

ROUTE 15 NORTH JTHG COALITION

BYWAY MANAGEMENT PLAN RECOMMENDATIONS

Route 15 Phase 1 (Leesburg to White's Ferry Road and White's Ferry Road to Montresor)

Journey Through Hallowed Ground Partnership
Coalition for Smarter Growth
Piedmont Environmental Council
Southern Environmental Law Center
National Trust for Historic Preservation

Herein we present our strong suggestions for more closely aligning this road widening project with the goals laid out in the Management Plan for the Journey Through Hallowed Ground (JTHG) National Scenic Byway, authorized by Congress in 2008 and endorsed by the Loudoun County Board of Supervisors in 2008. From the beginning of this process, we have provided input to ensure that any design changes both improve safety and adhere to the JTHG Byway Management Plan. The Route 15 North JTHG Coalition has continued deep concerns that the current proposed design will encourage higher speeds, reduce safety, and diminish the natural, historic, rural and scenic character of the Route 15 National Scenic Byway, which is the primary artery of the region's \$750 million heritage tourism industry.

CONTEXT-SENSITIVE DESIGN ELEMENTS

Context-sensitive design on a National Scenic Byway helps further the goals of safety and operations along the corridor. The "context" in this case is a corridor along which scenic and historic assets are to be protected and preserved for future generations, and to promote compatible economic development. The JTHG Byway Management Plan lays out five parts of this approach:

- Enhancing the visitor experience
- Preserving and maintaining the byway's intrinsic qualities
- Interpretation, heritage tourism and visitor management
- Roadway safety, wayfinding and enhancement
- Stewardship.

As the Federal Highway Administration states:

Context-sensitive design asks questions first about the need and purpose of the transportation project, and then equally addresses safety, mobility, and the preservation of scenic, aesthetic, historic, environmental, and other community values. Context sensitive design involves a collaborative, interdisciplinary approach in which citizens are part of the design team.¹

Safety is a pre-eminent concern along a National Scenic Byway. Visitors must feel that their journey is comfortable and that access to points of interest is secure. Business owners want to ensure that those visitors can easily enter and depart without risk of accident and injury. Along this corridor, increased safety is strongly desired by residents and commuters as well. Adoption of our below recommendations will achieve these shared goals.

- **Incorporate flexible design standards** enshrined in the Federal Highway Administration’s Flexibility in Highway Design. Examples can be found in *National Scenic Byways Program. Lessons from the Road: Case # 2: Design & Maintenance for Byways.*²

- Engage VDOT’s Highway Safety Improvement Program Office, to **ensure that the design furthers the state’s Vision Zero program goals to reduce highway deaths.**

- **Replace the proposed signal with a roundabout** at White’s Ferry Road. It would be safer, would function more efficiently than a signal, would have lower maintenance costs, and would reduce the risk for pedestrians and cyclists negotiating the intersection. A roundabout would also reduce the footprint of the project north and south of the intersection (because turn lanes are not needed), where historic assets and significant environmental concerns exist. It also would allow both north- and south-bound traffic seeking to enter the roadway between White’s Ferry and Montesor roads to turn right and use a roundabout to reverse direction, eliminating the need for dangerous left-hand turns across three lanes of oncoming traffic. This also would eliminate the need for a wide median in this section, where there are historic assets to the east and floodplains to the west.



Workers install geoblocks for construction of a stabilized grass pulloff on Foothills Parkway in Great Smoky Mountains National Park, TN.

- **Construct shoulders** that are 2 feet of pavement (with mumble strips) and 8 feet of grassed geogrid. This treatment is currently used on National Scenic Byways, and prior VDOT improvements on this portion of the corridor (in 2007) incorporated grassed shoulders for the purpose of retaining byway characteristics, at the direction of the then-Deputy Secretary of Transportation. We can provide research³ and examples that demonstrate how it modifies illegal and reckless driver maneuvers, and reassure the Sheriff’s Office and fire and rescue staff that this treatment accommodates heavy vehicles and the safety of its staff.

- **Use timber on steel guardrails and/or curb-and-gutter** in the area of Big and Little Spring, with a constrained median width, to reduce impacts to both the historically significant Big Spring and the brown trout population in Little Spring and downstream.

- **Use timber on steel guardrails and/or curb-and-gutter** instead of wide clear zones where mature trees are within the right of way or work zone, to preserve the existing landscape. This strategy was used in prior VDOT improvements on this portion of the corridor (2007). These are widely used on scenic byways nationwide (see image of this guardrail style on U.S. Route 15 in Connecticut, the Merritt Parkway, at right, which sees 72,000 vehicle trips per day). Both treatments are especially appropriate for the flowering arbor in front of Rockland.



