



*Preserving America's Heritage*

# CASE DIGEST: SECTION 106 IN ACTION



ADVISORY COUNCIL ON HISTORIC PRESERVATION

FALL 2007

An independent federal agency, the ACHP promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Administration's Preserve America initiative.

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Cover: Beauvoir, the historic home of former Confederate States of America President Jefferson Davis, was heavily damaged by Hurricane Katrina in August 2005. (courtesy FEMA)

## ABOUT THIS REPORT

Section 106 of the National Historic Preservation Act requires federal agencies to consider historic preservation values when planning their activities. In the Section 106 process, a federal agency must identify affected historic properties, evaluate the proposed action's effects, and then explore ways to avoid or mitigate those effects.

The federal agency often conducts this process with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers, representatives of Indian tribes and Native Hawaiian organizations, and other parties with an interest in the issues.

Sometimes a Programmatic Agreement (PA) or a Memorandum of Agreement (MOA) is reached and signed by the project's consulting parties. A PA clarifies roles, responsibilities, and expectations of all parties engaged in large and complex federal projects that may have an effect on a historic property. An MOA specifies the mitigation measure that the lead federal agency must take to ensure the protection of a property's historic values.

Each year thousands of federal actions undergo Section 106 review. The vast majority of cases are routine and are resolved at the state or tribal level, without the ACHP's involvement. However some cases present issues or challenges that warrant the ACHP's involvement.

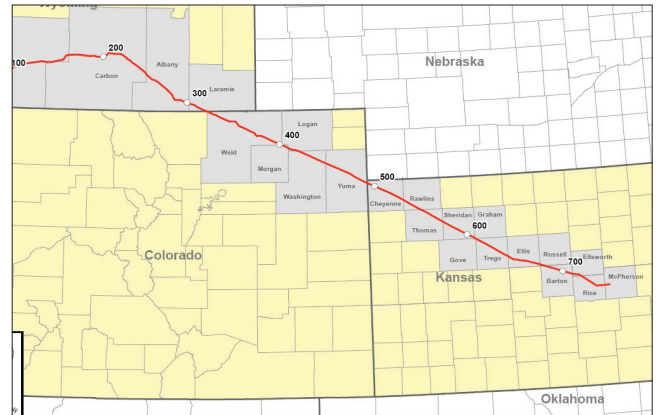
This report presents a representative cross-section of undertakings that illustrate the variety and complexity of federal activities that the ACHP is currently engaged in. In addition, the ACHP's Web site [www.achp.gov](http://www.achp.gov) contains a useful library of information about the ACHP, Section 106 review, and the national historic preservation program.

# COLORADO, KANSAS, WYOMING

**Project:** Closed Case: Overland Pass Pipeline  
**Agencies:** Bureau of Land Management (lead),  
 U.S. Forest Service  
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A Memorandum of Agreement (MOA) has been completed regarding Overland Pass Pipeline LLC's construction of a 749-mile pipeline from Opal, Wyoming, to Conway, Kansas. Most of the pipeline parallels existing utility or pipeline corridors with about 70 miles of new corridor required. Among potentially impacted resources are prehistoric sites, segments of the Overland Trail, Union Pacific Railroad, the Lincoln Highway, and a historic wooden pipeline. Consulting tribes did not believe the undertaking could cause adverse effects to historic properties of religious and cultural significance to them. The MOA for this multi-state, multi-agency undertaking was completed within two months of the ACHP joining the consultations.

Overland Pass Pipeline LLC is building a 749-mile natural gas liquids (NGL) pipeline from the southwestern corner of Wyoming through Colorado to a mid-continent NGL market center in Conway, Kansas. (NGLs are defined as hydrocarbons in natural gas that are separated from the gas as liquids in gas processing or cycling plants. NGLs include ethane, butane, isobutane, propane, and natural gasoline.) The pipeline route traverses Bureau of Land Management (BLM) and U.S. Forest Service-managed lands in Colorado, Kansas, and Wyoming. Most of the pipeline parallels existing utility or pipeline corridors, with approximately 70 miles of new disturbance. Affected historic properties include National Register-eligible prehistoric sites and segments of the Overland Trail, Lincoln Highway, and Union Pacific Railroad Denver to Cheyenne Realignment. A historic wooden pipeline may be the subject of unknown effects. Numerous tribes were consulted. These tribes did not identify potential adverse effects to known historic properties to which the



This map shows the route of the Overland Pass Pipeline through Wyoming, Colorado, and Kansas

tribes attach religious and cultural significance.

The BLM consulted with the following tribes: Apache Tribes of Oklahoma, Cherokee Nation, Cheyenne and Arapaho Tribes of Oklahoma, Cheyenne River Lakota Tribe, Comanche Tribe of Oklahoma, Crow Creek Lakota Tribe, Crow Tribe, Eastern Shoshone Tribe, Fort Peck Assiniboine and Sioux Tribes, Jicarilla Apache Tribe, Kaw Nation, Kiowa Tribe, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Lakota Tribe, Osage Nation of Oklahoma, Pawnee Nation of Oklahoma, Rosebud Lakota tribe, Southern Ute Indian Tribe, Shoshone-Bannock Tribe, and Wichita and Affiliated Tribes. The results of this consultation were presented in the respective cultural resource inventory reports for each state and in the Executive Summary Report of Native American Tribal Consultation for the Overland Pass Pipeline Project, March 2006-August 2007.

The Advisory Council on Historic Preservation (ACHP) became involved officially on July 20, 2007, because of the complexity of the undertaking—both multi-state and multi-agency—so that the ACHP would be aware of issues and be able to comment on questions of policy or interpretation that might arise. With many projects to expand gas and oil development planned for the near future, such involvement seemed advisable in order to gain further knowledge and experience with issues that might impact this and similar corridor projects. During the two-month consultation period, the ACHP participated in numerous conference calls and provided four sets of written comments, including review by its legal counsel.

The multi-state, multi-agency Memorandum of Agreement (MOA) addresses adverse effects to historic properties that are eligible for the National Register, some of which are eligible at the national level of significance. The agreement was completed in a relatively brief time frame despite the complexity of the project and the large number of consulting parties. As part of the mitigation, Overland Pipeline Company LLC will produce a book on archaeology, with particular emphasis on the project area, that will inform multiple diverse audiences. The proponent will also provide the federal agencies with 10 concrete trail markers for placement in areas where integrity of setting may be affected. In addition, treatment plans that define mitigation of adverse effects to historic resources were prepared for each state. These three plans identify the nature of effects to which each historic property will be subjected and the treatment strategies for mitigating the adverse effects. Each plan also spells out how inadvertent discoveries will be dealt with, should they occur.

The MOA was signed by all parties in late September 2007. The signatories were the BLM; the Arapaho and Roosevelt National Forests, Pawnee National Grassland, and Ashley National Forest; the Colorado, Kansas, and Wyoming State Historic Preservation Officers; the ACHP; and Overland Pass Pipeline LLC. Concurring parties were the Oregon-California Trails Association and the Alliance for Historic Wyoming.

