

## **APPENDIX 1: CORRESPONDENCE**

---

## AGENCY OF DEVELOPMENT AND COMMUNITY AFFAIRS

OFFICE OF THE SECRETARY (802) 828-3211

MONTPELIER, VERMONT 05701

## DEPARTMENTS OF:

Economic Development 828-3221  
 Housing & Community Affairs 828-3217

## DIVISIONS OF:

Administration 828-3231  
 Historic Preservation 828-3226  
 Vermont Travel Division 828-3236  
 Vermont Life Magazine 828-3241  
 Outdoor Advertising 828-3215

MEMORANDUM

TO: Arthur D. Aldrich, Location Engineer  
 Department of Highways

FROM: William B. Pinney, Director *William B. Pinney*  
 Division for Historic Preservation

DATE: September 20, 1977

SUBJECT: Burlington Southern Connector M. 5000(1)

A final review of the completed plans for the reconstruction of Battery Street through the Battery Street National Register District indicates that, although the street will be widened, the proposed curbing and grass areas will effectively eliminate truck parking that now occurs in the area. This will enhance the qualities of the environment for pedestrians which will fit in with the preservation development that is now occurring in the District and encourage the further rehabilitation of this neighborhood. Thus, the Division for Historic Preservation finds that the proposed construction will not have an adverse effect on the qualities that make this area eligible for inclusion in the National Register of Historic Places.

In addition, planned relocation of construction near the Barge Basin will result in the elimination of any potential effect on historic archeology in that area.

WBP/cjd

# NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

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DATE ENTERED

SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS  
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

## 1 NAME

HISTORIC  
AND/OR COMMON

Battery Street Historic District

## 2 LOCATION

STREET & NUMBER Along Battery, Champlain, Pine and St. Paul Streets bounded by Main and Maple Streets and including King Street and the Lake Champlain waterfront

CITY, TOWN

Burlington

STATE

Vermont

VICINITY OF  
CODE  
50

NOT FOR PUBLICATION  
CONGRESSIONAL DISTRICT

Vermont

COUNTY

Chittenden

CODE  
007

## 3 CLASSIFICATION

<b>CATEGORY</b>	<b>OWNERSHIP</b>	<b>STATUS</b>	<b>PRESENT USE</b>
<input checked="" type="checkbox"/> DISTRICT	<input type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE
<input type="checkbox"/> BUILDING(S)	<input checked="" type="checkbox"/> PRIVATE	<input checked="" type="checkbox"/> UNOCCUPIED	<input checked="" type="checkbox"/> COMMERCIAL
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> BOTH	<input checked="" type="checkbox"/> WORK IN PROGRESS	<input type="checkbox"/> EDUCATIONAL
<input type="checkbox"/> SITE	<b>PUBLIC ACQUISITION</b>	<b>ACCESSIBLE</b>	<input type="checkbox"/> ENTERTAINMENT
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input type="checkbox"/> YES: RESTRICTED	<input type="checkbox"/> GOVERNMENT
	<input type="checkbox"/> BEING CONSIDERED	<input checked="" type="checkbox"/> YES: UNRESTRICTED	<input checked="" type="checkbox"/> INDUSTRIAL
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY
			<input type="checkbox"/> MUSEUM
			<input checked="" type="checkbox"/> PARK
			<input checked="" type="checkbox"/> PRIVATE RE
			<input type="checkbox"/> RELIGIOUS
			<input type="checkbox"/> SCIENTIFIC
			<input checked="" type="checkbox"/> TRANSPORTATIO
			<input type="checkbox"/> OTHER:

## 4 OWNER OF PROPERTY

NAME

Multiple ownership

STREET & NUMBER

CITY, TOWN

VICINITY OF

STATE

## 5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,  
REGISTRY OF DEEDS, ETC.

Office of the City Clerk of Burlington

STREET & NUMBER

City Hall, Church Street

CITY, TOWN

Burlington

STATE

Vermont

## 6 REPRESENTATION IN EXISTING SURVEYS

TITLE

- Vermont State Register of Historic Places
- Historic Sites List, Burlington, Vermont

DATE

1976

FEDERAL  STATE  COUNTY  LOCAL

DEPOSITORY FOR  
SURVEY RECORDS

- Vermont Division for Historic Preservation
- City Hall, Burlington Planning Commission

CITY, TOWN

- Montpelier
- Burlington

STATE

Vermont

**Peter Clavelle, Mayor**  
**Office of the Mayor**  
Room 34, City Hall  
Burlington, Vermont 05401  
Telephone: (802) 865-7272  
Fax: (802) 865-7270  
E-mail: [clavelle@vbimail.champlain.edu](mailto:clavelle@vbimail.champlain.edu)

March 1, 2002

Brian Searles, Secretary  
Vermont Trans

Larry Dwyer  
Federal Highway Administration

Dear Brian and Larry,

The City of Burlington is anxious to finalize plans, secure permits and proceed with construction of the long-delayed Champlain Parkway/Southern Connector. We are determined to meet the schedule set forth in the Metropolitan Planning Organization Transportation Improvement Program to initiate construction in federal fiscal year 2003. To meet this schedule, it is essential that the City, VTtrans, and FHA be in agreement on key issues relative to this project.

Below are the positions of my administration and the City's Department of Public Works:

- The railyard operations should be accommodated while minimizing the railway's footprint and impact on adjacent neighborhoods and businesses. The Mobile Wye is no longer considered a mitigation measure for this project;
- The City is willing to abandon the advancement of the construction of Section C-8 through the Barge Canal Superfund site and adjacent properties;
- The construction of Section C-1 and C-2 should be advanced to construction as soon as possible and opened to traffic to Lakeside Avenue when completed; and
- Parties should proceed expeditiously with required necessity proceedings, completion of the Supplemental Environmental Impact Statement, and required amendments to Act 250 and other required State permits.

The above positions are consistent with discussions and understandings made at a September 19, 2001 project meeting convened to discuss critical project issues and overall project advancement.

Please let me know immediately if you have any questions, issues or disagreements with the above-stated City positions.

I thank you for your cooperation in advancing this important project.



Sincerely,

A handwritten signature in black ink, appearing to read "Peter Clavelle". The signature is fluid and cursive, with the first name "Peter" and last name "Clavelle" clearly distinguishable.

**Peter Clavelle**  
Mayor

cc: **Steven Goodkind, DPW**  
**Justin Rabadoux, DPW**  
**Carol Duncan, DPW**  
**Norm Baldwin, DPW**  
**Clough, Harbour & Associates**  
**City Council Transportation Committee**  
**City Councilor Bill Keogh**  
**City Councilor Richard Kemp**

FAX

To <b>DALE G.</b>	From
Dept./Agency	Phone #
Ext.	Fax #

ISBN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION



Montpelier, VT  
05633-5001

**VTrans** Working to Get You There

OFFICE OF THE SECRETARY  
Brian R. Searles, Secretary  
Phone: (802) 828-2657  
Fax: (802) 828-3522

March 12, 2002

The Honorable Peter Clavelle, Mayor  
City of Burlington  
City Hall, Room 34  
Burlington, Vermont 05401

RE: Champlain Parkway

Dear Mayor *Clavelle* Clavelle:

VTrans would like nothing better than to see this project under construction. It is important to note that as part of the permitting process, a new Supplemental Final EIS (SFEIS) will need to be completed. My staff's estimate for completing the SFEIS is a minimum of 18 months. After the SFEIS is completed, an ACT 250 permit and stormwater discharge permit must be obtained. Finally, rights of way must be acquired and the final design completed before federal funds can be obligated. We realize this process is cumbersome, but it is what the federal law requires.

I offer the following comments regarding the other items in your letter.

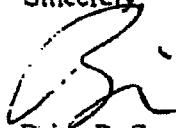
- We agree that the alignment should minimize the impact to the rail yard, but the turning of trains must be accommodated. If not the Mobil wye, then how?
- We agree with the abandonment of C-8.
- The construction of C-1 and C-2 will require the completion of a new SFEIS because the current document specifically states that they may not be opened to traffic without the completion of C-6. This was a requirement of the city at the time VTrans was completing the SEIS. This is also an ACT 250 permit condition.
- We agree that the city should proceed expeditiously with completion of the permitting and design of this project. Our experience with projects of this magnitude leads us to

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believe that it will take significantly longer than the 18 months available to complete all of the work. VTrans will make every effort to be responsive to the city's timeline.

The city may want to consider eliminating the C-6 contract, so as to avoid impacts to the rail yard, and facilitate the completion of C-1 and C-2. A new SFEIS would still need to be prepared but this would be a straightforward process. In conversations with the Federal Highway Administration (FHWA), they have indicated support for this approach. If it is later determined that C-6 is needed, it can be undertaken as a new, stand-alone project.

Sincerely,



Brian R. Searles  
Secretary of Transportation

DJS/gc

cc: Representative William Keogh  
Charles Basner, FHWA  
Larry Dwyer, FHWA  
Steven Goodkind, Director, BDPW  
Justin Rabidoux, Project Manager, BDPW  
Don Allen, VTrans  
Wayne Davis, VTrans  
Tom Viall, VTrans



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& ASSOCIATES LLP**  
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& LANDSCAPE ARCHITECTS

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May 16, 2003

United States Department of the Interior  
Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

**Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); CHA File: 8659**

Dear Sir or Madam:

In accordance with the NEPA process, we are currently developing a Draft Supplemental Environmental Impact Statement for the above referenced project. By way of this letter, we are requesting information regarding the presence of rare, threatened, and endangered species and natural communities that may be impacted by the proposed Southern Connector project in Burlington, Vermont.

The Southern Connector will connect I-189, at its intersection with U.S. Route 7, with the City of Burlington Central Business District at the intersection of Battery Street and Main Street. The enclosed map illustrates the proposed roadway alignment. This information is being requested for inclusion in the Draft Supplemental Environmental Impact Statement.

I have enclosed letters and information provided in the 1997 Final Supplemental Environmental Impact Statement regarding rare, threatened, and endangered species for your information.

A response to this inquiry would be appreciated by June 6, 2003.

Please contact me at (518) 453-3951 if you have any questions or require additional information.

Sincerely,

**CLOUGH, HARBOUR & ASSOCIATES LLP**  
ENGINEERS, SURVEYORS, PLANNERS  
& LANDSCAPE ARCHITECTS

James P. Shields  
Project Engineer

JPS/dcc  
Enclosure

CHA 8659CORR\lettr58.doc

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May 16, 2003

Vermont Nongame and Natural Heritage Program  
Department of Fish and Wildlife  
103 South Main Street  
Waterbury, Vermont 05671-0501

**Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); CHA File: 8659**

Dear Sir or Madam:

In accordance with the NEPA process, we are currently developing a Draft Supplemental Environmental Impact Statement for the above referenced project. By way of this letter, we are requesting information regarding the presence of rare, threatened, and endangered species and natural communities that may be impacted by the proposed Southern Connector project in Burlington, Vermont.

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Sincerely,

**CLOUGH, HARBOUR & ASSOCIATES LLP**  
ENGINEERS, SURVEYORS, PLANNERS  
& LANDSCAPE ARCHITECTS

James P. Shields  
Project Engineer

JPS/dcc  
Enclosure  
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*Offices Throughout the United States*



State of Vermont

AGENCY OF NATURAL RESOURCES

Department of Fish and Wildlife  
Department of Forests, Parks and Recreation  
Department of Environmental Conservation



DEPARTMENT OF FISH AND WILDLIFE  
103 South Main Street, 10 South  
Waterbury, Vermont 05671-0501

Tel.: (802) 241-3700  
TDD: 1-800-253-0191

**Nongame & Natural Heritage Program**  
3 June 2003

James Shields  
Clough, Harbour & Associates  
PO Box 5269  
Albany, NY 12205-0269

Re: Southern Connector, Burlington, Vermont  
CHA File: 8659

Dear Mr. Shields:

I am responding to your request for our review of the above-referenced site. A search of our database reveals no known occurrences of significant natural communities or rare, threatened, or endangered animals or plants along the route of the proposed Southern Connector. For your information, our program has not conducted a field inventory of the site in response to your request.

We request that the NNHP be kept current on any major changes or additions to the project design. Please contact me, or Everett Marshall (241-3715), if you have any questions.

Sincerely,

Jodi Shippee  
Nongame Wildlife Technician/Database Assistant  
Tel: 802-241-4230  
Email: jodi@fwd.anr.state.vt.us

cc: Everett Marshall, Biologist/Data Manager

**RECEIVED**

JUN 09 2003

Clough, Harbour & Associates LLP



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

June 17, 2003

Reference: Project Location  
DSEIS, Champlain Parkway, Southern Connector Burlington, VT

James Shields  
Clough, Harbour & Associates LLP  
111 Winners Circle  
P.O. Box 5269  
Albany, NY 12205-0269

Dear Mr. Shields:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

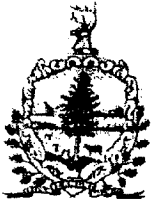
This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

*Michael J. Amaral*

Michael J. Amaral  
Endangered Species Specialist  
New England Field Office



# State of Vermont

## AGENCY OF NATURAL RESOURCES

Department of Fish and Wildlife  
Department of Forests, Parks and Recreation  
Department of Environmental Conservation



DEPARTMENT OF FISH AND WILDLIFE  
103 South Main Street, 10 South  
Waterbury, Vermont 05671-0501

Tel.: (802) 241-3700  
TDD: 1-800-253-0191

Nongame & Natural Heritage Program  
23 July 2003

James Shields  
Clough, Harbour & Associates  
PO Box 5269  
Albany, NY 12205-0269

Re: Southern Connector, Burlington, Vermont  
CHA File: 8659

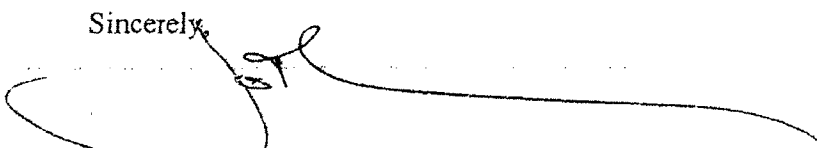
Dear Mr. Shields:

On 03 June 2003 I wrote to you stating that a search of our database revealed no known occurrences of significant natural communities or rare, threatened, or endangered animals or plants along the route of the proposed Southern Connector. While this is still the case, it has since come to my attention that a State-endangered plant species, *Juncus torreyi*, is known from several locations in the general vicinity and could be found in appropriate habitat along the route of the Southern Connector as well. NNHP botanist Bob Popp would like to survey the route for this rare species. To facilitate this survey, could you please send a more detailed map of the project route to Bob Popp, Dept. of Fish and Wildlife, 5 Perry Street Suite 40, Barre VT 05641-4266, along with a note granting permission to access the property. If additional landowners will need to be contacted, please advise Mr. Popp of this as well.

Alternatively, a consulting botanist familiar with *Juncus torreyi* could be contracted to conduct the survey. Please contact Bob Popp (476-0127) if you would like to pursue this avenue.

I apologize for the revised recommendations and thank you for your understanding. Please contact me or Bob Popp if you have any questions.

Sincerely,

  
Jodi Shippee  
Nongame Wildlife Technician/Database Assistant  
Tel: 802-241-4230  
Email: jodi.shippee@anr.state.vt.us

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JUL 28 2003  
Clough, Harbour & Associates LLP



J.ims. (1477)



State of Vermont  
Agency of Transportation  
National Life Building  
Drawer 33  
Montpelier, VT  
05633-5001

# VTrans Working to Get You There

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SEP 02 2003

Clough, Harbour & Associates LLP

August 29, 2003

Mr. Kenneth R. Sikora  
Environmental Program Manager  
United States Department of Transportation  
Federal Highway Administration  
Post Office Box 568  
Montpelier, Vermont 05601

Re: Burlington MEGC-M5000(1)  
Southern Connector/Champlain Parkway

Dear Mr. Sikora:

VTrans Historic Preservation Specialist Scott Gurley recently visited the Burlington Railyard at the request of the Project Manager in order to determine the historic significance of the turntable at the site. The replacement of this structure is now considered to be part of the rail mitigation for this project. Although the turntable does not lie within the limits for the new roadway, the project will affect Vermont Railway's ability to turn trains and therefore a larger structure is needed.

The turntable is a steel plate structure fabricated with rivets that is approximately 100 feet in length. It moves on a single rail and is powered by a small engine. A circular concrete retaining wall marks the perimeter of the structure. The original operator's house has been replaced as well as the deck and possibly several floor beams or cross braces. It is one of a handful of turntables remaining in the state. The turntable, along with a roundhouse and a small brick shed (originally a pump house and boiler room), form a complex of related historic structures within the railyard. The structures replaced a turntable and roundhouse that burned in 1916. Maps indicate that the existing structures were built c. 1927. These structures are located within the boundaries of the Pine Street Historic District, which has been determined eligible for listing to the National Register of Historic Places. The turntable, roundhouse and shed also appear individually eligible for the National Register as a complex of railroad-related structures. As you know, this determination means that another Section 4(f) evaluation will have to be included in the Supplemental EIS for this project.

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Please let us know if you have questions or comments. Thank you.

Sincerely,

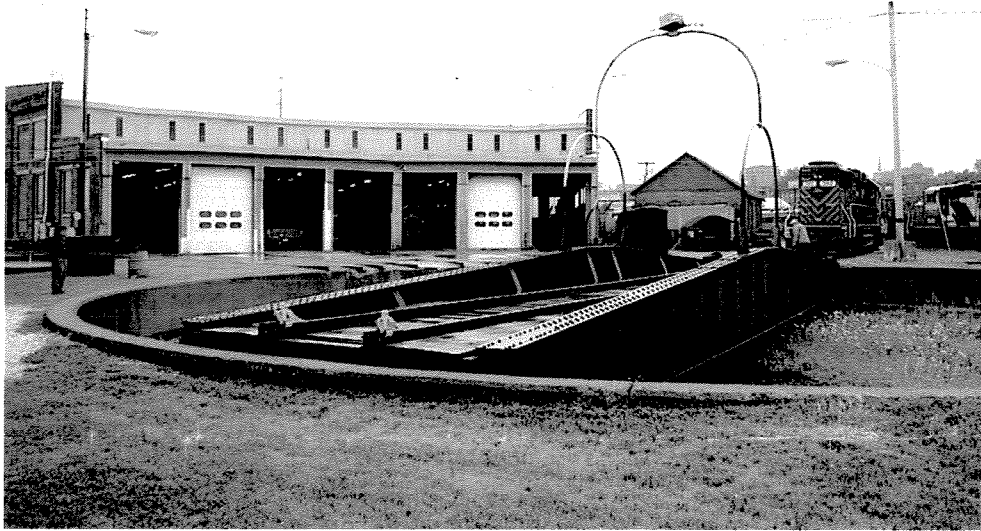
A handwritten signature in black ink, appearing to read 'S. Newman', with a long horizontal flourish extending to the right.

Scott Newman  
VTrans Historic Preservation Officer  
828-3964

SCG: hs

C: central files via John Narowski  
Wayne Davis, VAOT Project Manager  
Dale Gozalkowski, Clough, Harbour & Associates  
Justin Rabidoux, City of Burlington  
Judy Ehrlich, Vermont Division for Historic Preservation

# Burlington Turntable



# Burlington Turntable

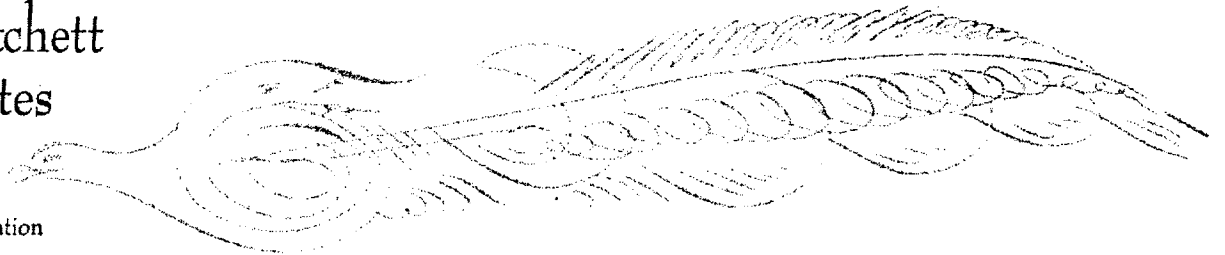


Burlington Turntable



Liz Pritchett  
Associates

Historic Preservation  
Architectural Conservation



January 9, 2004

Dale E. Gozalkowski, P.E., Associate  
Senior Highway Engineer  
Clough, Harbour & Associates LLP  
P.O. Box 5269  
Albany, NY 12205-0269

Re: Southern Connector / Champlain Parkway MEGC – M5000 (1); CHA File: 8659  
Section 4(f) and Section 106

Dear Dale;

At your request I have reviewed the preliminary plans that show two, new, proposed alternatives for the Southern Connector/Champlain Parkway Roadway in the vicinity of the former Burlington Street Department building located at 339 Pine Street. I have compared these two alternatives with the alternatives I previously reviewed in my Historic Resource Report for the Southern Connector/Champlain Parkway project dated February 7, 1996. My review follows requirements for compliance with the National Environmental Policy Act of 1970, Section 4(f) of the Transportation Act of 1966, and Section 106 of the National Historic Preservation Act of 1966 and its amendments.

As noted in my report in 1996, the Burlington Street Department building is eligible for listing in the National Register of Historic Places as part of a recommended Pine Street Historic District. It is significant as the only known, existing historic building in Burlington built for use by the Burlington Street Department. It was constructed in 1934 as the central plant for the Burlington Street Department to store all their equipment in one location. About ten years ago the building was vacated by the Street Department, which has since relocated in a new structure to the south on Pine Street at the corner of Lakeside Avenue. Currently the building is leased by ReCycle North for its recycling business located primarily in the western portion of the structure, and Gregory Supply stores building materials in the central portion.

The Burlington Street Department building, as described in the 1996 report, is a long, rectangular, flat roof, multi-bay, one-story brick structure that has a three bay section that is two-stories in height. Current research has clarified the age of the two appendages, dating the west end extension at c. 1970, and the wood frame, office addition on the north side of the east end at c. 1954. The office appendage now qualifies as significant according to National Park Service standards, due to its age of fifty years. Besides the

office area at the east end, the building primarily consists of non-insulated, garage bays, fronted by overhead doors on the north side. Distinctive features of the building include stepped roof parapets with decorative brickwork and name panels at the east elevation facing Pine Street and on the north elevation (*Burlington Street Department* is still visible in one panel), industrial steel windows, multiple garage bays (with a combination of older wood, and modern, metal overhead doors), a double loading door and hoist in the two-story section, and glass block sidelights in the c. 1954 office entrance.

The building is significant under the theme of transportation in Vermont. It was constructed to house vehicles used for street maintenance in Burlington during an era in the 1930s when road widening and paving were common on major thoroughfares in the city such as Pine Street and Main Street. Another site with somewhat similar brick structures with roof parapets and wide garage bays is the Burlington Traction Company property at the north end of North Winooski Avenue in the old north end, which originally served horse drawn trolleys; the two existing buildings were built for the electrified trolley system, and have recently been adapted for housing and commercial space. It is unknown at this time how rare historic street department buildings are in Vermont as a building type, although it is known that a number of somewhat architecturally similar, historic, electrified trolley buildings, such as the Burlington Traction Company, exist in the state.

Since the 1996 review, the Burlington Street Department building has continued to deteriorate due to deferred maintenance and ongoing issues from water penetration to the building. While the bricks and mortar overall appear in generally good to fair condition, noted areas of weathering and deterioration of materials include substantial settlement cracks in the brick masonry at the rear elevation juncture of the two-story section at its southeast corner and the one-story portion to the east, and the upper half of the tall brick chimney over the original east end office. Other areas of deterioration were noted in spalling, cracks and rusted rebars in the concrete foundation; cracks in the concrete window sills; corroded steel and cracked and missing panes in the windows; and apparent roof problems suggested by the addition of plastic tarps over the roof at the west end for ReCyle north. According to Justin Rabideau of the Burlington Public Works office, Burlington building inspector, John Rasys has condemned the second floor of the two-story section for use as storage due to structural deficiencies.

I concur with your statement in your letter dated October 3, 2003 that Alternative 1 dated May 2003, shows an alternative similar to the Battery Street Extension Alternative 1 on Map 7 in my 1996 report. It appears that construction of this alternative will not impact the Burlington Street Department building and will have NO ADVERSE EFFECT on this historic resource, either the original brick portion or the c. 1954 office addition. This determination of no adverse effect is the same as the determination made for Alternative 1 proposed in 1996.

I also concur that the Alternative 2 plan dated September 2003, due to the proposed roadway construction and railroad tracks, will have an impact on the east end of the Burlington Street Department building (both original and new office addition). This alternative is similar to the Battery Street Extension Alternative 3 shown as Map 9 in my 1996 report. The 2003 Alternative 2 (like Alternative 3 in 1996) shows the new roadway and railroad tracks crossing in the vicinity of the east end of the Street Department Building (both original and c. 1954 office addition). Construction of the roadway and railroad tracks as proposed in this alternative would require demolition of, at the least, the east end of the Burlington Street Department building. The Alternative, therefore, would result, similar to the 1996 determination of effect, in an ADVERSE EFFECT to this historic resource that is eligible for listing in the National Register of Historic Places.

Therefore my determination of effect has not changed since the 1996 review of the potential for impacts to the Burlington Street Department building. The summary of effect is as follows:

Alternative 1 (2003 and 1996): No Adverse Effect

Alternative 2 (2003, similar to Alternative 3 in 1996): Adverse Effect

Thank you for the opportunity to complete this review. Please feel free to contact me with any questions.

Sincerely yours,



Liz Pritchett  
Historic Preservation Consultant

Cc: Judith Ehrlich, Environmental Review Coordinator, Vermont Division for Historic Preservation



**TO:** Wayne Davis, LTF Project Supervisor

**FROM:** Maureen Carr, Traffic Analysis Engineer *MC*

**DATE:** February 23, 2005

**RE:** Burlington MEGC 5000(1)  
Traffic Analysis Review

As requested, I am providing a list of recommendations for additional traffic analysis as it relates to the Value Engineering Study, and in particular, to what is referred to in the study as the Battery Street Extension Alternative. The VE study suggests two options for the Battery Street Extension Alternative:

- Option 1: Construct C/6 up to the area of Kilburn Street. Create a free flow condition for Pine Street at the intersections of Maple and King with two-way stop control.
- Option 2: Same as Option 1 but with one-way traffic WB on Maple Street between Battery and Pine Streets, and one-way traffic NB on Pine Street between Maple and Main Streets.

Based on the traffic analysis results shown in both the VE study and in the City's comments, we do not feel we have enough information to either support or recommend against the Battery Street Extension Alternative. Please find below a list of our additional analysis suggestions.

**Traffic Volumes:**

Consider running the CCMPO model again to estimate the traffic volumes for the Battery Street Extension Alternative options. CHA estimated traffic volumes for Option 1 by manually applying differences between the "No-Build" and "C/1 & C/2 Only" scenarios in the DSEIS, to their more recently modeled No-Build volumes. As I understand it, they then manually modified these numbers to estimate the Option 2 volumes. These steps do not seem unreasonable, but given that the other scenarios were generated using the model, it would be preferable to run the model again for Options 1 and 2, if possible.

**Traffic Analysis Design Years:**

CHA's analyses of the two Battery Street Extension Alternative options and the City's Preferred Alternative (City's comments, Tables 4-1 and 4-2) were based on Year 2008 volumes. It would be helpful to see the results for the Year 2028 as well.

**Analysis Methods:**

As reported in the text of the City's comments, CHA used CORSIM to estimate delay and queue lengths (shown in Tables 4-1 and 4-2). Each intersection was modeled separately in CORSIM. Would there be any advantage to modeling the intersections together? We would be interested in seeing the results if the model can address the spillover effect of queues at Pine and Maple Streets, as described in the notes at the bottom of Tables 4-1 and 4-2.

The queue lengths shown in Tables 4-1 and 4-2 are the maximum queue lengths. It would be helpful to see the average queue lengths, and if possible, the 95<sup>th</sup> percentile queue lengths.

On Page 6 of the City's comments, the table of results includes the average delay for signals along the Connector route. For review purposes, we would also like to see the queue lengths for these signals.

**Other Scenarios to Consider:**

The VE Study recommends against a signal at Pine and Maple Streets given the current lane configuration. Would it be possible to make improvements at the intersection such that a signal would operate reasonably well should connector traffic be routed along Pine Street as proposed in the Battery Street Extension Alternative? We would like to see additional analysis done to investigate this possibility.

As shown in Tables 4-1 and 4-2 of the City's comments, the intersection of Pine and Main Streets appears to operate at an acceptable level-of-service under all scenarios. Would it be possible to route more traffic along Pine and Main Streets, diverting traffic from the neighborhoods of Maple, King, etc, and still see this acceptable LOS?

**Truck Traffic:**

Would it be possible to get a sense of how truck traffic would be traversing the network under the Battery Street Extension Alternative? Given the industrial areas on the west and south sides of the project area, there is some thought that truck traffic may let up in the Pine Street neighborhood area. Also, what would be the impact of an alternate route into the rail yard from Pine Street?

cc: Bernard Byrne, Traffic Research Engineer



U.S. Department of Transportation  
**Federal Highway Administration**

P.O. Box 568  
Montpelier, VT 05601

March 18, 2005

In Reply Refer To:

Ms. Dawn Terrill, Secretary  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, Vermont 05633-5001

Subject: MEGC-M5000(1) Southern Connector/Champlain Parkway

Attention: Wayne Davis

Dear Ms. Terrill:

We have completed our review of Clough Harbour and Associates, CHA, recommendation and responses to the Value Engineering study performed by Ventry Engineering for the City of Burlington. Our responses are a follow up to our review and meetings held February 24 and March 9, 2005.

- 1) VE Team Recommendation Number 1: Additional Travel Lanes within the I-89/U.S. Route 7 Interchange to Home Avenue: We accept the City of Burlington's recommendation to leave the proposed design as is. We agree that the proposed geometry of the preferred alternative will provide acceptable operations for the projected traffic volumes throughout the design life of the project.
- 2) VE Team Recommendation Number 2: Replacement of Four Signalized Intersections with Roundabouts: We concur with the City of Burlington's recommendation not to pursue this recommendation because of the possible negative effects on pedestrian and bicycle traffic and the need for pedestrian actuated exclusive phasing to cross the preferred alternate.
- 3) VE Team Recommendation Number 3: Alternate Box Culvert Type and Material at Englesby Brook. We concur with the City of Burlington's recommendation to use their own recommendation to replace the pre-cast rigid frame culvert with a pre-cast concrete box culvert.
- 4) VE Team Recommendation Number 4: Elimination of the Proposed Battery Street Extension: As part of the Section 4(f) evaluation necessary for the proposed use of the Burlington Street Department Building, it will be necessary to document that avoidance alternatives are not feasible or prudent. One of the avoidance alternatives that will need to be analyzed is to utilize the existing roadway network, thus eliminating the Battery Street Extension similar to the VE proposal. To determine whether this alternative is feasible and prudent, the



consultant will investigate improvements to existing streets and intersections necessary to provide satisfactory levels of service so that the costs and impacts of those improvements can be weighed against the proposed Section 4(f) use. A number of roadway combinations will be analyzed as appropriate, including some variations with new roadway that still avoid rail yard impacts. Through discussions with the City of Burlington and Vtrans it was agreed that since the Section 4(f) analysis as per the guidance above would provide a thorough evaluation of this alternative, the outcome will satisfactorily resolve this VE recommendation.

5) VE Team Recommendation Number 5: Replacement of Rail Yard Turntable with a Commercial Yard Wye Track. Through discussions with the City of Burlington and Vtrans it was agreed that there was no definable link between the Southern Connector project and the railroads ability to turn trains and as a result an analysis would not need to be performed since it would not be included as part of the project. If the cost of providing train turning capability was determined to be eligible for Federal-aid participation, a Section 4(f) evaluation would be required prior to approving the turntable reconstruction. In that case, the Section 4(f) evaluation would provide satisfactory resolution to the VE recommendation, as in response #4 above.

If you have any questions or comments please don't hesitate to call me at (802) 828-4574

Sincerely,



Michael Canavan

cc: Dave Dill  
Justin Rabidoux, City of Burlington, Department of Public Works



State of Vermont  
Agency of Transportation  
National Life Building  
Drawer 33  
Montpelier, VT  
05633-5001

**VTrans** Working to Get You There

April 4, 2005

Mr. Justin Rabidoux  
City of Burlington  
Department of Public Works  
645 Pine Street, Suite A  
Burlington, Vermont 05402

RE: Burlington MEGC M5000(1) Champlain Park Way

Dear Justin:

Enclosed is a copy of a letter from Michael A. Canavan, FHWA to Secretary Dawn Terrill, dated March 31, 2005, regarding the oil transfer/storage area of the Burlington Rail Yard. Summary of the letter is that the oil transfer/storage is not a design constraint and should be relocated at the expense of the owner so that other functions can be retained in place. If you have any questions or concerns, please do not hesitate to contact me.

Also regarding the Burlington Rail Yard, the Havey property, which is the proposed location for the rail yard mitigation, is of concern to the VT Agency of Transportation. The concern is of VAOT taking possession of the property and the future risk of hazardous material liabilities. If VAOT does not accept possession of the property, FHWA will most likely not participate with funding of the purchasing of the property. If the City then decides to move forward with the mitigating of the rail yard on the Havey site, either the City will own it and lease it to VTR under a long-term lease or transfers the ownership to VTR, if they will accept it. More discussion is necessary on this subject.

Sincerely,

Wayne L. Davis  
Project Supervisor

Enclosure:

[www.aot.state.vt.us](http://www.aot.state.vt.us)  
Telecommunications Relay Service 1-800-253-0191

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

P.O. Box 568  
Montpelier, VT 05601

March 31, 2005

In Reply Refer To:  
H&C-VT

Ms. Dawn Terrill, Secretary  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, Vermont 05633-5001

PDD - LTF

APR - 1 2005

Subject: MBGC 5000(1), Southern Connector

Approved \_\_\_\_\_

Dear Ms. Terrill:

We have completed our review of the documents provided to us concerning the lease agreements between the Vermont Agency of Transportation (VTrans) and Vermont Railway (VTR) and the proposed Rail Yard Mitigation Plan Summary developed by Clough Harbour Associates (CHA) to determine federal participation for the possible reconstruction of the Burlington Rail Yard under the Southern Connector project. The preferred alternate involves the construction of a new Battery Street extension along the eastern part of the rail yard resulting in potential impacts to VTR's operations.