- **Retain unpaved road for the new alignment of Limestone School Road.** The new eastbound section of this road from the roundabout to the original alignment of the road should be unpaved soon after it departs from the intersection. This is part of Loudoun’s Historic Rural Roads



Network, recognized this year as endangered by Preservation Virginia. The road network is now eligible to be placed on the National Register. The America's Routes initiative is actively working to further protect and enhance the roads, which are used by horseback riders, horse-drawn carriages, cyclists, runners, and walkers. See the America's Routes website.⁴

Another issue with this alignment is its failure to address the safety and emergency access issues. Limestone School Road is the access road for NOVA Parks' Temple Hall Farm Park, which draws thousands of visitors to its annual corn maze event in the autumn. Traffic backs up on the narrow road section from the current intersection with Route 15, across the historic one-lane bridge (above) and to the park entrance, around a sharp curve.



Property owners along that section of the road would prefer an alignment through the (former) Whitmore property and NOVA Parks property. This straightened road alignment (which should follow VDOT's unpaved Rural Roads policies) would bypass the historic bridge, reduce safety concerns, and allow for preservation of that portion of the historic unpaved road—which has many limestone outcrops close to the travelway.

• **Engage tourism, economic development, and agricultural stakeholders.** To ensure that the road's redesign has the least amount of negative impact to its scenic, historic, and economic assets, we request that the following organizations, which were not included in the past two years of this project development, be allowed to engage meaningfully and comment upon the design:

- Heidi Siebentritt, Loudoun County Preservation Planner
- Loudoun County Heritage Commission (which requested earlier to be involved) Bob Pollard, pollardra@hotmail.com
- Loudoun Rural Economic Development Council (which earlier expressed concerns about the project) Kelly Foltman, dunthorpe@roadstarinternet.com
- Visit Loudoun, Beth Erickson, erickson@visitloudoun.org
- Virginia Department of Historic Resources, julie.langan@dhr.virginia.gov
- America's Routes, Mitch Diamond, mdiamond9@earthlink.net; Jane Covington, jane@janecovington.com
- Loudoun Farm Bureau, John Adams, adams@rockcrofffarm.com.

ENVIRONMENTAL CONCERNS

This project is within Loudoun's Limestone Overlay District. It is in an area where there have been repeated groundwater contamination events (Raspberry Falls and Selma housing tracts; other private wells have been contaminated). Construction at the developments and at Leesburg Crossing (at the corner of Montresor Road and Route 15) resulted in new sinkholes opening, and the identification of new voids.⁵ A sinkhole on Business Route 15 in north Leesburg (near the schools) has repeatedly opened in the recent past. (New sinkholes opened up during construction of a county courthouse complex in June 2017, costing an additional \$5 million to remediate and 5 months of project delay.)

The Virginia Transportation Research Council has noted issues with road reconstruction in limestone karst areas.⁶ Parts of the project are within the Rust Cave Conservation Area (Rockland property). There is a cave opening next to the roadside on the Rockland property. Sediment that is clearly the product of highway runoff can be seen there.⁷ County maps also show the location of two sinkholes close to the road on the west side of Route 15 along this corridor (one north of Raspberry Falls Drive, one north of Montresor within the project limits).

As a result, this project requires intensive geotechnical studies (including dye tracing) to ensure both against further water contamination and to prevent new sinkholes and collapses in the area. Water retention and runoff accumulation facilities are likely to exacerbate water quality concerns.

Please consult the below authorities and offices to coordinate on this project.

- The Virginia Department of Conservation and Recreation's Karst Protection Coordinator, Wil Orndorff, Karst Protection Coordinator, 540-230-5960, wil.orndorff@dcr.virginia.gov
- Northern Virginia Chapter, Trout Unlimited, Jay Lovering, jaylovering@gmail.com)
- Loudoun Soil and Water Conservation staff, Jay Frankenfield, jay.frankenfield@lswcd.org
- John Odenkirk, regional fisheries biologist, Department of Game and Inland Fisheries, john.odenkirk@dgif.virginia.gov.