# KANSAS

**Project:** Closed Case: Replacement of the Amelia Earhart Memorial Bridge, Atchison

**Agencies:** Federal Highway Administration, U.S. Department of Transportation

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After 3 1/2 years of consultation, the Federal Highway Administration, Kansas State Historic Preservation Office, and the Advisory Council on Historic Preservation have executed a Memorandum of Agreement (MOA) regarding replacement of the 67-year-old Amelia Earhart Memorial Bridge. Despite the disappointing loss of this historic long span through-truss bridge, consulting parties agreed to a mitigation package that will help finance historic preservation in Atchison, provide the public with information about the historic significance of the Amelia Earhart Memorial Bridge, and fund the sharing of information on historic bridge rehabilitation among Kansas transportation engineers. This case was previously reported in the Summer 2004 and Summer 2005 *Case Digest* publications.

In a Final Environmental Impact Study and Section 4(f) Evaluation released in May 2007, the Federal Highway Administration (FHWA) determined the preferred alternative for the proposed project is demolition of the existing historic bridge and construction of a new four-lane structure that meets current design standards. After considerable negotiation, the resulting Memorandum of Agreement (MOA) includes most of the measures proposed by the consulting parties and incorporates measures that will enhance historic preservation efforts of Atchison and provide information on the history of the bridge to state and local museums and libraries. The MOA specifically requires the Kansas Department of Transportation (KDOT) to:

- Submit copies of large format photographs, the original bridge plans, and historic reports to both the Kansas and Missouri State Historic Preservation Officers (SHPOs), the Atchison County Historical Society Museum, the Atchison Public Library, and the Kansas State Historical Society Library;



Artist's conception of the new bridge that will replace the historic Amelia Earhart Memorial Bridge

- Conduct oral interviews with individuals with personal knowledge of the history of the Amelia Earhart Memorial Bridge, with the resulting audio or video tapes to be shared with the above organizations;
- Establish a \$500,000 historic preservation fund to be administered by the Kansas SHPO to foster and support the preservation, rehabilitation, restoration, and interpretation of historic properties in Atchison, Kansas;
- Provide funding to bring a historic bridge preservation expert to speak at a future Kansas Transportation Engineering Conference;
- Make the Amelia Earhart Memorial Bridge available for removal and reuse, in its entirety or sections, thereof; and
- Provide the consulting parties an opportunity to comment on the design of the new bridge.

The MOA was signed by the Kansas Division, FHWA; Kansas Department of Transportation; Kansas SHPO; and the Advisory Council on Historic Preservation (ACHP) in July. Other invited signatories (including the Atchison Preservation Alliance, National Trust for Historic Preservation (Trust), and Kansas Preservation Alliance) declined to sign the agreement. In a letter to the FHWA dated July 18, 2007 the Trust said it declined to concur in the MOA because of its strong belief that there are feasible and prudent alternatives to the demolition of the historic bridge; although in the same letter, Trust President Richard Moe called the mitigation plan very unusual and impressive. Although the ACHP was also very concerned about the loss of this significant bridge, FHWA's analysis indicated that the rehabilitation option (building a second two-lane span and using the historic bridge for one-way traffic) would have cost about \$1 million more than demolition and replacement.

**Background:**

FHWA is considering providing financial assistance to KDOT to replace the 69-year-old Amelia Earhart Memorial Bridge over the Missouri River at Atchison, Kansas. The project, as currently proposed, will affect only one historic property: the Amelia Earhart Memorial Bridge. The historic long-span steel truss bridge is eligible for inclusion in the National Register of Historic Places as an excellent example of its kind constructed under the Public Works Administration. Constructed in 1938, the bridge comprises a series of steel girder spans, deck truss spans and through truss spans, with a combined length of approximately 2,475 feet. The existing bridge is in need of a new deck and has a sufficiency rating of 18.7, which qualifies it for replacement federal funding. In 1997, the crossing was named the Amelia Earhart Memorial Bridge to honor the famed aviator who was born in Atchison, Kansas, in a house overlooking the Missouri River. In 1995, it was listed by the National Trust for Historic Preservation (Trust) as one of America's "11 Most Endangered Historic Places."

The ACHP has been involved in consultation with FHWA since April 2004. At the urging of the ACHP, the Trust, and the Atchison Preservation Alliance, FHWA took a hard look at a preservation option and prepared an Environmental Impact Statement (EIS) evaluating two alternatives: (1) replacement of the existing bridge with a new four-lane bridge and (2) a new two-lane eastbound bridge parallel to and immediately downstream of the existing bridge and rehabilitation of the existing bridge for westbound traffic. As it prepared the EIS, the Kansas Division, FHWA continued consultation with the ACHP and other parties in an attempt to reach agreement on how to resolve the adverse effects of the project on the historic bridge.



# LOUISIANA

**Project:** New Case: Replacement of the Vida Shaw Swing Bridge, Iberia Parish

**Agencies:** Federal Highway Administration, U.S. Department of Transportation

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An 11th hour determination that the Vida Shaw Swing Bridge is eligible for inclusion in the National Register of Historic Places (NRHP) has, at least temporarily, stopped a Louisiana parish from proceeding with plans to demolish and replace the bridge. The Advisory Council on Historic Preservation was asked to participate, and a determination of eligibility from the Keeper of the NRHP was obtained. The Louisiana Division of the Federal Highway Administration will reopen Section 106 consultation and complete an analysis of alternatives to determine the fate of the historic bridge.

The Iberia Parish Council had planned to remove and replace the existing bridge over Bayou Teche on Vida Shaw Road near the community of Vida. The Vida Shaw Swing Bridge is one of 11 high steel swing-span bridges in Louisiana. Also known as the Teche Bayou Bridge, the bridge was recommended as eligible for inclusion in the NRHP in a 1999 bridge survey conducted for the Louisiana Department of Transportation and Development (LADOTD) entitled "Revised Identification and Evaluation Survey of Historic High Steel Swing-Span Bridges in Louisiana," (URS Greiner Woodward Clyde, August 3, 1999). The 1999 report recommends it as eligible under Criterion A, History, and Criterion C, Engineering, as a "rare late example of a rim-bearing high steel swing-span bridge in Louisiana." Located adjacent to the site of the Vida Shaw sugar mill, which was destroyed by an explosion in 1923, the current bridge was built in 1940.

In 2000, the Iberia Parish Council submitted the proposed bridge replacement for consideration in the Off-System Bridge Replacement Program, a program funded by the FHWA and administered by the LADOTD. In March 2000, the LADOTD and the Louisiana State Historic Preservation Office (SHPO)



This 1970 view of the historic Vida Shaw Sugar Mill shows the Vida Shaw Swing Bridge to the left center of the old mill (Photo courtesy of Benny Granger)

agreed that significant cultural resources were not likely to be affected by the project. After a series of delays, the bridge replacement was scheduled for bids in May 2007.