Our review of the lease and related documents yielded two important results concerning the oil transfer/storage area located in the Burlington Rail Yard:

The first finding is in the lease between State of Vermont and Vermont Railway, Inc., dated September 19, 1990, which states, in Article VI, paragraph 6.2, "... agree that Railway with the consent of the State, may sublease presently unoccupied and undeveloped portions of the leased premises for use in connection with industrial development". This section is important since it requires that VTR come to VTrans before developing any portion of the rail yard.

The second finding is in the minutes of the Burlington Zoning Board, dated August 9, 1993, which placed conditions on the proposed development of the oil transfer/storage facility. Specifically, the Zoning Board required in their Conditions of Approval that "...when and if any portions of the property are needed to complete construction of the Champlain Park Way (a.k.a. Southern Connector) as may be required by the Agency of Transportation, the Federal Highway Administration, the District Environmental Commission or any other such entity. All costs associated with any such relocation shall be the responsibility of the applicant and/or the Vermont Railway". This is significant since we are in the process of setting the funding limits for the functional replacement of VTR's operations in the rail yard.



The Rail Yard Mitigation Plan Summary, compiled by CHA, dated March 1, 2005, explains the rationale for the design of the impacted rail yard. The plan outlines several "Project Constraints" which limited the design options that CHA developed to mitigate impacts to VTR's operations. One of the defined constraints is the oil transfer/storage facility which was constructed with the requirement that, if the space is needed for the construction of the Southern Connector, it would be moved at VTR's expense. It appears that one of the major design issues of the rail yard, which is where to store aggregates and ballast, could be addressed utilizing the space currently used by the oil transfer/storage facility. Given the conditions that were placed on the approval of the project by the Burlington Zoning Board, holding the fuel facility as a constraint is not valid.

We would like the City of Burlington to reanalyze the rail yard as if the fuel facility were not there. The questions we need answered are:

- 1) Could the aggregate/ballast operations be accommodated in the fuel facility space or in combination with the space occupied by the loading dock at less cost than the proposed plan "B"?
- 2) Would the loading dock need to be relocated if the oil transfer/storage facility were not there?

Our goal is to establish the limits for participation for the functional replacement of the operations impacted by the Southern Connector project; if utilizing this space reduces the project costs then we are obligated to consider that option. It should be noted that federal funds were used for functional replacement of VTR's offices that were previously on the foundation where the fuel facility is located and, as a result, would not be eligible for functional replacement a second time.

If you have any questions or comments, please give me a call at (802) 828-4574

Sincerely,



Michael A. Canavan, P.E.  
Design and Structures Engineer

cc: Wayne Davis, DIF Project  
Supervisor, Vitrans

# Office of the Mayor



Room 34, City Hall  
Burlington, Vermont 05401  
tel. (802) 865-7272  
fax (802) 865-7270  
TDD/telecommunication for Deaf 865-7142

**Peter Clavelle**  
Mayor

August 11, 2005

Ms. Dawn Terrill, Secretary  
Vermont Agency of Transportation  
1 National Life Drive  
Montpelier, VT 05633-5001

RE: Southern Connector aka Champlain Parkway

Dear Dawn:

As you might expect, I was quite surprised by positions taken by VTTrans and the Federal Highway Administration when we met on August 5<sup>th</sup>. The City, as we discussed, has been proceeding on a schedule that calls for the completion of the draft EIS in mid-September, the solicitation of contract bids in April, and the initiation of construction in June.

Now it seems that assumptions we have all been operating under for years are being challenged. To avoid any misunderstanding, let me reiterate what I heard you say:

- The Havey property has for years been the site on which relocated rail facilities would be placed. I understand that due to concerns about the contamination of the property, the State is unwilling to proceed with its acquisition.
- There remain significant differences between what the FHWA is willing to fund and what Vermont Railway is prepared to accept as functional replacement for rail facilities required to be relocated by Contract 6.
- The State, and the FHWA, are willing to complete contracts 1 and 2, and to terminate the project at Lakeside Avenue.

As discussed, we are very concerned that, in the absence of Contract 6, that traffic volumes would have very negative impacts on the King Street Neighborhood. We are particularly concerned with congestion at the Pine and Maple Street intersection.

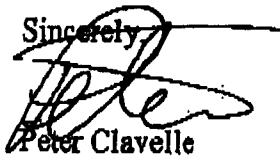
I am in the process of reviewing the project status with the Public Works staff, City consultants, and City attorneys. We will soon be prepared to respond to your



position concerning the Havey property, define differences concerning railyard mitigation proposals, and review traffic impacts on the King Street neighborhood.

I hope that we can schedule a follow-up meeting before the end of August. In the interim, please advise if I have mischaracterized the State's position as expressed on August 5<sup>th</sup>.

Sincerely,



Peter Clavelle  
Mayor

# Office of the Mayor



Room 34, City Hall  
Burlington, Vermont 05401  
tel. (802) 865-7272  
fax (802) 865-7270  
TDD/Telecommunication for Deaf 865-7142

**Peter Clavelle**  
Mayor

August 26, 2005

Ms. Dawn Terrill, Secretary  
VTrans  
National Life Building, Drawer 33  
Montpelier, VT 05633-5001

Re: Southern Connector / Champlain Parkway

Dear Dawn,

I remain puzzled and surprised by the apparent decision of VTrans and FHWA to "pull the plug" on the Southern Connector project as currently envisioned, a position that you articulated at our August 5th meeting. As we discussed at that meeting, after decades of planning and some construction, this project was on a path to proceed to construction by June of 2006. I should also reiterate here that any notion of opening the roadway to Lakeside without further commitment to addressing traffic congestion through the King Street neighborhood is unacceptable.

While I await a response to my letter of August 11, I want to offer some suggestions that would allow this project to proceed. I think we all agree that, considering a public investment of \$32 million has already been made on the Southern Connector, we have a responsibility to assure that the public has the opportunity to use and benefit from this investment.

Specifically, let me suggest two (2) options that could work for the City:

**OPTION 1—CITY OWNS HAVEY PROPERTY:** The unwillingness of the State to proceed with the purchase of the Havey property remains puzzling. The 1997 Record of Decision approved the acquisition and utilization of this property. I first learned of the State's concerns relative to its acquisition from an April 4, 2005, letter from Wayne Davis to Justin Rabidoux (attached). The letter raises concerns about the future risk of hazardous-materials liabilities and suggests that the City might own this property, leasing it to Vermont Railway under a long-term lease or transferring ownership to Vermont Railway. The City is prepared to consider this option. We request an immediate release of funds to perform the Phase 2 environmental study for this property. This option would allow for rail facilities to be relocated on the Havey property, and for Contract 6 to proceed to construction as planned. Obviously, outstanding issues related to the scope and funding of rail relocation would have to be resolved.

**OPTION 2—RELOCATE THE RAILYARD:** Under this option, we would proceed immediately with the construction of the road to Lakeside Avenue. We would also commit to the ultimate relocation of the railyard from the Burlington waterfront. Contract 6, building the Connector through land now occupied by the railway, would be completed at a future date. Interim measures, including improvement to the Pine Street corridor and signalization, and improvements to the King Street neighborhood's intersections would be undertaken now.

I hope we can meet very soon to discuss these options and to reach consensus on how we can proceed with this important project. Faye Lawes from my office will be contacting you to arrange such a meeting.

Best regards,



Peter Clavelle  
Mayor

cc: Charles Basner, FHWA  
Michael Canavan, FHWA  
Steve Goodkind, DPW  
Justin Rabadoux, DPW  
Joseph McNeil, City Attorney  
David Wulfson, Vermont Railway  
Rep. Bill Keogh  
Rep. Sonny Audette  
Wayne Davis, VTrans

08/30/2005 FAX 8028630466  
07:37 FAX 802 828 5712

BURLINGTON DPW  
30V Local Trans. Fed.

MAYORS OFFICE

003  
002



State of Vermont  
Agency of Transportation  
National Life Building  
Drawer 33  
Montpelier, VT  
05633-6001

# VTTrans

*Working to Get You There*

April 4, 2005

Mr. Justin Rabloux  
City of Burlington  
Department of Public Works  
643 Pine Street, Suite A  
Burlington, Vermont 05402

RE: Burlington MEQC M5000(1) Champlain Park Way

Dear Justin:

Enclosed is a copy of a letter from Michael A. Canavan, FHWA to Secretary Dawn Terrill, dated March 31, 2005, regarding the oil transfer/storage area of the Burlington Rail Yard. Summary of the letter is that the oil transfer/storage is not a design constraint and should be relocated at the expense of the owner so that other functions can be retained in place. If you have any questions or concerns, please do not hesitate to contact me.

Also regarding the Burlington Rail Yard, the Havey property, which is the proposed location for the rail yard mitigation, is of concern to the VT Agency of Transportation. The concern is of VAOT taking possession of the property and the future risk of hazardous material liabilities. If VAOT does not accept possession of the property, FHWA will most likely not participate with funding of the purchasing of the property. If the City then decides to move forward with the mitigating of the rail yard on the Havey site, either the City will own it and lease it to VTR under a long-term lease or transfer the ownership to VTR, if they will accept it. More discussion is necessary on this subject.

Sincerely,

Wayne L. Davis  
Project Supervisor

BCC: Michael Canavan, FHWA  
Rich Ranaldo, w/encl.  
Project Files

Enclosure:

www.dot.state.vt.us  
Telecommunications Relay Service 1-800-253-0191

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

September 2, 2005

Reference: Project Location  
Draft supplemental EIS, Champlain Parkway Burlington, VT  
CHA file 8659

James Shields  
Clough, Harbour & Associates LLP  
111 Winners Circle  
P.O. Box 5269  
Albany, NY 12205-0269

Dear Mr. Shields:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Michael J. Amaral  
Endangered Species Specialist  
New England Field Office

**RECEIVED**

SEP 06 2005

Clough, Harbour & Associates LLP



State of Vermont  
Agency of Transportation  
National Life Building  
Drawer 33  
Montpelier, VT  
05633-5001

# VTrans *Working to Get You There*

OFFICE OF THE SECRETARY

**Dawn Terrill, Secretary**

Office: (802) 828-2657

Fax: (802) 828-3522

October 5, 2005

Mayor Peter Clavelle  
City of Burlington  
149 Church Street  
Burlington, Vermont

RE: Burlington Champlain Park Way (Southern Connector)

Dear Mayor Clavelle:

I wish to thank you and your staff for taking the time to meet with me on two different occasions regarding this project. It appears that we may have reached a common ground on which we can move this project forward yet gain some time to work on the outstanding issues surrounding the Contract 6 section of this project.

In response to the City's letters of August 11 and 26, and in summary of our productive meetings of August 5 and September 2, 2005, I offer the following four key results:

1. **Overview of the Situation:** The VT Agency of Transportation (VTrans) has major concerns with the Contract 6 portion of this project. These concerns include the State's ownership and utilization of the Havey property for railyard mitigation, reaching consensus between all concerned parties on the extent of railyard mitigation attainable and eligible for federal-aid participation, the expenditure of funds on mitigating railyard operations that may well be relocated in the future, hazardous material contamination issues on numerous properties, including Pine Street, possible Section 4(f) impacts, the cost to benefit ratio of the proposed Battery Street connection, project scheduling, and other outstanding issues. These concerns, while perhaps not insurmountable, may take years to resolve. Further, we are concerned about the large investment made in the entire Southern Connector project over the years and are interested in completing and opening a viable portion as expeditiously as possible.
2. **Rationale and recommendation:** With this background and the stated concerns, yet with strong interest in getting this project's construction underway and completed in some reasonable time frame, VTrans recommends the following proposal:

- a) That the Southern Connector project SEIS include an alternative that consists of only Contracts 1 and 2, and improvements on Lakeside Avenue to Pine Street.

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- b) This alternative may also include a city street access from Pine Street to the rail yard through the northern area of the "old" Streets Department building property to assist in eliminating rail yard truck traffic from the Maple/King Streets Neighborhood.
- c) We understand the City's concern about possible traffic impacts to the Maple/King Streets area with this alternative. The alternative would consider minor operational improvements within the existing right-of-way of Pine Street from Lakeside Avenue to the area of the new city street railyard access in the area of the "old" Streets Department building (if the new rail yard access is included), and Main Street. In this alternative, improvements to Pine Street that would involve substantial investment or time (such as utility undergrounding, involvement of hazardous waste, or acquisition of right-of-way) would be deferred and would be analyzed with the scoping/environmental process for an economic redevelopment project as discussed below.

If the alternative described in a), b), and c) above is selected as the alternative to be advanced in the Record of Decision, the following would occur:

- d) The rail yard area will be the subject of a scoping/environmental documentation process to study the feasibility, desirability, and consequences of relocating the rail yard out of the waterfront area as part of a separate economic redevelopment project. This economic redevelopment project would become a joint private-public partnership that could further revitalize the waterfront area.
- e) The economic redevelopment and rail yard relocation effort described in d) above would include a traffic analysis of the general project area, including the Maple/King Streets neighborhood, and the consequences of the redevelopment projects. More substantial improvements to Pine Street from Lakeside Avenue to Main Street, and needed street additions in and around the rail yard area would be included with these redevelopment projects. It is recognized that this new roadway or transportation improvement project study will not be funded under the EGC ratio of 95-3-2. It will be more likely be an 80-10-10 ratio, but the final funding ratio will be determined at the time of project programming. It is also recognized that the ultimate project could bring substantial private investment to this area of the city.
- f) VTrans will support the advancement of a redevelopment package for the waterfront area such that it emphasizes financial considerations that are broad and creative. This effort must include private as well as public entities and

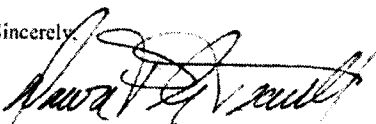
could follow a model similar to that recently used in Winooski and would most probably be deployed over the next 15-20 years.

3. **Timeframes:** Under the above recommendations, a ROD could be issued that would allow a reasonable Southern Connector project schedule showing advertising for construction in the spring of 2007. This would give ample time to complete the environmental documentation process, acquire necessary permits, make design changes, and acquire additional right-of-way for the newly defined project. However, in the interest of making progress as quickly as possible, we will look into the feasibility of starting partial project construction in the 2006 construction season; at a minimum this would require the completion of the environmental document, and the acquisition of necessary permits. The rail yard scoping, transportation improvements and the redevelopment assessment would be initiated once the Southern Connector project is completely under construction. Failure to include the new alternative in the current SEIS effort, we believe, would cause further delay to initiation of any construction in the near future.
4. **Critical next steps:** It is important that the City and VTrans work closely together to make this concept work. The next critical step is to focus on the completion of the Southern Connector project with construction beginning in spring 2007. Once this is accomplished, the focus will shift to holistically work on the railyard relocation, new roadways or other transportation improvements, and redevelopment of the waterfront area.

The Agency believes the continuation of the existing C/6 and substantial Pine Street improvement alternatives will result in significant delays to the overall accomplishment of getting a facility open to traffic as soon as possible. We hope that the City concurs with this belief, and are asking that the City concur with these four major key points.

I assure you that my staff and I are committed to seeing this proposal through and ensuring a successful outcome for the City of Burlington and ultimately the entire State of Vermont.

Sincerely,



Dawn Terrill  
Secretary of Transportation





**CITY OF BURLINGTON, VERMONT**  
**CITY COUNCIL TRANSPORTATION, ENERGY AND**  
**UTILITIES COMMITTEE**

c/o Department of Public Works  
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**Councilor Bill Keogh, Chair** WARD 5  
**Councilor Tim Ashe** WARD 3  
**Councilor Carmen George**  
WARD 7

**Inquiries:**  
**Dan Bradley**  
Department of Public Works  
802.865.5832 DIRECT  
dan.bradley@dpw.ci.burlington.vt.us

Minutes of 11/2/2005 meeting of the City Council Transportation, Energy and Utilities Committee

Members present: Chair, Bill Keogh, Councilor Tim Ashe, Councilor Carmen George

City Staff Dan Bradley, Steve Goodkind, Justin Rabidoux, Carol Duncan, DPW and Michael Monte, CEDO.

Others Mayor Peter Clavelle, Councilor Andy Montroll, Councilor Joan Shannon, Dawn Terrill, Secretary VTrans, Jim Bush, VTrans, Wayne Davis, VTrans, Nancy Wood, Executive Director Burlington Business Association BBA, Jack Myers, Dufresne Henry

Chair Keogh called the meeting to order at 4:05 and turned the floor over to Mayor Clavelle who reviewed the history of the Southern Connector project and recent discussions with VTrans. VTrans has proposed splitting the project into two separate projects:

- 1.) Comprised of current Contract One, rebuilding of existing Contract One and Contract Two, construction from Home Avenue to Lakeside Avenue;
- 2.) A new project consisting of current Contract Six, Lakeside Avenue to Battery Street, including rail yard relocation.

The Mayor distributed copies of correspondence from Secretary Terrill explaining the State's position and a time line of the project (both attached).

Should the City agree with VTrans, the Environmental Impact Statement (EIS) will have to be amended to address any changes. That process and Act 250 review can dramatically change what may currently be envisioned as the project limits, e.g. impact mitigation identified in the EIS may require additional work not envisioned in the current proposed scope. Act 250 has the same potential. Both

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processes may conclude that the reconstituted project does not fulfill purpose and need.

Secretary Terrill also spoke to the history to the project and offered a summation of her letter of October 5, 2005. (Attached)

The Secretary also offered that the City could continue if it chose with the current project but would not have VTrans support in the legislature. She asked for the City's response by November 15, the date VTrans begins FY 2007 budget preparation.

Should the City accept the VTrans proposal, anticipated start date for construction on Contracts One and Two would be Spring/Summer calendar year 2006: state fiscal year 2007.

Steve Goodkind, Public Works Director offered that the project should continue along Pine Street to at least Kilburn Street and that improvements long deferred in anticipation of Contract Six be included in a new project.

Nancy Wood, Executive Director of the Burlington Business Association spoke in favor of the VTrans proposal as it would move construction forward.

Michael Monte CEDO Director spoke to the economic development potential of the waterfront rail yards and the Pine Street corridor.

The Mayor stated that he would communicate this proposal to the full Council at their meeting of 11/7 and anticipate that the council would refer it back to the TEUC, requesting recommendations for action at the full council meeting of 11/21.

Meeting adjourned at 5:05

**City of Burlington**  
**Transportation, Energy & Utilities Committee of City Council**  
**November 2, 2005**

**SOUTHERN CONNECTOR TIMELINE**

- 1965 – Vermont Department of Highways publishes *Urban Area Highway Plan* in which the Burlington Beltline was a final recommendation.
- 1966 – Legislature funds Beltline project.
- 1971 – Beltline opened from Manhattan Drive to North Avenue.
- 1975 – Due to fading public support, City separates South end “Beltline” from North end project, naming the conceptual new highway the Southern Connector.
- 1975 – City requests Urban Systems funding for the Southern Connector from the federal government.
- 1977 – The first Southern Connector Draft Environmental Statement is published with C1, C2 and C8 as the route.
- 1979 – Final EIS published.
- 1981 – Act 250 permit issued for Southern Connector
- 1984 – Draft EIS filed to determine wetland impacts of Southern Connector through C8.
- 1986 – C1 under construction.
- 1989 – VAOT proposes interim routing alternative to avoid the Superfund site.
- 1996 – Final Supplemental EIS published for interim alternatives incorporating C6 into the Southern Connector project.
- 1998 – Management of project transferred to City of Burlington from State through the Local Transportation Facilities program.
- 2001 – City drafts and circulates first of many railroad mitigation plans.
- 2003 – City officially abandons notion of C6 as an interim solution and makes it the selected build alternative, eliminating C8 as a future build option.
- 2003 – City circulates draft DEIS chapters to review agencies. Subsequently FHWA requests traffic data for 17 additional intersections.
- 2004 – Value Engineering Study completed.
- During VE Study and additional traffic analysis other aspects of the project (including rail MOA negotiations) put on hold pending outcome of studies.
- 2005 – VTrans recommends building and opening C1 and C2 only with C6 to be a future project. Future project includes VTR relocation, waterfront economic redevelopment and supporting transportation and utility infrastructure upgrades.

Councilors Keogh,  
George, Ashe: Transportation, Energy & Utilities Com.

**SOUTHERN CONNECTOR  
(a/k/a CHAMPLAIN PARKWAY)**

In the year Two Thousand Five.....  
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City has sought to develop alternative transportation routes into the downtown that removed through traffic from neighborhood streets and improved accessibility to downtown; and

WHEREAS, such efforts date to the early 1960's; and

WHEREAS, one effort, the Southern Connector, also known as the Champlain Parkway, was intended to improve access from the south to downtown and considerable expense has been extended in pursuing this effort; and

WHEREAS, the State of Vermont Agency of Transportation ("VTrans"), has administered the federal and state funds appropriated for this effort; and

WHEREAS, VTrans has informed the City of issues and concerns with the project as planned and has offered the City a proposal to be included as an alternative within the project Supplemental Environmental Impact Statement ("SEIS") that will be submitted to the Federal Highway Administration, that alters the project schedule but which would allow the project to proceed to construction; and

WHEREAS, Mayor Clavelle over the past few months has held extensive discussions with VTrans and federal highway officials concerning the project and concurs with VTrans' proposal; and

**SOUTHERN CONNECTOR (a/k/a CHAMPLAIN  
PARKWAY**

**WHEREAS, VTrans has offered that the rail yard area will be the subject of a scoping/environmental documentation process to study the feasibility, desirability and consequences of relocating the rail yard out of the waterfront area as part of a separate economic redevelopment project; and**

**WHEREAS, The City Council Transportation Energy and Utilities Committee recommends that the SEIS alternative proposal include improvements to the extension of that segment of the project along Pine Street north of Lakeside Avenue to at least Kilburn Street, including sidewalk, pavement, curb and drainage improvements; and**

**WHEREAS, The Transportation Energy and Utilities Committee further recommends that these actions be compatible with the City's policies and efforts to promote alternative modes of transportation and Transportation Demand Management;**

**NOW, THEREFORE, BE IT RESOLVED that in consideration of the foregoing, the Burlington City Council supports presenting the following alternative within the Southern Connector project SEIS, to advance the project's construction:**

- a) Contracts 1 and 2 and improvements on Lakeside Avenue to Pine Street;**
- b) required operational improvements within the existing Pine Street right of way to mitigate traffic impacts on the Maple and King Street neighborhood, and as recommended by the Transportation Energy and Utilities Committee, sidewalk, pavement, curb and drainage improvements to the extension of that segment of the project along Pine Street north of Lakeside Avenue to at least Kilburn Street;**

**SOUTHERN CONNECTOR (a/k/a CHAMPLAIN  
PARKWAY**

c) If required and warranted, city street access from Pine Street to the rail yard through the northern area of the old Street Department property to assist in eliminating rail yard truck traffic from the King and Maple Street neighborhood; and

**BE IT FURTHER RESOLVED** that should the proposed alternative described in a, b and c be advanced in the SEIS Record of Decision by the Federal Highway Administration, the Burlington City Council supports the VTrans proposal that the rail yard area will be the subject of a scoping/environmental documentation process to study the feasibility, desirability and consequences of relocating the rail yard out of the waterfront area and removing traffic from the Maple and King Street neighborhood by connecting Pine Street to the intersection of Battery and Maple Streets with a new road as part of a separate economic redevelopment project.

-----Original Message-----

From: Russell, Jeannine  
Sent: Thursday, December 22, 2005 2:20 PM  
To: Davis, Wayne  
Cc: Wilkie, Duncan; Newman, Scott  
Subject: Burlington So. Connector

Regarding the Pine Street Improvements as part of the Burlington Southern Connector Project:

Wayne,

Here are my preliminary recommendations based on our meeting and site visit of 11-15-2005. The project consists of repaving, rehabilitation and reconstruction of sidewalks along Pine Street, raising sections, proposed turning lanes and some signal installations at the intersections of Pine and Maple and Pine and King Street.

Results of the background research and field visit indicate that the work will take place within previously disturbed areas. I have checked historic maps and I don't anticipate any concerns for archaeology for the signal installations at the above-mentioned intersections. A review of plans will be necessary prior to issuing official archaeological clearance but I don't anticipate that any further archaeological review will be necessary for this project as currently proposed. If the scope changes to include changes such as significant widening, addition of traffic lanes or new alignments, further review will be necessary. I will review plans when they become available.

Please let me know if you have any questions or require further information at this time.

-Jen

Jeannine Russell  
Vtrans Senior Archaeologist  
VT Agency of Transportation  
National Life Bldg, Drawer 33  
Montpelier, VT 05633  
Phone: 802-828-3981  
Fax: 802-828-2334  
e-mail: jeannine.russell@state.vt.us

Nongame & Natural Heritage Program

**Department of Fish & Wildlife**  
103 South Main St., #10 South  
Waterbury, Vermont 05671-0501  
[www. VtFishandWildlife.com](http://www.VtFishandWildlife.com)

[phone] 802-241-3700  
[fax] 802-241-3295  
[tdd] 802-828-3345

Agency Of Natural Resources

25 April 2006

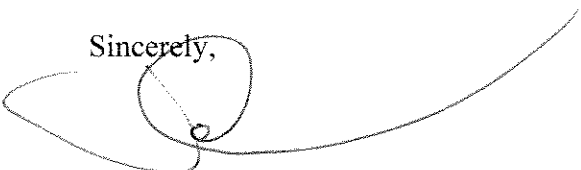
James P. Shields  
Clough Harbour & Associates LLP  
PO Box 5269  
Albany, NY 12205-0269

Re: Champlain Parkway (Southern Connector) CHA File:8659

Dear Mr. Shields:

Thank you for consulting with the Nongame and Natural Heritage Program regarding rare, threatened and endangered species and state-significant natural communities at the above-referenced site. I understand that NNHP Botanist Bob Popp has walked the proposed alignment and did not find *Juncus torreyi*. No other rare, threatened or endangered plants are known from the route. One rare (S2) fish species, Mottled Sculpin (*Cottus bairdi*) is known from Englesby Brook. As the proposed alignment of the Southern Connector would cross Englesby Brook in the wooded area between Flynn Avenue and Sears Lane, we request that the stream crossing be designed to pass aquatic organisms including Mottled Sculpin. This would require a full-span bridge or open bottom structure to simulate natural stream conditions. We also request that removal of riparian vegetation be kept to an absolute minimum. For more guidance on crossing design you can contact Fish Biologist Bernie Pientka at (802)879-5698. Thank you again for consulting with us. Feel free to call if you have any questions.

Sincerely,



Jodi Shippee  
Database Assistant  
Tel: 802-241-4230  
Email: [Jodi.Shippee@state.vt.us](mailto:Jodi.Shippee@state.vt.us)

cc: Everett Marshall, Biologist/Data Manager; Bernie Pientka, Fish Biologist; Mark Ferguson, NNHP Zoologist

RECEIVED

APR 28 2006

Clough, Harbour & Associates LLP







State of Vermont  
Office of the Secretary  
One National Life Drive  
Montpelier, VT 05633-5001  
www.aot.state.vt.us

[phone] 802-828-2657  
[fax] 802-828-3522  
[tel] 802-253-0191

Agency of Transportation

June 28, 2006

Honorable Robert Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

RE: Burlington Champlain Parkway (Southern Connector)

Dear Mayor Kiss: **BOB**:

Thank you for taking the time to meet with me and my staff on Thursday, June 22, 2006 regarding the Burlington Champlain Parkway project. I was pleased to see that you understand the issues surrounding the project and are interested in proceeding forward with the direction set by the City's past administration and the VT Agency of Transportation (VTrans). VTrans shares your interest in seeking broad public comment on the Supplemental Environmental Impact Statement (SEIS). This input is an essential part of any environmental review and we will support and participate fully with your City team leading the project. As you know, however, this project has had thirty plus years of public comment, and the project as presently proposed reflects that input. We also have concerns about the sustainability of funding for the project should the City seek substantive changes in the project.

With the acceptable conclusion of the SEIS process, our understanding is that the recommended project would be as follows:

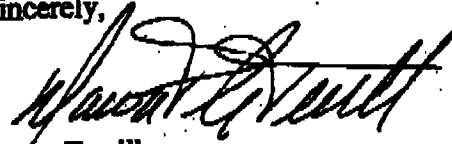
- a) Contracts 1 and 2 would continue to move forward as designed and as shown in the draft SEIS.
- b) Contract 6 would, as shown in the draft SEIS, be redefined to consist of the reconstruction of Lakeside Avenue between the intersections of Contract 2 with Lakeside Avenue and would include the reconstruction of the Lakeside Avenue/Pine Street intersection. The work at Pine Street would address the existing drainage issue at that intersection. Also included in the SEIS, Contract 6 would effect minor improvements along Pine Street, its intersection with Lakeside Avenue, and northerly to Main Street. That work would essentially be limited to surface improvements that would include grinding and paving, sidewalk improvements, some curbing restoration, signing and signalization, along with other incidental work. Excavation depths, ROW, and utility needs will be kept to a minimum.
- c) A scoping/environmental documentation process to study the feasibility, desirability and consequences of relocating the rail yard out of the waterfront area as part of an economic redevelopment of the area would commence shortly after the Champlain Parkway gets underway.



Honorable Robert Kiss, Mayor  
June 29, 2006  
Page 2

Please let me know if I have omitted anything or if your understanding is different from this. I also assure you that my staff and I are committed to seeing this project through, ensuring a successful outcome for the City of Burlington and ultimately the entire State of Vermont.

Sincerely,



Dawn Terrill  
Secretary of Transportation

cc: Jim Bush, VTrans  
Steve Goodkind, Burlington Public Works ✓

Historic Resource Group, Environmental Section  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, VT 05633



Archaeology 802-828-3965 (fax) 828-2334 [duncan.wilkie@state.vt.us](mailto:duncan.wilkie@state.vt.us)  
Historic Preservation 802-828-3964 (fax) 828-2334 [scott.newman@state.vt.us](mailto:scott.newman@state.vt.us)

**MEMORANDUM**

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To: Wayne Davis, VTrans Project Supervisor

Date: August 8, 2006

Subject: Concurrence with DSEIS Section 106 Preliminary Findings

Project Name: Burlington Champlain Parkway (Southern Connector)

Project Number: Burlington MEGC M5000(1)

Location: Burlington, VT


Distribution: Rob Sikora, FHWA Environmental Programs Manager  
VT State Historic Preservation Officer  
Dennis Benjamin, VTrans Environmental Specialist Chief

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The Vermont Agency of Transportation has reviewed the Burlington Champlain Parkway DSEIS according to the standards and procedures detailed in the 4/5/99 Programmatic Agreement to implement the Federal-Aid Highway Program in Vermont and, the PA Manual of Standards and Guidelines. Document review consisted of a field survey with the consultant as well as meetings and correspondence regarding the details of the Section 106 chapters of the DSEIS.

Based on this review, I concur with the determinations of eligibility and potential impacts to historic properties associated with the various alternatives as detailed in the SDEIS.

Concur:

  
Historic Preservation Officer      8.8.06  
Date



RECEIVED DEC - 7 2006

General Offices  
One Railway Lane, Burlington, VT 05401-5290  
Tel (802) 658-2550  
Fax (802) 658-2553



December 7, 2006

Mr. Neale Lunderville, Secretary  
Vermont Agency of Transportation  
1 National Life Drive  
Montpelier, VT 05633-0001

HAND DELIVERED

Re: Burlington MBGC -- M5000(1)  
Southern Connector/Champlain Parkway

Dear Neale;

Vermont Railway recognizes the need to relocate the VTR commercial and switching rail yards has been a major impediment to the construction of the "Pine St. Spur" of the Southern Connector. Recent developments including the closing of the Specialty Filaments (the old Whiting property) and the potential for VTR to purchase the Havey property have finally made the relocation of the commercial rail yard feasible. As a result, VTR is prepared to work with the City of Burlington on the relocation of its' commercial rail yard from the Burlington Waterfront. This will enable the City to complete the Southern Connector to Battery Street as originally proposed and will encourage the redevelopment of the former rail yard.

In order to achieve this outcome and to mitigate the loss of VTR's commercial and switching operations, VTR will agree to work with the state and city to:

1. Secure a long term option from Dennis Havey to purchase the Havey parcel.
2. Relocate its' commercial yard onto the Havey parcel.
3. Agree to stipulate through a covenant that if VTR were to leave the waterfront rail yard location and cease to operate it as conditioned in the State-VTR lease, VTR would provide the State with a perpetual lease for the Havey property for railroad purposes.
4. Relocate the switching yard off the waterfront, if a suitable location can be found. The relocation of the yard has yet to be determined, but it may include properties in Burlington and as far south as Shelburne.

In order to accomplish this, the City will need to do the following:

1. Obtain transportation funds to pay for the acquisition (including funds for the options) and relocation of the VTR commercial yard onto the Havey parcel.
2. Obtain funds for the acquisition and relocation of the switching yard off of the waterfront.
3. Build the "Pine St spur" from Pine to Battery through the state owned VTR property

*"Serving New England's Industry With Pride"*

Page 2

In my opinion, these activities can be conducted in two phases. The relocation of the commercial yard and the construction of the spur should be done as part of the Southern Connector project which is presently in the EIS process. The relocation of the switching yard can take place at a later time, perhaps when a suitable location has been found and redevelopment opportunities have been explored.


The concepts outlined above will allow the Southern Connector Project to finally be completed and in doing so to achieve the long sought goal of neighborhood traffic mitigation from King Street to Home Ave. If VTR, the City and VTrans work together we can finally make this happen.

Sincerely,



Dave Wulfsen, President  
Vermont Railway, Inc.

✓ CC: Robert Kiss, Mayor, City of Burlington

**To:** Secretary Lunderville: Secretary  
**From:** Richard Tetreault, Director of Program Development   
**Date:** February 8, 2007  
**Subject:** Notes from meeting with Burlington City and Consultant on Champlain Parkway/Southern Connector

On Thursday, February 1, 2007 at 1:00 PM the following gathered in the 3<sup>rd</sup> floor conference room in National Life: Richard Tetreault, Vtrans; Al Neveau, Vtrans; Kevin Marshia, Vtrans; Ernie Blais, FHWA; Rob Sikora, FHWA; Larry Dwyer, FHWA; Steve Goodkind, City of Burlington; Carol Duncan, City of Burlington; Erin Demaris, City of Burlington; Dale Gozalkowski, Cough, Harbour & Associates; James Shields, Clough, Harbour & Associates; and Jack Myers, Stantec.

The purpose of the meeting was to follow-up on the Secretary's and Deputy Secretary's meeting with City officials to hear the City's plans for avoidance of a 4(f) and cost reduction(s) with the Battery Street connection. To that end the expectation was that the City would again look at possible design options to not only work around the 4(f) issue, but also at ways to reduce cost of the overall project. The Deputy Secretary specifically promised Steve Goodkind that Agency staff would sit down and review city developed alternatives to gain a common understanding of "where we are" and "what else do we need to do" to fulfill our obligation to fully evaluate the alternative.

