



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

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ER 15/0629

Ms. Rebecca Reyes-Alicea
NEC FUTURE Program Manager
U.S. Department of Transportation
Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004

Subject: Tier 1 Final Environmental Impact Statement (EIS) for the Northeast Corridor Future Rail Investment Plan

Dear Ms. Reyes-Alicea:

The Department of the Interior (Department) has reviewed the Final EIS and Section 4(f) Evaluation prepared by the Federal Railroad Administration (FRA), Northeast Corridor Future, A Rail Investment Plan (NEC Future Plan) for the Northeast Corridor (NEC).

The purpose of the NEC Future Plan is to upgrade aging infrastructure and improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the NEC for both intercity and regional trips, while promoting environmental sustainability and economic growth. The 457-mile corridor connects major metropolitan areas including Washington, DC, Philadelphia, Pennsylvania, New York, New York, and Boston, Massachusetts. The Section 4(f) Evaluation identifies numerous properties in the study area eligible for consideration under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303). The Final EIS states that the FRA selected action alternative that is their Preferred Alternative is Alternative 2 with modifications, but has deferred any Section 4(f) determinations to the Tier 2 analysis. We offer the following comments on this project for your consideration.

Section 4(f) Evaluation and Section 6(f) Comments

The Department appreciates that you continue to coordinate with various agencies regarding this project and the development of the Section 4(f) Evaluation. We encourage continued coordination with these agencies and tribes throughout the life of this project.

The Section 4(f) Evaluation identifies numerous Section 4(f) resources that have the potential for use, as well as a number of Section 4(f) resources that are avoided by the Preferred Alternative. The Department recommends that the FRA make a first tier preliminary Section 4(f) determination on the Section 4(f) resources where feasible and prudent alternatives to their use exists, similar to the provision in the joint Federal Highway Administration and Federal Transit

Administration Section 4(f) regulations at 23 CFR 774.7(e)(1). The Department supports the Preferred Alternative's avoidance of the Patuxent Research Refuge in Maryland, Stewart B. McKinney National Wildlife Refuge in Connecticut, and Pelham Bay Park in New York, and looks forward to continued Preferred Alternative refinement to seek avoidance and minimization options for other Section 4(f) resources, including the John Heinz National Wildlife Refuge.

The Department is currently unable to provide concurrence that there is a no feasible and prudent alternative and that all measures have been taken to minimize harm until there is a proposed Section 4(f) determination. We appreciate and encourage continued interagency communication, in particular directly with the Section 4(f) resource officials with jurisdiction, as you move through the process of the Tier 2 environmental compliance.

We note that there has been extensive consultation with the consulting parties and that a Section 106 Programmatic Agreement (PA) has been developed to resolve any adverse effects. We agree that the PA has established an appropriate process to minimize harm and to mitigate the adverse effect to the Section 4(f) historic resources as you move through the Tier 2 analysis. We would appreciate the opportunity to review any Memoranda of Agreements that are developed.

The Department encourages continued communication with the National Park Service (NPS) on any park use subject to Section 6(f) of the Land and Water Conservation Fund Act. Any conversion to a non-recreational use of parkland that used Section 6(f) grant funds will need to meet NPS conversion requirements.

Final EIS Comments

The Department commends FRA in their selection of the preferred alternative that avoids and minimizes impacts on the National Wildlife Refuge System. The Department looks forward to working closely with FRA in their Tier 2 analysis to further mitigate any adverse impacts. Please continue to coordinate with the Fish and Wildlife Service on impacts under the Endangered Species Act, Fish and Wildlife Coordination Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and National Wildlife Refuge System.

The NPS discovered an omission in previous comments submitted on this project's Draft EIS. Please consider the following resource as you move forward with the Tier 2 analysis:

Wood-Pawcatuck Wild and Scenic River Study

Public Law 113-291, enacted in December 2014, authorized a study of portions of the Pawcatuck Watershed in Connecticut and Rhode Island for potential inclusion in the National Wild and Scenic River System. The legislation identified the following segments for study:

SEC. 3074. STUDIES OF WILD AND SCENIC RIVERS.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by inserting after paragraph (141), as added by section 3041(e), the following:
“(142) BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS, RHODE ISLAND AND CONNECTICUT.—The following segments:

- “(A) The approximately 10-mile segment of the Beaver River from the headwaters in Exeter, Rhode Island, to the confluence with the Pawcatuck River.
- “(B) The approximately 5-mile segment of the Chipuxet River from Hundred Acre Pond to the outlet into Worden Pond.
- “(C) The approximately 10-mile segment of the upper Queen River from the headwaters to the Usquepaugh Dam in South Kingstown, Rhode Island, including all tributaries of the upper Queen River.
- “(D) The approximately 5-mile segment of the lower Queen (Usquepaugh) River from the Usquepaugh Dam to the confluence with the Pawcatuck River.
- “(E) The approximately 11-mile segment of the upper Wood River from the headwaters to Skunk Hill Road in Richmond and Hopkinton, Rhode Island, including all tributaries of the upper Wood River.
- “(F) The approximately 10-mile segment of the lower Wood River from Skunk Hill Road to the confluence with the Pawcatuck River.
- “(G) The approximately 28-mile segment of the Pawcatuck River from Worden Pond to Nooseneck Hill Road (Rhode Island Rte 3) in Hopkinton and Westerly, Rhode Island.
- “(H) The approximately 7-mile segment of the lower Pawcatuck River from Nooseneck Hill Road to Pawcatuck Rock, Stonington, Connecticut, and Westerly, Rhode Island.

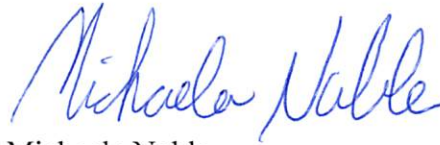
In 2013, the NPS completed a “Reconnaissance Survey” of the areas proposed for study. This document has preliminary information about natural, cultural and recreational resource values now being studied in more depth. This document, along with other information related to the Study, can be downloaded from the web site of the Wood-Pawcatuck Watershed Association, which is serving as a convenor for the partnership-based Study process:
<http://www.wpwa.org/documents/Wild%20and%20Scenic%20River%20Reconnaissance%20Survey%20of%20the%20Wood-Pawcatuck%20Watershed.pdf>

Coordination under the Wild and Scenic Rivers Act should occur related to any new or expanded crossings of the segments listed above, as well as for the general corridor through the Study area. Preliminary route plans contained in the EIS appear to indicate that there could be three new/relocated crossings of the Pawcatuck River within the area under study. The Pawcatuck within this area supports extensive and ecologically significant wetland habitats associated with the river corridor. New routes and new crossings within this area would require coordination under the Wild and Scenic Rivers Act to ensure no adverse impact.

The NPS contact for the Study is Jamie_Fosburgh@nps.gov (617) 223-5191. The target date for completion of the Study is late 2018.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink, reading "Michaela Noble". The signature is fluid and cursive, with the first name "Michaela" and the last name "Noble" clearly distinguishable.

Michaela Noble
Director, Office of Environmental Policy
and Compliance

cc: info@necfuture.com