In April 2007, residents of Iberia Parish who wished to keep the existing bridge in place and the Historic Bridge Foundation contacted FHWA and LADOTD requesting that the bridge be evaluated for eligibility to the National Register of Historic Places (NRHP), and that it be rehabilitated rather than replaced. As a determination of eligibility had not previously been prepared for the Vida Shaw Bridge, on May 17, 2007, the LADOTD transmitted to the SHPO its finding that the Vida Shaw Bridge is not eligible for inclusion in the NRHP. Louisiana SHPO Pam Breaux replied on July 10, 2007, concurring that the bridge "does not appear to be eligible for the National Register, based upon the information submitted to us. However, we remain open to considering additional documentation that would support its National Register-eligibility."

In light of the SHPO's views, the Historic Bridge Foundation contacted the Advisory Council on Historic Preservation (ACHP) and requested it ask the Federal Highway Administration (FHWA) to obtain a finding of eligibility from the Keeper of the NRHP. The foundation argued that, although the bridge is in poor repair, a 2005 report providing a national context for historic bridges suggested that relatively recent examples of this type of bridge such as the Vida Shaw structure would be considered moderately significant. In addition, more than 1,000 local residents signed a petition calling for the parish to repair and maintain the existing Vida Shaw bridge, leaving it in its present

location.

In light of the questions surrounding eligibility, the ACHP intervened and on July 18, 2007 requested that FHWA obtain a formal determination of eligibility from the Keeper. On September 20, the Keeper found that the Vida Shaw Bridge is locally significant under Criterion C for its engineering design. "The bridge is one of a small number of high steel swing-span bridges that survive in Louisiana. It features a rim-bearing pivot mechanism and represents an important example of bridge design from the World War II era." (National Park Service, Determination of Eligibility Notification, September 20, 2007). FHWA has informed the parish that it will reopen Section 106 consultation to resolve the adverse effects of the project on the historic bridge. Section 4(f) of the Department of Transportation Act also requires FHWA to determine if there is a prudent and feasible alternative to replacement of the historic bridge.

The swing span on this single-lane bridge is currently not working. The *Daily Iberian* reported on July 9, 2007 that the support structure under the bridge is shifting, and the parish had to use a come-along and chainsaws to close the bridge after barge traffic was allowed through. The parish decided to leave the bridge open, closing the road indefinitely.

# MISSISSIPPI

**Project:** Ongoing Case: Repair and Rehabilitation of Beauvoir, Jefferson Davis Home and Presidential Library

**Agencies:** Federal Emergency Management Agency, Department of Homeland Security

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In October 2006, the Federal Emergency Management Agency, the Mississippi State Historic Preservation Officer, and the Advisory Council on Historic Preservation executed a Memorandum of Agreement for FEMA's undertaking to fund the repair and rehabilitation of Beauvoir, a National Historic Landmark (NHL), and the adjacent Jefferson Davis Presidential Library. Also located on the property but destroyed by Hurricane Katrina were the pavilion where Davis wrote his *Rise and Fall of the Confederate Government* and a Confederate history museum. Because of the extensive damage, the National Park Service identified the NHL as threatened.

The Federal Emergency Management Agency (FEMA) is providing public assistance funds to assist the Mississippi Division of the United Sons of Confederate Veterans, Inc. to make repairs to Beauvoir, the retirement home of Confederate States of America President Jefferson Davis, and repairs to the adjacent presidential library (which is non-historic). Both Beauvoir and its associated presidential library sustained massive damage from Hurricane Katrina in 2005, as was true of many other properties in the region. While the proposed repair work to the house is to meet the Secretary of Interior's Standards for the Treatment of Historic Properties, FEMA consulted with the ACHP and the Mississippi State Historic Preservation Officer (SHPO) on a Memorandum of Agreement (MOA) due to the potential for adverse effects from a new addition to the presidential library.

The MOA provides for a phased SHPO review of all work occurring on the historic property (including repairs to the historic house and construction activities related to the presidential



Beauvoir and the adjacent Jefferson Davis presidential library buildings are being repaired and rehabilitated in the wake of Hurricane Katrina. (courtesy FEMA)

library), and a provision for scope of work changes, late discoveries, and unforeseen adverse effects.

FEMA executed the MOA in October 2006.

In addition to FEMA, other signatories to the MOA include the Advisory Council on Historic Preservation (ACHP), the Mississippi SHPO, and the Mississippi Emergency Management Agency (MEMA). The Mississippi Division of the United Sons of Confederate Veterans, Inc. is a concurring party.

Since execution of the MOA, Beauvoir mansion has been stabilized, and repairs continue. FEMA recently notified the ACHP that the Beauvoir directors have decided to demolish the existing presidential library because it lies within the velocity wave action zone. The plan would be to build a new facility that meets FEMA floodplain requirements. As currently planned, the new library will have a larger footprint because it will also combine the library functions with those of the destroyed Confederate museum, but it will be located closer to the historic residence.

As *Case Digest* goes to print, FEMA continues to consult with the Mississippi SHPO on the proposed repair work to Beauvoir, the demolition of the existing presidential library, and the design of the proposed library building, which is still in the conceptual design phase.

# MULTISTATE

**Kansas, Illinois, Missouri, Nebraska, Oklahoma, North Dakota, South Dakota, and Canada**

**Project:** Ongoing Case: Programmatic Agreement for Keystone International Oil Pipeline Crossing Seven States

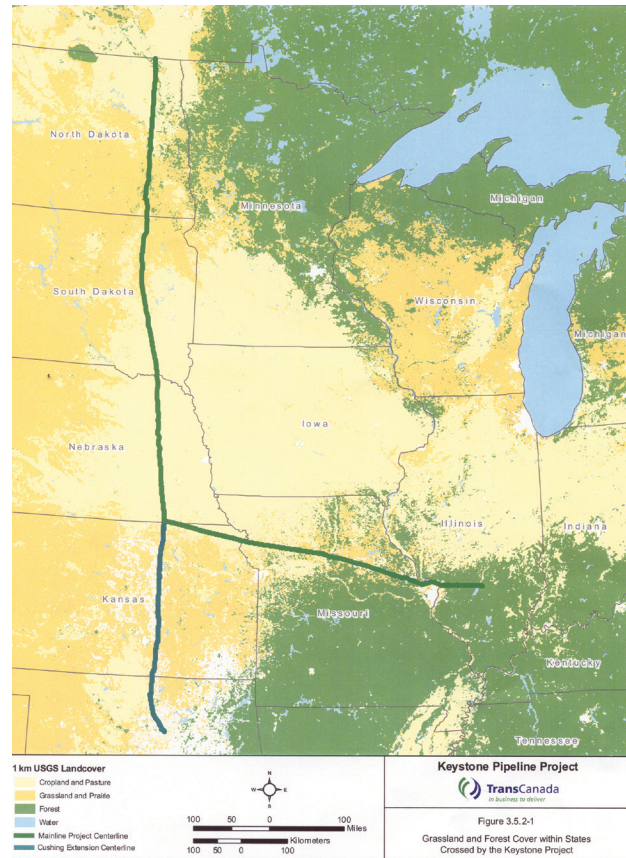
**Agencies:** U.S. Department of State

**Contact:** Laura Dean ldean@achp.gov

TransCanada Keystone Pipeline, LP is planning a cross-border oil pipeline involving about 1,371 miles in the United States and 767 miles in Canada. Under Executive Order 13337, the Department of State is charged with considering applications for such projects. This project also involves multiple other federal agencies and interests, including seven State Historic Preservation Officers and numerous Indian tribes.