Notes from three primary talking points are as follows:

- 4(f) Issue – The City's consultant offered a historical overview of the transportation use in the general vicinity of the proposed Battery Street connection and raised questions regarding the impacts. No decision on the 4(f) issue was made during the meeting. It was agreed that the consultant would compile in hard copy a list of the individual issues raised, and associated questions, and submit to FHWA for a more formal review and response.
- Cost reduction – The City offered a summary detailing a potential cost savings of \$10.5 M by eliminating Section C/6 undergrounding of utilities, elimination of the Whiting Spur railroad crossing warning system, and cold planing Pine Street rather than reconstructing from Locust Street to Pine Place (see attached). This was a terrific start, and the agency offered to have Wayne Davis sit down with the City and Consultant to discuss ideas for potential cost savings along the Section C/1&2. Additionally, the Agency requested the City develop a cost comparison between the Pine Street and Battery Street concepts taking all potential cost savings into account. A request was also made to have all rail yard relocation needs identified and broken out under the Battery Street estimate.
- Agency/Railroad Discussions – There was nothing to report during this meeting.

The meeting adjourned shortly before 2:00 PM with all parties committed to further the dialogue in meeting the Secretary's promise to the City.

Cc: FHWA  
City of Burlington  
Deputy Secretary Dill  
MPO via Mel Adams  
Project file



CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS

645 Pine Street  
Post Office Box 849  
Burlington, VT 05402-0849  
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Steven Goodkind, P.E.  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

February 21, 2007

Mr. Kenneth R. Sikora, Jr.  
Environmental Program Manager  
Federal Highway Administration  
P.O. Box 568  
Montpelier, Vermont 05601

Re: Southern Connector/Champlain Parkway MEGC-M5000(1)

Dear Mr. Sikora:

On January 30, 2007, the City of Burlington, Federal Highway Administration (FHWA) and the Vermont Agency of Transportation (VTrans) met to discuss potential Section 106 and Section 4(f) issues associated with a revised alignment for Build Alternative 1 (see the attached meeting summary). The City of Burlington is evaluating potential modifications to Build Alternative 1 as presented in the October 2006 Draft Supplemental Environmental Impact Statement (DSEIS) to avoid impacts to the Burlington Street Department building. This revised roadway alignment would be similar to the alternatives presented in the 1997 Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision (ROD). The City of Burlington believes that this revised alignment could be acceptable based on Liz Pritchett Associates' recommendations regarding potential impacts to the Burlington Street Department building. The no adverse effect recommendation under Section 106 made in 2003 was consistent with the 1996 recommendation, also made by Liz Pritchett Associates and presented in Appendix 3 of the 1997 FSEIS (see attached). At the January 30, 2007 meeting, VTrans' Historic Preservation Officer stated that any proposed roadway alignment that connects Pine Street to Battery Street would result in an adverse effect to the Pine Street Historic District. During this meeting, FHWA indicated that this latest recommendation was consistent with previous determinations included in the 1997 FSEIS.

Subsequent to the meeting, VTrans' Historic Preservation Officer provided an e-mail summary stating the State Historic Preservation Officer's (SHPO) concurrence with the analysis detailed on page 4-46 of the 1997 FSEIS (see attached). The city disagrees with this analysis and will show with supporting documentation and explanation why we feel it is inaccurate. Specifically, the text referred to by the VTrans Historic Preservation Officer on page 4-46 in the 1997 FSEIS is shown in quotes below. Statements shown in bold have been highlighted for your attention.

*"Alternative 4 will result in an alteration of the street pattern in the vicinity of the historic buildings east and west of Pine Street, from Pine Place to Maple Street. This alternative includes*

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*the demolition of the Gregory Supply buildings and the relocation of the business. However, no historic buildings within the Historic District will be destroyed. The relocation of the rail spur will be within the existing rail transportation corridor. The location of the roadway across the Gregory Supply property will not be consistent with its historic use and the environment surrounding the historic buildings immediately adjacent to this property will be altered. This alternative will alter the viewshed within the Historic District, as it requires placing a roadway across an industrial/commercial property never used as a transportation corridor. The viewshed of the historic buildings surrounding this property will be altered. A gap will be created within the Historic District, between historic buildings. There will be no substantive noise or air quality impacts. Alternative 4 has been determined through consultation among VAOT, SHPO, FHWA and the Advisory Council on Historic Preservation to be an Adverse Effect."*

The preceding narrative supporting the adverse affect determination indicates that placing a roadway in the area of the Battery Street Extension would be inconsistent with historical uses because this area was never used as a transportation corridor. However, that assertion does not appear to be correct because the historic maps contained in several Cultural Resources Investigations conducted for the Southern Connector/Champlain Parkway project show that this area has been utilized for various transportation purposes since at least 1798. The earliest maps of the Burlington show a road, south of Maple Street, extending from St. Paul Street west to the shore of Lake Champlain. This road is referred to as "Cove Alley" on some of these maps. In fact, this road existed on various historical maps until it was replaced by the expansion of other transportation functions associated with the railroad and the barge canal in the vicinity of the Burlington waterfront. It should also be noted that an 1870's illustration shows an unnamed road extending west from the Kilburn and Gates building (the intersection of Kilburn Street and Pine Street) into the rail yard. Please refer to the attached historic maps/figures. Additional reference was made to this historic feature in the University of Maine at Farmington – Archaeological Resource Assessment (May 2004) as follows:

*"...the project area was largely an undeveloped and low-lying marshy landform. However, a post 1833 map of Burlington identifies a road known as Cove Alley in the general vicinity of this wetland known historically as "the Cove". The cove was used as a harbor for the transfer of cargo before and probably in conjunction with the waterfront's first timber crib wharfs, or docks."*

Therefore, the City of Burlington believes that construction of the Battery Street Extension through this area would be a consistent transportation use of the historic transportation corridor because a roadway itself was located in the vicinity of the current Gregory Supply Company parcel in addition to the rail operations that still exist today. That previous roadway was removed to provide room for other transportation-related uses associated with the railroad and Pine Street Barge Canal.

*Additional review of the 1997 FSEIS supports the City's position that this area has been utilized as a transportation corridor. Page 4-45 of the 1997 FSEIS states, "The five alternatives, from Pine Place across the rail yard to Battery Street, vary in their location (Refer to Figure 5-2 in Section 5) for the roadway and relocation of the rail tracks. All are located between the Burlington Street Department building and the American Health Care Building on Pine Street. Presently this land is occupied by a rail spur and the Gregory Supply Company. The rail spur is part of the historic transportation network within the Historic District and represents an historic transportation corridor."*

The Final Section 4(f) Evaluation of the 1997 FSEIS also supports the City's position that the Battery Street Extension area has served as a transportation corridor. A description of the Battery Street Extension on page 5-10 of the 1997 FSEIS states, *"This portion of the project extends from Pine Place to Maple Street, within the Pine Street Historic District. The roadway will be on new location in this area,*



*for approximately .3 miles. The intent is to roughly parallel the existing railroad tracks, maintaining existing land use with the transportation improvement within a transportation corridor."*

Again, page 5-14 of the 1997 FSEIS states the following in items 2 and 3:

- "2. *Alternative 1 will not result in the isolation of any properties within the Historic District. Alternative 1 results in the roadway placement to the south and west of the transportation corridor, within the Burlington Street Department parcel. This does not create a gap within the Historic District, and therefore does not substantially alter the environment surrounding the historic buildings in the Historic District.*
3. *Alternative 1 places the roadway through the Burlington Street Department building parcel which results in an alteration of the visual relationship of the building to the current transportation corridor. It does not, however, change the visual relationship of this transportation corridor to the rest of the adjacent historic buildings within the Historic District, and does not affect the setting greatly. There are no appreciable noise, air quality or visual impacts associated with Alternative 1."*

It should be noted that alignments that were included in the 1997 FSEIS that followed the Pine Street Rail Spur were favored over alignments that deviated from the alignment of the rail spur. According to the "Impacts to Historic Districts" summarized in the appendix of the 1997 FSEIS *"Alternatives 1, 2, and 5 will not result in the destruction of any historic buildings within the Historic District. Alternative 1 will alter the use of part of the property within the Burlington Street Department building parcel. The parking lot, loading area, and a temporary salt shed will be effected. The location of Alternatives 2 and 5 are the closest to the existing transportation corridor, therefore having little impact on the environment within the Historic District and the surrounding buildings. Alternative 1 results in the roadway placement to the south and the west of the transportation corridor, but does not substantially alter the environment surrounding the historic buildings in the Historic District. Alternative 1 places the roadway through the Street Department parcel for the longest distance, resulting in an alteration of the visual relationship of this transportation corridor to the rest of the historic buildings in the Historic District."* Further in the same section of the appendix it is stated that *"Relocation of the rail spur for Alternative 3 will result in the demolition of the frame addition to the Burlington Street Department. Therefore it will cause the destruction of part of a contributing building in the Historic District, and will result in a visual impact on the Historic District. The addition of a roadway will be consistent with the transportation use within this portion of the Historic District."* And finally, *"Alternative 4 will result in an alteration of the street pattern in the vicinity of the historic buildings east and west of Pine Street, from Pine Place to Maple Street. This alteration includes the demolition of the Gregory Supply buildings and the relocation of business. However, no historic buildings within the Historic District will be destroyed. The relocation of the rail spur will be within the existing transportation corridor. The location of the roadway across the Gregory Supply property will not be consistent with the historic use and the environment surrounding the historic buildings immediately adjacent to the property will be altered. These properties would not be isolated as a result of the location of Alternative 4, but a gap between these buildings in the Historic District will be created. Alternative 4 will alter the viewshed within the Historic District, as it requires placing a roadway across an industrial/commercial property never uses as a transportation corridor."*

During the January 30th meeting, FHWA mentioned comparing the width of the existing single track associated with the current Pine Street Rail Spur to width of the proposed Southern Connector/Champlain Parkway. The City of Burlington believes that the width of the transportation corridor can not be limited

to the width between the rails of the Pine Street Rail Spur that currently exists because additional width should be considered for the installation of railroad ties, ballast and the clearance required for a train to negotiate this curvilinear alignment. A common industry-accepted standard for a clear area associated with a rail line similar to this situation totals approximately 30 feet (15 feet from the rail centerline). For comparison, the proposed roadway typical section consists of two 12-foot lanes and two 2-foot shoulders for a total pavement width of 28 feet. The actual roadway width between the limits of the clear zone would be comparable because the proposed roadway section including clear zones would be 32 feet due to the proposed curbing at the outside of each shoulder. Additionally, as depicted on the rail valuation maps and the various historic maps/figures, there were multiple sidings constructed at various locations along this spur over the years including some that are still visible today. Therefore, it could be argued that the width of the transportation corridor associated with the Pine Street Rail Spur is actually wider than the approximately 30-foot wide clear area associated with one set of railroad tracks. It should also be noted that the plans included in the 1997 FSEIS for the Alternative 1, the selected alternative, required relocating the Pine Street Rail Spur in excess of 125 feet from its current location.

Also during the January 30th meeting, FHWA mentioned that the anticipated number of operations on a two-lane principal arterial would not compare favorably to a single rail spur that currently performs limited operations. The City of Burlington acknowledges that it is obvious that comparing the number of railcars utilizing a rail spur that is currently being considered to be taken "out of service" to the traffic volume anticipated as a result of the construction of the proposed Southern Connector/Champlain Parkway would represent an increase in use along the transportation corridor. However, the City of Burlington feels that this is not a representative comparison because historically this Pine Street Rail Spur was a vibrant rail line with numerous sidings located on both sides of Pine Street. Please refer to that attached historic maps/figures for more information pertaining to the sidings. It is intuitive that the number of rail operations along the Pine Street Rail Spur that were performed during its peak operation greatly exceeded the number that is observed currently due to the number of rail sidings that operated concurrently along this spur. The City of Burlington believes that when assessing the effects on the transportation corridor it would be more appropriate to compare the operations anticipated when the Pine Street Rail Spur was a vibrant rail spur rather than at a point in time when the rights to use the spur are about to be extinguished.

Based on the information summarized above, the City of Burlington believes that the Pine Street Rail Spur is part of the historic transportation network within the Pine Street Historic District and represents a historic transportation corridor. Also, we believe that construction of a new roadway in the vicinity of a previously identified historic transportation corridor would be consistent with the NEPA documents completed on this project to date. The area comprised of the Gregory Supply Company parcel, the Burlington Street Department parcel and the Pine Street Rail Spur should be considered the transportation corridor based on the general recorded locations of the Pine Street Rail Spur and the presence of roadways including Cove Alley throughout the City's history as depicted on the various historic maps and figures included in the attachments.

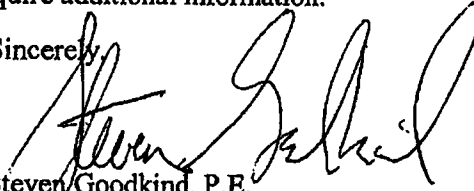
Currently, the City of Burlington's intention for the revisions to Build Alternative 1 from the 2006 DSEIS would be to direct the alignment across the Burlington Street Department parcel and the Gregory Supply Company parcel in the general vicinity of the existing Pine Street Rail Spur similar to Alternative 3 summarized in the 1997 FSEIS. However, this revised Build Alternative 1 alignment would differ from Alternative 1 or 3 from the 1997 FSEIS because the revised alignment would not impact any portion of the Burlington Street Department building (a contributing structure) and it would closely follow the previously established transportation corridor in the vicinity of the Pine Street Rail Spur.

By way of this correspondence, the City of Burlington is requesting that VTrans' Historic Preservation Officer, SHPO, and the FHWA reconsider the recommendation for an adverse effect determination for a

proposed roadway alignment that does not impact the Burlington Street Department building or other contributing structures located within the Pine Street Historic District.

Please contact me if you have any questions or require additional information.

Sincerely,



Steven Goodkind, P.E.  
Director of Public Works  
City Engineer

Enclosure  
DEG/dcc

c: Rich Tetreault, VTrans (w/enc.)  
Ernie Blais, FHWA (w/enc.)  
Jane Lendway, SHPO (w/enc.)

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# Liz Pritchett Associates

Historic Preservation  
Architectural Conservation

January 9, 2004

Dale E. Gozalkowski, P.E., Associate  
Senior Highway Engineer  
Clough, Harbour & Associates LLP  
P.O. Box 5269  
Albany, NY 12205-0269

Re: Southern Connector / Champlain Parkway MEGC – M5000 (1); CHA File: 8659  
Section 4(f) and Section 106

Dear Dale;

At your request I have reviewed the preliminary plans that show two, new, proposed alternatives for the Southern Connector/Champlain Parkway Roadway in the vicinity of the former Burlington Street Department building located at 339 Pine Street. I have compared these two alternatives with the alternatives I previously reviewed in my Historic Resource Report for the Southern Connector/Champlain Parkway project dated February 7, 1996. My review follows requirements for compliance with the National Environmental Policy Act of 1970, Section 4(f) of the Transportation Act of 1966, and Section 106 of the National Historic Preservation Act of 1966 and its amendments.

As noted in my report in 1996, the Burlington Street Department building is eligible for listing in the National Register of Historic Places as part of a recommended Pine Street Historic District. It is significant as the only known, existing historic building in Burlington built for use by the Burlington Street Department. It was constructed in 1934 as the central plant for the Burlington Street Department to store all their equipment in one location. About ten years ago the building was vacated by the Street Department, which has since relocated in a new structure to the south on Pine Street at the corner of Lakeside Avenue. Currently the building is leased by ReCyle North for its recycling business located primarily in the western portion of the structure, and Gregory Supply stores building materials in the central portion.

The Burlington Street Department building, as described in the 1996 report, is a long, rectangular, flat roof, multi-bay, one-story brick structure that has a three bay section that is two-stories in height. Current research has clarified the age of the two appendages, dating the west end extension at c. 1970, and the wood frame, office addition on the north side of the east end at c. 1954. The office appendage now qualifies as significant according to National Park Service standards, due to its age of fifty years. Besides the

office area at the east end, the building primarily consists of non-insulated, garage bays, fronted by overhead doors on the north side. Distinctive features of the building include stepped roof parapets with decorative brickwork and name panels at the east elevation facing Pine Street and on the north elevation (*Burlington Street Department* is still visible in one panel), industrial steel windows, multiple garage bays (with a combination of older wood, and modern, metal overhead doors), a double loading door and hoist in the two-story section, and glass block sidelights in the c. 1954 office entrance.

The building is significant under the theme of transportation in Vermont. It was constructed to house vehicles used for street maintenance in Burlington during an era in the 1930s when road widening and paving were common on major thoroughfares in the city such as Pine Street and Main Street. Another site with somewhat similar brick structures with roof parapets and wide garage bays is the Burlington Traction Company property at the north end of North Winooski Avenue in the old north end, which originally served horse drawn trolleys; the two existing buildings were built for the electrified trolley system, and have recently been adapted for housing and commercial space. It is unknown at this time how rare historic street department buildings are in Vermont as a building type, although it is known that a number of somewhat architecturally similar, historic, electrified trolley buildings, such as the Burlington Traction Company, exist in the state.

Since the 1996 review, the Burlington Street Department building has continued to deteriorate due to deferred maintenance and ongoing issues from water penetration to the building. While the bricks and mortar overall appear in generally good to fair condition, noted areas of weathering and deterioration of materials include substantial settlement cracks in the brick masonry at the rear elevation juncture of the two-story section at its southeast corner and the one-story portion to the east, and the upper half of the tall brick chimney over the original east end office. Other areas of deterioration were noted in spalling, cracks and rusted rebars in the concrete foundation; cracks in the concrete window sills; corroded steel and cracked and missing panes in the windows; and apparent roof problems suggested by the addition of plastic tarps over the roof at the west end for ReCycle north. According to Justin Rabideau of the Burlington Public Works office, Burlington building inspector, John Rasys has condemned the second floor of the two-story section for use as storage due to structural deficiencies.

I concur with your statement in your letter dated October 3, 2003 that Alternative 1 dated May 2003, shows an alternative similar to the Battery Street Extension Alternative 1 on Map 7 in my 1996 report. It appears that construction of this alternative will not impact the Burlington Street Department building and will have NO ADVERSE EFFECT on this historic resource, either the original brick portion or the c. 1954 office addition. This determination of no adverse effect is the same as the determination made for Alternative 1 proposed in 1996.

I also concur that the Alternative 2 plan dated September 2003, due to the proposed roadway construction and railroad tracks, will have an impact on the east end of the Burlington Street Department building (both original and new office addition). This alternative is similar to the Battery Street Extension Alternative 3 shown as Map 9 in my 1996 report. The 2003 Alternative 2 (like Alternative 3 in 1996) shows the new roadway and railroad tracks crossing in the vicinity of the east end of the Street Department Building (both original and c. 1954 office addition). Construction of the roadway and railroad tracks as proposed in this alternative would require demolition of, at the least, the east end of the Burlington Street Department building. The Alternative, therefore, would result, similar to the 1996 determination of effect, in an ADVERSE EFFECT to this historic resource that is eligible for listing in the National Register of Historic Places.

Therefore my determination of effect has not changed since the 1996 review of the potential for impacts to the Burlington Street Department building. The summary of effect is as follows:

Alternative 1 (2003 and 1996): No Adverse Effect  
Alternative 2 (2003, similar to Alternative 3 in 1996): Adverse Effect

Thank you for the opportunity to complete this review. Please feel free to contact me with any questions.

Sincerely yours,



Liz Pritchett  
Historic Preservation Consultant

Cc: Judith Ehrlich, Environmental Review Coordinator, Vermont Division for Historic Preservation



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street  
Post Office Box 849  
Burlington, VT 05402-0849  
802.863.9094 VOX  
802.863.0466 FAX  
802.863.0450 TTY  
www.dpw.ci.burlington.vt.us

**Steven Goodkind, P.E.**  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

**Carol Duncan, P.E.**  
PROJECT ENGINEER

MEMO

TO: Rob Sikora, FHWA Environmental Program Manager  
Scott Newman, VTrans Historic Preservation Officer  
Wayne Davis, LTF Project Manager

FROM: Carol Duncan, Municipal Project Manager

DATE: January 30, 2007

RE: Champlain Parkway 4f Review Meeting – 1/30/07

Thank you all for meeting with the City this morning to discuss the 4f issues surrounding Build Alternative 1 as described in the 2006 Draft Supplemental Environmental Impact Statement (DSEIS). Build Alternative 1 is also known as the Battery Street Extension and describes the C-6 section that traverses north from the intersection of Lakeside Avenue and Pine Street and heads northwest through the former Burlington Street Department property (339 Pine Street). Today's meeting was a chance to discuss the Section 4f issues around the proposed alignment. I've highlighted the points discussed this morning as understood by the City and its consultants below:

- As described by Jim Shields and Dale Gozalkowski of Clough, Harbour & Associates (CHA), the revised Build Alternative 1 would not hit the Street Department Building because the Whiting Spur would be eliminated thus allowing the Battery Street Extension to move north and west avoiding any portion of the building.
- Scott Newman stated that Build Alternative 1 as described above may create an adverse impact whether it crosses the Street Department parcel or Gregory Supply parcel because it introduces a roadway that traverses the Pine Street Historic District that does not currently exist today. He also stated that this recommendation was not the result of the potential relocation or reorientation of historically non-contributing structures on the Gregory Supply parcel. Rob Sikora concurred with Scott's recommendations.
- CHA stated that any potential revised alignments through the Pine Street Historic District were influenced by the desire to avoid the Street Department Building because that was a "contributing structure" and was previously considered an adverse affect under Section 106. CHA also stated that the revised Build Alternative 1 alignment would be similar to the previously approved Battery Street Extension alignment. It could be adjusted to a location between the various Build

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Alternatives in the 1997 FSEIS to further minimize impacts based on current interpretations of the critical aspects considered under Section 106. It is anticipated that the revised Build Alternative 1 would closely follow the previously established transportation corridor referred to in the 1997 FSEIS. Scott Newman stated that he would confirm whether or not an alignment advanced in the vicinity of the Whiting Spur could be considered a transportation corridor.

- Wayne Davis stated that the purpose of the February 1, 2007 meeting between the Agency, FHWA and the City was for the City to present aspects of the revised Build Alternative 1 to the Agency and to describe how Section 4f impacts can be minimized. Also, he stated that he wanted the City to summarize how they intend to reduce costs of this alternative so that its total cost is approximately \$18 million.
- Wayne Davis stated that the Governor's Recommended FY 2008 Budget contains \$100,000 for the Champlain Parkway and that there are no carryovers from last year's allocated monies for this project.
- Wayne Davis stated that there is no right-of-way funding budgeted for this project. Specifically, the \$100,000 in the Governor's recommended budget was intended to obtain a Record of Decision and there were no provisions incorporated to advance this project further at this time. Any further work on this project would be in a future year which was not yet determined.

This summary is meant to clarify the discussion that took place this morning. If you consider my understanding of these issues inaccurate, please respond with your changes, otherwise we can consider this memo the minutes from today's meeting.



---

**From:** Davis, Wayne [Wayne.Davis@state.vt.us]  
**Sent:** Wednesday, January 31, 2007 7:15 AM  
**To:** cduncan@ci.burlington.vt.us  
**Subject:** FW: Southern Connector

Carol:

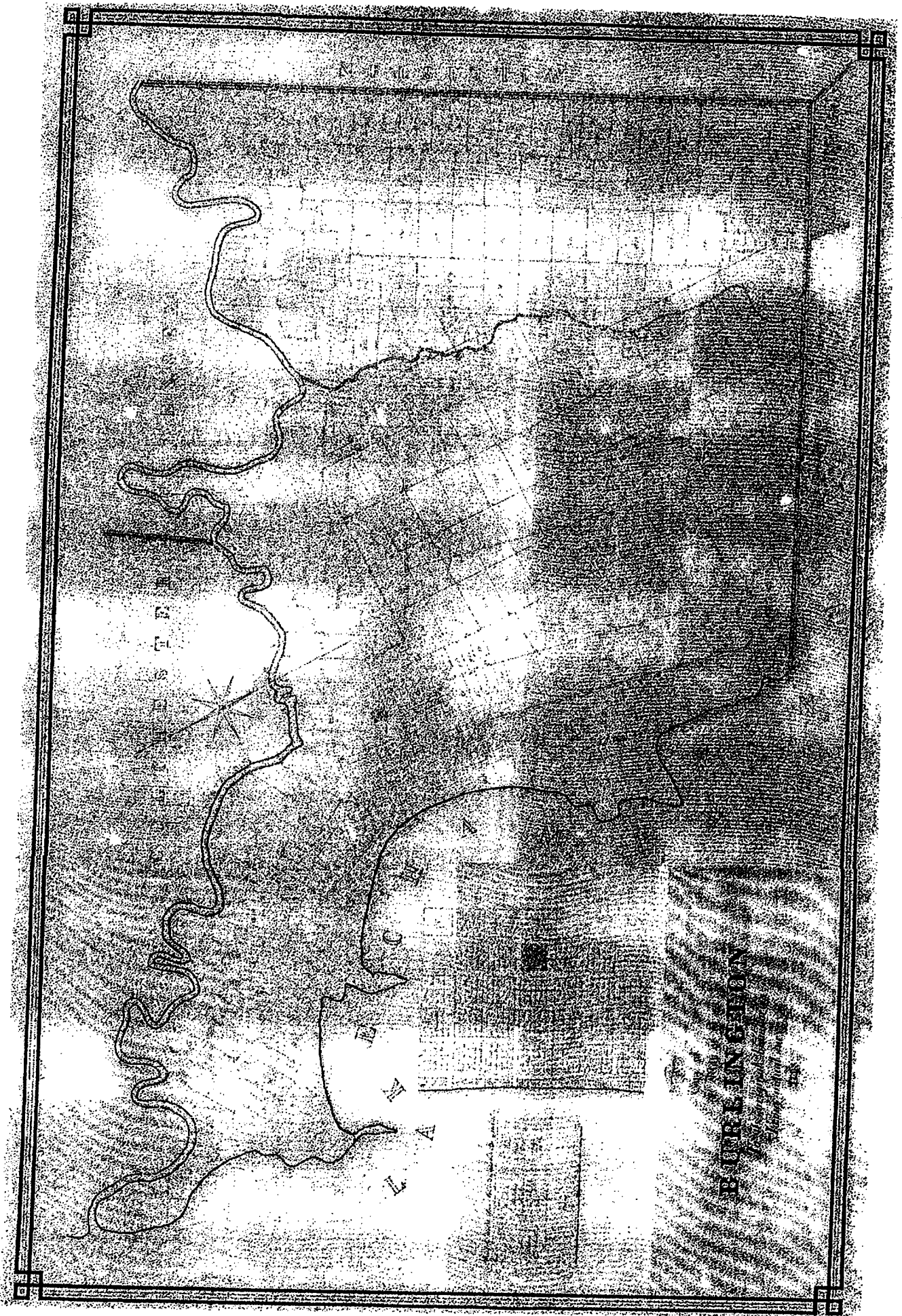
Here is a message from Scott Newman on SHPO's concurrence with the adverse effect determination.

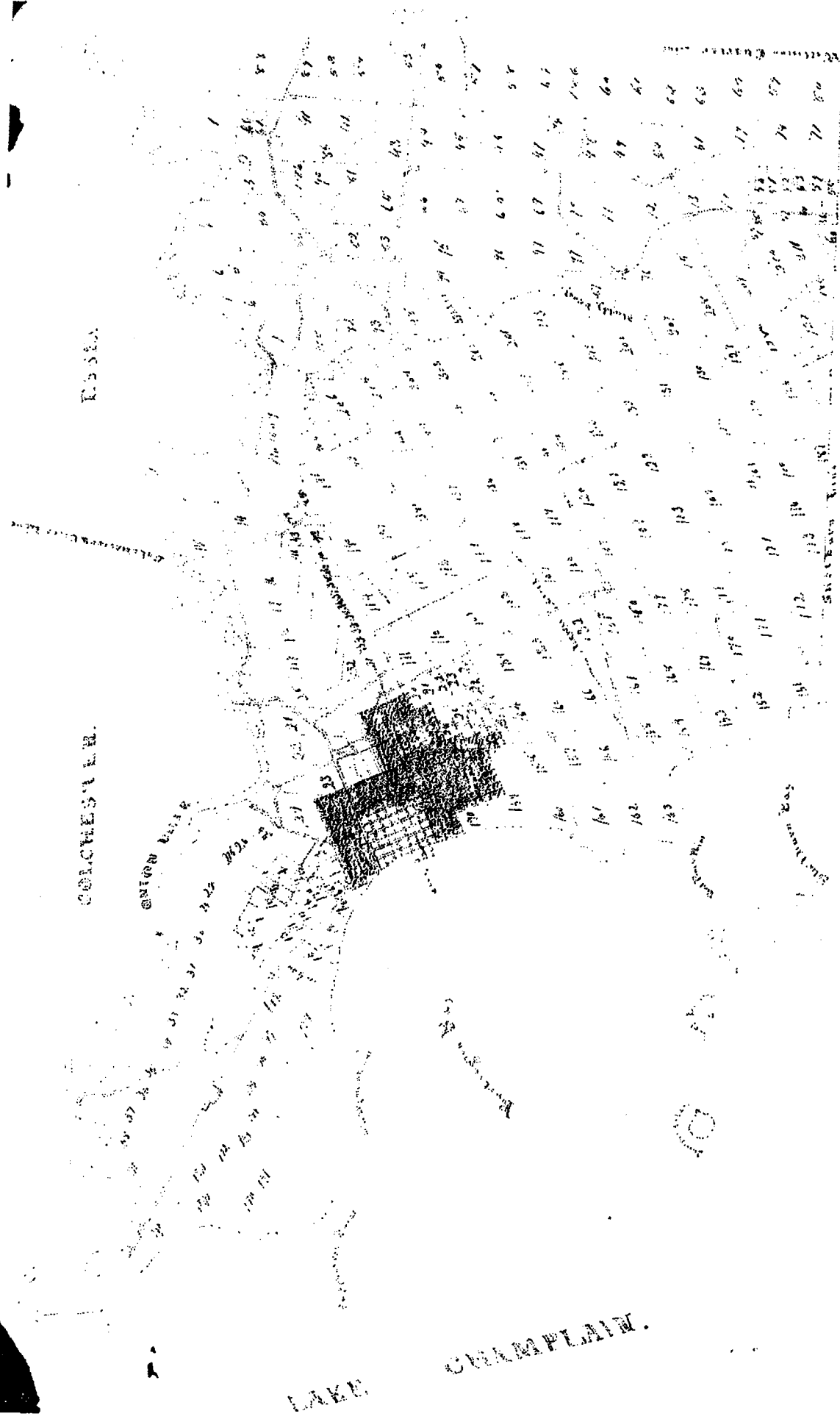
Wayne

I consulted at length with the SHPO this afternoon regarding the Champlain Parkway project. They concur that the analysis detailed on page 4-46 of the 1997 FSEIS concluding that Build Alternative # 4 is an adverse effect under Section 106, logically applies to Alternatives 1 - 5 shown on page 4-21 of the same document.

Therefore, the effects of Alternatives 1-5 on historic properties (Pine Street Historic District) are considered Adverse. Further consideration of Alternatives 1-5 would require an alternatives analysis under Section 4(f) of the DOT Act. None would obtain a Section 4(f) approval where among the alternatives is the upgrade of Pine Street, an alternative that is not expected to adversely affect historic properties under Section 106.

