

**COMMONWEALTH of VIRGINIA**

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

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October 30, 2007

Ms Angela Tucker
City of Charlottesville
Department of Neighborhood Services
City Hall
P.O. Box 911
Charlottesville, Virginia 22902

Re: Route 250 Bypass Interchange at McIntire Road
City of Charlottesville and Albemarle County
VDOT Project # 0250-104-130, PE101
DHR File # 2006-1589

Dear Ms Tucker:

I am writing to inform you of contacts made to the Department of Historic Resources (DHR) from local citizens and advocacy groups concerned about the effects that the above referenced project may have on historic properties eligible for listing to the National Register of Historic Places. Recently DHR was copied on a letter to the Advisory Council on Historic Preservation (ACHP), the federal agency that oversees the Section 106 review process, from Preservation Piedmont, the Association for the Preservation of Virginia Antiquities (APVA), and STAMP expressing their worry that the planned Route 250 Bypass Interchange at McIntire Road will impact two houses designed by Eugene Bradbury (501 and 502 Park Hill), the terraced gardens at the Rock Hill estate, McIntire High School, and the golf course at McIntire Park. Mr. Richard C. Collins, a citizen of Charlottesville, has also written DHR to relay similar issues he has with the proposed undertaking.

As you may know, the regulations that govern Section 106 of the National Historic Preservation Act, 36 CFR Part 800, emphasize early and meaningful public participation and the identification of "certain individuals and organizations with a demonstrated interest in the undertaking" as consulting parties to the review process (36 CFR Part 800.2(c)(5)). Designation of consulting parties is at the discretion of the federal agency, however, it should be done in consultation with the State Historic Preservation Office, which in Virginia is DHR. By copy of this letter we recommend that the Federal Highway Administration (FHWA) designate Preservation Piedmont, APVA, STAMP, and Mr. Collins as consulting parties for this project.

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Page 2
October 30, 2007
Ms Angela Tucker

To date the only consultation that the City of Charlottesville has had with DHR on this undertaking is with respect to the identification of historic properties. In the Phase I cultural resources report prepared by John Milner Associates, Inc. dated February 2007, the Area of Potential Effect (APE) for the project is defined as the limits of disturbance for archaeological resources and "areas that may be indirectly affected by noise, vibration, and visual effects" (Milner, page 1). The Section 106 process requires a federal official or its designee to consult with the SHPO to determine and document the extent of the project APE (36 CFR Part 800.4(a)(1)). With our knowledge of the undertaking from the Milner report we initially believed that the APE as defined was sufficient. However, we have since learned independently from information on the VDOT website and after being contacted by concerned citizens that the undertaking includes a 40-foot tall overpass across McIntire Road. We believe that this design feature may necessitate increasing the APE due to the potential for this facility to impact significant historic viewsheds and increase traffic noise over a wide area. We request that the City revisit the APE and consult with DHR and the other consulting parties on it.

Another issue with respect to establishing the APE is the treatment by the City of this undertaking and the proposed McIntire Road Extension (VDOT Project No. U000-104-V02, P101, PPMS 02529) as functionally independent. Such separation may be correct from a funding standpoint; however, it is our understanding that the road extension project is among the reasons that make the subject interchange necessary. From the perspective of Section 106 it would be appropriate to consider the effects of the two undertakings jointly as one is a reasonably foreseeable consequence of the other (36 CFR Part 800.5(a)(1)). This is true even if the road extension project is state funded rather than federally funded. Therefore, we believe it necessary to include the McIntire Road Extension project in the overall APE and assess the impacts to historic properties of that project along with the bypass.

It is our understanding that the Environmental Assessment (EA) for the undertaking is currently online for public consideration. Again, we were made aware of this independent from any consultation with the City, and have not had the opportunity to review and comment on the document. The comment period for the public closes on November 1, 2007. Ideally, the City should have provided DHR a draft of the EA for its review and any comments received from us would have been incorporated into the document. The current EA makes assumptions about the effect that the project will have on historic properties that DHR cannot support at this time. We request the City provide DHR a copy of the EA for our review and comment.

If you have any questions regarding our comments, please contact me at (804) 367-2323, Ext. 114.

Sincerely,



Marc Holma, Architectural Historian
Office of Review and Compliance

Cc: Mr. Ed Sundra, FHWA
Ms Carol Legard, ACHP
Mr. Rich Collins