Pursuant to authority delegated by the President of the United States under Executive Order 13337, the Department of State (DOS) considers permit applications for oil pipelines crossing the U.S. border. The DOS received such an application for the construction, operation, and maintenance of an oil pipeline from TransCanada Keystone Pipeline, LP (Keystone). The proposed project consists of approximately 1,845 miles of main line—1,078 miles in the U.S. crossing North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois and 767 miles in Canada—with an additional 293.5 miles of proposed pipeline extension in Oklahoma.

Multiple federal agencies are involved in this undertaking because the proposed pipeline seeks approval to cross federal land and easements and needs federal permits from agencies other than the DOS. In addition, federal assistance will be sought for the construction of transmission lines and pump stations. The federal agencies involved include the Natural Resources Conservation Service, the Farm Service Agency, Rural Development, the Western Area Power Authority, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. The DOS has assumed the role of lead federal agency for the purposes of Section 106. However, questions about the scope of the undertaking, and specifically the involvement of the other federal



Route of the Keystone International Oil Pipeline

agencies, and the lead role of the DOS remain to be resolved.

The seven State Historic Preservation Officers (SHPOs) and numerous federally recognized Indian tribes have participated in consultation. On October 5, 2006, the ACHP entered consultation because of the potential of the project to manifest procedural problems and issues of concern to Indian tribes. Timing issues and confusion about roles and responsibilities under Section 106 have intensified tribal concern about the project and its proposed resolution through a Programmatic Agreement (PA).

For project construction to begin by April 2008, as proposed by the applicant, Section 106 review must be completed by December 2007. For such an ambitious schedule to be met, it is incumbent upon the DOS to keep all consulting parties informed and abreast of developments. However, this review has experienced problems in timing and coordination from the outset. For example, the applicant, after consulting with the

SHPOs about the scope of identification efforts, began archaeological survey within the proposed alignment well before the involvement of the DOS. These factors have given rise to tribal concerns about the adequacy of identification efforts.

Consultation continues to be hampered by confusion about roles and responsibilities under Section 106. The suggestion that the permit applicant is ultimately responsible for deciding the level of effort for identification, for instance, makes it appear that the DOS has relinquished its authority for Section 106 compliance discussions.

In an effort to address some of these issues and refocus consultation, the ACHP participated directly in tribal consultation meetings held by the DOS on October 23-24, 2007 in Fort Yates, North Dakota. Shortly after the meeting began on the 24th, the tribes decided not to participate further in consultation on that second day.

While challenging in its own right, this case is also significant for lessons that may be learned about working with applicants under Section 106.

# NEW MEXICO

**Project:** New Case: Abo Canyon Railroad Construction

**Agencies:** U.S. Army Corps of Engineers

**Contact:** John Eddins jeddins@achp.gov

The undertaking involves the proposed construction by the Burlington Northern Santa Fe railway company of a 4.5-mile second track through Abo Canyon, in Socorro and Valencia Counties. Abo Canyon extends from the Salinas area of central New Mexico near Mountainair into the Rio Grande Valley near Belen, New Mexico. The second track will essentially parallel the existing track through the canyon, which was originally built more than 100 years ago.

Based on background research and field surveys, the U.S. Army Corps of Engineers (Corps) has identified 50 archaeological sites and a historic district related to the history of the railroad in Abo Canyon. The majority of the archaeological sites within the canyon are historic and are related to the construction, maintenance, and use of the railroad. These sites include camps, dumps, bridges, roads, other activity areas, and the original railroad grade. Most of the historic archaeological sites relate to the period of construction of the original track between 1901 and 1908. The Corps determined, in consultation with the New Mexico State Historic Preservation Officer (SHPO), that the railroad, associated features, and related archaeological sites comprise a historic district that has been designated the Abo Canyon Railway Construction District (ACRCD). The district consists of the entire original construction zone, which includes the 1907 rail alignment with nine bridges and three culverts and 39 associated archaeological sites reflecting construction or maintenance activities.

Archaeological surveys identified an additional 11 sites within the Area of Potential Effects (APE) but outside of the boundary of the ACRCD. The prehistoric archaeological sites identified within Abo Canyon have been characterized as short term camp and resource utilization sites. In addition, four prehistoric rock art sites were identified in the canyon.

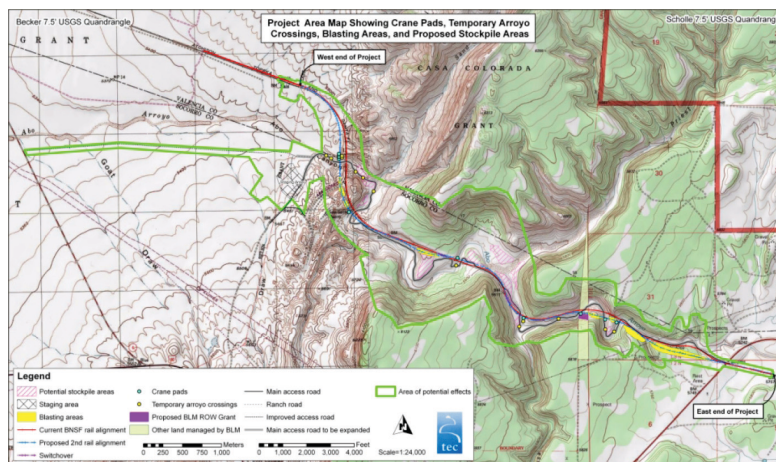
At the insistence of several consulting parties, the Corps requested that consultants for the permit applicant carry out a program of oral interviews with local residents to assist in the identification and evaluation of historic properties and to determine if there was any basis for identifying cultural landscapes related to use of the area by the community. The Corps determined, with SHPO concurrence, that the results of those interviews provided additional information about four previously identified National Register of Historic Places (NRHP)-eligible properties but did not provide justification for recognition of any additional NRHP-eligible historic properties including landscapes.

Federal involvement in the Burlington Northern Santa Fe (BNSF) railway construction effort includes a Section 404 permit application to the Corps for temporary road crossings and crane pads in Abo Arroyo, and a Bureau of Land Management (BLM) right-of-way grant for the project which enables right of access across a small area of BLM land. The Corps is the lead agency for the Section 106 review.

The Corps published a public notice in June 2005 and initiated Section 106 consultation in August 2005. The Corps initially established an APE

focused on the locations of the road crossings and crane pads and associated staging areas. Following consultation with the New Mexico SHPO, the Corps expanded the APE to include the entire canyon, rim to rim.