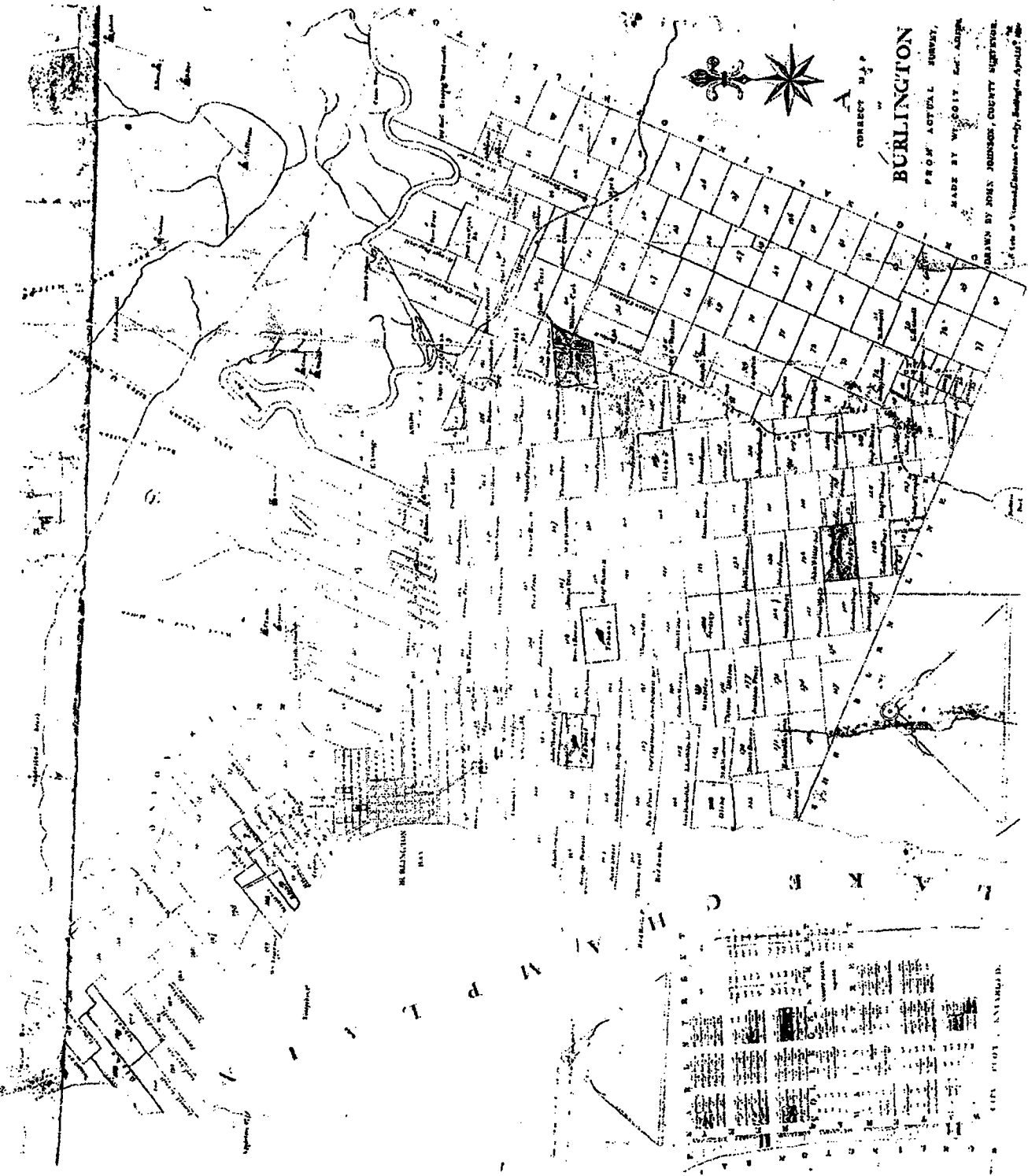
**D. Scott Newman M.Sc.**  
Historic Preservation Officer  
Vermont Agency of Transportation  
National Life Building, 4th Floor  
Montpelier, VT 05633  
802-828-3984  
fax 828-2334





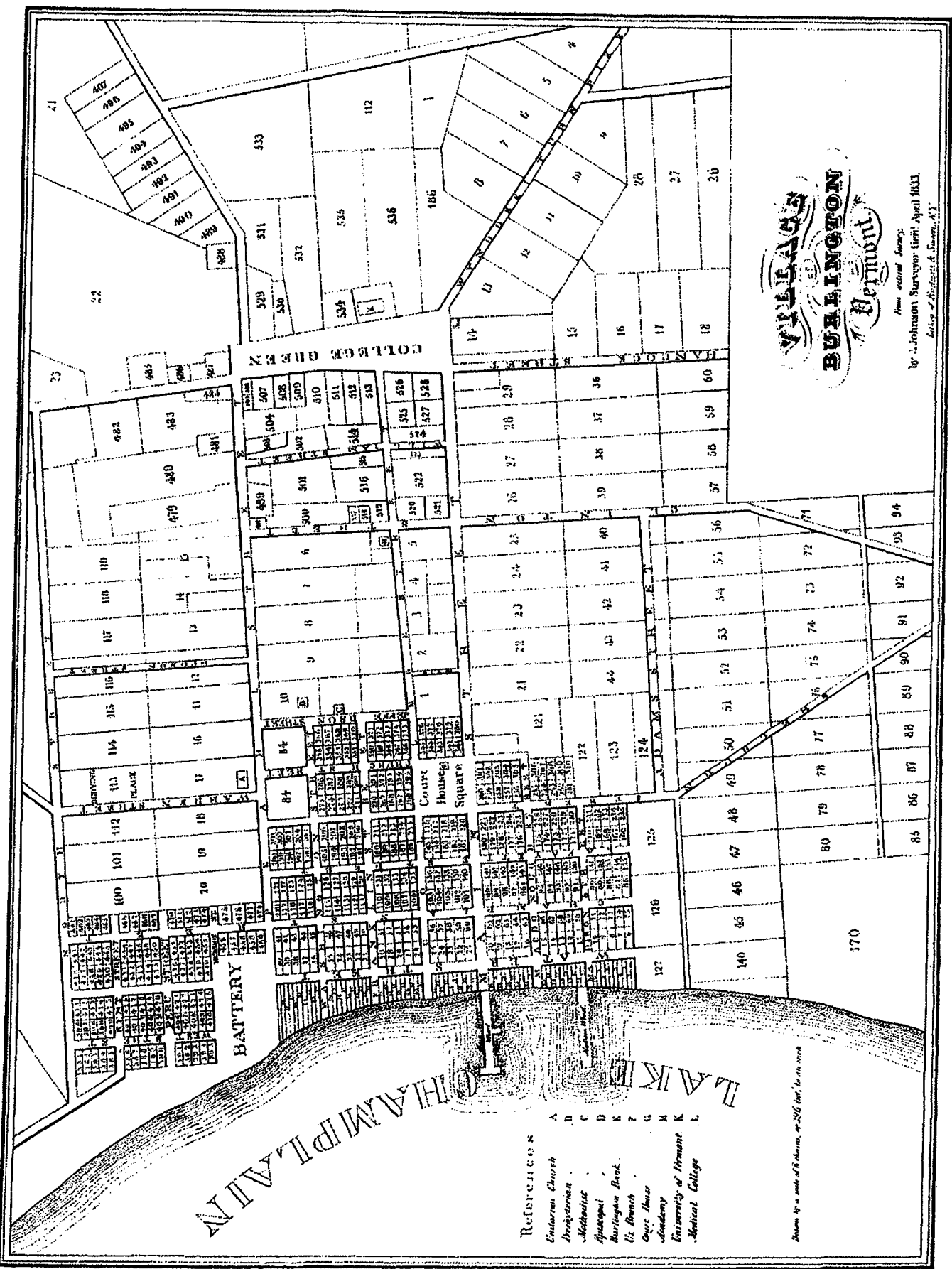
Scale  
 1:50,000  
 1:100,000

# MAP OF BURLINGTON



CORRECT MAP  
**BURLINGTON**  
 FROM ACTUAL SURVEY,  
 MADE BY W. COIT, Esq. ADJUTANT  
 DRAWN BY JOHN JOHNSON, COUNTY SURVEYOR.  
 Office of Vermont State Survey, Burlington, April 20, 1816.

1816  
 1816



**VILLAGE**  
**BURLINGTON**  
*Vermont*

From actual Survey  
By J. Johnson Surveyor first April 1833.  
Edging & Richards & Son, N.Y.

- References**
- A. Unitarian Church
  - B. Presbyterian
  - C. Methodist
  - D. Episcopal
  - E. Burlington Bank
  - F. U.S. Branch
  - G. City House
  - H. Academy
  - I. University of Vermont
  - K. Medical College
  - L.

Drawn by a scale of 8 inches to 200 feet, in 1833





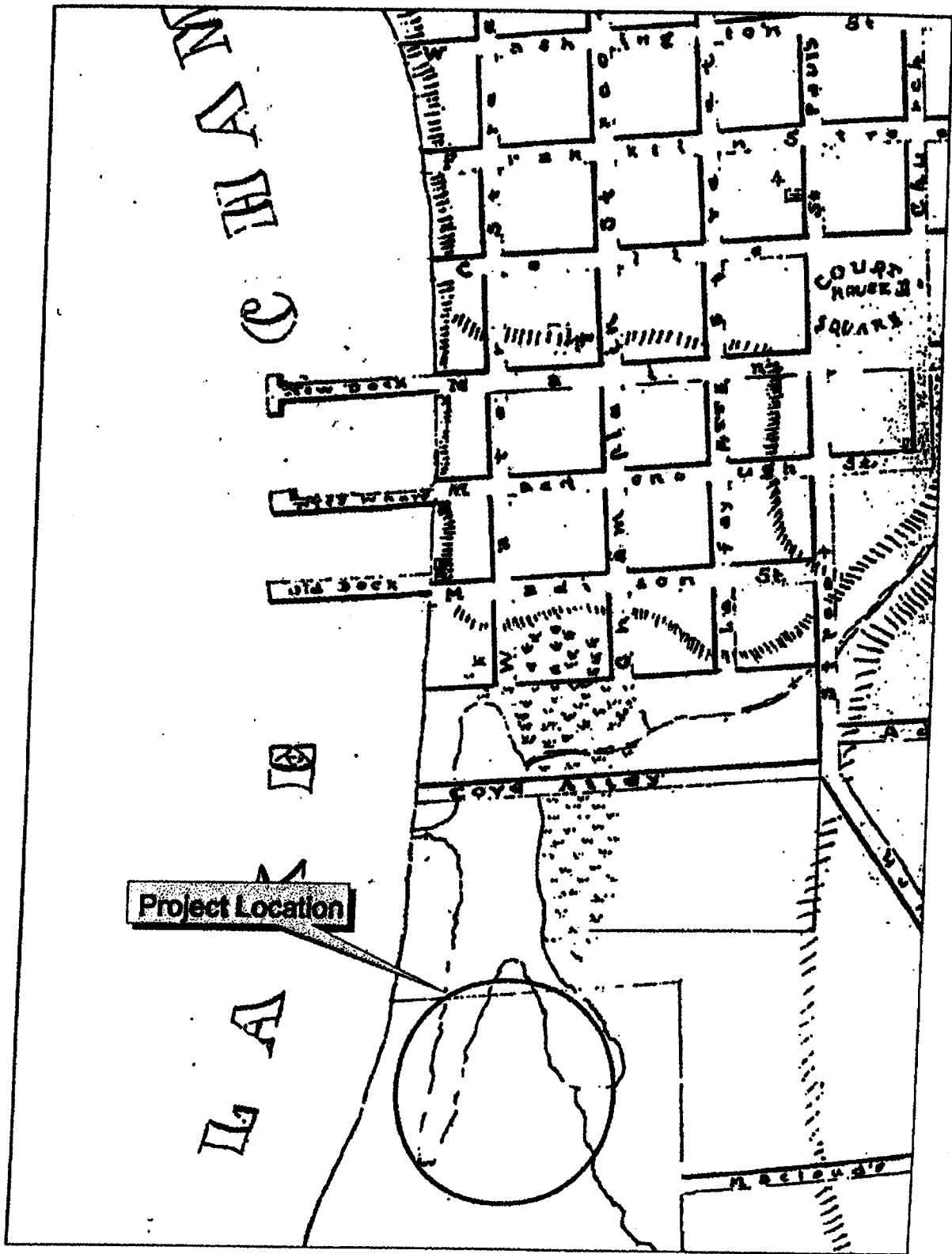


Figure 4. Post-1833 map of Burlington, Vermont showing the Railyard Mitigation Project Area of the Southern Connector Project. Note marshy area crossed by "Cove Alley" in the area of subsequent barge canal.



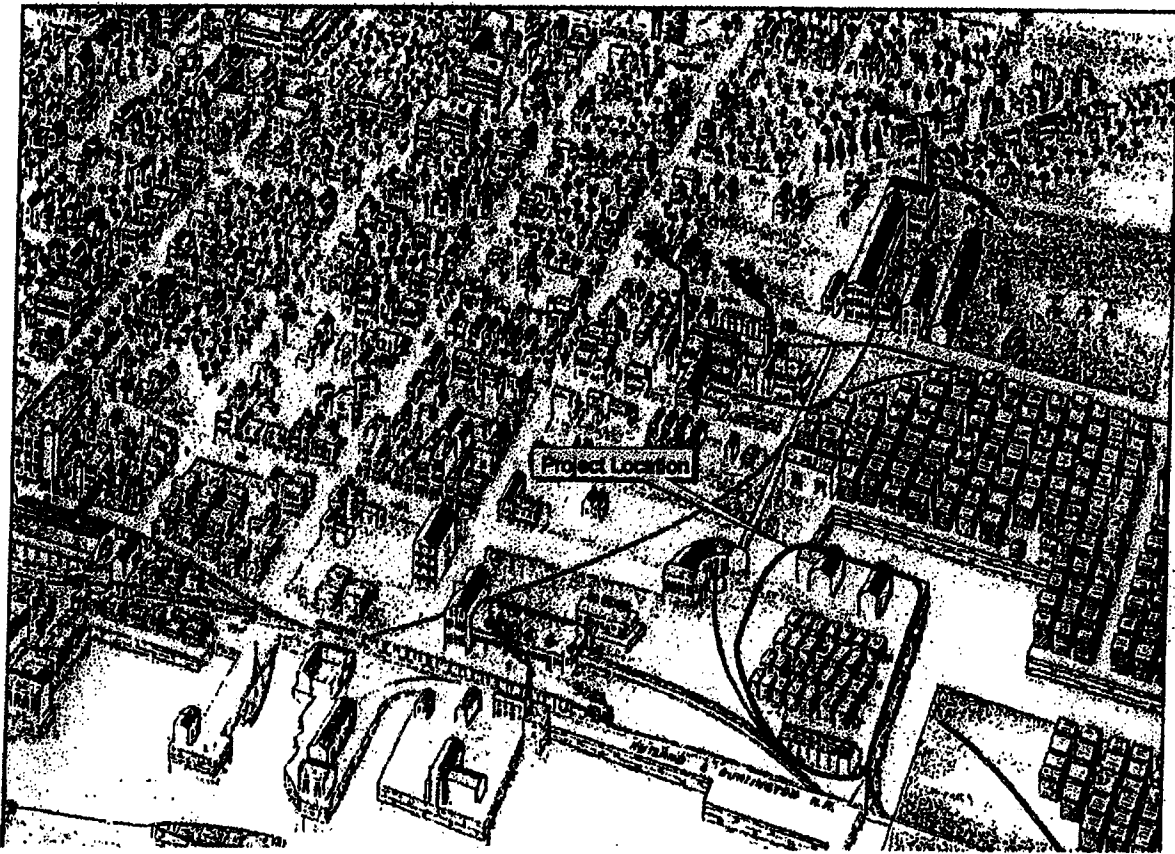


Figure 7. View of Burlington, Vermont, in the early 1870s showing activities along the waterfront. Note structures and stacked lumber within the proposed Railyard Mitigation Project Area.

JAN. 1886  
BURLINGTON  
VT.

NOTICE - The Engineer and P.L.C. ENGINE CO. is hereby notified in general publishing company of the map & plat, with the intent understanding an agreement that it will be used exclusively by said Engineer and P.L.C. and that the title, signature and date of said map and plat will be retained in our custody.

Reference is made to the map & plat of the above map & plat, and the fact that the same are published in the name of the Engineer and P.L.C. and that the title, signature and date of said map and plat will be retained in our custody.

The Spalding Library, LLC  
100 North Main Street  
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CHAMPLAIN

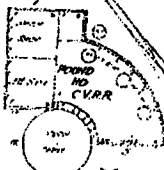
PINE

BURLINGTON LUMBER CO. P.O.  
CHAMPLAIN

BURLINGTON LUMBER CO. P.O.  
CHAMPLAIN

35

36



YARD A

WHITNEY &

BARNES

LUMBER

CO'S

YARD B

YARD C

SKILLINGS

SEE

SHEET

MAP

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SEE

SEE

SEE

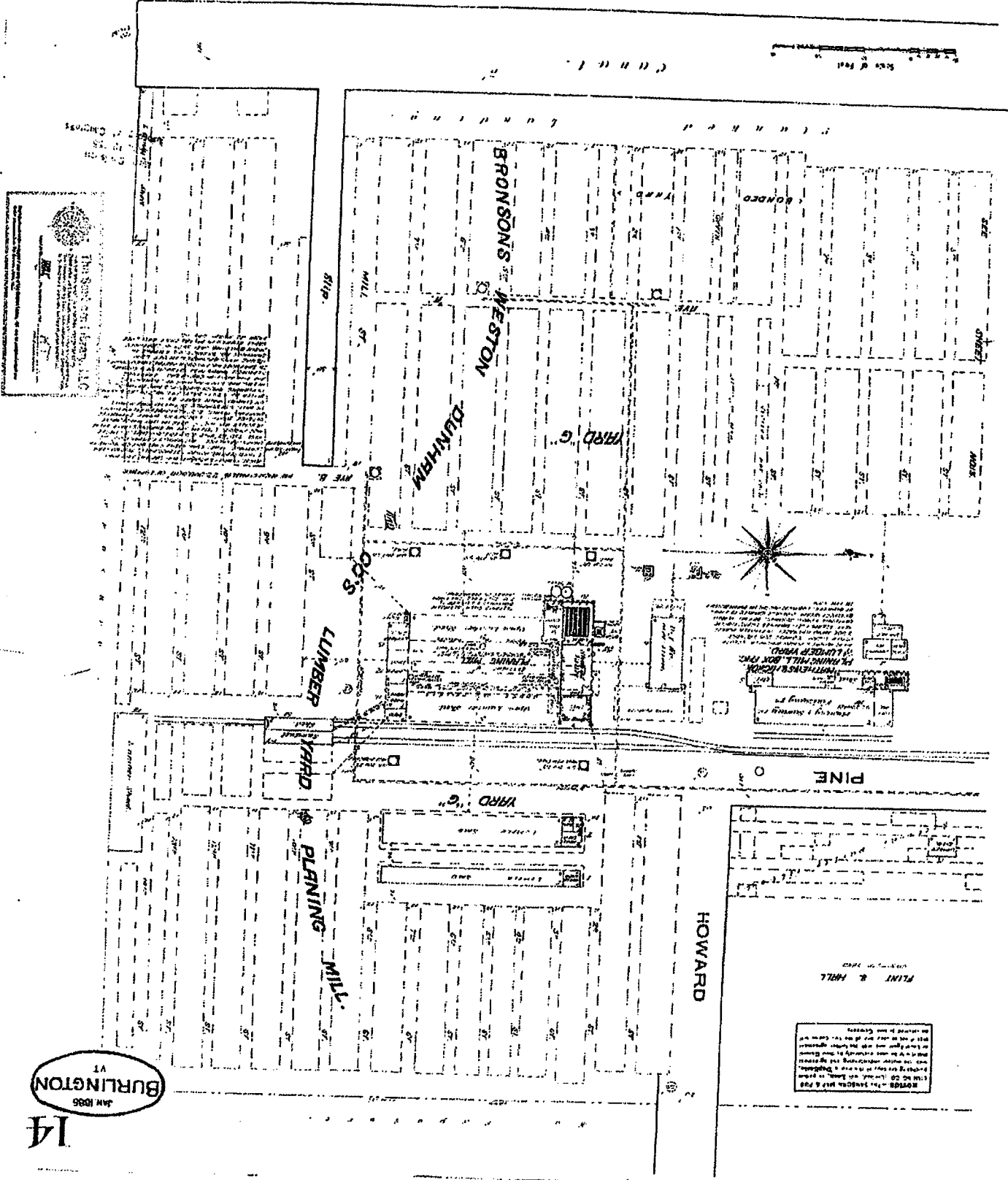
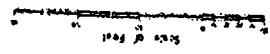
SEE

SEE

SEE

SEE





THE STATE OF VERMONT  
PLANNING & ENGINEERING, INC.  
100 STATE STREET  
BURLINGTON, VERMONT 05401  
TEL: 251-1111

THIS PLAN IS A REVISION OF THE PLAN DATED 10/15/85 AND IS SUBJECT TO THE SAME CONDITIONS AND NOTES.

IN THE CITY OF BURLINGTON, VERMONT, I, THE CLERK OF COURTS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAN WAS FILED FOR RECORD ON 1/14/86 AT 10:00 AM.

ORDERS - BY SIGNATURE AND DATE  
THIS IS TO BE FILED IN THE OFFICE OF THE CLERK OF COURTS, BURLINGTON, VERMONT, IN THE RECORDS OF THE CITY OF BURLINGTON, VERMONT, IN THE YEAR 1986.

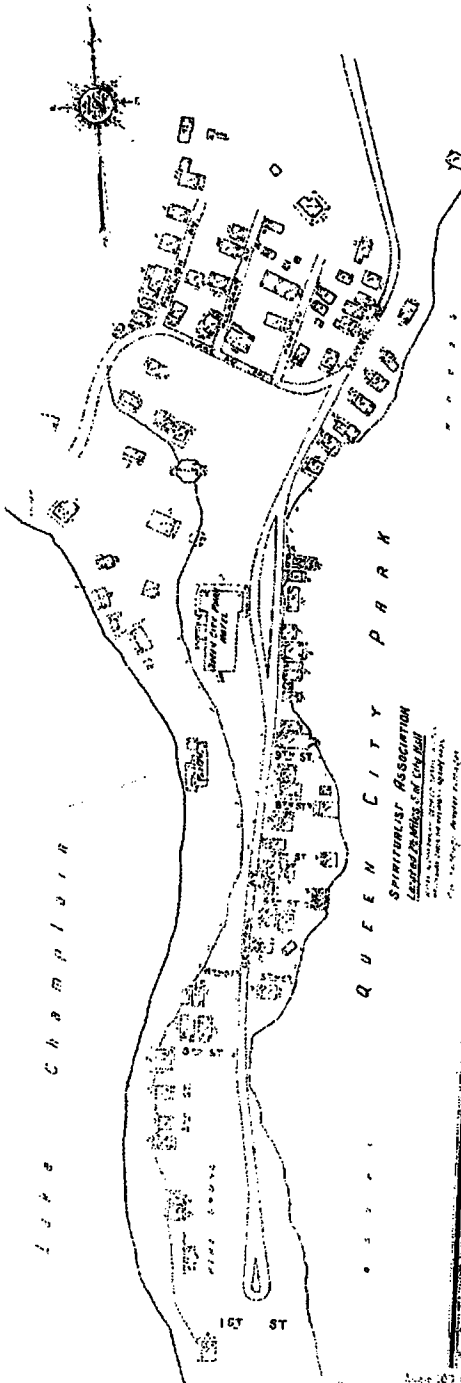
BURLINGTON VT  
JAN 1986

14

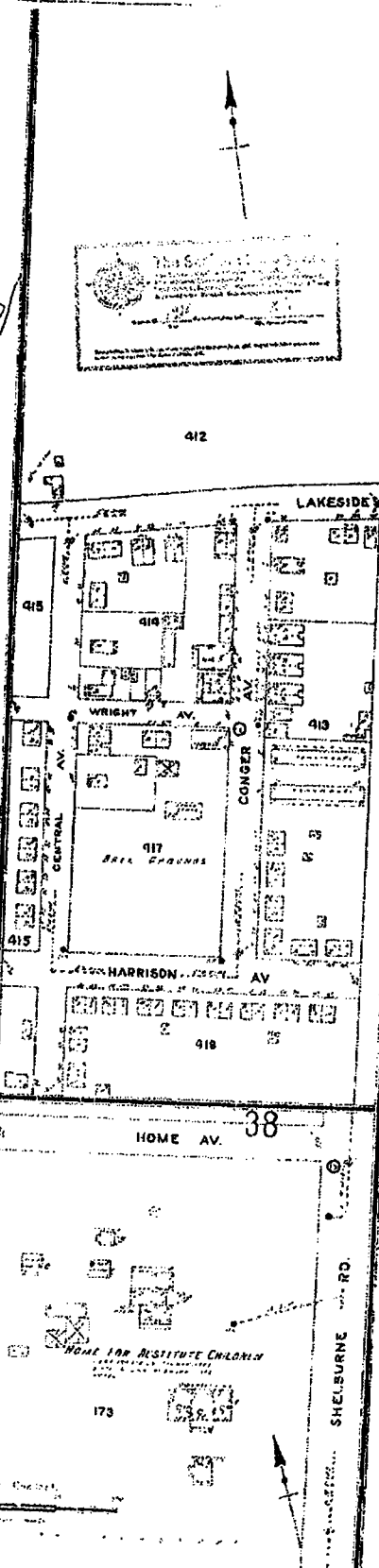




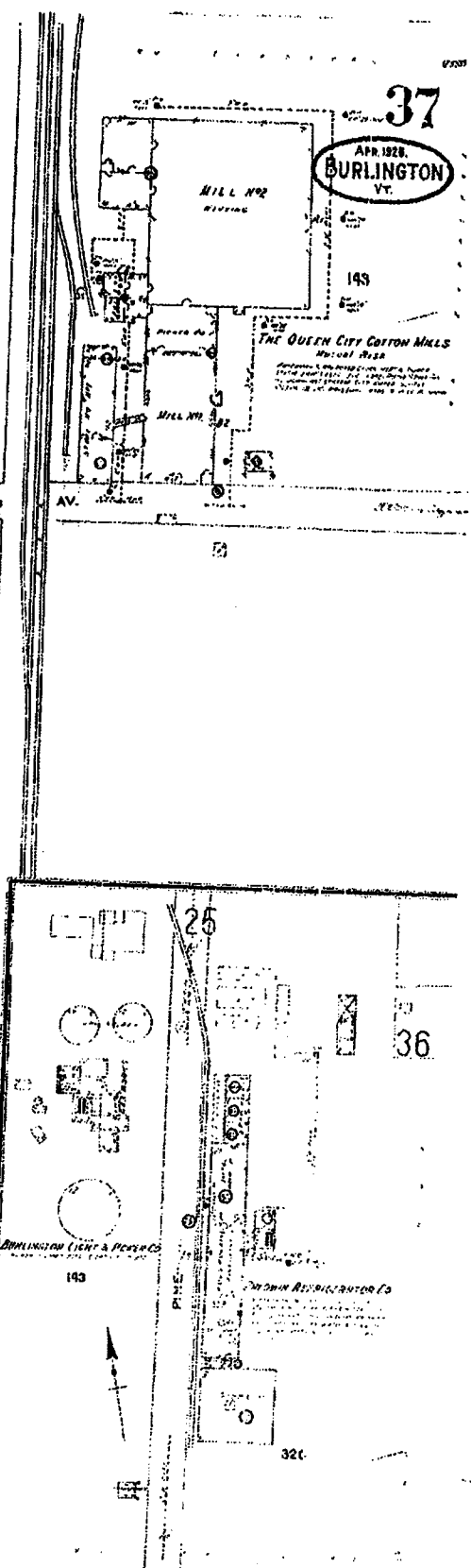




QUEEN CITY PARK  
 SPORTEURIST ASSOCIATION  
 LEASING RIGHTS TO LOWELL



APR 1928  
 BURLINGTON  
 VT.

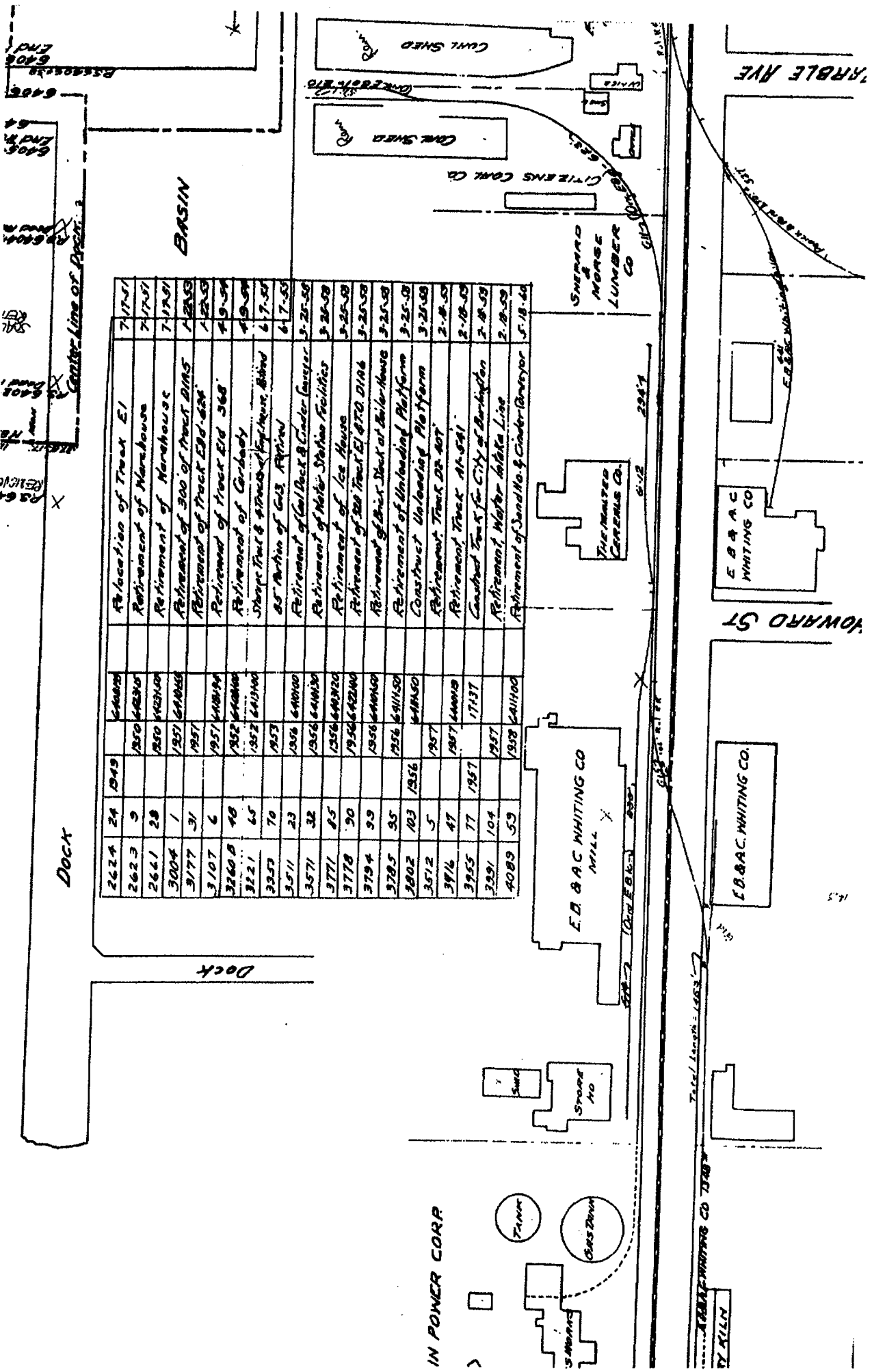


THE QUEEN CITY COTTON MILLS  
 Mutual Bldg

BURLINGTON LIGHT & POWER CO

CHAMBERLAIN CO





2624	24	1949		64000	Relocation of Truck E1	7-17-51
2623	9		1350	64230	Retirement of Warehouse	7-17-51
2641	28		1350	64230	Retirement of Warehouse	7-17-51
3004	1		1957	64000	Retirement of 300 of Truck DMS	1-25-53
3177	31		1957	64000	Retirement of Truck E10' 82"	1-25-53
3107	6		1957	64000	Retirement of Truck E10' 368"	1-25-53
3260	18		1952	64000	Retirement of Carbody	4-9-54
3221	65		1952	64300	Stamp Truck & 4' 6" x 6" x 6" Freight Bin	4-9-54
3257	70		1957		65' Arch of G-3, 4' 11" x 11"	6-7-50
3571	23		1956	64000	Retirement of Coal Dock & Cinder Conveyor	6-7-50
3571	32		1956	64000	Retirement of Water Station Facilities	9-25-53
3771	85		1956	64000	Retirement of Ice House	9-25-53
3778	90		1956	64200	Retirement of 200' Truck E1 870' 0106	9-25-53
3794	93		1956	64000	Retirement of 200' Truck E1 870' 0106	9-25-53
3785	95		1956	641150	Retirement of 200' Truck E1 870' 0106	9-25-53
3802	103	1956		64000	Construct Unloading Platform	9-25-53
3872	5		1957		Retirement Truck 20' 407"	2-8-53
3876	47		1957	64000	Retirement Truck 20' 407"	2-8-53
3955	77	1957		17137	Construct Tank for City of Burlington	2-8-53
3991	104		1957		Retirement Water Intake Line	2-8-53
4089	59		1958	641100	Retirement of Sand No. 9 Cinder Conveyor	5-18-60

IN POWER CORP

Total Length = 1663'

BY ATLYN



State of Vermont  
Office of the Secretary  
One National Life Drive  
Montpelier, VT 05633-5001  
www.aot.state.vt.us

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[fax] 802-828-3522  
[tdd] 802-253-0191

Agency of Transportation

RECEIVED MAR 22 2007

March 20, 2007

Honorable Robert Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

Subject: Burlington MEGC M5000 (1) - Champlain Parkway

Dear Mayor Kiss:

In light of the meetings and sidebar discussions that have taken place recently regarding the Champlain Parkway, I believe it is important to reiterate and summarize the Agency's position on a number of key issues.

The Agency is fully committed to working with the City to see the EIS through to completion, including the evaluation of the City's request to further consider the Battery Street Alternative. The resulting Record of Decision will play an important role in deciding the timeline for design, permitting, ROW, and ultimately construction.

However, as the Agency has noted in the past, the Battery Street Alternative has several challenges that could affect its viability as the preferred alternative; the intent of this letter is to be forthright and transparent about those challenges. To be clear, the Agency is neither endorsing any of the alternatives in the EIS, nor is it prejudging the outcome of the EIS. The Agency remains committed to evaluating all alternatives in collaboration with the City and to exhaust all options for each proposed alternative.

Among the challenges for the Battery Street Alternative are the following:

1. 4 (f) – The Battery Street Alternative requires work around 4(f); the Agency remains committed to assisting the City in its dialogue with FHWA on 4(f).
2. Cost – The Agency has stated that for a Battery Street Alternative to be funded for construction, the overall cost of the project will need to be decreased to levels consistent with the latest overall cost figure for the Pine Street Alternative (\$18 million) or the City will need to find alternative sources of funds above the \$18 million level. If requested, the Agency will work with the City to consider the overall project (i.e., C1, C2, and C6) scope to try to reduce costs; we urge the City to review all segments of the project for cost savings.

Honorable Robert Kiss, Mayor

March 20, 2006

Page 2

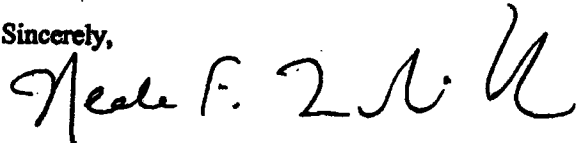
**3. Rail Yard** – The Battery Street Alternative requires relocation of impacted rail yard activities, with the adjoining Havey property being the most likely parcel to accommodate this. The Agency will not accept ownership of this property due to its location within an EPA superfund site. As the project owner/manager, the City needs to determine whether Vermont Railway or City ownership of the Havey parcel will work within the framework of the project and what portions of the work will be eligible for federal funding. The City will be responsible for non-federally participating costs.

We assume the City will provide Mr. Wulfson of Vermont Railway information regarding any and all restrictions that can be expected if activities are to be undertaken on the Havey property. The Agency will assist in dialogue with FHWA to identify portions eligible for federal funds, as well as in keeping strategies in compliance with federal and state regulations and funding for the overall project. FHWA has indicated that it will participate in functional relocation of rail facilities if those facilities (and the land on which they will exist) are in the ownership of the owner of the affected railroad. Considering that the state is the owner of the railroad, and that we will not take ownership of the Havey parcel, the City will need to be innovative in how to resolve federal participation in this area.

**4. MEGC Funding:** This project is funded under the now defunct Economic Growth Center (EGC) funding mechanism from the 1970s. The funding ratio is Federal 95%, State 3%, and Local 2%. It is common belief that MEGC projects – because of their unique funding structure – impact the state budget very little and that these projects should move forward more quickly than others. This is not accurate. The Transportation Program relies heavily on federal dollars for a majority of state and local projects. The strategic consumption of federal funds is just as critical to Vermont's Road to Affordability as are state dollars. In fact, MEGC projects without earmarks can have a significant impact on the state's overall transportation program as they require a disproportionately larger share of shrinking federal formula money.

Over the last several months, I believe the Agency and the City have made good progress toward resolving many issues associated with the Champlain Parkway. We still have more work to do before the EIS is complete, but we are enthusiastic about a time – hopefully in the near future – when the study phase of this project will be complete and the construction phase will begin.