Wetlands impacts

This project will inevitably require a permit from the Army Corps of Engineers, because of jurisdictional waters and wetlands within the right-of-way and the proposed construction area. Yet the county has not yet initiated the permit application process with the Army Corps, which creates the risk of additional cost and delay. Prior to authorizing any permit, the Army Corps will be required to comply with Section 106 of the National Historic Preservation Act, which calls for the consideration of alternatives and modifications to the project that would avoid or reduce its adverse effects on historic properties, such as Rockland. The county's postponement of the Army Corps permit may foreclose alternatives, which would delay the approval process, but it also misses the opportunity for a more integrated and efficient planning process. We urge the county to initiate the application process with the Army Corps as soon as possible.

Landscaping

The over-arching goals of the Byway Management Plan are for a naturalistic effect, using Virginia native trees, shrubs, and wildflowers appropriate to the soils and terrain. As noted earlier JTHG has funding available for tree plantings and will commit a portion of that funding to plantings along the corridor, as part of its Living Legacy Program to honor Civil War dead.

We strongly recommend that the county incorporate the goal of moving utility wires underground in planning for the project. And we believe that funding will soon be available to assist in supporting this kind of effort. For example, in July 2020 the U.S. House of Representatives passed the Moving Forward Act, which will help fund our transportation priorities as a nation for the next 5 years. The legislation, expected to pass the Senate would grant access to \$25 billion per year for undergrounding of utility wires, through the National Highway Performance Program. JTHG wishes to work with the county to pursue funding sources such as this to underground utility wires along Route 15.

Other landscaping guidelines in the Byway Management Plan:

- Landscaping approach should be not to over-plan or over-plant. Consult other scenic byways for compatible designs.
- Use landscaping to modify driver behavior (trees in the median; retain trees close to the road; use guardrails where mature trees otherwise would be removed).
- Don't block the viewshed—with exceptions being adding/retaining trees to shield the Raspberry Falls and Leesburg Crossing houses from the road (and as a natural noise barrier).
- Adopt a tree-save approach, to retain mature trees, inventory where trees are removed, and establish a 2 to 1 replacement plan.
- Any required storm-water retention facilities should be natural looking, should take into consideration the karst geology, and should not be sprayed or mowed by VDOT.
- The draft plan includes the use and reference to crimson clover as a plant suggestion. Please replace it with a native(s). It has been noted as invasive in nearby West Virginia. Please consult the Piedmont Chapter of the Virginia Native Plant Society for guidance.

Loudoun Wildlife Conservancy (Michael Myers, Executive Director, mmyers@loudounwildlife.org) has coordinated with VDOT in the past to plant pollinator strips along rights of way in Northern Virginia. The Piedmont Chapter of the Virginia Native Plant Society is another source of guidance (Emily Southgate, ewbsouthgate@gmail.com).

CONCLUSION

Implementing the above concrete actions will more closely align this road widening project with the goals laid out in the Management Plan for the Journey Through Hallowed Ground (JTHG) National Scenic Byway. We continue to work to ensure that this project will improve safety, access, flow, and adhere to the JTHG Byway Management Plan, to ensure protection of its assets into the future. We look forward to a continued partnership with the county, Loudoun citizens, and other local, regional, state and national organizations to achieve these aims.

¹ Federal Highway Administration. *Context Sensitive Design / Context Sensitive Solutions (CSD/CSS)*. FHA: Washington, D.C. FHWA Publication No: FHWA-RC-BAL-04-0015

² U.S. Department of the Interior, National Park Service. 1998. *National Scenic Byways Program. Lessons from the Road: Case # 2: Design & Maintenance for Byways*. U.S. Department of Transportation, Federal Highway Administration: Washington, D.C. FHWA-EP-99-011.

³ MacDonald, E. et al. 2008. The Effects of Transportation Corridors' Roadside Design Features on User Behavior and Safety, and Their Contributions to Health, Environmental Quality, and Community Economic Vitality: A Literature Review. University of California Transportation Center: Berkeley, CA. See "passive safety" vs. "environmental reference," p. 15.

⁴ <https://americasroutes.com/about-the-roads/>.

⁵ Loudoun County Carbonate Area with Mapped Sinkholes.
<https://www.loudoun.gov/DocumentCenter/View/4770/Karst-Map?bidId=>

⁶ Virginia Transportation Research Council: "Final Report Highway Runoff in Areas of Karst Topography."
http://www.virginiadot.org/vtrc/main/online_reports/pdf/04-r13.pdf.

⁷ Citizens recorded the visit by a geologist who entered the cave opening, described his findings, and made a report to the state Karst Protection Office. (Contact Peter Gustafson, petergustafson@me.com, for the video.)