Section 106 consulting parties include the Corps



Details of the Abo Canyon railroad construction project

(Albuquerque District), the New Mexico SHPO, BLM (Socorro Field Office), the Advisory Council on Historic Preservation (ACHP), BNSF, the Pueblo of Acoma (Acoma), the Pueblo of Isleta (Isleta), the proprietors of Dripping Springs Ranch (DSR), the National Trust for Historic Preservation (NTHP), the non-federally recognized Piro/Manso/Tiwa Indian Tribe, and Juan Sanchez (an adjacent landowner). Initially, the ACHP declined to participate formally in the Section 106 consultation for the undertaking. However, in April 2006, in response to a request from a consulting party, the ACHP joined consultation.

The Corps notified a number of federally recognized tribes that have expressed interest in the area of the proposed undertaking. Initially, no tribe requested consulting party status. The Acoma Pueblo, Mescalero Apache Tribe, and the Hopi Tribe requested to be kept informed regarding the Section 106 process. The Corps provided copies of the draft survey report to these tribes and also provided informational copies of correspondence sent to the New Mexico SHPO. The Comanche Tribe requested a copy of archaeological surveys and asked to be informed of future progress. Subsequently, Acoma became a consulting party. Recently a second federally recognized tribe, the Pueblo of Isleta, requested to be a consulting party, specifically because of the possible effects of blasting on four pictograph sites located within the APE. The Corps has worked with Isleta and the NTHP to develop blasting and monitoring protocols to be included in a Memorandum of Agreement (MOA) to address concerns about the effects of the vibrations from blasting and from the construction and operation of the new rail line. The Piro/Manso/Tiwa Indian Tribe requested consulting party status and expressed concerns about the potential adverse effects for burials that might be located in the APE for the project.

The major points of controversy raised by some consulting parties relate to the boundaries of the APE, the identification of historic properties, the consideration of alternatives, and assessment of cumulative effects. One property owner has argued that the APE should be expanded to encompass a larger regional context that includes one or more broad landscapes with varying periods of significance. Similarly, issues have been raised about whether the Corps' analysis of alternatives to the preferred alternative was comprehensive.

It is the Corps' position that there is not sufficient justification to recognize an NRHP-eligible cultural landscape that extends well beyond the APE. The agency believes that project alternatives are being considered in the National Environmental Policy Act process, which includes an analysis of a recommended tunnel alternative. The Corps has indicated that several options were analyzed by BNSF, including a tunnel alternative, prior to application for a Corps permit. BNSF applied for a Corps permit under an alternative designed to minimize impacts to historic properties and to natural resources. Since the time of the permit application, BNSF has altered its plans to further minimize impacts and to avoid archaeological sites wherever possible. The Corps' consideration of the Section 404 permit request under the Clean Water Act has been limited to the construction of a second rail line through Abo Canyon, and the Corps is reluctant to require tunnel construction that would only partially avoid adverse effects on historic properties.

Having failed to convince the Corps to recognize a regional cultural landscape eligible for the National Register, the objecting party requested that the ACHP refer the question to the Keeper of the National Register of Historic Places. Based on the results of the background surveys, fieldwork, oral history interviews, and the opinions presented by the tribes, the ACHP found there was not a sufficient basis to recommend a referral to the Keeper.

The consulting parties have developed an MOA, now in its second draft, to resolve adverse effects of the undertaking. It has been made available for public comment. The Corps also has held a public meeting about this undertaking in Mountainair, New Mexico, the town closest to Abo Canyon. The meeting was well attended with representatives from both the opponents and supporters. Tribal participation, however, was lacking. The Corps opened the meeting up for questions and comments by the crowd. Comments made during the meeting reiterated the views of residents and businesses regarding the potential of the undertaking to drastically alter the canyon, impact the environment, and affect big horn sheep.

# PENNSYLVANIA

**Project:** Demolition of Guthriesville General Store and Replacement with Wawa Store

**Agencies:** U.S. Army Corps of Engineers

**Contact:** John Eddins jeddins@achp.gov

A U.S. Army Corps of Engineers (Corps) permit for construction of a new Wawa convenience store in Guthriesville, Pennsylvania, would result in the destruction of the historic Guthriesville General Store, the single largest historic structure in the village, which now occupies a portion of the proposed building site. However, the current property owner intends to demolish the general store regardless of the outcome of the permitting process. The Advisory Council on Historic Preservation (ACHP) entered Section 106 consultation in September 2007, after initially declining to do so, when the process became contentious and consulting parties requested ACHP involvement.

The federal undertaking involves a U.S. Army Corps of Engineers permit for the construction of a Wawa convenience store and gas station in the historic village of Guthriesville, East Brandywine Township, in Chester County. The current owner of the site plans demolition of the Guthriesville General Store, the largest historic structure in the village and considered by many area residents to be the centerpiece of the historic village, regardless of whether the Wawa project goes forward.

The Section 106 consultation for this undertaking has become contentious. The main points of concern involve the demolition of the Guthriesville General Store, the effects of that demolition and subsequent construction of the convenience store on the historic district, and the view that the permit applicant refuses to seriously consider alternatives to the preferred design. Many members of the local community want the general store preserved. The village is eligible for listing in the National Register of Historic Places as a historic district. However, a number of property owners in the proposed historic district oppose such a listing.

The consulting parties include the Corps (Philadelphia District), the Pennsylvania State Historic Preservation



The Guthriesville General Store is threatened with destruction.

Officer (SHPO), Wawa (the applicant), the current property owner, the East Brandywine Township Historical Commission, the Chester County Historic Preservation Coordinator, Preservation-PA (a statewide preservation organization), and SaveGuthrieville.org (a group of local citizens formed in response to the development plans that has gathered 500 signatures petitioning the owners to save the general store). The ACHP initially declined to participate but entered the consultation in September 2007 in response to requests by consulting parties.

The current property owner has a contract with Wawa to sell the property if Wawa gets all necessary permits and approvals. The property owner also has an approved demolition permit from the township, which he intends to utilize if the sale with Wawa falls through. The Pennsylvania SHPO has expressed a desire that a Programmatic Agreement (PA) be developed to deal with effects to the eligible district, as well as to address the potential for archaeological remains.

Wawa initially considered four alternatives that included:

- 1) not building the convenience store at the Guthriesville location;
- 2) relocating the general store on site;
- 3) relocating the general store off site; or,
- 4) documenting the general store prior to demolition.

Wawa holds that all areas within the project site are planned for use, and the costs of relocation on or off site are prohibitive, especially as no one has stepped forward to provide an appropriate new site or share costs.



The East Brandywine Township Historical Commission and some members of the local community have requested modifications to the proposed project plans to allow preservation and reuse of the general store. Wawa has not been receptive to recommendations to modify its plan unless the preservation of the general store provided for removal of the rear addition, rehabilitation of the property by the new owner to the Secretary of Interior's Standards, and the posting of a bond by the purchaser for a specified amount determined by Wawa's consultants to cover rehabilitation costs.

The Corps is reluctant to make Wawa change its design plans because the changes would result in additional impacts to wetlands that are not impacted by the current plans. This would require additional wetlands mitigation and cost Wawa additional expense in a number of ways.