Sincerely,



Neale F. Lunderville  
Secretary of Transportation

cc: Richard Tetreault, Director of Program Development  
Ernie Blais, Federal Highway Administrator



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

P.O. Box 568  
Montpelier, Vermont 05601

IN REPLY REFER TO:

April 11, 2007

Mr. Steven Goodkind, P.E.  
Director of Public Works  
City of Burlington  
Burlington, Vermont 05402-0849

Dear Mr. Goodkind:

Subject: Southern Connector/Champlain Parkway  
FAP No. MEGC-M5000(1)  
Pine Street Historic District  
Section 106 and Section 4(f) Determinations

Your February 21, 2007 letter requested FHWA's consideration that a "No Adverse Effect" determination would be appropriate under Section 106 for Build Alternative 1 through the Pine Street Historic District if constructed on a slightly revised alignment from what had been shown in the Draft Supplemental Environmental Impact Statement (DSEIS). As you know, Build Alternative 1, as depicted in the DSEIS, would constitute an Adverse Effect on the Historic District, and thus preclude the use of Section 4(f) de minimis impact procedures by definition (see SAFETEA-LU Section 6009).

The City proposes to revise the alignment of Build Alternative 1 by eliminating the rail spur which in the DSEIS is shown relocated to the west in order to accommodate the Southern Connector/Champlain Parkway with resulting physical impacts to the Burlington Street Department building. By avoiding direct physical impacts to the contributing structures within the Historic District, the City contends that an Adverse Effect determination under Section 106 can be avoided.

Before addressing the specific issue of avoiding historic buildings we would point out that the rail spur itself is a contributing feature of the historic district. This determination is consistent with the 1997 FSEIS on page 4-45 in the same excerpt quoted in your letter, "*The rail spur is part of the historic transportation network within the Historic District and represents an historic transportation corridor.*" It appears to FHWA that any proposal to remove the rail spur, although lessening the impact to the Burlington Street Department Building, would itself result in a determination of adverse effect.

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**AMERICAN  
ECONOMY**

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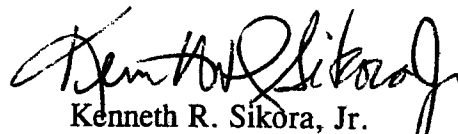
Regarding the avoidance of contributing features to the Historic District, we agree with the statement in your letter that a revised Build Alternative 1 would be similar to the five alternatives evaluated in the 1997 FSEIS. Based on Liz Pritchett Associates recommendation in 2004, the City opines that a "no adverse effect" determination is appropriate regarding impacts to the Burlington Street Department building. While this recommendation is consistent with Liz Pritchett Associates' 1996 recommendations, we have noted that in the 1997 FSEIS, all five Battery Street Extension alternatives were ultimately determined to adversely affect the Pine Street Historic District whether they avoided the Burlington Street Department building or not.

Build Alternative 1 would result in the placement of a two lane roadway on new location through the Pine Street Historic District. It is our determination that the imposition of a large modern highway facility would visually change the character and context of the district. We disagree with the assertion that the facility would be compatible with the current rail spur based on a comparison of their rights-of-way and considering the higher levels of use on the rail spur in the past. The visual impacts would be associated with the change in infrastructure built for the new facility rather than the unseen right-of-way. In addition the visual impacts of thousands of trucks and cars using the facility on a daily basis vastly overwhelms the highest possible past use of the rail spur.

We also disagree that the possible prior existence of roadways in the distant past, including the so-called Cove Alley, changes the context in which the new roadway would be situated. This argument might have some merit for a new roadway along the original Cove Alley alignment, but is not pertinent to any of the Battery Street Extension alignments that have been considered for this project.

In summary, a revised Build Alternative 1 would require the removal of an historic rail spur and introduce a visually imposing highway facility on new location through the Pine Street Historic District. Based on these considerations, we have determined that the proposed revisions would not avoid a determination of Adverse Effect under Section 106. This determination has been affirmed by the VT SHPO and is consistent with the past determinations made for this project under both Section 106 and Section 4(f).

Sincerely yours,



Kenneth R. Sikora, Jr.  
Environmental Program Manager

cc:

Mr. Wayne Davis, VTrans



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

RECEIVED MAY 22 2007

P.O. Box 568  
Montpelier, VT 05601

May 15, 2007

In Reply Refer To:

Mr. Neale Lunderville, Secretary  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, Vermont 05633-5001

Dear Mr. Lunderville:

This letter is to document the discussions of our May 14, 2007 meeting with Mayor Kiss and his staff. The purpose of this meeting was to follow up on the results of the City's request for time to further develop Alternative #1 (Battery Street) so as to avoid any 4(f) situations and to discuss how to proceed with the Southern Connector Supplemental EIS.

After briefly discussing the consultant's work the city agreed that any Battery Street alternative would result in a 4(f). We pointed out that because a 4(f) situation would exist on the Battery Street alternatives we would be required by law to pursue either the Pine Street or a no build alternative.

We then explained that the city's consultant had spent a great deal of money developing Battery Street as an alternative and looking for ways to avoid a 4(f). We stated that we now felt that the options had been fully explored and that any additional consultant work on developing this alternative would no longer be federally funded.

The city officials asked about the differences between the 1997 Southern Connector EIS and the current EIS. In the 1997 EIS the five Battery Street alternatives also had adverse impacts which would require a 4(f) situation. In the 1997 EIS the full buildout of the project was still a four lane highway though there was an interim solution utilizing Pine Street as a two lane facility. The key difference is now that the full buildout of this project is a two lane facility the Pine Street alternative is a viable and prudent alternative.

The city then argued that it felt that the Pine Street alternative did not meet the Draft Supplemental EIS stated purpose and need (P&N). The city insisted that the stated purpose and need was to get traffic out of the Pine Street neighborhood. We explained that we would need to go back and review the P&N documentation in the supplemental EIS to verify the city's concerns.

We have since reviewed the purpose and need as stated in the Draft Supplemental EIS and see that it is quite encompassing, covering issues of safety, congestion, separation of local and through traffic, CCD access, remove truck traffic from local streets and improve accessibility to adjacent neighborhood areas. We have also looked at the material provided in the Draft

**AMERICAN  
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Supplemental EIS and we believe that both the Pine Street and Battery Street alternatives do in fact meet the stated P&N. We also believe that it would be inappropriate to change the stated purpose and need at this time.

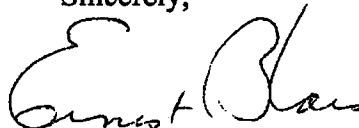
Finally the city discussed how a Battery Street alternative would force the renovation of the rail yard because of the need to rebuild and relocate much of the old infrastructure to accommodate that alternative. VTrans explained the funding limitations facing the State and the need to keep projects costs reasonable. In particular VTrans stated that an inflated Southern Connector could force the State to a no build decision.

We also noted that this is a project aimed at improving the traffic and safety in the city of Burlington and is not intended as a rail improvement project. Rail improvements are not a part of the purpose and need for this project. FHWA believes that the rail yard issues should be addressed as a separate project to address the feasibility, desirability, and consequences of relocating the rail yard out of the waterfront area as part of a separate economic redevelopment project. This economic redevelopment project could be a joint private-public partnership that may further revitalize the waterfront area.

As we explained at the meeting FHWA plays a very important role in this process. We must balance the need for good transportation with the need to protect and preserve the environment; and we must do both within the spirit and the letter of law and regulation.

In summary we believe that the Battery Street alternatives have been thoroughly studied; that any Battery Street alternative would result in a 4(f) and further study would not be eligible for federal reimbursement. We are also confident that the Pine Street alternative does in fact meet the stated P&N. At this time we ask that consultant be directed to complete work on addressing the comments received in December, 2006 during the comment period so that we can proceed with a final document.

Sincerely,

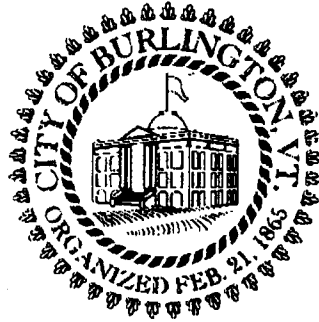


Ernest Blais  
Division Administrator  
Vermont Division

cc: Mayor Bob Kiss - Burlington, Vermont



Office of  
the Mayor  
Burlington,  
Vermont



**Bob Kiss**  
**Mayor**  
Room 34, City Hall  
Burlington, VT 05401  
Tel: (802) 865-7272  
Fax: (802) 865-7270  
TDD: (802) 865-7142

May 17, 2007

Mr. Ernie Blais  
Administrator  
Federal Highway Administration  
PO Box 568  
Montpelier, VT 05601

Mr. Neale Lunderville  
Secretary  
Vermont Agency of Transportation  
Drawer 33  
Montpelier, VT 05633

RE: MEGC-M5000(1) - Southern Connector/Champlain Parkway

Dear Ernie and Neale,

As a follow up to our meeting on Monday, May 14, 2007, we are providing you with information regarding the purpose and need for the Southern Connector/Champlain Parkway project.

The purpose and need of the Southern Connector/Champlain Parkway project has not materially changed throughout the history of this project as is evidenced from the following passages from the 1997 FSEIS and 2006 DSEIS documents. Please note that I have provided the bold lettering as emphasis for keys parts of these direct quotes from the documents.

The purpose and need for the project as defined on Page 1-10 of the 1997 FSEIS is as follows:

“The purpose is also to eliminate the disruption to local neighborhoods and separate the local and through-traffic. The proposed transportation corridor is expected to become the major routing for through-traffic in the area. The **reassignment** of the majority of through-traffic to this route will reduce traffic volume levels along neighborhood streets, and improve accessibility to adjacent neighborhood areas.”

Similarly, the purpose and need for the project is stated on Page 1-15 of the 2006 DSEIS and is defined as follows:

“The purpose of the project is also to eliminate the disruption to local neighborhoods and separate the local and through-traffic. Truck traffic that is destined for the CCD or the industrial areas accessed from Home Avenue and Flynn Avenue would be directed onto the Southern Connector/Champlain Parkway and **removed from the local street network**. The proposed transportation corridor is expected to become the major routing for north-south through-traffic in the area. The **reassignment of the majority of through-traffic** to this route would reduce traffic volume levels along neighborhood streets and improve accessibility to adjacent neighborhood areas.”

Additionally, the neighborhood areas are further defined in both documents. From Page 1-8 of the 1997 FSEIS Statement of Project Need:

“In addition, the existing street pattern encourages use of neighborhood streets by trucks, due to the lack of alternative routings. This mix of traffic has created problems in the C-2 Section neighborhoods, and the **neighborhood on the north end of Pine Street.**”

From Page 1-13 of the 2006 DSEIS Statement of Project Need:

“In addition, the existing street pattern encourages use of neighborhood streets by trucks due to the lack of alternative routings. This mix of traffic has created conflict and access concerns in the vicinity of the C-2 Section neighborhoods, and the **King Street/Maple Street neighborhood, located at the north end of Pine Street**. These conditions have caused congestion and resulted in safety and neighborhood concerns throughout the southwestern quadrant of the City of Burlington.”

The city carried Build Alternative 2 forward for analysis and comparison in the 2006 DSEIS at the direction of VTrans. The city continues to believe that Build Alternative 2 does not meet the stated purpose and need for the project because it does not eliminate the disruption to local neighborhoods nor does it separate the local and through-traffic. The city’s position regarding Build Alternative 2 is consistent with our past objections to similar alternatives which were considered and dismissed during the development of the 1995/1997 SEIS as evidenced in the following passages.

From Page 2-13 of the July 1995 DSEIS:

“Other alternatives that were also analyzed included: 1) an existing streets alternative which utilized existing streets at the north end of the project such as Maple Street, King Street and Main Street; this alternative was dropped due to objections from the City of Burlington, regarding traffic flowing through residential areas, and 2) a widening of Lakeside Avenue which would route traffic onto Pine Street from the connector utilizing Lakeside Avenue; this alternative resulted in a lack of adequate existing right-of-way to construct four lanes on Lakeside Avenue.”

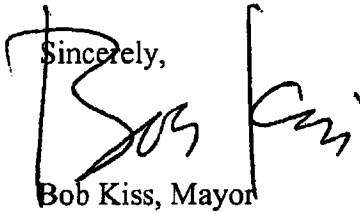
From Page 2-9 of the February 1997 FSEIS:

“Other alternatives that were also analyzed included: 1) an existing streets alternative which utilized existing streets at the north end of the project such as Maple Street, King Street and Main Street; this alternative was dropped due to objections from the City of Burlington, regarding traffic flowing through residential areas, and 2) a widening of Lakeside Avenue which would route traffic onto Pine Street from the connector utilizing Lakeside Avenue. This second alternative would only be effective with a major widening of Pine Street. Such a widening was not considered acceptable from the standpoint of environmental impacts and local acceptability.”

Also, Build Alternative 2 would not remove truck traffic from the local street network nor will it reduce traffic volume levels along neighborhood streets. The average daily traffic (ADT) volumes for Build Alternative 2 along Pine Street will increase by 1,800 vehicles between Maple Street and Main Street. On the contrary, Build Alternative 1 would reduce the ADT volumes by 1,500 vehicles along this same portion of Pine Street.

Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Kiss". The signature is written in a cursive style with a large initial "B" and "K".

Bob Kiss, Mayor



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

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P.O. Box 568  
Montpelier, VT 05601

May 30, 2007

In Reply Refer To:

Mr. Bob Kiss  
Mayor  
Room 34, City Hall  
Burlington, VT 05401

RE: MEGC-M5000(1) – Southern Connector/Champlain Parkway

Dear Mayor Kiss:

We have received your letter of May 17, 2007 regarding the purpose and need of the Southern Connector/Champlain Parkway project. As stated in our May 15, 2007 letter we believe that both the Pine Street and Battery Street alternatives meet the stated Purpose and Need for the project.

As for the information in your letter on the advantages of Build Alternative 1 (Battery Street) over Build Alternative 2 (Pine Street) we have been clear that due to the 4(f) impacts of Build Alternative 1, Section 4(f) regulations require us to pursue either Build Alternative 2, since it is a feasible and prudent alternative, or a no build alternative. Build Alternative 2 will improve traffic flow by removing trucks and traffic from the South End neighborhood streets and improving traffic flow on Pine Street.

At this point in the process it is important to continue to move forward with the Final Supplemental EIS and respond to the comments that were received in December, 2006. We expect that draft responses to the comments be developed in time for the July coordination meeting.

We look forward to assisting you and VTrans with the responses and moving forward with a final document.

Sincerely,

Ernest Blais  
Division Administrator  
Vermont Division

cc: Neale Lunderville, Secretary VTrans

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**Burlington Historic Preservation Review Committee**  
**Certified Local Government Program**  
Department of Planning and Zoning  
149 Church Street  
Burlington, Vermont 05401

*Adam Portz, Chair*  
*Ronald Wanamaker*  
*Robert Limanek*  
*Sean McKenzie, alternate*  
*D. K. Johnston, alternate*



August 3, 2007

Mr. Neale F. Lunderville  
Secretary of Transportation  
State of Vermont  
One National Life Drive  
Montpelier, VT 05633-5001

Jane Lendway  
Vermont State Historic Preservation Officer  
National Life Building 2nd Floor  
Montpelier, VT 05620-1201

Dear Mr. Lunderville and Ms. Lendway,

Burlington's Certified Local Government Program bears responsibility for the identification, evaluation, and protection of the City's historic resources. As a body of skilled professionals working within specifically defined disciplines, the Historic Preservation Review Committee regularly reviews projects and provides advice and recommendations to the City Council, Planning Commission, Development Review Board, and others on matters that may impact Burlington's architectural, cultural, or heritage resources. This has previously been the case in regard to the Southern Connector/Champlain Parkway (MEGC M5000 (1)), where Burlington's Department of Public Works was required to present a summary of project status to this panel (May 27, 2003.) Unfortunately, the CLG has not been informed or consulted in the most recent activities surrounding the preparation of the DSEIS for the project. We consider this a significant oversight, and a deficiency in procedural obligation. Until such time as the Historic Preservation Review Committee, acting within the jurisdictional authority of Burlington's CLG has reviewed and commented, the process must be viewed as flawed and any determinations must be considered preliminary and incomplete.

Created by the 1980 amendments to the National Historic Preservation Act, the CLG program created a partnership between the municipality, the State Historic Preservation Officer and the National Park Service in furthering preservation goals in the community. Our Historic Preservation Review Committee was created in 1992 when Burlington was approved as a Certified Local Government. As a result of 1992 Amendments to the National Historic Preservation Act, all CLGs were required to implement designation and protection systems to satisfy new definitions. In a letter from the National Park Service dated February 5, 1993, "*NPS currently views the local review process cited in the definition of protection to be a system that ensures that a Certified Local Government's historic preservation commission be formally notified of any proposed action which might affect a historic property designated under State or local law.*"

Burlington's Code of Ordinances **Sec. 2.3.6** defines the following responsibilities of the HPRC:

- (4) *Advising and assisting the City Council, Planning Commission, and other appropriate agencies and persons on matters related to Historic Preservation, and*
- (5) *Performance of additional responsibilities in accordance with mutual written agreement between the Vermont Historic Preservation Division and the Planning Commission.*

The Memorandum of Agreement between the Federal Highway Administration, the Vermont State Historic Preservation Office, The State of Vermont Agency of Transportation and the City of Burlington (dated July-August, 1996) defines consultation of the CLG in this specific highway project, and the opportunity for the CLG to review plans of any selected alternative before final design (*Stipulation, A (2).*)

Certainly the FHWA Technical Advisory T6640.8A of October, 1987 confirms the necessity of full compliance: "*Documents should reflect consultation with the appropriate agencies.*" Burlington's CLG should have been identified within the scoping process as a consulting party.

Burlington's CLG has responsibility, interest, expertise, and jurisdiction in participating in review of the Southern Connector/Champlain Parkway project. According to standards set forth in 36 CFR 800 regulations, federal agencies must take into account the effect of any federally assisted undertaking or action on historic resources and provide the Burlington CLG, the Vermont Division for Historic Preservation and the Advisory Council on Historic Preservation a reasonable opportunity to comment. As Burlington's CLG is a statutory consulting party and has not had any opportunity for review or consultation, procedural obligations have not been met. Burlington's CLG has not received updated formal notice of potential impacts to historic resources, proposed build alternatives, or had any opportunity to be involved in the continuing review process. The preparation of the Draft Supplemental Environmental Impact Statement appears to be procedurally problematic, specifically in regard to the exclusion of a review panel expressly assigned the task of protection of Burlington's historic resources.

On Tuesday, July 24, 2007 Carol Duncan, P.E., City of Burlington shared preliminary information and current project status of the Southern Connector/Champlain Parkway project. Scott Newman, the Historic Preservation Officer for the Agency of Transportation, was invited on July 3, 2007 to present to our panel but declined. The HPRC at that time requested more information from staff, and has scheduled a second hearing for further discussion and review. The Historic Preservation Review Committee will carefully evaluate all information presented to us, and the subsequent comments of this board will be forwarded to you at the earliest possible date.

Cordially,



Adam Portz, ASLA, RLA  
Chair

Historic Preservation Review Committee

Cc: Ernie Blais, Federal Highway Administrator  
Scott Newman, Agency of Transportation  
Mayor Bob Kiss  
Jonathan Leopold, Chief Administrative Officer  
Steven Goodkind, P.E., Burlington Department of Public Works

**Burlington Historic Preservation Review Committee**  
**Certified Local Government Program**  
Department of Planning and Zoning  
149 Church Street  
Burlington, Vermont 05401

*Adam Portz, Chair*  
*Ronald Wanamaker*  
*Robert Limanek*  
*Sean McKenzie, alternate*  
*D. K. Johnston, alternate*



August 23, 2007

Mr. Neale F. Lunderville  
Secretary of Transportation  
State of Vermont  
One National Life Drive  
Montpelier, VT 05633-5001

Jane Lendway  
Vermont State Historic Preservation Officer  
National Life Building 2<sup>nd</sup> Floor  
Montpelier, VT 05620-1201

RE: Draft Supplemental EIS for the Southern Connector/Champlain Parkway project (MEGC M5000(1))

Dear Mr. Lunderville and Ms. Lendway,

As you are aware, the City of Burlington's Certified Local Government (CLG) Program has a responsibility, and jurisdiction according to standards set forth in 36 CFR 800, to participate in the review of the Southern Connector/Champlain Parkway project (MEGC M5000 (1)). Pursuant to these regulations, federal agencies must take into account the effect of any federally assisted undertaking or action on historic resources and in doing so provide the Burlington CLG, the Vermont Division for Historic Preservation and the Advisory Council on Historic Preservation a reasonable opportunity to comment. The City's CLG has previously participated in the review of other aspects of this project, however, has not until now been afforded such an opportunity to review and comment on the most recent Draft Supplemental Environmental Impact Statement (DSEIS).

Burlington's Historic Preservation Review Committee (HPRC), acting under their authority as the City's CLG, met on July 24, 2007 and August 14, 2007 to review and discuss the current design alternatives within the Southern Connector/Champlain Parkway DSEIS pursuant to the provisions of 36 CFR 800 Section 106 of the National Historic Preservation Act (NHPA) as amended. The HPRC's review concentrated on recently proposed changes to the segment of the proposed project identified as "C-6", and the evaluation of two alternative alignments: Alternative 1 – a new alignment in a northwesterly direction from the approximate intersection of Pine St. and Pine Place to the current southern extent of Battery Street; and Alternative 2 – the exclusive use of Pine Street continuing northward directly to Main Street.

In summary, the HPRC vigorously disagrees with the Determination of Effect for Alternatives 1 and 2 as described in Chapter 4 of the DSEIS, and finds that Alternative 2 will indeed have an Adverse Effect on properties listed or eligible for listing on the National Register of Historic Places. The Committee does not believe that the DSEIS has adequately or accurately explored the potential for Adverse Effect presented by Alternative 2 in either the Battery Street Historic District (listed on the National Register in 1977 and expanded in 1984) or the proposed Pine Street Historic District (identified in earlier investigations for this project). The HPRC

additionally finds that the DSEIS fails to undertake a thorough evaluation of the relative merits of opportunities for mitigation or enhancement measures between the two alternatives.

It is the opinion of the HPRC that any adverse impacts posed by Alternative 1 can more easily be mitigated with road alignment measures, public education and interpretation, and signage, and thus is the preferred alternative. Consequently, in our view Alternative 2 cannot be considered the preferred alternative due to the substantial nature of the adverse impacts on historic resources and the character of the existing residential neighborhood which cannot easily be mitigated and its failure to address the stated purpose and need of the overall project.

Additionally, while there are no specific requirements for state and federal highway officials to consult with local government under the provisions of Section 4(f) (23 CFR 771.135), the HPRC finds that the DSEIS's incorrect *de minimus* determination regarding Alternative 2 triggers concern under Sec. 4(f) review and impact thresholds. Under the provisions of Sec. 4(f), a finding of "de minimus" impact on a historic site may be made when:

1. The process required by Section 106 of the National Historic Preservation Act[12] results in the determination of "no adverse effect" or "no historic properties affected" with the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 consultation;
2. The SHPO and/or THPO, and ACHP if participating in the Section 106 consultation, is informed of FHWA's or FTA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination; and
3. FHWA or FTA has considered the views of any consulting parties participating in the Section 106 consultation.

Consequently, as the HPRC finds that Alternative 2 will indeed have an Adverse Effect on historic resources, thus under the Sec. 4(f) definition of use, the proposed alternative will result in Constructive Use with substantial impairment to this residential historic neighborhood. The HPRC finds that an insufficient investigation in the DSEIS has skewed the determination of project impacts, avoidance, minimization, mitigation or enhancement measures, and that feasible and prudent alternatives as required by Sec. 4(f) have not been adequately considered.

A more thorough explanation of the Committee's remarks and findings follow:

**1. The DSEIS establishes an inappropriate baseline condition to rate all potential impacts.**

The use of the Interim Alternative of 1997 (the continued routing of traffic directly up Pine Street as proposed in Alternative 2) as a baseline condition to rate all potential impacts is not appropriate, and it is important to note that this "interim" alternative has not been evaluated under the provisions of Sec 106 for potential impacts on historic resources. How can a proposed design alternative be considered a baseline condition? The DEIS fails to consider the inadequacy of the current condition and the marked increase in traffic volume and use by large commercial vehicles anticipated upon the completion of the project as a whole. The projected traffic increase resulting from Alternative 2 is from a current ADT of 5,500 vehicles to a projected ADT of 8,500 vehicles. This represents a 55% increase in auto and truck traffic in a six block segment of Pine Street between Howard and Main Streets, and located within the Pine Street Historic District and the Battery Street Historic District. This is particularly problematic when one considers the stated purpose and need of this project is to reduce traffic impacts on residential areas as noted below.



**2. Alternative 2 fails to adequately address the stated Purpose and Need of the Southern Connector/Champlain Parkway (DSEIS, 1.4).**

The Purpose and Need of the Southern Connector/Champlain Parkway (DSEIS, 1.4) (as defined in the 2006 DSEIS on pages 1-12) is to reduce high traffic volumes and remove heavy truck traffic from the local residential street network in neighborhood streets adjacent to the city's "Enterprise" zone and leading into the downtown area. While many aspects of the project continue to advance these objectives in the southern portion of the project area, Alternative 2 reintroduces this traffic into a different residential neighborhood at the northern extent in essence shifting the problem from one residential area to another. Additionally, given the socio-economic differences between these two residential areas, such a change raises important social and environmental justice issues with this alternative as proposed.

**3. An insufficient investigation in the DSEIS, and incorrect determination of "No Adverse Effect" for Alternative 2, has skewed the determination of project impacts, avoidance, minimization, mitigation or enhancement measures, and feasible and prudent alternatives.**

As defined by 36 CFR 800 Section 106 of the National Historic Preservation Act (NHPA) as amended, an Adverse Effect is defined as follows:

*May diminish the integrity of design, setting, materials, workmanship, feeling or association. Adverse effects include, but are not limited to:*

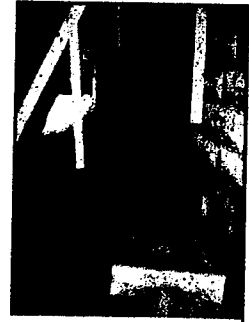
- *Physical destruction, damage, or alteration of all/part of the property.*
- *Isolation from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;*
- *Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;*
- *Neglect of a property resulting in its deterioration or destruction; and*
- *Transfer, lease, or sale of the property.*

The particular character of this residential section of Pine Street (north of Kilburn Street, as defined in 3.3.2.3.2 and on p 3-83, DSEIS) reflects a clear change from the commercial character evident further to the south and west. The prospect of significant and increasing traffic volume has serious implications for this neighborhood. The introduction of additional through traffic and many large trucks as proposed in Alternative 2 presents a significant risk of physical damage to historic structures in the immediate project area (particularly foundations); greatly alters the residential character of the Battery Street Historic District; presents many visual, audible, and atmospheric elements that are out of character with the residential character of the Battery Street Historic District.

▪ **Physical destruction, damage, or alteration of all/part of the property.**

Rather than the "de minimus" determination in the DSEIS, the HPRC finds substantial and adverse effect regarding the potential for actual physical damage to structures with Alternative 2. The Committee has significant concerns over the increase in the number of heavy vehicles through the neighborhood in close proximity to these historic buildings and particularly their old masonry foundations. Historic buildings are significantly physically impacted by constant vibration; particularly those with masonry foundations or

sheathing. Mortar is dislodged, stones/bricks move, and the structural stability of the entire structure is threatened. By example, another historic Burlington structure (127-129 Bank Street) recently suffered a serious and substantial foundation failure due primarily to the vibration of heavy vehicular traffic.



127-129 Bank  
Street  
Vibration induced  
foundation failure

- Isolation from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;

The introduction of a permanent truck route and heavier traffic volume in Alternative 2 would substantially adversely impact the residential neighborhood north of Kilburn Street. Alternative 2 will result in heavy traffic volumes being introduced into this residential neighborhood that will functionally divide this residential area west from east in a manner that is not consistent with its historic residential character. A Federal Highway Administration communication, dated 11 April 2007 states: "imposition of a large modern highway facility would visually change the character and context of the district... The visual impacts of thousands of trucks and cars using the facility on a daily basis vastly overwhelms the highest possible past use..." This was describing the potential adverse effect for Alternative 1, but did not address the same project impacts for Alternative 2 which are far more pertinent. The HPRC concurs with this assessment as applied to Alternative 2.

The introduction of a new roadway through the commercial/industrial area as found in Alternative 1 is far more consistent with the historic uses, patterns and expectations of this area. Although the mode of transit is different (rail/vehicle) and current use may be altered (lumber/material storage), less adverse impacts are anticipated with Alternative 1 in terms of effects upon historic resources and the human environment. The removal and re-direction of heavy traffic out of the Pine Street-Maple-King-Main Street corridor (Alternative 1) will improve the residential environment for residents and thus more effectively supporting the stated Purpose and Need of the project.

- Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

It is the opinion of the HPRC that the DSEIS has not accurately or thoroughly estimated the potential effects of Alternative 2 on the historic residential area north of Kilburn Street, specifically on the cumulative impact of increased air pollution, noise, and vibration. There can be no question that higher traffic volumes will bring additional dust and other air pollutants and noise into this residential area. Although the submitted studies indicate an acceptable anticipated level of disturbance, it is the cumulative impact of all of these factors relative to the established residential character of the neighborhood that is of concern. The associated impacts will be out of character with what should be expected in a residential area. This is contrast to the character and expectations for a commercial/industrial area as found in Alternative 1.

▪ Neglect of a property resulting in its deterioration or destruction

This is already a fragile neighborhood, one with aging buildings, a conversion of houses from owner-occupied residences to multi-family rental units, a high rate of turnover, and diminishing investment. The heavy traffic has already begun to affect the desirability of these residential properties. Due to an increase in noise and air quality, remaining resident owners may leave, and more properties may become rental. Disinvestment occurs as owners are reluctant to properly maintain buildings and there is a slow degradation of property values. Thus overall quality of life diminishes resulting in adverse socio-economic impacts. This suggests the appropriateness of review of 4.3.3, Environmental Justice, where agencies are challenged to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations. The DSEIS only provided a cursory review in this regard (p 4-63.)

In total, Alternative 2 results in community disruption of significant magnitude. Based on this evaluation, the HPRC would make an **Adverse Finding** for Alternative 2. The oversimplification of potential effects (DSEIS 4.7.2.2; lane configuration, changes in access, and curb improvements) do not reflect a thorough investigation or proper consideration of all impacts of Alternative 2.

4. **The DEIS fails to undertake a thorough evaluation of the relative merits of opportunities for mitigation or enhancement measures between the two alternatives.**

The Burlington Department of Public Works presented information that agreement has been reached regarding a potential new alignment of Alternative 1 that will no longer require the removal or partial deconstruction of the former Burlington Street Department building. This change offers a new perspective to the review, and comparison of the potential impact of the two alternatives. It should be recognized that avoidance of this structure, noted as eligible for inclusion on the National Register, has a significant bearing on the current finding of "Adverse Effect" for Alternative 1.

It is noted within the DSEIS that Alternative 1 includes a rail spur which is part of the historic transportation network (4.7.2.2., p 4-92.). This is true, however, it must be recognized that the option to build a new highway along this alignment not only supports and continues historic transportation use, but reflects an historic pattern of relocating freight rail service out of neighborhoods and away from residential areas. A comparison of the Presdee Edwards Map of 1853 and the Beers Atlas Map of 1869 confirms the removal of rail service from the south end of Main Street, looping across King, Maple (then *South St*), St. Paul St. (then *Shelburne St.*) and northward. Additionally, the reuse of rail lines, such as the conversion of the north-south rail line along Burlington's shoreline, to a bicycle and pedestrian path (*Rail to Trail*) has become an acceptable and preferable use of such corridors. Adaptation of this resource provides continued use of the historic transportation corridor while providing tremendous public benefit.

The Burlington Development Review Board recently gave approval for two projects at 444 Pine Street (formerly Specialty Filaments Building) that included Champlain Chocolates' substantial renovation of the south half of the site that removed rails to the west of the building along the public ROW, and included significant private investment that produced an


installation of a symbolic segment of rail. This proposal provides signs and public information regarding the industrial heritage of Pine Street and the important role of rail service in an effort to both educate visitors and to mitigate the partial removal of the rail. We find this to be a suitable and positive mitigation for the loss of a no longer used section of railroad infrastructure.

It is suggested by the Committee that any impact posed by Alternative 1 can be mitigated with supplementary educational resources that might further engage the public in the area's significant heritage. As the area west of Pine Street currently has no public access, such an alternative may offer opportunities to enhance the public's understanding and appreciation of Burlington's historic rail and lumber yard activity.

In conclusion, consideration of the effects on historic properties and neighborhoods must accurately assess impacts for all alternatives of the proposed Southern Connector/Champlain Parkway. The DSEIS findings in support of Alternative 2 fails adequately address the high potential for adversity to a high density residential district with significant historic resources, and to undertake a thorough evaluation of the relative merits of opportunities for mitigation or enhancement measures between the two alternatives. While it is clear that environmental hazards have prevented the construction of the Southern Connector in its preferred 1979 alignment, the choice of Alternative 2 - an alternative that dumps a high volume of traffic from this parkway onto local blocks in the two adjoining historic residential districts - cannot be supported as the preferred alternative.

Thank you for providing us the opportunity to participate in this important process. As indicated in 4.7.4 of the DSEIS, the CLG looks forward to reviewing any subsequent reports and the final plans of the Selected Alternative before the final design is complete to ensure that the project is compatible with the historic resources within the project area, and would anticipate participation in any Act 250 proceedings on this matter.

Cordially,



Ron Wanamaker, Acting Chair  
Burlington Historic Preservation Review Committee

CC: Ernie Blais, Federal Highway Administrator  
Scott Newman, VT Agency of Transportation  
Bob Kiss, Mayor of Burlington  
Jonathan Leopold, Burlington Chief Administrative Officer  
Steven Goodkind, P.E., Burlington Department of Public Works

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Agency of Transportation

September 4, 2007

Mr. Adam Portz  
Chair  
Historic Preservation Review Committee  
Certified Local Government Program  
Department of Planning and Zoning  
149 Church Street  
Burlington, VT 05401

Dear Mr. Portz:

Thank you for your letter regarding the Burlington Southern Connector/Champlain Parkway project. I appreciate the work undertaken by Certified Local Governments to promote historic preservation in their municipalities. VTrans has successfully coordinated with a number of CLG's to preserve historic resources that serve vital functions within our transportation infrastructure.

The City of Burlington is the project sponsor and lead for the Champlain Parkway development. The responsibilities of that sponsorship include coordinating the permitting processes. The City – through its Department of Public Works – is responsible for setting the project-development agenda and timetable, arranging meetings, generating permit documents, and ensuring the participation of consulting parties and the public.

Under 36 CFR 800 (the regulations implementing the National Historic Preservation Act), local governments are accorded consulting party status in federal undertakings. Consistent with this, the record demonstrates that the City of Burlington has taken advantage of the many opportunities to comment on the project.