From: Glass, Susan
To: [Glass, Susan](mailto:Susan.Glass@loudoun.gov)
Cc: [Glass, Susan](mailto:Susan.Glass@loudoun.gov)
Subject: FW: FW: Route 15 - impact of Ball's Bluff National Historic Landmark expansion
Date: Thursday, April 18, 2019 12:30:13 PM

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

From: Glass, Susan [mailto:Susan.Glass@loudoun.gov];
Sent: 2/1/2018 11:34:55 AM
To: James.Zeller@VDOT.Virginia.gov [mailto:James.Zeller@VDOT.Virginia.gov];
CC: Kroboth, Joe [mailto:joe.kroboth@loudoun.gov]; Geoff.Giffin@kimley-horn.com [mailto:Geoff.Giffin@kimley-horn.com]; mike.harris@kimley-horn.com [mailto:mike.harris@kimley-horn.com]; Carey, Stacy [mailto:stacy.carey@loudoun.gov]; Taori, Sunil (VDOT) [mailto:Sunil.Taori@VDOT.Virginia.gov];
Subject: FW: Route 15 - impact of Ball's Bluff National Historic Landmark expansion

Jim: Could you please discuss the Section 106 process during the February 28th Stakeholder meeting?

From: Muse, John C. (VDOT) [mailto:John.Muse@VDOT.Virginia.gov]
Sent: Tuesday, September 26, 2017 7:19 PM
To: Zeller, James C., P.E. (VDOT) <James.Zeller@VDOT.Virginia.gov>; Glass, Susan <Susan.Glass@loudoun.gov>
Cc: Bigdeli, Farid, P.E. (VDOT) <Farid.Bigdeli@VDOT.Virginia.gov>; Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Subject: RE: Route 15 - impact of Ball's Bluff National Historic Landmark expansion

Jim,

I believe you captured Section 106 applicability quite well. I would add the Balls Bluff Battlefield Historic District is in listed as a National Historic Landmark (NHL) so there is additional protection for NHLs in federal law and additional procedural requirements in regulation that may come into play. The only advice I can offer is Section 106 is a process which does not always have a definitive timeline.

Lastly, just a slight clarification regarding Section 4(f) and 6(f) processes in your example. Section 4(f) is a regulation specific to FHWA and would apply is there is an "adverse effect" or "no adverse effect" determination to an eligible or listed historic property; therefore, the Section 4(f) process would apply for a FHWA funded project only (Note: Section 4(f) also applies to transportation use of public parks, public recreational areas and public wildlife refuges). However, Section 6(f) process applies to conversion of lands acquired with funds authorized under the Land and Water Conservation Act for state and local recreation projects, most commonly recreational activities on on parklands. Section 6(f) is independent of project funding type and, unlike Section 4(f), has no association to Section 106.

To briefly summarize, Section 106 is about the effect (either direct or indirect) a project undertaking would have on a historic property. Section 4(f) and Section 6(f) are more relative

to use of a protected property for transportation purposes (i.e., right-of-way acquisition).
Hope this helps.

[John C. Muse](#) | District Environmental Manager | Virginia Department of Transportation | 4975 Alliance Drive | Fairfax, Virginia 22030 | 703.259.1215 (o) | 571.641.1176 (c) | 

From: Zeller, James C., P.E. (VDOT)
Sent: Tuesday, September 26, 2017 2:25 PM
To: Glass, Susan
Cc: Bigdeli, Farid, P.E. (VDOT); Muse, John C. (VDOT); Kroboth, Joe
Subject: RE: Route 15 - impact of Ball's Bluff National Historic Landmark expansion

Susan,

A correction regarding the applicability of 106 when non-federal funds are used: Section 106 applies not just when using federal funds but to any federal undertaking. Examples would include but are not limited to:

- Water quality permit authorization from the US Army Corp or Engineers (COE)
- A break in limited access or an out grant agreement for permanent easement on federal property.

If the County administered a project without federal funding but acquisition of a COE permit is required, then, as the Permittee, the County would be responsible for Section 106 coordination with DHR for their Joint Permit Application to the COE.

That said, the 106 process does not have to doom a project. The concept behind the 106 process is similar to how other resources such as wetlands are protected:

1. Avoid the resource if feasible while accomplishing the project's Purpose and Need.
2. If you can't avoid, minimize impacts to the greatest extent feasible.
3. Mitigate the remaining unavoidable impacts to the resource.