Citizens who have previously rehabilitated historic properties have expressed interest in acquiring the general store, but they concluded that the rehabilitation and reuse were not feasible if Wawa did not change its design plans and relax its proposed restrictions. There is disagreement among consulting parties regarding the accuracy of the condition assessment prepared by Wawa's consultant. Some believe the estimated cost for rehabilitation is inflated. It also has been suggested that a broader marketing effort for a longer period may generate interest, particularly if Wawa would relax some of its proposed restrictions. There continues to be confusion among some opponents of the undertaking as to why the Corps would recommend avoidance of impacts to wetland areas over preservation of the historic property.

When the ACHP entered the consultation, it requested that the Corps clarify the status of the Section 106 process, the range of alternatives that were considered to avoid, minimize, or mitigate adverse effects, and the determinations it has made. The ACHP is currently considering the information provided by the Corps and by other consulting parties who have clarified their concerns regarding historic preservation.

# VIRGINIA

**Project:** Ongoing: Replacement of the Tomb of the Unknowns Monument, Arlington National Cemetery

**Agencies:** Arlington National Cemetery, Department of the Army, U.S. Department of Defense; Department of Veterans Affairs

**Contact:** Martha Catlin [mcatlin@achp.gov](mailto:mcatlin@achp.gov)

This case was reported in depth in the Summer 2007 *Case Digest*. Please refer to that article for additional background. This is an update of events since that article appeared.

On August 17, 2007, Arlington National Cemetery (ANC) announced its goal to complete, by September 30, 2007, a proposed Programmatic Agreement (PA) for replacement of the plinth, die block, and cap of the Tomb of the Unknowns Monument. The Advisory Council on Historic Preservation (ACHP) informed ANC that additional consultation would be needed before Section 106 could be concluded. However, a



A view of one of the cracks in the façade of the Tomb of the Unknowns Monument

number of consulting parties, concerned that their opportunity to participate in Section 106 could end without further consultation, increased their efforts to bring to the attention of ANC the importance of considering repair, rather than replacement, of the Tomb Monument. The National Trust for Historic Preservation (National Trust) alerted its national membership to the issue, resulting in several hundred

National Trust members reportedly contacting ANC to object to the replacement project. Others, including Arlington County, the American Institute of Conservation, and U.S. Senators Daniel Akaka (Hawaii) and Jim Webb (Virginia), wrote to the Army to object to the replacement project. In addition, the two senators issued statements urging caution and took steps to avert a premature decision by adding language to a proposed amendment package to the Department of Defense appropriations bill that would require ANC to report on a number of issues before ANC's plans to replace the Tomb Monument could go forward.

On September 28, 2007 the ACHP wrote to ANC, noting growing public concern and the expectation that irreversible adverse effects would result from the project as proposed, and expressing the view that repair of the existing fabric would be the best course of action from a preservation perspective. The ACHP advised ANC that repair should be fully evaluated before a final decision is reached. No reply had yet been received from ANC as of October 24, 2007, when the Fall 2007 *Case Digest* was being prepared for print.

# VIRGINIA

**Project:** Closed Case: Communications Tower Along Norfolk-Southern Railroad Line in Prince William County

**Agencies:** Federal Communications Commission

**Contact:** Katry Harris kharris@achp.gov

CitySwitch proposes to build a new communications tower along a Norfolk-Southern Railroad line in Prince William County within the viewshed of the Bristow Station Battlefield. While adverse effects on historic resources do exist, the selected site seems the best alternative, and mitigation measures will help soften their impact on the area.

CitySwitch, a wholly owned subsidiary of Norfolk-Southern Railroad, proposes to construct a new communications tower to provide federally required redundancy in its communications network along the railroad in Prince William County. The railroad has a sufficient communications network in the VHF frequency range, within which radio transmitters and



Consulting parties examine an area involved in the construction of a communications tower.

receivers are used. The proposed communications redundancy would utilize the PCS frequency spectrum accessed by the use of cell phones. The Federal Communications Commission (FCC), which licenses the use of such frequencies, complies with its Section 106 responsibilities through the “Nationwide Programmatic

Agreement (NPA) for Review of Effects on Historic Properties for Certain Undertakings approved by the Federal Communications Commission,” approved September 2004.

Prince William County contains many significant historic sites. It is located in the suburbs of the metropolitan Washington, D.C. area and continues to experience heavy land use pressures.

In 2004, CitySwitch initially proposed to construct the new tower adjacent to the at-grade intersection of state Route 619 (Bristow Road) and the railroad. Background research at the Virginia State Historic Preservation Office (SHPO) indicated the house adjacent to the proposed site was a historic property. In addition, the proposed site was within the boundaries of the National Register-eligible Bristow Station Battlefield, determined eligible as a historic district significant for its association with the Civil War.

CitySwitch then proposed to construct the new tower adjacent to its modern railroad support building on Milford Road, approximately a quarter-mile northeast of the first site. This site was located outside of the National Register-eligible battlefield, thereby avoiding potential direct adverse effects. In addition, no significant archaeological site was identified at the proposed site. However, the area of potential effects (APE) for the proposed 131-foot tower still included the Bristow Station Battlefield. (One half of a mile is the standard APE for visual effects for towers of less than 200 feet pursuant to the NPA.) Through consultation with the Virginia SHPO and others who had joined the consultation—Prince William County, the Civil War Preservation Trust (CWPT), and the American Battlefield Protection Program (ABPP) of the National Park Service—the applicant determined, pursuant to the NPA, that the proposed tower would diminish the integrity of the setting and adversely affect the battlefield.

The Advisory Council on Historic Preservation (ACHP) was notified of the adverse effect finding, as required in the NPA, in September 2006, and initially declined to participate in consultation. Shortly thereafter, the

ACHP received requests from Prince William County and the Virginia SHPO to participate in consultation, because the applicant was reluctant to further consider alternatives to avoid or minimize adverse effects. The ACHP notified the FCC that it would participate, and this notification also triggered FCC staff involvement in the consultation.

A consultation meeting and site view was held in January 2007. County staff clarified that the county owns a part of the core area of the battlefield, which it received as an open space set-aside when a residential sub-division was planned and constructed to the northwest. The county and CWPT have been working together to secure funding and to develop a plan to interpret the Civil War history for the public. They reasoned that, with all the setting changes and development pressures in this suburban area, the encroachment of the tower in such proximity would distract visitors from understanding and appreciating the historic significance of the battlefield, despite the county and CWPT's investment in its interpretation. The applicant believed the addition of one more visual intrusion was not that critical since other visual intrusions already existed.

The parties confirmed that other cellular providers were interested in antennas in this area of the county, indicating that once this tower was constructed, more applications could follow. The ACHP suggested the parties consider encouraging antennae collocations on this tower, which would minimize the potential intrusions of multiple towers in the landscape.

The county proposed that CitySwitch consider a number of other sites along the railroad, where current, smaller communications antennae were already present. The applicant's initial analysis was thought to be unsatisfactory, so, at the ACHP's request, FCC involved a staff telecommunications-engineering expert to set the standards for the analysis and to review the results for technical consistency. The applicant's second analysis was approved by the engineer and clarified that the applicant had defined reasonable technical needs and that the proposed Milford Road site was the site that best met those needs.