CLG commissions, on the other hand, are not explicitly accorded consulting party status in the regulations. They serve as advisory bodies to local governments on matters that involve historic preservation, and it is up to the local government to decide whether to avail themselves of this in-house expertise. Since the City manages the Champlain Parkway project, the responsibility to include the Burlington CLG in the process rests with them, not with the State or FHWA.

Regarding the status of Section 106 and NEPA reviews, VTrans rejects the assertion that these processes are in any way flawed. The Section 106 determinations have been affirmed and/or made by the VTrans Historic Preservation Officer in consultation with the State Historic Preservation Officer under the terms of the Section 106 Statewide Transportation Programmatic Agreement. The reviews are based on a full consideration of historic resources and the impacts various alternatives would have on them, the application of the Secretary of the Interior's Standards for Rehabilitation, and the views of consulting parties. The determinations are consistent with the conclusions of expert consultants involved in the project.

This process resulted in a preliminary determination that the preferred alternative (Alternative 2 or the Pine Street alternative) would likely have no adverse effect to historic properties.

The DSEIS document acknowledges the Section 106 determinations as incomplete and preliminary, pending completion of the public comment process. The public review and comment period for this document was open from November 2006 through January 5, 2007, with the document available in many formats and settings. As project sponsor, the City of Burlington can continue to provide project comments until final determinations are made in the Final Supplemental Environmental Impact Statement and Record of Decision. It is up to the City to include its CLG commission in any of the meetings that will take place before the Record of Decision is published. VTrans has no objection to the CLG commission taking part in the process. In fact, we believe the Department of Public Works should invite and encourage the commission's participation.

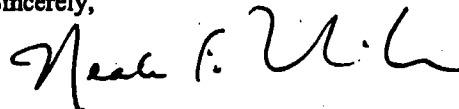
Regarding the 1996 MOA, the document governs the construction of an alternative that the City DPW abandoned due to changes in its needs/desires for the project and associated adverse affects on historic properties. Nevertheless, for purposes of inclusiveness the MOA is included in the Draft Supplemental Environmental Impact Statement which affirms its applicability to Build Alternative No. 1, which does have an effect on historic properties.

You also note that the MOA stipulation A (2) states that the Burlington CLG will be afforded an opportunity to review the selected alternative prior to final plans. As you know, an EIS sets the stage for what a project will be, but it is not a final design. The final design evolves after the EIS process is complete.

Even though the MOA likely will not be applicable to the selected alternative, we encourage the CLG commission to work with the City's Department of Public Works to ensure it has an opportunity to review all plans and to provide its counsel.

VTrans welcomes the participation of the CLG commission in the monthly coordination meetings. That could be a forum to discuss this in more detail if you choose. The Agency's contact for this project is Wayne Davis, who is available to provide you with additional detail. Wayne can be reached at 802-828-5609 if you have further questions.

Sincerely,



Neale F. Lunderville  
Secretary of Transportation

cc: Mayor Bob Kiss  
Ernie Blais  
Jonathan Leopold  
Steven Goodkind ✓  
Jane Lendway  
Scott Newman  
Wayne Davis



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Agency of Transportation

September 18, 2007

Ron Wanamaker, Acting Chair  
Burlington Historic Preservation Review Committee  
Department of Planning and Zoning  
149 Church Street  
Burlington, Vermont 05401

Dear Mr. Wanamaker:

Thank you for your August 23, 2007 letter regarding the Burlington Southern Connector/Champlain Parkway project, and the Draft Supplemental Environmental Impact Statement (DSEIS).

Secretary Lunderville has asked me to respond to your letter due to the specificity of the comments that were made. As you may be aware, on September 4, 2007 Secretary Lunderville responded to a letter from HPRC Chairman Adam Portz wherein we stated what we and the State Historic Preservation Officer understand to be the roles and responsibilities of the Burlington CLG Commission relative to the Southern Connector / Champlain Parkway project. We trust you received that response from Mr. Portz, and we encourage the HPRC to continue to advise the City on the project relative to historic preservation issues.

The City of Burlington was responsible for generating the DSEIS that identified Build Alternative 2 as the preferred alignment for Section C-6. Your letter comes under the auspices of a City Commission and contests several of the DSEIS findings. With respect, we are suggesting that some internal coordination might be in order to clarify the entire City's position on the DSEIS document. This would certainly be helpful to us as we work with the City to advance this important project. This letter is intended to respond to the issues raised in your August 23 letter.

While similar comments seem to be woven throughout the many portions of your letter, I will attempt to address them by responding to your four main topics – Inappropriate Baseline Condition, Purpose and Need, Insufficient Investigation, and Failure to Undertake a Thorough Evaluation.

#### **Inappropriate Baseline Condition**

You note that the interim alternative from the 1997 document is not appropriate for use in the DSEIS as a baseline condition for evaluation of alternatives in the DSEIS. We could not agree more with your statement. That is why the future (2028) No-Build condition was used in the DSEIS as the baseline for determination of what consequences the Build alternatives might cause. Use of the future No-Build Alternative for the evaluations is a common, long standing practice in environmental documents.

The specific traffic information that is cited in your letter compares the existing condition (2005) traffic against a future build alternative in 2028. That comparison is not a valid comparison as it compares what are essentially today's traffic volumes against future projections, and discounts what the existing street pattern will be carrying in the future. The proper comparison, the one that is contained in the DSEIS, would be the



comparison of the 2028 No-Build volume of 6700 vehicles per day to the 2028 Build Alternative 2 volume of 8500 vehicles per day. While the volume for Build Alternative 2 indicates a modest (25+/-%) increase, the impacts resulting from that increase have been addressed by the provision of traffic control improvements that are projected to improve the future levels of service from LOS F and LOS D in the 2028 No-Build at the Pine/Maple and Pine/King intersections to levels of service of LOS D and LOS C, respectively under Build Alternative 2.

### **Purpose and Need**

All three parties, the City of Burlington, Federal Highway Administration and VT Agency of Transportation, agreed in the development of the DSEIS that Build Alternative 2 does indeed meet the project Purpose and Need. There are different degrees of meeting the Project Purpose and Need and that is why the evaluation of all factors is important to the drafting of the eventual Final Supplemental Environmental Impact Statement (FSEIS) and ultimate Record of Decision (ROD).

There is no "reintroducing" of traffic in the Build Alternative 2 proposal. The traffic is already there on Pine St. Traffic is projected to increase slightly on Pine St, but at an improved LOS. Also, there are no substantive land use changes that would increase additional large trucks from the number projected in the No-Build Alternative.

As to the social and environmental justice issues that are alluded to in your letter, please be advised that the DSEIS addresses the subject on page 4-63 wherein it states that "...there would not be a disproportionately high and adverse human health or environmental effect on minority or low income populations." Although your comments allude to the possibility of such, there are no substantive facts that support that contention.

### **Insufficient Investigation**

Your letter makes claims that there was insufficient investigation under Section 106 criteria in the following (bolded) four areas:

#### **Physical destruction, damage, or alteration –**

Your comment seems to mix the preliminary 4(f) De Minimis finding with the preliminary 106 no adverse effect determination on the Battery Street Historic District. They are related, but separate, actions. The concern you raise again seems to be based on an increase in traffic on Pine St. That subject was addressed in the Baseline response above. The comment also relates a concern over vibrations caused by the traffic. While we understand the concern we must consider the following points as well:

- a. Pine St. currently carries the heavy truck traffic that seems to drive the expressed concern. Since the City would have been aware of, or privy to, any structural issues resulting from existing traffic, and since the subject was not brought up by any residents or landowners during the public hearing or public process, it can be concluded that, while some speculation exists that vibration induced issues could arise, it does not appear to be the case in this area.
- b. The quality of the surface of Pine St. will be greatly improved by the project, thereby reducing the cause of many vibrations that might exist today.



**Isolation from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register -**

The truck route that you cite is not one that will be introduced with Build Alternative 2 in that it presently exists. The citation from the FHWA letter made in your comment really applies to Build Alternative 1, wherein a new arterial highway would be introduced into a setting that does not now have an existing street. That alternative would in fact create an isolating separation of the Public Works facility from the remainder of the Pine St. District, and the rail yard facilities that it directly relates to.

**Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting**

You are correct. The DSEIS studies do indicate acceptable levels of disturbance for the audible and air aspects of the project. In fact, they indicate that over the 20 year analysis period, air quality will be improved even with slightly higher traffic due to expected enhancements in vehicle emissions (or tailpipe) controls. Additionally, they indicate an imperceptible (1-2 dba) increase in noise levels. As to the concerns of the visual aspects, those currently exist on Pine Street. Pine Street's perpetuation as an arterial facility is part of what makes the district what it is. Given the improvement in air quality and the imperceptible increase in noise, the cumulative effect would not be a concern.

**Neglect of a property resulting in its deterioration or destruction -**

The preliminary determination of effect (DOE) for Build Alternative 2, which improves the segment of Pine Street in the C-6 section, is No Adverse Effect. Existing conditions and changes in those conditions that could be caused by the project were thoroughly considered in the DSEIS, which recommended this preliminary finding. Your letter states that present high levels of traffic on Pine Street have now begun to affect the desirability of the area where homes are being converted from owner-occupied to rental units with high rates of turnover and a lessening of desirability. We concur that Pine Street has become, over the years, a significant north-south traffic artery, and this is the baseline condition from which the Section 106 effects of the project were evaluated.

While we can understand your concern, we must indicate that the district is currently occupied and that renovations to existing structures have been observed to be underway. The concern about conversion from owner-occupied to multi-family and/or non-owner appear to be more related to the demands being experienced by the overall shortage of housing in Chittenden County and with the increase in demand for housing necessitated by the increase in students wishing to reside closer to their school rather than traffic conditions on Pine St.

**Failure to Undertake a Thorough Evaluation of the Relative Merits of Opportunities for Mitigation or Enhancement Measures Between the Two Alternatives -**

Your letter appears to acknowledge the adverse impacts arising from Build Alternative 1 through several references to mitigation. Mitigation would only be appropriate if an action that would cause harm (or effect) were to be deployed. We understand, and are generally guided by the principal that the best action relative to involvements with 106 and 4(f) properties is avoidance. Where we cannot do so, our next obligation is to take measures to minimize harm with mitigation/enhancement being a last resort. We believe that Build Alternative 2, being a prudent and feasible alternative, does just that.

Though Build Alternative 2 would result in some additional traffic along Pine Street, overall conditions are expected to improve over the future No-Build alternative, as has been indicated above. Those improved conditions may be considered to be enhancements that would derive from deployment of Build Alternative 2.

Even with the newly proposed alignment revisions proposed by the City of Burlington to Build Alternative 1 that bypass the Street Department Building, the preliminary effect determination remains an adverse effect. The proposed revision still bisects the historic district and removes a historic railroad spur. In an April 11, 2007 response to a February 21, 2007 letter from Mr. Goodkind on this subject, Mr. Sikora provided additional detail supporting the Adverse Effect determination on this revision. Additionally, while the proposal to mitigate project effects with signage and educational outreach might be worthwhile, it would not reduce the effect determination caused by the impacts to the old Streets Department building, rail spur, and district.

In conclusion, it is our determination that the DSEIS was developed appropriately, that the information as outlined in the DSEIS is in fact accurate, and that the preliminary effect determinations are correct. Your letter states in paragraph 3, page 1, that the "HPRC vigorously disagrees with the Determination of Effect for Alternatives 1 and 2 as described in Chapter 4 of the DSEIS." While we are disappointed by the CLG's disagreement, and considering the CLG's role in the development of this project, we do not find any new or revealing information offered within your letter that brings into question any of the facts and findings presented within the DSEIS.

Your letter refers to the term "Constructive Use." That "use" is one that the FHWA recognizes as being a use necessitating a 4(f) statement, and one that was considered in the development of the DSEIS. We would recommend that FHWA would be the better source of information on that subject.

The Agency's contact for this project is Wayne Davis, who is available to provide you with additional detail. Wayne can be reached at 802-828-5609 if you have further questions. FHWA's contact for this project is Kenneth Sikora, and his number is 802-828-4573. I am sure that he can address constructive use and the background of his referenced letters.

Sincerely,



Richard Tetreault  
Director of Program Development

cc: Ernie Blais, Federal Highway Administrator  
Bob Kiss, Mayor of Burlington  
Jonathon Leopold, Burlington Chief Administrative Officer  
Steven Goodkind, P.E., Burlington Department of Public Works  
Adam Portz, Burlington Historic Review Committee  
Kenneth Sikora, Federal Highway  
Jane Lendway, State Historic Preservation Officer  
Scott Newman, Vtrans, Environmental Services  
Wayne L. Davis, Vtrans, Local Transportation Facilities

## Department of Planning and Zoning

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Ken Lerner, Assistant Director  
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Jay Appleton, GIS Manager/Planner  
Scott Gustin, AICP, Senior Planner  
Mary O'Neill, Associate Planner  
Kathy Parrott, Zoning Clerk  
Elsie Tillotsen, Department Secretary



Thursday, September 20, 2007

Jane Lendway, State Historic Preservation Officer  
Vermont Division for Historic Preservation  
National Life Building, 2nd Floor  
Montpelier, VT 05620-1201

Dear Jane,

I would like to respond to your communication to Adam Portz (September 4, 2007) regarding the role of Burlington's Certified Local Government Program in the review of the Southern Connector/Champlain Parkway project (MEGC M5000 (1)). I certainly concur that the role of the CLG Program, and its locally-appointed Historic Preservation review Committee (HPRC), is advisory in nature. I do however respectfully disagree with the assertion that the CLG Program has no unique function in the review of projects such as this. I would also like to formally request that the SHPO play a more active role in the review of this project as the City has very serious concerns regarding the adequacy of the procedural and technical requirements being administered by VTrans on the SHPO's behalf.

The 1966 National Historic Preservation Act created many programs, including the State Historic Preservation Officer and Certified Local Governments, to uphold the purposes and intent of the Act. Title I Section 101 (c) (1) says:

*Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act...*

The establishment of a historic review commission is a requirement for certification of the City as a CLG (National Historic Preservation Act of 1966, Section 101 (c)(1)(B)). The implementing regulations of the Act (36 CFR 61) goes further to specify minimum professional requirements of its members. The regulations even provide for certified local governments to assume any of the duties given to the SHPO under certain circumstances. Pursuant to the intent of the Act therefore, the Burlington Historic Preservation Review Committee represents the interests of City's historic and cultural resources; and is the appropriate and authoritative body for the identification, evaluation and protection of our historic, cultural, and archaeological resources. Local government and broad public participation in the review of federal undertakings such as this is clearly consistent with the intent of the Act, and both warranted and required under the requirements of Section 106 and its implementing regulations (36 CFR 800.2(c)(3)) and 800.2(c)(5)). Personally I can't think of any local entity more appropriately suited to speak to local concerns regarding historic resources than the CLG Program of the City.

Burlington's CLG's participation in the review of federal undertakings is certainly not without precedent. The Vermont Division and federal agencies have in the past sought input from the City's CLG Program for review and comment under Section 106 on projects including the Main Street Widening Project, the rehabilitation of the Burlington Breakwater, and the 1996 DEIS for

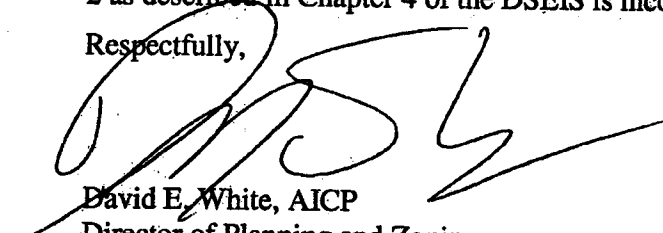
the Southern Connector/ Champlain Parkway. We therefore find it perplexing why in this case the Burlington CLG Program was not invited to participate early in the Section 106 review of the DSEIS for the Southern Connector/Champlain Parkway? Especially in a case where a new alternative is being considered that had been eliminated from a previous DEIS due in part to concerns regarding historic impacts.

Finally, you reference the Programmatic Agreement between your office and VTrans. Under the agreement, the State Historic Preservation Officer has delegated its authority to VTrans to represent the interests of the SHPO. While the City's Public Works Dept. serves as the overall project manager, you make clear that VTrans is responsible for the evaluation and review of all federal transportation projects with respect to historic and archeological resources. As such, it is very clearly the responsibility of VTrans to contact and invite the participation of all of the appropriate consulting parties as part of the Sec. 106 Process. VTrans must ensure that all required responsibilities for scoping, appropriate notification, process evaluation and documentation are accomplished.

The exclusion of the local CLG Program, and in fact the City's Dept. of Public Works (the state's project manager), in this process is inconsistent with the general practices of the Division, and more importantly violates the spirit and intent of the Act and the rules governing the Section 106 process. In this matter, the local participation requirements of Section 106 have not been met.

It is the SHPO who must bear ultimate responsibility for both the process and outcome. Where disagreement over procedure or compliance with federally mandated process occurs, the SHPO is obligated to intervene. The City, and the Burlington Historic Preservation Review Committee, feels quite strongly that both the procedural and documentation requirements of Sec. 106 (36 CFR 800.2-800.6) have not been followed, and that the Determination of Effect for Alternatives 2 as described in Chapter 4 of the DSEIS is incorrect and unsubstantiated.

Respectfully,



David E. White, AICP  
Director of Planning and Zoning

CC: Ernie Blais, Federal Highway Administrator  
Neale Lunderville, VT Agency of Transportation  
Scott Newman, VT Agency of Transportation  
Bob Kiss, Mayor of Burlington  
Jonathan Leopold, Burlington Chief Administrative Officer  
Steven Goodkind, P.E., Burlington Department of Public Works  
Adam Portz, Burlington Historic Preservation Committee



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Agency of Commerce &  
Community Development

October 10, 2007

David E. White, AICP, Director  
Department of Planning and Zoning  
149 Church St.  
Burlington, VT 05401

Dear David,

I am replying in response to your letter of September 20 regarding the Southern Connector (MEGC M5000 (1)). I am well aware of the work that Vermont's CLG commissions perform, including Burlington's, of course. As you state in your letter the Burlington CLG commission, known as the Historic Preservation Review Committee (HPRC), is the local entity most appropriately suited to speak to local concerns regarding historic resources. However, as both Secretary of Transportation Neale Lunderville and I have stated in letters to the City, it is Burlington that is the local government that is consulted under Section 106. The Burlington HPRC can participate, but it is the responsibility of the City - not that of state government - to elicit its participation. Further, I will clarify that in Vermont, no local government has been delegated review responsibility under Section 106 by the State Historic Preservation Officer.

To date the Section 106 review of this project has included consultation with me, as stipulated by the Programmatic Agreement among the Federal Highway Administration, Vermont Agency of Transportation, (national) Advisory Council on Historic Preservation and the Vermont State Historic Preservation Officer. This process takes into consideration the comments from the public and interested parties about the impacts on historic and archeological resources. This process will continue and I recommend that the HPRC participate through the procedures established for it to advise the City on historic preservation issues.

Sincerely,

Jane Lendway  
State Historic Preservation Officer

- c Neale Lunderville, VTrans
- Ernie Blais, FHWA
- Scott Newman, VTrans
- Bob Kiss, Mayor
- Jonathan Leopold, Chief Administrative Officer
- Steven Goodkind, Public Works
- Adam Portz, Historic Preservation Review Committee





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September 12, 2008

Jonathan Leopold  
Chief Administration Officer  
City of Burlington  
Burlington, VT 05401

Dear Mr. Leopold,

Thank you for the opportunity to meet with City staff members and Paul Bruhn to discuss the Champlain Parkway / Southern Connector project. As requested by the City, we are providing a written summary of the VTrans response to the City's five key points on the alternatives selection process.

Some background will place this response in context: To meet a request by the City, Secretary Lunderville made staff members available to explain historic preservation regulatory determinations that informed the alternatives selection process in development of the 2006 DSEIS. A meeting was arranged for May 8, 2008 at the Echo Center in Burlington, where the VTrans and State Historic Preservation Officers described the process underpinning the selection of the Pine Street alternative as the preferred alternative. Participants then toured both the Pine Street and Battery Street alignments.

At the second meeting held June 19, City staff members Mary O'Neil and David White through a visual presentation outlined the City's position under 5 key points supporting the Battery Street Extension alternative as the preferred alternative. VTrans, VT-SHPO, and VT-FHWA then met to further review the presentation materials, and asked Scott Newman to present the VTrans response to the City's presentation at the third of three meetings, on July 24, 2008. This meeting concluded with a commitment by VTrans to summarize its response in writing to the City. Here then, is the text of the City's presentation (*italics*) and the VTrans response:

**CITY KEY POINT #1** *Alt. #2 (Pine St) does not meet the purpose and need of the project.*

**VTrans:** Using the excerpts from the referenced documents, city representatives attempted to support the key point. Because of the disparate details in the excerpts, VTrans will address each individually.

**City:** *From the 1997 FSEIS, p 1-10:*

"The purpose is also to eliminate the disruption to local neighborhoods and separate the local and through-traffic. The proposed transportation corridor is expected to become the major routing for through-traffic in the area. The reassignment of the majority of through-traffic to this route will reduce traffic volume levels along neighborhood streets, and improve accessibility to adjacent neighborhood areas."

**VTrans:** This P&N statement is not relevant to the current issue or currently contemplated project because it is excerpted from a previous project with an ultimate 4-lane build out. The current project is for only a two lane facility.

**City:** From the 1997 FSEIS (p.2-9):

"Other alternatives that were also analyzed included: 1) an existing streets alternative which utilized existing streets at the north end of the project such as Maple Street, King Street and Main Street; this alternative was dropped due to objections from the City of Burlington, regarding traffic flowing through residential areas, and 2) a widening of Lakeside Avenue which would route traffic onto Pine Street from the connector utilizing Lakeside Avenue. This second alternative would only be effective with a major widening of Pine Street. Such a widening was not considered acceptable from the standpoint of environmental impacts and local acceptability."

**VTrans:** As with the above response, this P&N statement is not relevant to the current issue or currently contemplated project because it is excerpted from a previous project with an ultimate 4-lane build out.

**City:** From the 2006 DEIS, p 1-15:

"The purpose of the project is also to eliminate the disruption to local neighborhoods and separate the local and through-traffic. Truck traffic that is destined for the CCD or the industrial areas accessed from Home Avenue and Flynn Avenue would be directed onto the Southern Connector/Champlain Parkway and removed from the local street network. The proposed transportation corridor is expected to become the major routing for north-south through-traffic in the area. The reassignment of the majority of through-traffic to this route would reduce traffic volume levels along neighborhood streets and improve accessibility to adjacent neighborhood areas."

**VTrans:** Truck traffic destined for the CCD or industrial areas accessed from Home and Flynn avenues will be directed onto the Southern Connector/Champlain Parkway. The Pine Street alternative, selected as the preferred alternative in the 2006 DSEIS will utilize traffic signals and Intelligent Traffic Systems (ITS) to encourage traffic to remain on Pine Street, a minor arterial facility, and off of King and Maple Streets.

**City:** From the 2006 DEIS (p.1-13)

- "...the existing street pattern encourages use of neighborhood streets by truck due to lack of alternative routings. This mix of traffic has created conflict and access concerns in the vicinity of the C-2 neighborhoods, and the King St./Maple St. neighborhood, located at the north end of Pine St."

**VTrans:** Agreed. The Pine Street alternative ameliorates these conflicts through the use of traffic signals, ITS, and achieving improvements in the levels of Service at the Pine/Maple and Pine/King intersections. The ultimate project build-out is 2 lanes, which is met with the Pine Street alternative.

**City:** *City's Response to 2006 DEIS:*

- *5/17/07 letter from Mayor Kiss to VTrans and FHWA*
- *Acknowledges re-evaluation of Alt #2 at VTrans' suggestion*
- *Based on 2006 DEIS, City finds that Alt #2 continues to fail to address Purpose and Need as in 1997 FSEIS*
  - *No reduction in traffic volumes*
  - *No relocation of truck traffic*

**VTrans:** There are gradual, minimal increases in traffic on Pine Street over the next 30 years compared to the No-Build. However, "traffic flow" will improve in the C-6 section due to improvements implemented with this project.

**City:** *2006 Burlington Master Plan (p. V-9)*

- "Redesign of the Champlain Park Way must therefore meet the following objectives:*
- *To remove trucks from residential streets and serve as a designated truck route.*
  - *To remove through traffic from residential streets by serving as an alternative route into the city. This should be augmented by development of a Traffic Calming Plan for the South End neighborhoods.*
  - *To blend into adjacent residential neighborhoods with no more than 2 travel lanes, narrow lane widths, a low design speed and speed limits, sensitive streetscape design, utilities placed underground, and safe pedestrian crossings. Sound Barriers and fences should not be used in the new design."*

**VTrans:** The Pine Street alternative substantially achieves these goals, with the exception of the undergrounding of utilities along Pine St.

**City:** *City Council Resolution*

- *City Council resolution in 2006 agreed to support reconsideration of Alt. #2*
- *Premised upon:*
  - *addressing potential neighborhood impacts*
  - *access through Street Dept. and Railyard for truck traffic*
  - *continued consideration of Railyard relocation*

**VTrans:** The City Council Resolution is recognized and understood. The neighborhood impacts have been weighed in the DSEIS, the access through the Street Dept. considered. The rail yard relocation is not part of the project's purpose and need and can be evaluated further outside of the context of this roadway project.

**City:** *Segmentation*

- *The segmentation of the entire Southern Connector review has undermined the ability to fairly consider the environmental detriment of the connector through the historic neighborhoods. When the EIS for the entire connector route had previously been done, the residential neighborhood (at C-6) was considered important enough to mandate a different route.*

**VTrans:** The project timeline was adjusted as the project purpose and need evolved. For each NEPA process, the regulations require that ambient conditions and current project alternatives at the process initiation provide the baseline for analysis.

In summary, VTrans believes the Pine Street alternative, selected as the preferred alternative in the City-managed DSEIS, substantially meets the project's stated purpose and need.



**CITY KEY POINT # 2: NEPA process requires consideration of impacts to the human environment in addition to natural, cultural or historic**

- *NEPA was instituted for the protection of people.*
  - *Changes in the character of neighborhoods*
  - *Views*
  - *Noise/Traffic*
  - *Aesthetic considerations – including landscape*
  - *Pollution/air quality*
  - *Economic factors*
  
  - *NEPA process requires consideration of impacts to the human environment in addition to natural, cultural or historic*
  - *EIS must consider all manner of impacts and how they inter-relate.*
    - *Tangible and intangible*
    - *Short-term and long-term*
  - *EIS process considers impacts of proposed alternatives regardless of monetary cost*
  
  - *Trigger: “A major federal action significantly affecting the quality of the human environment.”*
  - *The substantive policies and goals of NEPA are found in §101 of the Act and are broadly worded declarations such as Congress’ desire to “promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony...” and Congress’ direction that the federal government act so that the nation may “fulfill the responsibilities of each generation as trustee of the environment for succeeding generations” and “assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings....”*
  
  - *Public Law 91-190, §101*
  
  - *The Court, in the Calvert Cliffs’ decision\*, noted that Congress directed that these substantive goals and policies be pursued by the federal government using “all practicable means.” In contrast, Congress directed that the procedural requirement of an EIS, found in §102 of the Act, was to be followed “to the fullest extent possible.” The decision by the court in Calvert Cliffs was the agency decision was “arbitrary or clearly gave insufficient weight to environmental values.”\*\**
- \*Calvert Cliffs’ Coordinating Committee v. Atomic Energy Commission 449 F 2d 1109 (1971)*  
*\*\* ibid at 1115.*
- *The EIS should explore all reasonable alternatives ...The EIS must describe the affected area concisely....such effects might include ecological, economic, historical, aesthetic, or social aspects. Indirect effects relate principally to population-induced changes ....NEPA requires the incorporation of all costs in the evaluation of a proposal, including those costs and benefits which are environmental in nature....the process must consider these less quantifiable aspects of our environment as well as those which are more simply expressible in monetary terms.*
  
  - *Sugarbush Valley, Inc. EIS review was limited to the specific project area. The court determined that a too narrow interpretation of what is the “project” was resulted in a failure to fully account for environmental issues involved with the development. (increased need for housing, school enlargement, infrastructure, etc.) The EIS must consider the secondhand effects of proposed development.*

**VTrans:** Agreed, in that the text above reiterates accepted NEPA processes for consideration of the human environment. The DSEIS follows the accepted NEPA processes.

**City:** *Alt #2 - Neighborhood Reinvestment:*

- *Long-term City objective and targeted strategies*
- *Since 1979, KSNRC has rehabilitated over 200 rental housing units and leveraged over \$9 million of funds*
- *Home ownership opportunities being created for first-time buyers (25 condos in 5 yrs, another 15-30 planned)*
- *Private reinvestment taking place - \$16 million invested in recent years and another \$6 million planned.*
- *Future reinvestment very unlikely with any further negative impacts related to traffic and trucks through the neighborhood.*

**VTrans:** The 2006 DSEIS evaluated potential impacts to the factors cited in Burlington's presentation, including:

- Changes in the character of neighborhoods (pg 4-60)
- Views (4-130)
- Noise (4-101)
- Traffic (4-1 to 4-49)
- Aesthetic considerations – including landscape (4-130)
- Pollution/air quality (4-96)
- Economic factors (Various)

The DSEIS concluded that there would be no significant adverse impacts accruing within any of these factors. The only lasting change is a relatively minor graduated increase in traffic along Pine Street, which when coupled with the planned ITS improvements, provides a net increase in mobility.

The study further concludes that traffic will be reduced on Maple Street by 1300 cars/day, and on King Street by 1400 cars/day, enhancing the character of these neighborhoods (DSEIS Pg 4-45, 4-46).

**CITY KEY POINT #3:** *Impacts on neighborhood livability bear a very direct relationship to the integrity of the historic resources along Alt. #2.*

- *Clear that reinvestment is taking place. A direct effect of improving the condition and integrity of historic buildings in the neighborhood*
  - *substantial rehabilitation*
  - *correcting deferred maintenance*
  - *increased pride of ownership*
- *As livability/desirability declines in a neighborhood, reinvestment stops*
  - *no more rehabilitation*
  - *increased deferred maintenance*
  - *resulting physical deterioration of historic structures*

*Result of increase traffic through this residential neighborhood, and related truck traffic will very clearly have an adverse effect on the characteristics of this National Register District.*

- *An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. (Section 106 § 800.5 Assessment of adverse effects, emphasis added)*

**VTrans:** For Section 106, effects of an undertaking are understood as the net changes realized by the proposed project. In other words, the regulations require that we evaluate ambient conditions affecting historic properties and compare them with expected conditions after the project is implemented.

Currently, Pine Street is functionally classified as a Minor Arterial, and a major transportation artery within the City of Burlington carrying cars, trucks, and mass transit traffic. Studies carried out in the NEPA documents, as well as presentations by City of Burlington staff have substantiated this fact.

The effects of a graduated increase in traffic to the design year, 2028, will be minimized by improvements to traffic movement, resulting in a net benefit in mobility along Pine Street with an attendant reduction in traffic on Maple and King Streets. The result will not adversely affect historic properties, and will improve conditions in portions of the C-6 historic districts.

**CITY KEY POINT #4:** *Alt. #2 negative impacts on low income and minority population concentrations raises significant environmental justice concerns.*

**Alt #2 - Neighborhood Context:**

- *Adjacent land use: Northern ¾ is dominantly residential, lower ¼ is largely commercial.*
- *Largely rental*
- *High concentration of subsidized rental units – 219 units*
- *Likely the poorest Census Block Group in Vermont.*
- *High concentrations of minority & refugee populations*

**VTrans:** The subject of Environmental Justice was evaluated in the DSEIS (pg 4-63). The study concluded that there would not be disproportionate impacts to low income or minority populations. The conclusions of this issue include:

- Both Build Alternatives result in acceptable Levels of Service within the residential area of the Enterprise Community.
- Both Build Alternatives would improve access into and out of the Enterprise Community.
- There would be no widening of streets in the Enterprise Community, and both Build Alternatives are expected to result in net benefits to the Enterprise Community in terms of access to employment, health care, and other opportunities.

Accordingly, there would not be a disproportionately high and adverse human health or environmental effect on minority or low-income populations.

**CITY KEY POINT #5:** *Alt #1 (Battery Street extension) is a continuation of the historic transportation use and development pattern in the area*

*Alt #1 (Battery Street extension) is Complimentary and Consistent to Historic Resource*

**Context:**

- *Adjacent land use is dominantly commercial-Industrial*
- *Route travels along boundary between historic rail facility and adjacent commercial buildings.*
- *Route continues transportation use within the alignment of an existing rail spur thus maintaining the historic pattern of development and transportation infrastructure.*
- *Recent City agreement with VT Railway regarding relocation of portions of the railyard is an important new development enhancing the viability of Alt. #1.*

**VTrans:** This issue has been raised before by the City, in Steve Goodkind's 02/21/07 letter to Rob Sikora. Mr. Sikora's response (Date) rejected the City's assertion that a new highway though the Battery Street Historic District would be consistent with the historic uses of that corridor, stating that a two lane highway is vastly different in scale and impact compared with a RR siding with occasional use. Mr. Sikora added that the City's proposal to site a new highway through the district would require the removal of the historic RR siding, creating additional adverse effect under Section 106.

**CITY: / SUMMARY COMPARISON**

**Alt #1 – Battery St.**

- *Commercial-industrial neighborhood*
- *Potential National Register District(s)*
- *Reduces traffic in adjacent neighborhood (-1,500 vehicles per day)*
- *Relocates truck route from adjacent residential neighborhood*
- *Stimulate private investment*

**Alt #2 – Pine St.**

- *Residential neighborhood serving a predominantly low-income, minority population*
- *Private investment taking place*
- *Listed National Register District*
- *Existing traffic congestion and safety concerns*
- *30% increase in traffic (+1,800 vehicles per day)*
- *Continuation of truck route through residential neighborhood*
- *Discourage private investment*

**CITY CONCLUSIONS:**

- *Alt. #2 (Pine St) fails to meet the purpose and need of the project.*
- *Negative impacts on low income and minority population concentrations by Alt. #2 raises significant environmental justice concerns.*
- *Negative impacts on neighborhood livability by Alt. #2 bears a very direct relationship to the integrity of the historic resources and will have an adverse effect on the characteristics of this National Register District.*
- *Alt #1 (Battery Street extension) is complimentary to the historic transportation use and development pattern in the area.*

**VTRANS: Summary Comments**

We note that most of the issues raised by the City in its presentation have already been discussed, and VTrans has responded to the City in detail and in writing on these issues.

We note that the impacts of this project are minor, involve small increases in traffic on an existing urban arterial roadway that currently serves as a thoroughfare for cars, trucks and mass transit in the City of Burlington.

We note that the minor impacts are ameliorated by the implementation of signalization and Intelligent Traffic Systems which improve levels of service on Pine Street, and reduce traffic on residential side streets, particularly King and Maple Streets.