A case in point is our Belmont Ridge Road widening at the W&OD Trail: Not only is the W&OD a formally designated historic resource, but it is also a park that was partially acquired with federal funds. It had to go through the 106 process, and the 4(f) / 6(f) processes. Clearly, it was impossible to widen the road and avoid the impact. Impacts were minimized by designing the road to pass over the W&OD. The remaining visual impacts to the resource were mitigated by the mutually agreed benefit the overpass has to park operations. It was a collaborative process with the stakeholders that turned out to be mutually beneficial to all.

I am copying John Muse and asking him to clarify and/or correct as needed in the event I mangled anything. But bottom line: I would not be too stressed about the prospect of undergoing the 106 process on Rte 15.

Jim Z.

From: Glass, Susan [<mailto:Susan.Glass@loudoun.gov>]
Sent: Monday, September 25, 2017 11:47 AM
To: Geoff.Giffin@kimley-horn.com; Phillips, Mark; Mike.Harris@kimley-horn.com; Griffin, Kelly; Kroboth, Joe; Zeller, James C., P.E. (VDOT); Taori, Sunil (VDOT); Bigdeli, Farid, P.E. (VDOT)
Cc: Siebentritt, Heidi
Subject: FW: Route 15 - impact of Ball's Bluff National Historic Landmark expansion

I am resending this email without one of the attachments because the previous email could not be sent outside the County due to the file size of one of the Ball's Bluff NHL maps.

From: Glass, Susan
Sent: Monday, September 25, 2017 11:43 AM
To: Geoff.Giffin@kimley-horn.com; Phillips, Mark <Mark.Phillips@kimley-horn.com>; Mike.Harris@kimley-horn.com; Griffin, Kelly <Kelly.Griffin@loudoun.gov>; Kroboth, Joe <Joe.Kroboth@loudoun.gov>; James.Zeller@VDOT.Virginia.gov; Taori, Sunil (VDOT) <Sunil.Taori@vdot.virginia.gov>; Bigdeli, Farid, P.E. <Farid.Bigdeli@VDOT.Virginia.gov>
Cc: Siebentritt, Heidi <Heidi.Siebentritt@loudoun.gov>
Subject: Route 15 - impact of Ball's Bluff National Historic Landmark expansion

Based on Heidi's email and the information that I've read (see below), I believe that the use of Federal funds to improve Route 15 in the Ball's Bluff National Historic Landmark area will trigger the need to comply with the requirements of Section 106 of the [National Historic Preservation Act of 1966](#).

If non-Federal local and/or state funds are used to improve that portion of the road, the project would not be subject to the Section 106 requirements.

Please let me know if anyone disagrees with my interpretation of this information.
Susan

<https://www.nps.gov/nhl/learn/questions.htm>

Does Landmark designation affect my ability to make changes to my property?

No. Designation of private property as a National Historic Landmark or in the National Register does not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property. The National Park Service may recommend to owners various preservation actions, but owners are not obligated to carry out these recommendations. They are free to make whatever changes they wish if Federal funding, licensing, or permits are not involved. Federal laws that involve National Historic Landmarks are listed in the Federal regulations governing this program, specifically in [36 CFR 65.2 "Effects of Designation" \(c\)\(1-7\)](#).

Owners should keep in mind that state laws or local ordinances may affect National Historic Landmarks if these legal mechanisms recognize and protect Landmarks, independent of Federal law.

<https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools-re/legislation-policy-and-reports/section-106-national-historic-preservation-act-of-1966>

<http://shpo.sc.gov/programs/revcomp/Pages/106process.aspx>

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

From: Siebentritt, Heidi [<mailto:Heidi.Siebentritt@loudoun.gov>];

Sent: 1/17/2017 9:50:17 AM

To: Glass, Susan [<mailto:Susan.Glass@loudoun.gov>];

Subject: RE: Ball's Bluff NHL Info

Susan – see the link below. As we discussed last week, Section 106 may be applicable if a project is considered part of a “federal undertaking” (use of federal funds, permits or land). Section 106 is a process that seeks to determine if a project will have adverse effect on a resource such as Ball’s Bluff. And, if there are, look for mitigation strategies. In this case, if it is determined that federal funds will be used, I assume VDOT would be the official “applicant” for 106. The Department of Historic Resources, in coordination with VDOT would make a determination of effect and proceed to mitigation if necessary. As I said last week, I don’t know if this would be considered a federal undertaking or not based on the pool of funding to be used. I also don’t know the scope of the Rte 15 project and cannot comment on the need at all for 106. This would be something to speak with VDOT about. In short, there is no document that states what you can and cannot do. Just depends on scope of project and funding source. At the maximum, the project may need to be reviewed under Section 106 but that is by no means a show stopper for the project.