With FCC's approval of the Milford Road site, contingent on completion of the Section 106 and National Environmental Policy Act (NEPA) processes,

the consulting parties turned their focus to appropriate mitigation for the adverse effects of the proposed tower. Through consultation, the parties agreed to mitigation measures, including:

- Monetary Contributions: the applicant will contribute \$15,000 to the county for the historic preservation of, or enhancements to, the battlefield. The applicant will further contribute \$10,000 to the county for each collocation on the tower.
- National Register of Historic Places nomination: the applicant will contract a qualified professional with experience in battlefield nominations to prepare a nomination for the Bristow Station Battlefield. The ABPP, county, and CWPT will have an opportunity to review and comment. The SHPO will review, approve, and usher the nomination through the registration process.
- Removal: the tower and associated pad facility will be removed by the applicant if it is no longer necessary for Norfolk-Southern Railroad communications.

The Memorandum of Agreement with these stipulations began its signature circuit in October 2007. This case was complex because the undertaking was proposed in an area where there are many land development pressures, yet the county has taken the initiative with CWPT as a partner to preserve and interpret a historic property. It was further challenging because neither the NPA nor the Section 106 process provides specific guidance on the consideration of alternatives to FCC applicants.

Critical to the success of this consultation was the active involvement of the FCC's Federal Preservation Officer and the telecommunications engineer, without which the applicant might not have given appropriate consideration of the concerns of the consulting parties. The outcomes of the consultation—particularly the co-location and the National Register nomination provisions—will help to minimize future further adverse effects on the battlefield and should further the local knowledge of and investment in this significant historic property.

# DISTRICT OF COLUMBIA

**Project:** Ongoing: Vietnam Veterans Memorial Center

**Agencies:** National Park Service

**Contact:** Martha Catlin mcatlin@achp.gov

The U.S. Congress authorized construction of a visitor center at or near the Vietnam Veterans Memorial on the National Mall in November 2003. At the urging of the Advisory Council on Historic Preservation (ACHP), and in recognition of the project's potential to adversely affect a number of historic properties, the National Park Service invited the ACHP to participate in Section 106 consultation on August 24, 2007. By this time, both the site for the visitor center, close to the existing memorial, and a design for the structure had already been selected. It is hoped that the Section 106 process will successfully mitigate some of the adverse effect issues on existing National Mall features.

In November 2003, Congress authorized the Vietnam Veterans Memorial Fund, Inc., a non-profit corporation authorized by Congress in 1980 to build the Vietnam Veterans Memorial, to construct a visitor center at or near the Memorial. The purpose of the project, as stated in the Vietnam Veterans Memorial Visitor Center Act (Act), would be "to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War." The Act stipulates that the Fund must "consult with educators, veterans groups, and the National Park Service in developing the proposed design of the visitor center."

The authorizing legislation charged the National Park Service (NPS) with operation and maintenance of the Vietnam Veterans Memorial Center (Center) and also with meeting environmental and other applicable federal laws for the project. In addition to Section 106, these legal responsibilities included meeting the requirements of the Commemorative Works Act of 1987, as amended (CWA), an authority that has guided the development of a number of privately funded memorial projects on the National Mall. Significantly,



A new Vietnam Veterans Memorial Center is planned near the site of the Vietnam Veterans Memorial. (courtesy National Park Service)

Congress simultaneously amended the CWA to curtail future projects on the critical core area of the National Mall known as the "Reserve." The amendments declared the Reserve to be "a substantially completed work of civic art" and prohibited any future commemorative work or visitor center. Advocates for preservation of the Mall's open space and axial vistas had sought such a provision after it had become evident that the CWA, as originally enacted, did not effectively control the growing number of memorials on the Reserve.

In the Act, Congress specified that the Center be located underground and be limited in size to the "minimum necessary . . . to provide for appropriate educational and interpretive functions; and . . . to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall." The Center would be required to "be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall." In 2006, the Fund studied seven potential sites in the vicinity of the Memorial, including two on the National Mall. Based on the Fund's recommendation and subsequent approvals by the National Capital Memorial Advisory Commission, National Capital Planning Commission (NCPC), and the Commission of Fine Arts (CFA), the National Mall site closest to the Memorial, located within the Reserve, was selected.

Despite the safeguards included in the authorizing legislation, selection of the site adjacent to the Memorial, within the Reserve, caused considerable public controversy. The NCPC and the CFA, whose approvals are required by the CWA, approved the site in

August 2006 but imposed conditions that gave greater specificity to the congressionally mandated restrictions. The conditions took the form of Design Guidelines addressing a broad range of issues, including lighting, protection of elm trees and other landscape features, protection of views from both the Vietnam Veterans and Lincoln Memorials, and prohibitions against parking areas, guardrails, perimeter security elements, or any intrusions on the landscape. According to the Design Guidelines, the project must also not impede recreational use of the site, which includes two softball fields.

At the urging of the Advisory Council on Historic Preservation (ACHP), and in recognition of the project's potential to adversely affect a number of historic properties, NPS invited the ACHP to participate in Section 106 consultation on August 24, 2007. The ACHP, citing the project's potential effects on properties of national significance and unusual importance, notified NPS Director Mary Bomar that the ACHP would participate in Section 106 consultation for the undertaking. By this time, in addition to the site selection, a number of other developments had taken place, including development of a preferred design for the Center. Consulting parties, including the National Coalition to Save Our Mall, Equal Honor for All, and the National Trust for Historic Preservation, viewed the design concept for the first time at a meeting on September 12, 2007 and received design plans in written and graphic form on October 11, 2007. NPS submitted the concept design to the CFA for review and received conditional approval at CFA's October 18, 2007 meeting. The ACHP expects final approvals by CFA and NCPC to be sought at a later date, once Section 106 consultation has reached a resolution. Consulting parties have been provided an opportunity to review and comment on the preferred concept design, although no time frame has been specified. NPS also invited the consulting parties to participate in a meeting on October 24, 2007 to discuss the design proposal.

An important consideration in reviewing the proposed design concept will be the question of its adherence to the Design Guidelines, in particular, the requirement that the project be wholly underground and not be visible above grade. Although the Design Guidelines do not necessarily substitute for consideration of alternatives to avoid, minimize, or mitigate the project's potential

adverse effects, successful adherence to the Guidelines could accomplish some degree of resolution of adverse effects. Initial reaction to the proposed concept design from consulting parties included expressions of concern that the proposal's recessed courtyard surrounded by parapet walls and a bermed trench, while technically below grade, intrude upon the landscape. In addition, the proposed design approach would take out of use considerable square footage in the center of the site's landscape and may therefore prevent continuation of the historic use of the site for recreation.