We note that the issues raised have all been thoroughly examined in the 2006 DSEIS managed by the City of Burlington, which concluded that there are no adverse impacts arising from the Pine Street alternative, the preferred alternative.

We trust the above text meets the City's request for documentation. If you have any questions, feel free to contact me at 828-3964.

Sincerely,



Scott Newman  
VTrans Historic Preservation Officer

SN/kas

cc:

Wayne Davis, Project Manager  
David Dill, Secretary Vermont Agency of Transportation  
Ernie Blais, FHWA Division Administrator  
Jane Lendway, State Historic Preservation Officer  
Paul Bruhn, Preservation Trust of Vermont

## Burlington Historic Preservation Review Committee

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*Adam Portz, Chair  
Sean McKenzie  
Ron Wannamaker  
Cleary Buckley, Alternate  
Sandra O'Flaherty, Alternate*



October 28, 2008

Mr. Kenneth R. Sikora, Jr., Environmental Program Manager  
United States Department of Transportation  
Federal Highway Administration  
P.O. Box 586  
Montpelier, VT 05601

RE: Draft Supplemental EIS for the Southern Connector/Champlain Parkway project (MEGC M5000(1))

Dear Mr. Sikora,

As you are aware, the City of Burlington's Certified Local Government (CLG) Program has an opportunity in accordance with 36 CFR 800 to participate in the review of the Southern Connector/Champlain Parkway project (MEGC M5000 (1)). Pursuant to these regulations, federal agencies must take into account the effect of any federally assisted undertaking or action on historic resources. The Burlington's Historic Preservation Review Committee (HPRC), acting under their authority as the City's CLG hereby offers the following comments and concerns regarding the Draft Supplemental EIS (DSEIS) for the Southern Connector/Champlain Parkway project pursuant to the provisions of 36 CFR 800 Section 106 of the National Historic Preservation Act (NHPA) as amended and the National Environmental Protection Act (NEPA).

**In summary, the HPRC vigorously disagrees with the Determination of Effect for Alternatives 1 and 2 as described in Chapter 4 of the DSEIS, and finds that Alternative 2 will most certainly have an Adverse Effect on properties listed or eligible for listing on the National Register of Historic Places.** The Committee finds that the DSEIS has not adequately or accurately explored the potential for Adverse Effect on historic resources presented by Alternative 2 in either the Battery Street Historic District (listed on the National Register in 1977 and expanded in 1984) or the proposed Pine Street Historic District (identified in earlier investigations for this project). Consequently, in our view Alternative 2 cannot be considered the preferred alternative due to the substantial nature of the adverse impacts on historic resources and the character of the existing residential neighborhood which cannot easily be mitigated and its failure to address the stated purpose and need of the overall project.

A more thorough explanation of the Committee's findings follows:

- 1. This Committee finds that Alternative #2 fails to address the stated Purpose and Need of the Southern Connector/Champlain Parkway (DSEIS, 1.4).**

The Purpose and Need of the Southern Connector/Champlain Parkway (DSEIS, 1.4) (as defined in the 2006 DSEIS on pages 1-12) is to reduce high traffic volumes and remove heavy truck traffic from the local residential street network in neighborhood streets adjacent to the city's "Enterprise" zone and leading into the downtown area.

While many aspects of the project continue to advance these objectives in the southern portion of the project area, Alternative 2 directs this traffic through a different residential neighborhood at its northern extent shifting the problem from one residential area to another and further exacerbating an existing traffic problem. As acknowledged in the 2006 DEIS (p.1-13) regarding the current condition:

“... the existing street pattern encourages use of neighborhood streets by trucks due to lack of alternative routings. This mix of traffic has created conflict and access concerns in the vicinity of the C-2 neighborhoods, and the King St./Maple St. neighborhood, located at the north end of Pine St.”

While not typically part of a review regarding impacts on historic resources, one cannot simply ignore the simple fact that this alternative completely fails to address the overall objective of this project as stated in the Purpose and Need by displacing the congestion and heavy truck traffic to another neighborhood of the city. This Committee's finding is consistent with a May 2007 letter from Mayor Kiss to VTrans and FHWA stating a similar position by the City.

**2. This Committee finds that Alternative #2 will have an Adverse Effect on historic resources pursuant to the Section 106 of the National Historic Preservation Act (NHPA).**

As defined by 36 CFR 800 Section 106 of the National Historic Preservation Act (NHPA) as amended, an **Adverse Effect** is defined as follows:

*May diminish the integrity of design, setting, materials, workmanship, feeling or association. Adverse effects include, but are not limited to:*

- *Physical destruction, damage, or alteration of all/part of the property.*
- *Isolation from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;*
- *Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;*
- *Neglect of a property resulting in its deterioration or destruction; and*
- *Transfer, lease, or sale of the property.*

The particular character of this residential section of Pine Street (north of Kilburn Street, as defined in 3.3.2.3.2 and on p 3-83, DSEIS) reflects a clear change from the commercial character evident further to the south and west. The prospect of a 30% increase in traffic volume within the first two years of construction has serious and immediate implications for this neighborhood. Alternative #2 presents a risk of physical damage to historic structures in the immediate project area (particularly foundations); greatly alters the residential character of the Battery Street Historic District; presents many visual, audible, and atmospheric elements that are out of character with the residential character of the Battery Street Historic District; and is likely to exacerbate the physical deterioration of historic structures and the integrity of the district due to disinvestment, neglect and deferred maintenance.

- Physical destruction, damage, or alteration of all/part of the property.

Rather than the “de minimus” determination in the DSEIS, the HPRC finds substantial and adverse effect regarding the potential for actual physical damage to structures with Alternative 2. The Committee has significant concerns over the increase in the number of heavy vehicles through the neighborhood in close proximity to these historic buildings and particularly their old masonry foundations. Historic buildings are significantly physically impacted by constant vibration; particularly those with masonry foundations or sheathing. Mortar is dislodged, stones/bricks move, and the structural stability of the entire structure is threatened. By example, another historic Burlington structure (127-129 Bank Street) recently suffered a serious and substantial foundation failure due primarily to the vibration of heavy vehicular traffic. Further investigation of the potential for vibration impacts is warranted.



127-129 Bank  
Street  
Vibration induced  
foundation failure

- Isolation from or alteration of the character of the property’s setting when that character contributes to the property’s qualification for the National Register;

The introduction of a permanent truck route and a 30% increase in traffic volume in Alternative 2 would substantially adversely impact the residential neighborhood north of Kilburn Street. Alternative 2 will result in heavy traffic volumes being introduced into this residential neighborhood that will functionally divide this residential area west from east in a manner that is not consistent with its historic residential character.

A Federal Highway Administration communication, dated 11 April 2007 states: “imposition of a large modern highway facility would visually change the character and context of the district... The visual impacts of thousands of trucks and cars using the facility on a daily basis vastly overwhelms the highest possible past use...”

These comments were describing a perceived adverse effect for Alternative 1 which forms a boundary between two distinct areas of the City’s waterfront (industrial and commercial), yet the same assessment and conclusion was not conferred upon Alternative 2 which is far more pertinent given that it literally transects a residential neighborhood. The HPRC finds the failure of the DSEIS to draw this same conclusion to be of great concern and one that fundamentally calls into question the thoroughness and integrity of the document as a whole.

- Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

It is the opinion of the HPRC that the DSEIS has not accurately or thoroughly estimated the potential effects of Alternative 2 on the historic residential area north of Kilburn Street, specifically on the cumulative impact of increased air pollution, noise, and vibration. There can be no question that higher traffic volumes will bring additional dust and other air pollutants and noise into this residential area. Although the submitted studies indicate an acceptable anticipated level of disturbance for any individual element assessed, it is the cumulative impact of all of these factors relative to the established residential character of the neighborhood that is of concern. The associated impacts will be out of character with what should be expected in a



residential area. This is in great contrast to the existing character and expectations for a commercial/industrial area as found in Alternative 1.

▪ **Neglect of a property resulting in its deterioration or destruction.**

This is already a fragile neighborhood, one traditionally characterized by aging buildings, a conversion of houses from owner-occupied residences to multi-family rental units, a high rate of turnover, and diminished investment. The heavy traffic has already begun to affect the desirability of these residential properties. Due to an increase in noise and air quality, remaining resident owners may leave, and more properties may become rental. Disinvestment occurs as owners are reluctant to properly maintain buildings and there is a slow degradation of property values. Thus overall quality of life diminishes resulting in adverse socio-economic impacts.

This neighborhood has long been a priority area to target strategies to support reinvestment. Since 1979, the King Street Neighborhood Reinvestment Corp. has rehabilitated over 200 rental housing units and leveraged over \$9 million of funds. Home ownership opportunities are being created for first-time buyers - 25 condominium units have been created in the last 5 yrs with another 15-30 planned. Private reinvestment is currently taking place in this neighborhood - \$16 million invested in recent years and another \$6 million planned. The result of this reinvestment is a gradual improvement in the condition and integrity of historic buildings in the neighborhood through correcting many years of deferred maintenance and resulting in substantial rehabilitation and in the end increased pride of ownership.

However, a continuation of this trend very unlikely with any additional negative impacts related to traffic and trucks through the neighborhood. Current property owners in this area have clearly stated that if the current traffic conditions don't improve (let alone worsen) they will not pursue future plans for reinvestment. As livability/desirability declines in this neighborhood, reinvestment will stop - no more rehabilitation, increased deferred maintenance resulting in the physical deterioration of historic structures and the integrity of the district as a whole.

**3. This Committee finds that Alternative #2 causes a disproportionate and avoidable negative impact on low income and minority population concentrations that raises significant environmental justice concerns.**

Executive Order 12898 directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. The DSEIS provided only a cursory review of any Environmental Justice concerns under Sec. 4.3.3 (p 4-63.).

The context of the neighborhood bisected by Alternative 2 is important in this regard. This neighborhood is dominantly residential. It is largely rental, with a very high concentration of subsidized rental units (219 units). It is within the poorest Census Block Group in the entire state (54% of the statewide median family income and 24.6% families living in poverty compared to 10.4% in Burlington overall and 6.25% statewide), with high concentrations of minority & refugee

populations (15.3% self identified as non-white compared to 7.4% in Burlington overall and 3.3% statewide).

It is clear that the proposed route of the Connector will have a disproportionate impact on a group of low-income and minority residents that are found in higher concentrations in this area than in any neighborhood in Burlington other than parts of the Old North End. Once again this is in great contrast to the area surrounding Alternative 1 which currently has no residential population.

**4. This Committee finds that the DSEIS fails to undertake a comprehensive evaluation of the project as required.**

The DSEIS uses the Interim Alternative of 1997 (the continued routing of traffic directly up Pine Street as proposed in Alternative 2) as a baseline condition to rate all potential impacts. How can a proposed design alternative be considered a baseline condition? Further, segmentation in the analysis and review of the proposed Champlain Parkway over 30 years undermines any comprehensive evaluation of analysis of impacts.

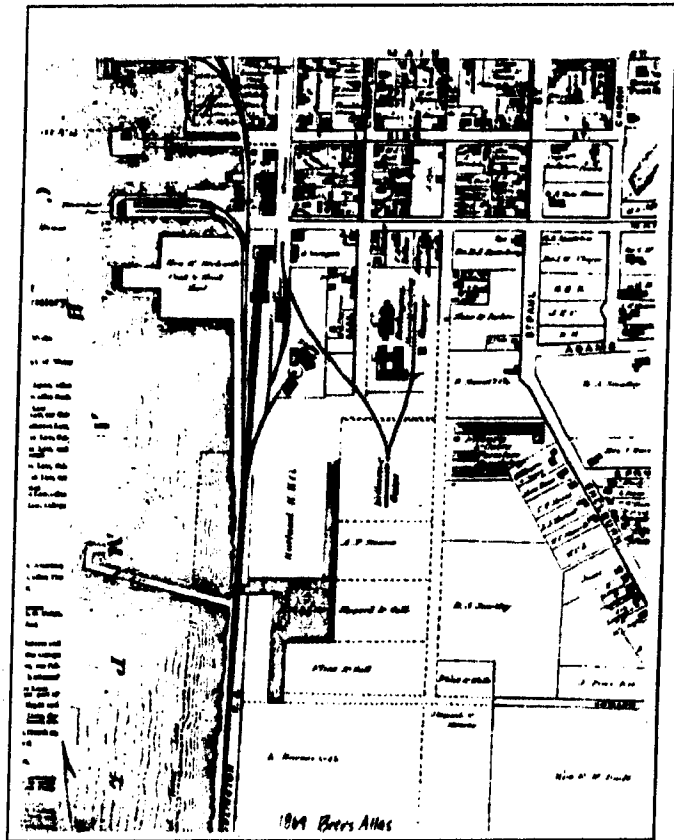
Baseline conditions for determining the impact of traffic in this neighborhood needs to consider the inadequacy of the current condition in addition to the marked and immediate increase in traffic volume (1,800 more cars and trucks per day) and use by large commercial vehicles anticipated upon the completion of the project as a whole to this six block segment of Pine Street between Howard and Main Streets. This is particularly problematic when one considers the stated purpose and need of this project is to reduce traffic impacts on residential areas as noted above.

**5. Finally, this Committee finds that Alternative #1 is the preferred alternative as it addresses the Purpose and Need of the overall project, and its impacts on the historic resources are most easily mitigated.**

The Committee concurs that Alternative #1 as proposed will have an adverse effect on the historic railroad infrastructure. However, the introduction of a new roadway along the same alignment of an existing railroad spur is consistent with the historic uses, patterns and expectations of this commercial/industrial area. Although the mode of transportation is different (from rail to car/truck), Alternative #1 presents fewer and more easily mitigated adverse effects upon historic resources and the human environment in this area. The removal and re-direction of heavy traffic out of the Pine Street-Maple-King-Main Street corridor (Alternative 1) will improve the residential environment for residents to the east and thus more effectively addresses the stated Purpose and Need of the project.

The Burlington Department of Public Works presented information that agreement has been reached regarding a potential new alignment of Alternative 1 that will no longer require the removal or partial deconstruction of the former Burlington Street Department building. This change offers a new perspective to the review, and comparison of the potential impact of the two alternatives. It should be recognized that avoidance of this structure, noted as eligible for inclusion on the National Register, has a significant bearing on the current finding of "Adverse Effect" for Alternative 1.

The DSEIS notes that Alternative 1 includes a rail spur which is part of the historic transportation network (4.7.2.2., p 4-92.). This is true, however, it must be recognized that the option to build a new highway along this alignment not only supports and continues historic transportation use, but reflects an historic pattern of relocating freight rail service out of neighborhoods and away from residential areas. A comparison of the Presdee Edwards Map of 1853 and the Beers Atlas Map of 1869 confirms the removal of rail service from the south end of Main Street, looping across King, Maple (then *South St*), St. Paul St. (then *Shelburne St.*) and northward. Additionally, the reuse of rail lines, such as the conversion of the north-south rail line along Burlington's shoreline, to a bicycle and pedestrian path (*Rail to Trail*) has become an acceptable and preferable use of such corridors. Adaptation of this resource provides continued use of the historic transportation corridor while providing



1869 Beers Atlas Map

tremendous public benefit.

The Burlington Development Review Board recently gave approval for two projects at 444 Pine Street (formerly Specialty Filaments Building) that included Champlain Chocolates' substantial renovation of the south half of the site that removed rails to the west of the building along the public ROW, and included significant private investment that produced an installation of a symbolic segment of rail. This proposal provides signs and public information regarding the industrial heritage of Pine Street and the important role of rail service in an effort to both educate visitors and to mitigate the partial removal of the rail. We find this to be a suitable and positive mitigation for the loss of a no longer used section of railroad infrastructure.

It is suggested by the Committee that any impact posed by Alternative 1 can be mitigated with supplementary educational resources that might further engage the public in the area's significant heritage. As the area west of Pine Street currently has no public access, such an alternative may offer opportunities to enhance the public's understanding and appreciation of Burlington's historic rail and lumber yard activity.

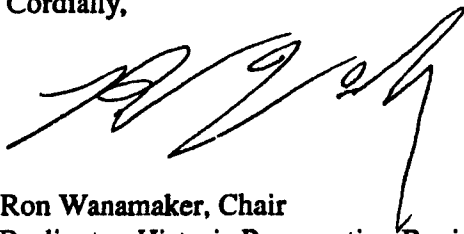
In conclusion, consideration of the effects on historic properties and neighborhoods must accurately assess impacts for all alternatives of the proposed Southern Connector/Champlain Parkway. The DSEIS findings in support of Alternative 2 fails adequately address the high potential for adversity to a high density residential district with significant historic resources, and to undertake a thorough

evaluation of the relative merits of opportunities for mitigation or enhancement measures between the two alternatives. While it is clear that environmental hazards have prevented the construction of the Southern Connector in its preferred 1979 alignment, the choice of Alternative 2 - an alternative that dumps a high volume of traffic from this parkway onto local blocks in the two adjoining historic residential districts - cannot be supported as the preferred alternative. The oversimplification of potential effects (DSEIS 4.7.2.2; lane configuration, changes in access, and curb improvements) do not reflect a thorough investigation or proper consideration of all impacts of Alternative 2.

In total, **Alternative 2 results in community disruption of a significant magnitude.** Based on this evaluation, the HPRC finds that an **Adverse Finding** for Alternative 2 to be the only reasonable and responsible determination.

We appreciate the opportunity to participate in this important process. The CLG looks forward to reviewing any subsequent reports and the final plans to ensure that the project is compatible with the historic resources within the project area and appropriate mitigation measures are undertaken.

Cordially,



Ron Wanamaker, Chair  
Burlington Historic Preservation Review Committee

CC: Bob Kiss, Mayor of Burlington  
Jane Lendway, Vermont State Historic Preservation Officer  
Scott Newman, VT Agency of Transportation  
Jonathan Leopold, Burlington Chief Administrative Officer  
Steven Goodkind, P.E., Burlington Department of Public Works

Attachments:

Letter from HPRC to FHWA and VTrans on 3 August 2007  
Letter from HPRC to VT SHPO on 4 September 2007  
Letter from David White to VT SHPO on 20 September 2007



CLOUGH HARBOUR & ASSOCIATES LLP

December 3, 2008

Ms. Jodi Shippee  
Vermont Nongame and Natural Heritage Program  
Department of Fish and Wildlife  
103 South Main Street  
Waterbury, Vermont 05671-0501

**Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); CHA File: 8659**

Dear Ms. Shippee:

In accordance with the NEPA process, we are currently developing a Supplemental Environmental Impact Statement for the above referenced project. By way of this letter, we are requesting information regarding the presence of rare, threatened, and endangered species and natural communities that may be impacted by the proposed Champlain Parkway project in Burlington, Vermont.

The Champlain Parkway will connect I-189, at its intersection with U.S. Route 7, with the City of Burlington's City Center District. The enclosed map illustrates the project study area and both Build Alternatives. This information is being requested for inclusion in the Supplemental Environmental Impact Statement.

I have enclosed several earlier correspondences for this project between NNHP and our office regarding rare, threatened, and endangered species for your information.

Please contact me at (518) 453-3951 if you have any questions or require additional information.

Sincerely,

**CLOUGH HARBOUR & ASSOCIATES LLP**

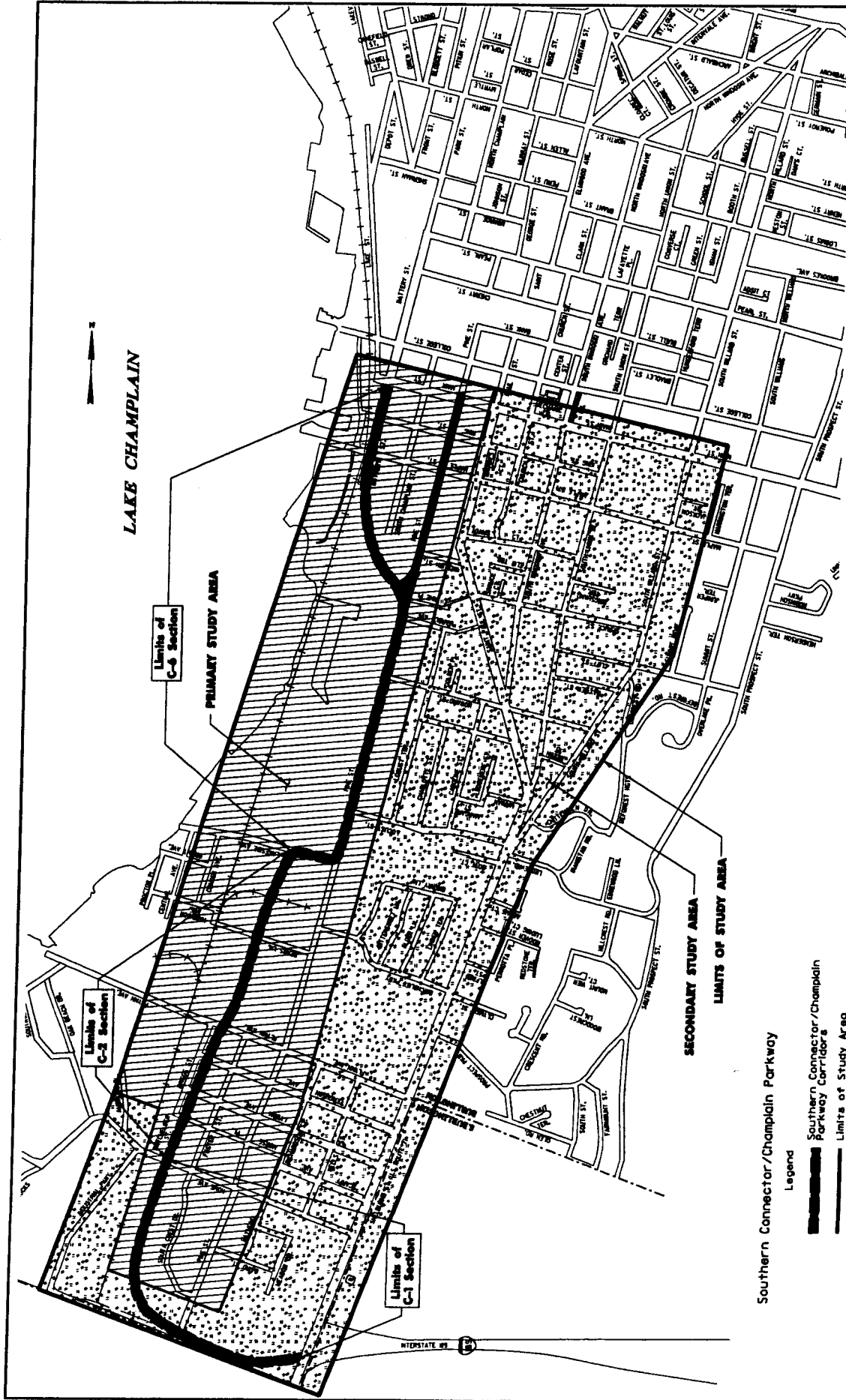
A handwritten signature in black ink that reads 'James P. Shields'. The signature is written in a cursive, flowing style.

James P. Shields  
Project Engineer

JPS/cec

Enclosure

U:\8659\CORR\lettr108.doc



**Southern Connector/Champlain Parkway MEGC-M5000(1)**

**CHA**  
CLONCH HANCOCK & ASSOCIATES LLP  
10000 Lakeshore Blvd., Suite 200, Albany, NY 12208  
Tel: 518-435-1000

**FIGURE 3-1**  
**STUDY AREA LIMITS**

**Southern Connector/Champlain Parkway**

**Legend**

- Southern Connector/Champlain Parkway Corridor
- Limits of Study Area
- Primary Study Area
- Secondary Study Area

Scale: 1"=1000'



# State of Vermont

## AGENCY OF NATURAL RESOURCES

Department of Fish and Wildlife  
Department of Forests, Parks and Recreation  
Department of Environmental Conservation



DEPARTMENT OF FISH AND WILDLIFE  
103 South Main Street, 10 South  
Waterbury, Vermont 05671-0501

Tel.: (802) 241-3700  
TDD: 1-800-253-0191

**Nongame & Natural Heritage Program**  
3 June 2003

James Shields  
Clough, Harbour & Associates  
PO Box 5269  
Albany, NY 12205-0269


Re: Southern Connector, Burlington, Vermont  
CHA File: 8659

Dear Mr. Shields:

I am responding to your request for our review of the above-referenced site. A search of our database reveals no known occurrences of significant natural communities or rare, threatened, or endangered animals or plants along the route of the proposed Southern Connector. For your information, our program has not conducted a field inventory of the site in response to your request.

We request that the NNHP be kept current on any major changes or additions to the project design. Please contact me, or Everett Marshall (241-3715), if you have any questions.

Sincerely,



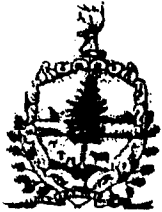
Jodi Shippee  
Nongame Wildlife Technician/Database Assistant  
Tel: 802-241-4230  
Email: [jodi@fwd.anr.state.vt.us](mailto:jodi@fwd.anr.state.vt.us)

cc: Everett Marshall, Biologist/Data Manager

**RECEIVED**

JUN 09 2003

Clough, Harbour & Associates LLP



State of Vermont

AGENCY OF NATURAL RESOURCES

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation



DEPARTMENT OF FISH AND WILDLIFE
103 South Main Street, 10 South
Waterbury, Vermont 05671-0501

Tel.: (802) 241-3700
TDD: 1-800-253-0191

Nongame & Natural Heritage Program
23 July 2003

James Shields
Clough, Harbour & Associates
PO Box 5269
Albany, NY 12205-0269

Re: Southern Connector, Burlington, Vermont
CHA File: 8659

Dear Mr. Shields:

On 03 June 2003 I wrote to you stating that a search of our database revealed no known occurrences of significant natural communities or rare, threatened, or endangered animals or plants along the route of the proposed Southern Connector. While this is still the case, it has since come to my attention that a State-endangered plant species, Juncus torreyi, is known from several locations in the general vicinity and could be found in appropriate habitat along the route of the Southern Connector as well. NNHP botanist Bob Popp would like to survey the route for this rare species. To facilitate this survey, could you please send a more detailed map of the project route to Bob Popp, Dept. of Fish and Wildlife, 5 Perry Street Suite 40, Barre VT 05641-4266, along with a note granting permission to access the property. If additional landowners will need to be contacted, please advise Mr. Popp of this as well.

Alternatively, a consulting botanist familiar with Juncus torreyi could be contracted to conduct the survey. Please contact Bob Popp (476-0127) if you would like to pursue this avenue.

I apologize for the revised recommendations and thank you for your understanding. Please contact me or Bob Popp if you have any questions.

Sincerely,

[Handwritten signature]

Jodi Shippee
Nongame Wildlife Technician/Database Assistant
Tel: 802-241-4230
Email: jodi.shippee@anr.state.vt.us

RECEIVED
JUL 28 2003
Clough Harbour & Associates LLP

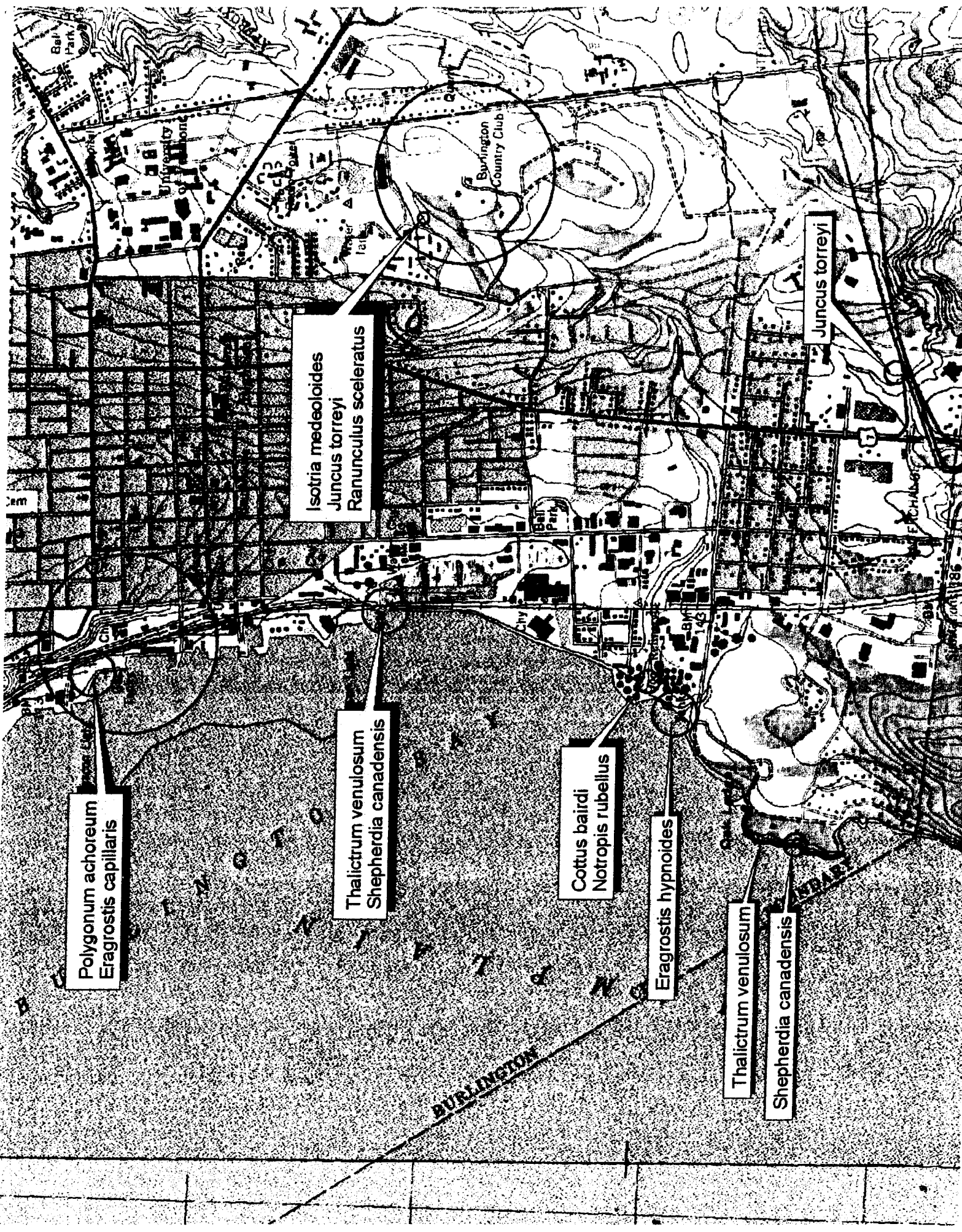




**This email and any files transmitted with it are confidential and intended solely for the individual or business related contents.**

**Vermont Nongame and Natural Heritage Program  
Vermont Fish and Wildlife Department  
Biotics Database**

		EO #	State Rank	State Status	Last Observed
<b>BARGE CANAL</b>					
Shepherdia canadensis	Canada Buffaloberry	9	S3		1982
Thalictrum venulosum	Border Meadow-rue	8	S3		1982
<b>BURLINGTON COUNTRY CLUB</b>					
Isotria medeoloides	Small Whorled Pogonia	1	SH	E	1909
<b>BURLINGTON RR YARD SITE</b>					
Eragrostis capillaris	Lace Love-grass	6	S2S3		1980-08-02
Polygonum achoreum	Blue Knotweed	1	S2		1983-07-25
<b>ENGLESBY BROOK</b>					
Cottus bairdi	Mottled Sculpin	5	S2		1994-06-10
Notropis rubellus	Rosyface Shiner	6	S3		1998
<b>FARRELL STREET (AKA O'DELL PARKWAY)</b>					
Juncus torreyi	Torrey's Rush	7	S1	E	2003-09-26
<b>OAK LEDGE</b>					
Eragrostis hypnoides	Creeping Love-grass	14	S2S3		1991-08-28
Shepherdia canadensis	Canada Buffaloberry	2	S3		1991-07-30
Thalictrum venulosum	Border Meadow-rue	2	S3		1982
<b>REDSTONE CAMPUS</b>					
Juncus torreyi	Torrey's Rush	12	S1	E	2001-10-31
Ranunculus sceleratus	Cursed Crowfoot	10	S2		2001-10-31



Polygonum achoreum  
Eragrostis capillaris

Isotria medeoloides  
Juncus torreyi  
Ranunculus sceleratus

Thalictrum venulosum  
Shepherdia canadensis

Cottus bairdi  
Notropis rubellus

Eragrostis hypnoides

Thalictrum venulosum  
Shepherdia canadensis

Juncus torreyi

BURLINGTON



CLOUGH HARBOUR & ASSOCIATES LLP

December 3, 2008

Mr. Michael J. Amaral  
Endangered Species Specialist  
United States Department of the Interior  
Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

**Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); CHA File: 8659**

Dear Mr. Amaral:

In accordance with the NEPA process, we are currently developing a Supplemental Environmental Impact Statement for the above referenced project. By way of this letter, we are requesting information regarding the presence of rare, threatened, and endangered species and natural communities that may be impacted by the proposed Champlain Parkway project in Burlington, Vermont.

The Champlain Parkway will connect I-189, at its intersection with U.S. Route 7, with the City of Burlington's City Center District. The enclosed map illustrates the project study area and both Build Alternatives. This information is being requested for inclusion in the Supplemental Environmental Impact Statement.

I have enclosed copies of earlier correspondences for this project provided by your office regarding rare, threatened, and endangered species for your information.

Please contact me at (518) 453-3951 if you have any questions or require additional information.