<https://www.nps.gov/nhl/learn/questions.htm>

From: Glass, Susan

Sent: Monday, January 16, 2017 6:32 PM

To: Siebentritt, Heidi <Heidi.Siebentritt@loudoun.gov>

Cc: Kroboth, Joe <Joe.Kroboth@loudoun.gov>

Subject: Fw: Ball's Bluff NHL Info

Heidi,

Please reply so that DTCl will have written guidelines as to what can be done/not done to Route 15 within the expanded area.

thanks,
Susan

From: Glass, Susan

Sent: Friday, January 13, 2017 11:43 AM

To: Siebentritt, Heidi

Subject: RE: Ball's Bluff NHL Info

OK, so these maps show the area of expansion, correct?

Assuming that is correct, a portion of the expansion crosses Route 15 to encompass Morven Park. What restrictions exist within the expanded area? Based on our conversation earlier this week, it is my understanding that National Historic Landmark designation does not preclude road improvements, including construction of a shared use path. Please confirm. Is there a document that states what can/cannot occur within the National Historic Landmark area?

thanks

From: Siebentritt, Heidi
Sent: Thursday, January 12, 2017 10:16 AM
To: Glass, Susan <Susan.Glass@loudoun.gov>
Subject: Ball's Bluff NHL Info

Susan,

Attached is the final version of the NHL nomination for Ball's Bluff. Below is a dropbox link which contains the nomination and the map files. You will want to see the location map and the insets most likely. Let me know if you have any problems.

<https://www.dropbox.com/sh/k6rdeax65d9npoh/AADaCyTaoPEjQrVqoQEtfZtca?dl=0>

Heidi Siebentritt

Historic Preservation Planner, Community Planning Division

Department of Planning & Zoning

1 Harrison Street S.E., 3rd Floor
Leesburg, Va 20177-7000
Office: (703) 771-5115

Visit us on the web (click image):



From: Glass, Susan
To: [Glass, Susan](mailto:Susan.Glass@loudoun.gov)
Cc: [Glass, Susan](mailto:Susan.Glass@loudoun.gov)
Subject: FW: FW: Route 15 - Heritage Commission's request
Date: Thursday, April 18, 2019 12:35:58 PM
Attachments: [Route 15.doc](#)

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

From: Glass, Susan [mailto:Susan.Glass@loudoun.gov];
Sent: 2/13/2018 9:51:33 AM
To: James.Zeller@VDOT.Virginia.gov [mailto:James.Zeller@VDOT.Virginia.gov];
CC: Mosurak, Lou [mailto:Lou.Mosurak@loudoun.gov];
Subject: FW: Route 15 - Heritage Commission's request

Jim:

As you can see from the attached letter, the chairman of the Heritage Commission wants to ensure that the design of the proposed widening of Route 15 should take into account the historic and cultural context of the corridor that is reflected in its designations as a National Scenic Byway and National Heritage Area and the context of the historic properties on or adjacent to Route 15. My response to this comment is:

During the design of the improvements to Route 15 between Battlefield Parkway and Montresor Road an assessment of the historical features in the vicinity of the Balls Bluff Battlefield expansion will be conducted to comply with the requirements of Section 106. Additionally I believe the NEPA process also considers historic/cultural impacts.

Additionally, the Heritage Commission wants to review the design for the road improvements. I believe VDOT project development process allows the Heritage Commission to have the opportunity to do just that.

Please confirm and let me know if there are any additional steps that are taken during the design process to consider historic/cultural impacts.

thanks

From: Kroboth, Joe
Sent: Monday, February 12, 2018 9:37 PM
To: Glass, Susan <Susan.Glass@loudoun.gov>; Mosurak, Lou <Lou.Mosurak@loudoun.gov>
Subject: FW: Route 15

Susan, Lou:

Please see the email below and attached letter for information.

Thanks

Joe

From: Merrithew, John E.
Sent: Monday, February 12, 2018 7:38 PM
To: Young, Kenny <Kenny.Young@loudoun.gov>; Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Cc: Barker, Ricky W. <Ricky.Barker@loudoun.gov>
Subject: Route 15

Gentlemen, Bob Pollard, Chair of the Heritage Commission is planning to send the enclosed email to the Board prior to Wednesday's public hearing asking them to involve the Commission in reviewing the road designs for Route 15 because of its historic context. He is not opposing or delaying the CPAM.

