Party comments
March 22, 2018; April 25, 2018	E-mail	DHR	Submittal of Architectural Phase II Report A; DHR reply
April 19, 2018; May 1, 2018	E-mail	DHR	Submittal of Architectural Phase II Report B; DHR reply
May 10, 2018; June 12, 2018	E-mail	DHR	Submittal of Architectural Phase II Report C; DHR reply
May 17, 2018; July 20, 2018	E-mail	All Consulting Parties	Distribution of Architectural Phase II Reports (A-C) for review; Consulting Party comments
June 13, 2018	E-mail	All Consulting Parties	Reminder of upcoming series of Project meetings
June 20, 2018; June 28, 2018	Letter, E-mail	DHR	Submittal of Project effects letter; DHR reply
June 20, 2018	E-mail	All Consulting Parties	Update on Project effects and reminder of upcoming series of Project meetings
July 9, 2018; July 18, 2018	Letter; E-mail	DHR	Submittal of Addendum Project effects letter; DHR reply
July 9, 2018	E-mail	All Consulting Parties	Update on Addendum Project Effects
July 20, 2018	E-mail	All Consulting Parties	Reminder of deadline for report and effects comments
August 14, 2018	E-mail	FRA, DHR, DRPT	Framework of MOA for review
August 23, 2018	E-mail	All Consulting Parties	Update on project including receipt of comments on reports, APE, and list of historic properties
September 21, 2018	E-mail	All Consulting Parties	Invitation to three October Consulting Party Meetings

Date	Medium	Recipient	Topic
September 21, 2018	E-mail	Shockoe Bottom Neighborhood Assn; Historic Shockoe Partnership; Slave Trail Commission; Elegba Folklore Society; Black History Museum Virginia Untold VA; Virginia African American Cultural Resources Task Force; Southern Environmental Law Center; Sacred Ground Project; Community Unity in Action, Richmond Branch NAACP; Wesley Memorial United Methodist Church; VCU Department African American Studies; Richmond Crusade for Voters; First Unitarian Universalist Church; Sacred Ground Historical Reclamation Project; VCU, Building on Sacred Ground	Invitation to Shockoe Bottom/Richmond Consulting Party Meeting
October 11, 2018	E-mail	All Consulting Parties	Reminder of three October Consulting Party Meetings
October 11, 2018		Shockoe Bottom Neighborhood Assn; Historic Shockoe Partnership; Slave Trail Commission; Elegba Folklore Society; Black History Museum Virginia Untold VA; Virginia African American Cultural Resources Task Force; Southern Environmental Law Center; Sacred Ground Project; Community Unity in Action, Richmond Branch NAACP; Wesley Memorial United Methodist Church; VCU Department African American Studies; Richmond Crusade for Voters; First Unitarian Universalist Church; Sacred Ground Historical Reclamation Project; VCU, Building on Sacred Ground	Reminder of Shockoe Bottom/Richmond Consulting Party Meeting
November 13, 2018	Letter; E-mail	DRPT, Preservation Virginia, Historic Richmond Foundation, DHR, ACHP	Reply to NTHP, Preservation Virginia, and Historic Richmond Foundation on July 20, 2018 letters
November 27, 2018	E-mail	All Consulting Parties	Distribution of updated list of historic properties and revised effects; Solicitation of additional MOA mitigation ideas

Date	Medium	Recipient	Topic
November 19, 2018; January 4, 2019	Letter; E-mail	DHR	Submittal of Second Addendum Project effects letter; DHR reply
December 21, 2018	E-mail	FRA, DHR, ACHP,	Revised MOA for review
November 30, 2018; January 4, 2019	Letter; E-mail	DHR	Section 4(f) concurrence letter; DHR reply
January 4, 2019	E-mail	All Consulting Parties	Distribution of Draft MOA for review to Consulting Parties
February 11, 2019	E-mail	FRA, DHR, ACHP	Second revised MOA for review based on Consulting Party feedback
April 2019	E-mail	FRA, DHR, ACHP	Final MOA for ratification; Signatures received and MOA finalized
April through September 2021	E-mail	Dan Mouer, Ellen Chapman, Steve Thompson, Lenora McQueen, Ryan Smith, Council of Virginia Archaeologists, Sacred Ground Historical Reclamation Project, Cultural Landscape Foundation	Invitation to participate in the reopened Section 106 process; All but Ms. Chapman elected to participate
September 15, 2021	E-mail	All consulting parties	Email regarding the reopening of the Section 106 process
September 15, 2021	E-mail	Lenora McQueen, Dan Mouer, Steve Thompson, DHR	Email to Ms. McQueen and others noting her research on two resources within the corridor and future steps related to the Section 106 process
November 4, 2021	E-mail	All consulting parties	Update to all consulting parties regarding status of MOA and first meeting
November 18, 2021	E-mail	All consulting parties	Email to consulting parties asking for feedback on a date for the first meeting
November 22, 2021	E-mail	All consulting parties	Email stating the selection of the meeting date
December 6, 2021	E-mail	All consulting parties	Email noting the upcoming meeting invite from HDR and presenting an agenda
December 6, 2021	E-mail	All consulting parties	HDR meeting invite
December 9, 2021	E-mail	All consulting parties	Email disseminating MOA for review and briefly outlining role of consulting parties
December 21, 2021	Email	All consulting parties	Dissemination of presentation from December 16, 2021 consulting party meeting
January 5, 2022; January 10, 2022; January 18, 2022	Email	All consulting parties	Original reminder on MOA comment deadline; Email extending deadline; Email reminder of revised comment deadline
January 25, 2022	Email	All consulting parties	Dissemination of draft minutes from December 16, 2021 consulting party meeting
February 8, 2022	Email	All consulting parties	Request to receive edits on minutes by February 11, 2022
February 20, 2022	Email	All consulting parties	Dissemination of final minutes from December 16, 2021 consulting party meeting
February 21, 2022; February 24, 2022; February 25, 2022	Email	Lenora McQueen; Ryan Smith; All consulting parties	Emails regarding ARPA and the public presentation of the location of archaeological sites including in this MOA

# **APPENDIX D: Map Showing Area of Vegetative Clearing/Underbrush Removal at Rippon Lodge**





## APPENDIX E: Location of Newly NRHP-Listed and Expanded NRHP-Eligible Historic Properties in Shockoe Hill, Richmond, Virginia