Sincerely,

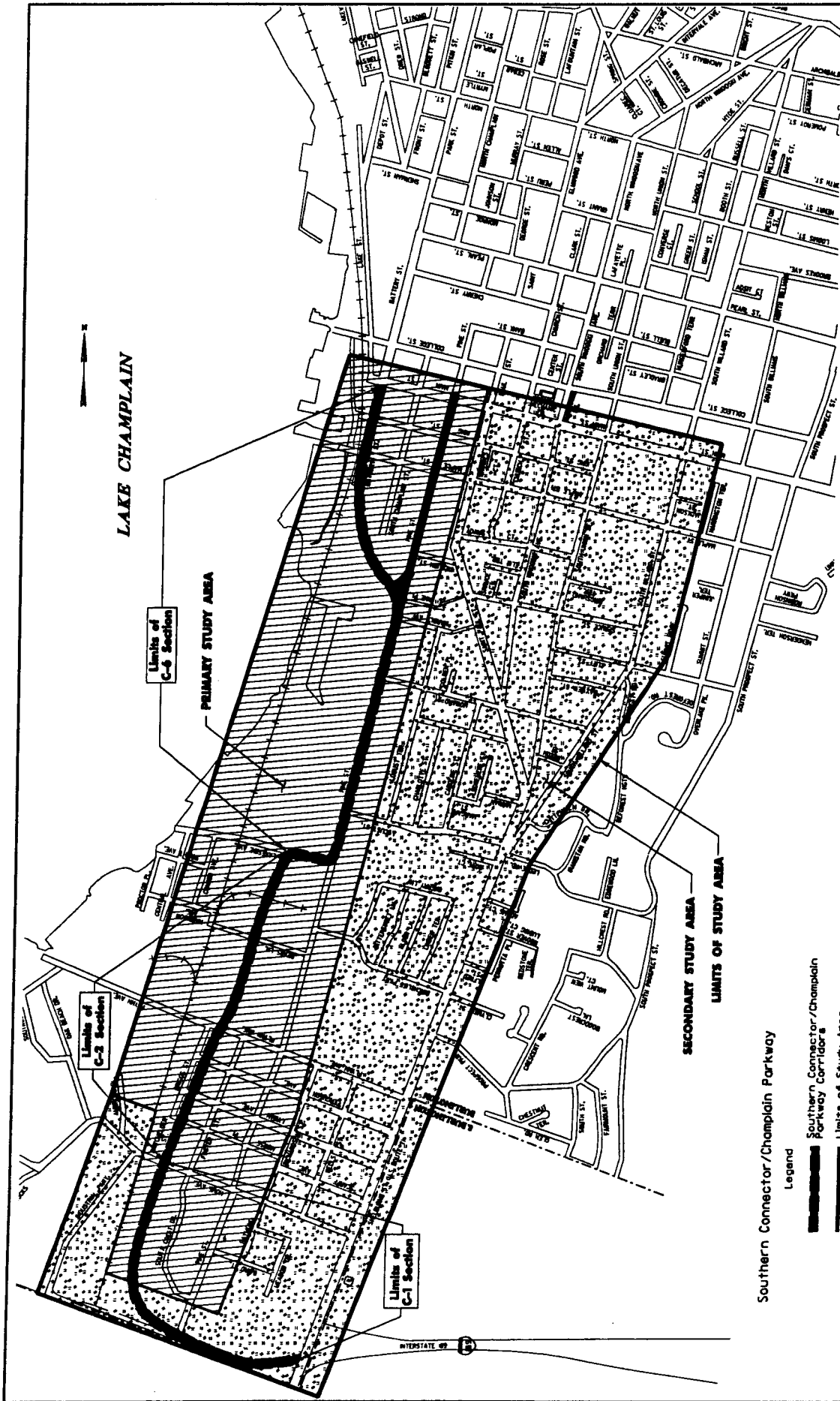
**CLOUGH HARBOUR & ASSOCIATES LLP**

James P. Shields  
Project Engineer

JPS/cec

Enclosure

UA8659\CORR\lettr109.doc



Southern Connector/Champlain Parkway MEGC-M5000(1)





FIGURE 3-1

STUDY AREA LIMITS



Southern Connector/Champlain Parkway

Legend

-  Southern Connector/Champlain Parkway Corridor
-  Limits of Study Area
-  Primary Study Area
-  Secondary Study Area

Scale: 1"=1000'



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

September 2, 2005

Reference: Project Location  
Draft supplemental EIS, Champlain Parkway Burlington, VT  
CHA file 8659

James Shields  
Clough, Harbour & Associates LLP  
111 Winners Circle  
P.O. Box 5269  
Albany, NY 12205-0269

Dear Mr. Shields:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Michael J. Amaral  
Endangered Species Specialist  
New England Field Office

**RECEIVED**

SEP 06 2005

Clough, Harbour & Associates LLP



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

June 17, 2003

Reference:                      Project                                      Location  
   DSEIS, Champlain Parkway, Southern Connector      Burlington, VT

James Shields  
Clough, Harbour & Associates LLP  
111 Winners Circle  
P.O. Box 5269  
Albany, NY 12205-0269

Dear Mr. Shields:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

*Michael J. Amaral*  
Michael J. Amaral  
Endangered Species Specialist  
New England Field Office





CLOUGH HARBOUR & ASSOCIATES LLP

December 8, 2008

Ms. Martha Lefebvre  
Senior Project Manager  
United States Army Corps of Engineers  
8 Carmichael Street, Suite 205  
Essex Junction, VT 05452

**Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); CHA File: 8659**

Dear Ms. Lefebvre:

In November 2006, a Draft Supplemental Environmental Impact Statement (DSEIS) for the above referenced project was released for public/agency review and comment. A copy was provided to your office. The United States Environmental Protection Agency (EPA) provided comments on the DSEIS in a December 21, 2006 correspondence (see attached). We are requesting your assistance with two of their comments, "Wetland Permitting" and "Wetland Mitigation".

First, the EPA's comment regarding wetland permitting requests that we coordinate with you to determine if the project is eligible for review under the Vermont General Permit or if an individual permit would be required. Based on our previous discussions regarding wetland impacts resulting from this project and your review of the DSEIS, please provide us with direction on which permit review process would apply to the Southern Connector/Champlain Parkway.

Second, the EPA's comment regarding wetland mitigation states their concerns that mitigation for the Northern Connector is being applied to the Southern Connector/Champlain Parkway. In 1995, the EPA provided comments on an earlier DSEIS for the Southern Connector project and commented on the use of the Northern Connector wetland mitigation site being applied to this project, stating that "the wetland mitigation provided for the Northern Connector was poorly managed and inconsistent with the permit conditions in the Corps authorization for that project". They have requested that the Final SEIS present information about the status of the Northern Connector mitigation site, and how the issues which were previously raised have been resolved. Any information that your office may provide regarding the original permit conditions for the Northern Connector and the EPA's requested information would be appreciated.

I have enclosed copies of earlier correspondences for this project between our offices for your information.

Please contact me at (518) 453-3951, if you have any questions or require additional information.

Sincerely,

James P. Shields  
Project Engineer

JPS/cec

Enclosure

U:\8659\CORR\letr110.doc



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE  
REGIONAL ADMINISTRATOR

December 21, 2006

Kenneth R. Sikora, Jr.  
Environmental Program Manager  
Federal Highway Administration  
P.O. Box 568  
Montpelier, Vermont 05601

Re: Draft Supplemental Environmental Impact Statement Southern  
Connector/Champlain Parkway Project Chittenden County, Vermont CEQ # 20060460

Dear Mr. Sikora:

The Environmental Protection Agency, in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, has reviewed the Federal Highway Administration's Draft Supplemental Environmental Impact Statement (DSEIS) for the Southern Connector/Champlain Parkway project in Burlington, Vermont.

The DSEIS evaluates proposed changes to portions of a previously approved 2.3 mile alignment extending from the I-189 interchange with Shelburne Street (US Route 7), northerly and westerly to the Burlington, Vermont City Center District (CCD). This highway segment, known as the Burlington Southern Connector/Champlain Park Way Project, is intended to relieve severe traffic congestion and safety problems in the southern part of the City of Burlington. An EIS for this project was completed in 1979, at which time an alignment composed of three sections, C-1, C-2, and C-8 was approved by the FHWA/VAOT. Of these, the .6 mile C-1 Section is the only portion of the previously approved connector roadway that has been constructed. According to the SDEIS, the proposed section C-8 (which was to have traversed the Pine Street Barge Canal Superfund Site) was eliminated from further consideration and alternative alignment C-6 was advanced. Alignment C-6 will avoid the Superfund site and will follow the existing roadway network to provide access to the CCD.

The primary focus of our review of the SDEIS was the C-6 section of the preferred alternative (Build Alternative 2) and the potential for negative impacts to the remedy at the Pine Street Barge Canal Superfund site ("the Site"). We have rated the SDEIS "LO-1 Lack of Objections—Adequate Information" in accordance with EPA's national rating system, a description of which is attached to this letter. Although we have no objection to the project as proposed we have enclosed comments in the attachment to this letter that would like to see addressed in the FEIS. Thank you for the opportunity to review the

617-918-1010

Internet Address (URL) • <http://www.epa.gov/region1>

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SDEIS. Please contact Timothy Timmermann of EPA's Office of Environmental Review  
at (617) 918-1025 with any questions.

Sincerely,

Handwritten signature of Robert W. Varney in black ink, consisting of a stylized 'R' followed by 'W. V.' and a long horizontal flourish.

Robert W. Varney  
Regional Administrator

Enclosure

**Additional Detailed Comments on the SDEIS for the Southern  
Connector/Champlain Parkway Project Chittenden County, Vermont**

**Land-use Restrictions**

We note that significant land-use restrictions exist (for the purpose of protecting human health and the environment) for the parcels on the west side of Pine Street, between Lakeside Avenue and Kilburn Street and understand that the restrictions have been considered during the development of the alternatives. We recommend that the FEIS include an expanded discussion in sections 3.3 and 4.3 of these land-use restrictions, in particular the prohibition on excavation greater than five feet and the restriction on causing changes in hydrogeological conditions that will likely cause migration of contaminated groundwater to Lake Champlain.

**Excavation along Pine Street**

Based on our review of the C-6 section of Build Alternative 2 described in the DSEIS we believe the construction is unlikely to have a negative impact on the remedy at the Pine Street Barge Canal Superfund site. EPA reviewed and commented on a geotechnical engineering report for the Superfund project prepared by Clough Harbour & Associates LLP in February 2005. At that time, it was expected that Pine Street would be widened by as much as five feet and that excavation to depths greater than five feet would be required to provide adequate bedding for the road, and for the relocation of existing utilities and installation of new utilities. We note that existing land-use restrictions require that workers conducting excavations deeper than five feet must use appropriate protective equipment if they are to be in contact with soil that exceeds 140 mg/kg total PAH. We note our concern for the potential for coal tar to be encountered during the excavation, particularly in the area of the former manufactured gas plant (near borings B-16 and B-17). It is critically important that the field operation and health and safety plans address this possibility so that workers know a) how to recognize that there has been a release of coal tar, and b) what to do to protect both themselves and the environment should this highly mobile and toxic liquid flow into an excavation. The FEIS should clearly identify these safety concerns and how they will be addressed (e.g., included in field operation and health and safety plans) to ensure they are not overlooked.

**Pine Street Historic District**

In addition to the studies listed on pages 3-47 and 3-48 of the SDEIS, a historic resources study was conducted at the Site prior to implementation of the remedial action. The study identified a number of structures (sunken barges, boathouse and marine railway remains, drawbridge, cribbing) that are believed to be eligible for the National Register of Historic Places. Also, historic cribbing encountered during construction of the weir at the Pine Street site was photographed and documented.

The historic resources study (*Pine Street Canal Superfund Site, Burlington, Chittenden County, Vermont, Historic Resources Study*, John Milner Associates, May 2001) and the

historic cribbing report (*Photodocumentation of Historic Canal Cribwork Identified During Construction of the Pine Street Canal Weir, Burlington, Chittenden County, Vermont*, John G. Crock, Consulting Archaeology Program, University of Vermont, November 2001) are accessible as links from the Pine Street website (go to [www.epa.gov/ne/superfund/sites](http://www.epa.gov/ne/superfund/sites) and search for "Pine Street"). We recommend that both of these studies be referenced in the FEIS as they further support the designation of the Pine Street Historic District.

#### Stormwater Management

Please note the following correction: Page 4-83 of the SDEIS notes that the weir at the outlet of the canal and turning basin to Lake Champlain has resulted in the 42-inch CMP outlet being submerged. We note that the 42-inch CMP outlet is not submerged during periods of seasonally-low water levels in the canal, turning basin and lake.

#### Wetland Permitting

The DSEIS indicates the Army Corps of Engineers (ACOE) plans to issue Nationwide permits for this project. The ACOE no longer issues Nationwide permits in the state of Vermont. The FEIS should be revised to reflect this change and to report whether or not the project is eligible for review under the Vermont General Permit (GP). More information regarding the permit process can be obtained from Martha Lefebvre of the ACOE below:

Martha Lefebvre, Senior Project Manager  
U.S. Army Corps of Engineers  
8 Carmichael Street, Suite 205  
Essex Junction, Vermont 05452  
[Martha.a.lefebvre@usace.army.mil](mailto:Martha.a.lefebvre@usace.army.mil)  
(802) 872-2893.

#### Wetland Mitigation

The SDEIS and previous documents generated in support of the proposed project have maintained that the wetland mitigation performed for the Northern Connector Highway project would offset the impacts of the current project. Comments we offered in 1995 on the previous SDEIS pointed out our understanding at that time that the wetland mitigation provided for the Northern Connector was poorly managed and inconsistent with the permit conditions in the Corps authorization for that project. It would be helpful if the FEIS presented more information about the status of the mitigation site and how those outstanding issues raised in our previous comments were resolved. We remain concerned, however, that mitigation for the Northern Connector is being applied to the current proposal and ask that the FEIS clearly identify the mitigation commitments for the Burlington Southern Connector/Champlain Park Way Project and distinguish the mitigation measures from other previously approved projects.

**Invasive Species Control**

**We recommend that FEIS address the presence, control of and potential for elimination of wetland invasive plant species found in the project corridor.**

## **Summary of Rating Definitions and Follow-up Action**

### **Environmental Impact of the Action**

#### **LO—Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### **EC—Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### **EO—Environmental Objections**

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### **EU—Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### **Adequacy of the Impact Statement**

#### **Category 1—Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### **Category 2—Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### **Category 3—Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

**Shields, James**

---

**From:** Gozalkowski, Dale  
**Sent:** Wednesday, November 08, 2006 4:52 PM  
**To:** Marty Lefebvre (martha.lefebvre@nae02.usace.army.mil)  
**Cc:** Shields, James  
**Subject:** Burlington Southern Connector DSEIS Issued

Good afternoon,

I was just catching up on a few loose ends related to this project and I noticed that we did not include a letter in the correspondence section of this document regarding the limited wetland and waterbody issues that were involved.

Our current timeline on this project includes a Public Hearing in Burlington on November 30, 2006 and the comment period for the DSEIS is complete on December 29, 2006.

We sent the DSEIS to the following address; however, it was returned undeliverable.

United States Army Corps of Engineers  
Environmental Analysis Branch  
New England Division  
424 Trapelo Road  
Waltham, MA 02254-9149

Is the current/correct address for EIS review the following or should we send it directly to you?

US Army Engineer District, New England, CENAE  
696 Virginia Road  
Concord, MA 01742-2751  
(978) 318-8220

I also wanted to let you know that this document is available on CD or can be viewed on the Vermont Agency of Transportation's website under the "spotlight" section on the home page.

Please contact me (518) 453-4551 or via e-mail at your earliest convenience so we can be sure to get the document to the appropriate location in a timely manner and also bring closure to the wetland and waterbody issues that we discussed previously.

Thanks,  
Dale



**Shields, James**

---

**From:** Lefebvre, Martha A NAE [Martha.A.Lefebvre@nae02.usace.army.mil]  
**Sent:** Wednesday, June 21, 2006 7:47 AM  
**To:** Shields, James  
**Cc:** Lefebvre, Martha A NAE  
**Subject:** RE: Southern Connector - Burlington, VT. - Wetland Determination

Hi Jim

I'll need to take a look at the file and refresh my memory. Let me get back to you.

Marty

---

**From:** Shields, James [mailto:jshields@cha-llp.com]  
**Sent:** Tuesday, June 20, 2006 3:23 PM  
**To:** Lefebvre, Martha A NAE  
**Subject:** RE: Southern Connector - Burlington, VT. - Wetland Determination

Marty,

It's been some time since we have coordinated on this project, but we are again in the process of finalizing the DSEIS for the Southern Connector/Champlain Parkway project for FHWA's review.

I don't believe that we ever received your written determination for the wetlands impacted by Section C/1 and Section C/2 as discussed in the correspondence below.

Would it be possible for you to send me a determination for inclusion in the DSEIS.

Also, due to the long history involved with this project, we received comments from VTrans and FHWA regarding statements in the 1997 FSEIS for the project.

The following statements regarding previous wetland mitigation are from the 1997 FSEIS.

*"Englesby Ravine is oriented east to west with a small stream which discharges to Lake Champlain. This wetland system is considered a Class III wetland under state statute, and a water (wetlands) of the U.S. under federal statutes. Since the C-2 Section of the Southern Connector/Champlain Park Way is oriented south to north and the area is heavily developed, Englesby Ravine cannot be avoided. Construction of a span or pile supported bridge over the ravine to avoid wetland impacts is not considered to be a cost-effective alternative. The impact area has been minimized, and wetland impacts have already been mitigated as part of the natural resource remediation performed in conjunction with the previously approved and constructed Northern Connector portion of the original project. For project work in this wetland, a letter will be submitted notifying the ACOE that this crossing qualifies under Nationwide Permit provisions of Section 404 of the Clean Water Act. The Nationwide Permit notification will be prepared and submitted in advance of construction. This letter, along with project plans, will serve as the ACOE - Section 404 permit document.*

*The mitigation of wetland impacts, as required under the Vermont Wetland Rules (Section 8.5(b)), must be achieved by compensation of wetland functions and values of the wetland areas altered. As previously indicated, the impact area has been minimized, and wetland impacts have already been mitigated as part of the natural resource remediation performed in conjunction with the previously approved and constructed Northern Connector portion of the original project."*

We were directed to contact the ACOE for the original (1970's) permit for the Northern Connector to determine the acreage of the wetland mitigation area.

Any assistance you may have with these two issues would be appreciated.

Please give me a call at (518) 453-3951 if you have any questions.

Thanks,

**James P. Shields**  
**Project Engineer**  
Clough Harbour & Associates LLP  
E-mail: [jshields@cha-llp.com](mailto:jshields@cha-llp.com)  
[www.cloughharbour.com](http://www.cloughharbour.com)

---

**From:** Martha.A.Lefebvre@nae02.usace.army.mil [mailto:Martha.A.Lefebvre@nae02.usace.army.mil]  
**Sent:** Monday, August 11, 2003 9:49 AM  
**To:** jshields@cha-llp.com  
**Subject:** RE: Southern Connector - Burlington, VT. - Wetland Determination

Hi Jim

I haven't forgotten you and I apologize for taking so long. Do you need a written determination? I think that's what we discussed in the field.

Marty

-----Original Message-----

**From:** SHIELDS, JAMES [mailto:jshields@cha-llp.com]  
**Sent:** Monday, August 11, 2003 9:37 AM  
**To:** 'Martha.A.Lefebvre@nae02.usace.army.mil'  
**Subject:** Southern Connector - Burlington, VT. - Wetland Determination

Martha,

I am in the process of writing up the section of the Draft SEIS regarding the wetland impacts for the project.

I am not sure how to handle the area that we looked at on June 16<sup>th</sup>. (Wetland A - near Lakeside Avenue)

Has a determination of this wetland been made?

I know that you stated that you would not claim jurisdiction for this wetland, but is there a formal determination?

Please give me a call if you have any questions or require additional information.

Thanks,

**Jim Shields**  
Clough, Harbour & Associates LLP  
3 Winners Circle  
Albany, NY 12205  
Phone: (518) 453-3951  
Fax: (518) 453-8200  
[jshields@cha-llp.com](mailto:jshields@cha-llp.com)

-----Original Message-----

**From:** Martha.A.Lefebvre@nae02.usace.army.mil  
[mailto:Martha.A.Lefebvre@nae02.usace.army.mil]  
**Sent:** Saturday, June 28, 2003 1:46 PM  
**To:** jshields@cha-llp.com  
**Subject:** RE: Southern Connector - Burlington, VT. - Wetland Photos

Thanks Jim

-----Original Message-----

**From:** SHIELDS, JAMES [mailto:jshields@cha-llp.com]

**Sent:** Thursday, June 26, 2003 1:59 PM

**To:** Martha Lefebvre (martha.lefebvre@nae02.usace.army.mil)

**Cc:** GOZALKOWSKI, DALE

**Subject:** Southern Connector - Burlington, VT. - Wetland Photos

Good Afternoon,

Attached are photos of the wetland south of Lakeside Avenue that we looked at on June 16, 2003.

I will be sending you a plan showing the proposed impacts and a letter requesting a determination, as we discussed.

Please give me a call if you have any questions or require additional information.

Thanks,

**Jim Shields**

Clough, Harbour & Associates LLP

3 Winners Circle

Albany, NY 12205

Phone: (518) 453-3951

Fax: (518) 453-8200

[jshields@cha-llp.com](mailto:jshields@cha-llp.com)

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

DEC 17 2008

P.O. Box 568  
Montpelier, VT 05601

December 12, 2008

In Reply Refer To:

Mr. Ron Wanamaker, Chair  
Burlington Historic Preservation Review Committee (HPRC)  
149 Church Street  
Burlington, Vermont 05401

Dear Mr. Wanamaker:

Subject: Southern Connector/Champlain Parkway  
FAP No. MEGC M5000(1)  
Burlington, Vermont  
Draft Supplemental EIS

Thank you for your letter of October 28, 2008 regarding the two build alternatives studied in detail in the Draft Supplemental Environmental Impact Statement (DSEIS) for the Southern Connector/Champlain Parkway project. Your letter primarily stated your objections to our preliminary determinations of effect under Section 106 (36 CFR 800) for both alternatives but also raised a number of issues pertinent to the identification of a preferred alternative for the project including the ability of the alternatives to address the purpose and need for the project, our environmental justice analysis, and miscellaneous alleged errors in conducting the DSEIS analysis.

FHWA and VTrans will consider the comments in your letter as the NEPA process moves forward. The FSEIS will provide specific responses to your issues, as appropriate, along with those of other comments received on the DSEIS. However, a few limited responses on key issues and errors are appropriate as follows:

Regarding the alternatives' impacts to historic resources, the VTrans' letter of September 12, 2008 provided responses to similar concerns. FHWA is in agreement with VTrans' analyses on the historic preservation issues and participated in the development of the VTrans response. We remind the HPRC that in addition to the Section 106 process, the project must also comply with Section 4(f) requirements. In fact Section 4(f) more strongly influences the selection of a preferred alternative. FHWA considers Alternative No. 2 (Pine Street Alternative) to be a feasible and prudent alternative to the Section 4(f) use that Alternative No. 1 (Battery Street Alternative) would require.

Your letter asserted that FHWA and VTrans incorrectly used the 1997 Selected Alternative as the baseline for comparing alternatives' impacts in the document. That is incorrect. The DSEIS

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appropriately uses the No Build Alternative as the baseline condition in order to analyze impacts. The No Build Alternative is described on page 2-2 of the DSEIS.

Your letter also questioned the integrity of the document based on the statement in our April 11, 2007 letter that the imposition of a new arterial roadway would contribute to the adverse effect of Alternative No. 1 and our failure to draw a similar conclusion for Alternative No. 2. We disagree that there is any inconsistency in our analysis due to this; existing Pine Street currently carries a high volume of trucks and cars, which is not the case along the Alternative No. 1 alignment.

In summary, it strikes us that while there is general agreement on the information contained in the DSEIS, there is disagreement with several of the conclusions drawn. We do understand the HPRC's and the City's strong positions regarding the issues they have raised with Alternative #2. We will weigh those considerations very heavily as we move forward with our decision on this project.

Lastly, we appreciate the level of effort put into your review. If you have any questions please feel free to contact Rob Sikora at 828-4573.

Sincerely yours,



Kenneth R. Sikora, Jr.  
Environmental Program Manager

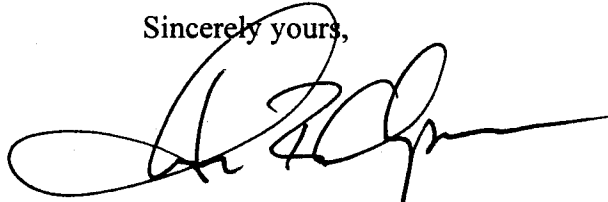
cc: Mr. David Dill, Secretary of Vermont Agency of Transportation  
Mr. Scott Newman, VTrans  
Mr. Bob Kiss, Mayor of Burlington  
Ms. Jane Lendway, Vermont Division for Historic Preservation  
Mr. Jonathan Leopold, Burlington Chief Administrative Officer  
Mr. Steven Goodkind, P.E., Burlington Department of Public Works



cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact Anthony Tur at 603-223-2541 if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'T. Chapman', with a long horizontal flourish extending to the right.

Thomas R. Chapman  
Supervisor  
New England Field Office

RECEIVED JAN 20 2009



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Vermont Division

87 State Street  
Montpelier, VT 05602  
802 828-4434  
802 828-4424 Fax  
Vermont.fhwa@fhwa.dot.gov

January 14, 2009

Mr. David Dill, Secretary  
Vermont Agency of Transportation  
National Life Building  
Montpelier, Vermont 05633-5001

In Reply Refer To:  
HDA-VT

Attention: Mr. Wayne Davis

Dear Mr. Dill:

Subject: Southern Connector/Champlain Parkway  
FAP No. MEGC-M 5000(001)  
Burlington, Vermont  
Final Supplemental Environmental Impact Statement (FSEIS)

As you know, the Draft Supplemental Environmental Impact Statement (DSEIS) for the Southern Connector/Champlain Parkway project was published and circulated in October, 2006. The DSEIS identified Build Alternative 2 (construction of the C-6 Section along Lakeside Avenue and Pine Street) as the Preferred Alternative after a number of meetings between FHWA, VTrans, and the City of Burlington in 2005. Agreement on the Preferred Alternative was reached based on the consideration of several factors discussed in the DSEIS including the ability to satisfy the purposes and needs for the project, the avoidance of historic resources, the Rail Yard, contaminated soils, and estimated project costs.

Subsequent to the publication of the DSEIS, the City of Burlington decided that they could not support advancing Build Alternative 2 over Build Alternative 1 (construction of C-6 Section from Pine Street along an extension of Battery Street through the Rail Yard). The City believes that locating the C-6 Section along Pine Street fails to meet the Purpose and Need for the project despite the satisfactory results in the traffic study. The City also now disputes the preliminary Section 106 determinations for both Build Alternatives as presented in the DSEIS.

With the withdrawal of City support, work on the project has stalled as the City and VTrans have tried to resolve the issues and develop a new agreement on a Preferred Alternative. Consequently, no substantive work has been performed on the project since early 2007. With the requirement (23 CFR 771.129) for a written reevaluation of the DSEIS looming in October, 2009, FHWA has decided on the actions it will take to move the project forward and bring the environmental studies to a close.

**MOVING THE  
AMERICAN  
ECONOMY**



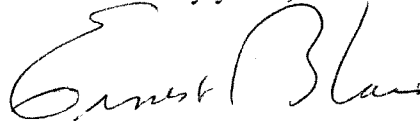


As explained in the DSEIS as well as in previous meetings and correspondence, Section 4(f) precludes FHWA, VTrans, or the City of Burlington from constructing Build Alternative 1. Our determination remains that a new high volume roadway through the Pine Street Historic District would constitute an Adverse Effect under Section 106, and therefore a conversion of protected property to a transportation use under Section 4(f). Build Alternative 2 would be a feasible and prudent alternative since it meets the Purpose and Need for the project and has No Adverse Effect to the Battery Street Historic District when compared to the future No Build scenario. At the same time the City has been abundantly clear that an alternative along Pine Street would be unacceptable for the aforementioned reasons.

Accordingly, it is FHWA's intention to move ahead with the publication of an FSEIS that identifies the No Build Alternative as the Preferred Alternative. A Supplemental DSEIS is not required since the impacts of the No Build Alternative were adequately studied in the DSEIS. We hereby request VTrans' assistance in the preparation of the document by directing that the City of Burlington provide the draft responses to DSEIS comments developed by the consultant and all other materials produced as a result of the federally-funded study.

If you have any questions please feel free to contact Rob Sikora at 828-4573.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ernest J. Blais".

Ernest J. Blais  
Division Administrator

cc: Mr. Bob Kiss, Mayor of Burlington  
Mr. Steven Goodkind, P.E., Burlington Department of Public Works

**Fish & Wildlife Department**  
103 South Main St., #10 South  
Waterbury, Vermont 05671-0501  
[www.VtFishandWildlife.com](http://www.VtFishandWildlife.com)

[phone] 802-241-3700  
[fax] 802-241-3295  
[tdd] 802-828-3345

*Agency Of Natural Resources*  
802-241-3715  
[everett.marshall@state.vt.us](mailto:everett.marshall@state.vt.us)

February 13, 2009

James Shields  
Clough Harbour & Associates  
PO Box 5269  
Albany NY 12205-0269

Re: Champlain Parkway, Southern Connector MEGC-M5000 (1)

Dear Mr. Shields:

I am responding to a letter you wrote to Jodi Shippee. I have reviewed the project for potential impacts to rare, threatened and endangered species and significant natural communities. There are not any significant natural communities in the primary and secondary study area due to the past land use history.

All the species discussed below are listed in a 9/27/2006 printout that you have, which provides latin names, ranks, and status. There are two rare and uncommon fish species that have been documented at the mouth of Englesby Brook, Mottled Sculpin and Rosyface Shiner. Neither species is listed as state threatened or endangered. To avoid or minimize impacts to the rare fish species habitat, the crossing of Englesby Brook should be discussed with our Department's Fish Biologist Bernie Pientka, 802-879-5698, prior to design.

There are three rare and uncommon plant species that have been found along the lake shore or bluff, Creeping Love-grass, Canada Buffaloberry, and Border Meadow-rue. None of these three species are listed as state threatened or endangered. These species will not be impacted unless the road impacts the shoreline and/or bluff immediately above the lake shore. I assume that this is highly unlikely due to the environmental impacts.

Torrey's Rush has been documented just outside of the study area. It is a state endangered species that occurs in damp fields, wet clay soils, and ditches. This species may occur in wet areas along the study area. Recent field work as uncovered a number of new populations in the state. Because it has been found to be more common and less threatened with extirpation in the state the Vermont Endangered Species Committee has proposed that Torrey's Rush will be delisted. However, until it is officially taken off a list a state endangered species permit would be necessary for its taking.

There are two rare to uncommon plant species known from Burlington Railroad Yard, Lace Love-grass and Blue Knotweed. They are disturbance colonizing species. While they may occur in disturbed areas of the proposed project, the Department does not believe that any special measures are necessary to protect these species.



**Fish & Wildlife Department**  
103 South Main St., #10 South  
Waterbury, Vermont 05671-0501  
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[tdd] 802-828-3345

*Agency Of Natural Resources*  
  
802-241-3715  
[everett.marshall@state.vt.us](mailto:everett.marshall@state.vt.us)

Let me now if you have any questions.

Sincerely,

*Everett J. Marshall*

Everett Marshall  
Biologist/Information Manager

cc: Bernie Pientka



Office of  
the Mayor  
Burlington,  
Vermont



**Bob Kiss**  
Mayor  
Room 34, City Hall  
Burlington, VT 05401  
Tel: (802) 865-7272  
Fax: (802) 865-7270  
TDD: (802) 865-7142

March 16, 2009

Ernie Blais, Division Administrator  
Federal Highway Administration - Vermont Division  
87 State Street  
PO Box 568, Room 216  
Montpelier, VT 05601

Re: Champlain Parkway/Southern Connector

Dear Ernie:

Thank you for your call in February regarding the City's progress towards completing the Final Supplemental Environmental Impact Statement for the Champlain Parkway/Southern Connector. I am confirming that the City anticipates completing the FSEIS before the end of April.

There appears to be agreement that while Alternative 2 only partially meets the Purpose and Need of the project, it is the only alternative that can proceed in a timely manner that offers necessary transportation improvements. Therefore, I am committed to Build Alternative 2 – going all the way to the Pine and Main intersection. My commitment to proceed with Alternative 2 is based on my understanding that, at this time, it is the only viable, fully approvable alternative reviewed in the DSEIS. We also intend to proceed with the other permitting necessary to be completed prior to the commencement of construction, including obtaining permits from the Army Corps of Engineers and under Vermont's Act 250 law.

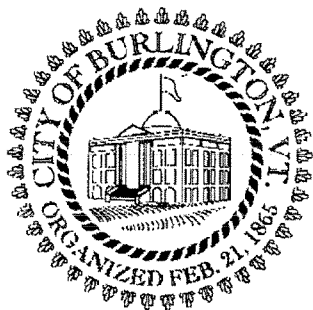
I appreciate your interest in developing a successful project that is good for Burlington and the greater Burlington area. The Department of Public Works will follow up with you on the FSEIS. In the meantime, please do not hesitate to contact me if you have questions or need more information regarding next steps.

With best regards,

A handwritten signature in black ink, appearing to read "Bob Kiss", is written over a large, stylized graphic element that resembles a signature or a large letter "B".

Bob Kiss, Mayor

**Office of  
the Mayor  
Burlington,  
Vermont**



**Bob Kiss**  
Mayor  
Room 34, City Hall  
Burlington, VT 05401  
Tel: (802) 865-7272  
Fax: (802) 865-7270  
TDD: (802) 865-7142

April 8, 2009

Ernie Blais, Division Administrator  
Federal Highway Administration-Vermont Division  
87 State Street  
PO Box 568, Room 216  
Montpelier, VT 05601

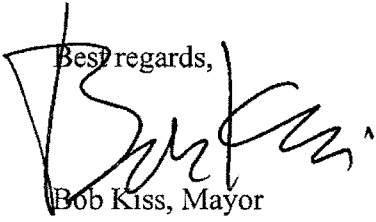
Re: Champlain Parkway

Dear Ernie,

I wanted to confirm that Burlington's Department of Public Works is continuing to move forward on completion of the Champlain Parkway/Southern Connector FSEIS. As we agreed yesterday, completion of this work is likely by late May or early June and not the end of April or early May as initially anticipated. But, work is underway and we are making progress.

Please contact me with any questions or concerns.

Best regards,

  
Bob Kiss, Mayor

cc: Steve Goodkind, DPW Director/City Engineer

Historic Resource Group, Environmental Section  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, VT 05633



Archaeology            802-828-3965    (fax) 828-2334    [duncan.wilkie@state.vt.us](mailto:duncan.wilkie@state.vt.us)  
Historic Preservation   802-828-3964    (fax) 828-2334    [scott.newman@state.vt.us](mailto:scott.newman@state.vt.us)

**MEMORANDUM**

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To:                            Nancy Boone, Acting State Historic Preservation Officer

Date:                            September 15, 2009

Subject:                        Section 4(f) De Minimis Impact Finding Notification

Project Name:                Champlain Parkway / Southern Connector

Project Number:             Burlington MEGC-M5000(1)

Location:                     Burlington, VT

Distribution:                Rob Sikora, FHWA Environmental Programs Manager  
Wayne Davis, VTrans Project Manager  
Jeff Ramsey, VTrans Environmental Specialist  
Environmental Files via John Narowski

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Pursuant to the requirements to qualify as a de minimis impact in accordance with 23 CFR 774.3(b), and based on the Section 106 determination of No Adverse Effect for Build Alternative 2 documented in the FSEIS, I am advising you that FHWA intends to make a finding of de minimis impacts for the above-subject project.

A handwritten signature in blue ink, which appears to be "John Narowski", is located in the bottom left area of the page.

09/15/09

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Historic Preservation Officer      Date