Let me know if you see issues with sending the email.

John

From: Glass, Susan
To: [Glass, Susan](mailto:Glass.Susan)
Cc: [Glass, Susan](mailto:Glass.Susan)
Subject: FW: Route 15 - Historic places
Date: Thursday, April 18, 2019 12:33:54 PM
Attachments: [Catoctin Rural Historic District 1988 FINAL Nomination.pdf](#)
[Balls Bluff Battlefield Historic District.pdf](#)

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

From: Glass, Susan [mailto:Susan.Glass@loudoun.gov];
Sent: 2/2/2018 11:48:58 AM
To: Geoff.Giffin@kimley-horn.com [mailto:Geoff.Giffin@kimley-horn.com];
mike.harris@kimley-horn.com [mailto:mike.harris@kimley-horn.com]; [phillips, mark](mailto:Mark.Phillips@kimley-horn.com)
[mailto:Mark.Phillips@kimley-horn.com];
Subject: Route 15 - Historic places

Fyi---

<http://www.nationalregisterofhistoricplaces.com/va/loudoun/districts.html>

<http://www.nationalregisterofhistoricplaces.com/va/loudoun/districts.html>

On Aug 14, 2018, at 3:34 PM, Glass, Susan <Susan.Glass@loudoun.gov> wrote:

Hi Bill,

Based on the current schedule, we anticipate that the Section 106 process will begin in Spring 2019 (between March and June).

We missed you at today's partner agency meeting where we discussed the proposed concepts for the Route 15 Safety and Operations Study with NOVA Parks, PRCS and Bike Loudoun. Perhaps you were recovering from the History Academy.

The Route 15 project team would like to know if Journey Through Hallowed Ground has a preferred Safety and Operations Study concept. The proposed concepts and ballot are posted on the Route 15 web page (www.loudoun.gov/route15) and also accessible via these links: [Concepts](#) and [Ballot](#)

Thanks,
Susan



March 2, 2021

Phyllis Randall, Chair, and Members
Loudoun County Board of Supervisors
P.O. Box 7000
1 Harrison Street
Leesburg, VA 20177

Dear Chair Randall and Members of the Loudoun County Board of Supervisors:

We are writing on behalf of the Journey Through Hallowed Ground (“Journey”), the National Trust for Historic Preservation (“NTHP”), the Southern Environmental Law Center, the Piedmont Environmental Council, the Catoctin Coalition, and the Coalition for Smarter Growth to follow up on the February 2, 2021 letter sent by the Journey regarding the proposed widening of Route 15 between Battlefield Parkway and Montresor Road.¹ As noted in that letter, and in prior correspondence the Journey and NTHP have sent to the County and to the U.S. Army Corps of Engineers (“Army Corps”), respectively, we believe it is clear that: (1) the Army Corps has permitting jurisdiction over this project pursuant to Section 404 of the Clean Water Act;² and (2) the Army Corps’ permitting responsibilities include conducting and coordinating a review of the project’s potential historic resource impacts pursuant to Section 106³ and Section 110(f)⁴ of the National Historic Preservation Act (“NHPA”). Further, the required NHPA review must include coordination with, among others, the Virginia Department of Historic Resources and consulting parties, and the Journey and NTHP hereby reiterate their prior requests to serve as a Section 106 consulting party for this project. We respectfully request a response to this letter that lays out the County’s plans and projected timeline for applying for the necessary Clean Water Act permit and for participating in the historic resource impact review and associated consultation.

¹ See Attachment 1.

² 33 U.S.C. § 1344.

³ 54 U.S.C. § 306108; 36 C.F.R. Part 800; 33 C.F.R. Part 325, App. C.

⁴ 54 U.S.C. § 306107; 36 C.F.R. § 800.10(c); 33 C.F.R. Part 325, App. C.

On June 3, 2020, the Army Corps confirmed the March 6, 2020 “Waters of the U.S. (Including Wetlands) Delineation” submitted by Wetland Studies and Solutions, Inc. (“WSSI”) to the Army Corps for this project’s study area—an approximately 434-acre area along the Route 15 corridor originating north of Battlefield Parkway and terminating 2,000 feet north of Montresor Road—in an approved jurisdictional determination.⁵ This approved jurisdictional determination establishes that there are multiple jurisdictional wetlands and other waters of the U.S. present within the project’s study area. Further, WSSI’s Delineation Map⁶ shows that there are jurisdictional waters located directly adjacent to Route 15, and at least three jurisdictional streams (Big Spring Creek, a tributary to Spring Creek, and Limestone Branch) cross underneath the highway within the project’s proposed footprint, making it difficult to see how the widening project could proceed without disturbing jurisdictional waters and thereby triggering the Clean Water Act and the Army Corps’ associated permitting responsibilities.