# DISTRICT OF COLUMBIA

**Project:** Ongoing Case: Master Plan Development for the Armed Forces Retirement Home Washington, D.C. Campus

**Agencies:** Armed Forces Retirement Home

**Contact:** Katharine R. Kerr [kkerr@achp.gov](mailto:kkerr@achp.gov)

The Armed Forces Retirement Home (AFRH) is developing a Master Plan for the management of its Washington, D.C. campus (AFRH-W) (272 acres), including rehabilitation and renovation of existing buildings and construction of a mixed-use redevelopment of approximately 4.5 million square feet on the southeast corner of the property, while allowing for future development in the southern portion. The property, established in 1851, is one of the first exclusively military retirement homes to be established. President Abraham Lincoln and his family stayed there as a seasonal retreat from the White House between 1861 and 1864, and presidents such as Buchanan, Hayes, Garfield, and Arthur also made similar use of the facility.

The Armed Forces Retirement Home (AFRH), formerly known as the U.S. Soldiers' and Airmen's Home, is an independent establishment within the Executive Branch for the purposes of providing residences and related services for certain retired and former members of the United States Armed Forces. Its developing Master Plan for the management of the Washington, D.C. campus includes rehabilitation and renovation of existing buildings, construction of a mixed-use redevelopment of approximately 4.5 million square feet on the southeast corner of the property, and future development in the southern portion of the property.

Historic in itself as one of the first military retirement centers, the Washington, D.C. campus (AFRH-W) includes the following identified and pending National Register of Historic Places listings:

- United States Soldiers' Home National Historic Landmark (Building 1, 2, 12, and 14 only), listed 1973
- President Lincoln and Soldiers' Home National Monument (a 2.27 acre rectangular area including



A master plan is being developed for the Armed Forces Retirement Home campus in Washington, D.C.

Buildings 11, 12, and 13), designated 2000

- Armed Forces Retirement Home—Washington Historic District (272 acres), currently in the review process for listing

The AFRH operates under a trust fund, consisting solely on deductions from the pay of members of the Armed Forces. As the AFRH is self-sustaining, it does not receive an annual appropriation from Congress. In 2001, the AFRH was reorganized as an independent establishment under the National Defense Authorization Act of Fiscal Year 2002 amending the Armed Forces Retirement Home Act of 1991. Congress instructed the AFRH to firm up finances by leasing unused buildings and land to compatible tenants for the AFRH-W and modernize and improve operations. In 2004, the AFRH enlisted the aid of the Staubach Company, a real estate advisory company, and the General Services Administration (GSA) to explore ways the AFRH could generate funds to cover capital improvement costs for the AFRH-W campus. The AFRH is moving ahead with development of a Master Plan for use of underused property on the Washington campus.

The Master Plan envisions a mixed-use development of the site that may include residential, office space, research and development, medical, retail, a hotel, and embassies. The purpose is to generate income for

the operation of the AFRH-W. Development must be compatible with the operation of a retirement community for veterans, and it also must be financially beneficial for the AFRH. The Master Plan protects a large area from development, including the golf course, the President Lincoln and Soldiers' Home National Monument (National Monument), the United States Soldiers' Home National Historic Landmark, and some other AFRH-W facilities (known as the AFRH Zone). The remainder of the site is divided into three development zones:

- Zone A: the southeast corner across the road from Catholic University and along Irving Street across from Washington Hospital Center. Mixed-use for research and development, office, medical, residential, hotel, retail, and educational uses.
- Zone B: on Irving Street across from Washington Hospital Center. Location of medical, residential, retail, and office uses.
- Zone C: along Rock Creek Church Road. Residential use.

In March 2007, AFRH announced Crescent Resources, LLC, was selected as the preferred developer of Zone A. Development within Zones B and C are not currently proposed.

Consultation under Section 106 has been taking place since late 2004. There are many contentious issues affecting the historic properties on the AFRH-W, ranging from the compromise of the historic scale of the AFRH-W to ground disturbance activities. Of particular interest to consulting parties are the historic viewsheds and corridors found throughout the campus, both internally and externally. As the third highest elevation in the District of Columbia, the AFRH-W has views to the Capitol, Mount Saint Alban, the Basilica of the National Shrine of the Immaculate Conception, and, on a clear day, the Masonic Temple in Alexandria, Virginia. Consulting parties are concerned with the potential of new construction blocking views from inside the AFRH-W.

The integrity of the President Lincoln and Soldiers' Home National Monument has created numerous discussions based on the draft Master Plan. The National Monument is contained within the AFRH Zone; however, Zone C also plays a role in the significance of the National Monument as Rock Creek Church Road

was on the route President Lincoln took when staying at the AFRH-W. If development were to occur within Zone C, the pastoral view President Lincoln saw on his way to the AFRH-W could be compromised.

Neighbors of the AFRH-W along the western boundary have been active in the Section 106 consultation process. Citizen groups have been particularly concerned with the development of the current open space in Zones A, B, and C. As the AFRH-W contains some of the remaining open space left in the District of Columbia, citizens have been advocating that the land be designated as a public park for the benefit of the District.

For the past year, consultation has focused on the creation of a Historic Preservation Plan for the AFRH-W in understanding, maintaining, and using its historic properties, discussion on adverse effects to the AFRH-W Historic District (encompassing the entire 272 acres), and the development of a Programmatic Agreement (PA) to address those identified adverse effects. As the AFRH prepares to submit its final Master Plan draft for National Capital Planning Commission (NCPCC) review and approval, the AFRH, District of Columbia State Historic Preservation Office, the National Park Service, and the ACHP will continue to consult and develop the PA. AFRH is planning for NCPCC approval in later winter 2008 and for construction to begin in Zone A by 2009. Once rents from Zone A have begun to come in to the AFRH, the AFRH would commence implementation of mitigation measures outlined in the draft PA and the rehabilitation of existing buildings and structures in the AFRH Zone.

The Advisory Council on Historic Preservation (ACHP) has been involved since 2004. Other federal entities involved are the Commission of Fine Arts, General Services Administration, the National Capital Planning Commission, and the National Park Service—National Capital Regional Office. Additional consulting parties are the Advisory Neighborhood Council 1A, Advisory Neighborhood Council 4C, Advisory Neighborhood Council 4D, Advisory Neighborhood Council 5C, The Catholic University of America, Committee of 100 on the Federal City, Crescent Resources, LLC, District of Columbia Office of Planning, District of Columbia State Historic Preservation Officer, DC Preservation League, Military Officers Association of America, National Trust for Historic Preservation,



Petworth and Columbia Heights Residents Concerned,  
Rock Creek Cemetery Association, St. Paul's Episcopal  
Church, United Neighborhood Coalition, Ward 1  
Councilmember, Ward 4 Councilmember, and Ward  
5 Councilmember.

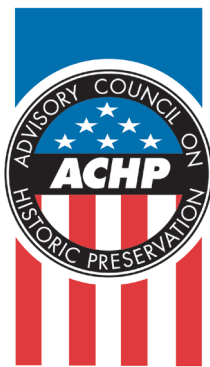
For more information:

[www.afrh.gov](http://www.afrh.gov)

[www.afrhdevelopment.com](http://www.afrhdevelopment.com)







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