Although WSSI’s Delineation Map does not show the proposed limits of disturbance for the project that would provide information on the project’s exact impacts to jurisdictional waters, there are at least three places along the route where those impacts could be substantial: (1) the stream impact area near the Route 15 interchange at the southern end of the project footprint⁷; (2) the stream and wetland impact area along both sides of Route 15 in the vicinity of the intersection with Tutt Lane⁸; and (3) the stream impact area farther north where Limestone Branch crosses Route 15 near the Rockland property.⁹ Based on the information we have available, it appears that impacts in these areas could easily exceed the thresholds that render a project eligible for permitting under the State Programmatic General Permit 17-SPGP-01 (“SPGP”).¹⁰ As such, this project may trigger the need for an individual Clean Water Act Section 404 permit.

Even if more precise limits of disturbance for the project conclusively demonstrate that impacts to waters of the U.S. would fall within the SPGP thresholds, Section V(3) of the SPGP makes clear that the Army Corps still has the discretion to require a project to obtain an individual Section 404 permit based on concerns related to the factors that the Army Corps must

⁵ See Attachment 2.

⁶ See Attachment 3.

⁷ See *id.* at sheet 3 of 6.

⁸ See *id.*

⁹ See *id.* at sheet 5 of 6.

¹⁰ The SPGP authorizes the discharge of dredged or fill material for certain types of projects (including linear transportation projects) as long as their impacts to jurisdictional waters fall under specified levels. See CENAO-WRR State Programmatic General Permit 17-SPGP-01 (last revised Jun. 15, 2017), <https://media.defense.gov/2017/Jun/30/2001771346/-1/-1/1/17SPGP01-29JUNE2017SIGNED.PDF> [hereinafter 17-SPGP-01].

consider as part of its “public interest review” of all permit applications.¹¹ Significantly, one of those public interest factors is a project’s effects on historic properties, and as the County is well aware, the segment of Route 15 proposed for widening runs through an area with a multitude of historic resources. Some examples of these historic properties and resources include the Ball’s Bluff Battlefield Historic District National Historic Landmark, Morven Park, Rockland, and Macaria.¹² And the entire stretch of Route 15 proposed for widening is part of the Catoclin Rural Historic District, and the Journey Through Hallowed Ground, the 180-mile corridor from Gettysburg to Charlottesville that Congress has declared a National Heritage Area. As such, if additional information indicates this project could be eligible for the SPGP, our groups are likely to strongly urge the Army Corps to exercise its discretion to require an individual permit for this project based on its impacts to historic and other resources.

Regardless of whether the application is processed as an individual permit or under the SPGP, the Army Corps is required to conduct and coordinate a review of the project’s potential impacts to historic resources under Section 106 of the NHPA.¹³ Importantly, the locations of some of the many historic resources within the study area directly overlap with or adjoin jurisdictional waters located along the project route. Indeed, Big Spring Creek crosses under the Route 15 interchange along the southern edge of Morven Park. A tributary to Spring Creek flowing from a significant limestone spring also crosses Route 15 within the Ball’s Bluff Battlefield Historic District National Historic Landmark, and Limestone Branch crosses Route 15 in the northwestern portion of the Rockland property. As a result, an assessment of potential impacts to these and other historic resources must be part of the Army Corps’ review of this project regardless of whether its jurisdiction extends to the entire length of the project or just the areas where waters of the U.S. would be impacted. Moreover, the Army Corps’ own regulations explicitly require that “[t]he Corps . . . will consider the effects of undertakings on any *known* historic properties that may occur *outside the permit area.*”¹⁴

¹¹ See 33 C.F.R. § 320.4(a).

¹² For a description of several of these historic resources, please see Attachment 4, the November 26, 2018 letter the NTHP sent to Ronald H. Stouffer, Jr. with the Army Corps. The Journey forwarded NTHP’s letter to Joe Kroboth, the Director of the County’s Department of Transportation and Capital Infrastructure, on December 14, 2018. Attachment 5.

¹³ 17-SPGP-01 at § V(8) (“In cases where the Corps determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act have been satisfied.”). The Army Corps’ Nationwide Permits (NWPs) include General Condition #20, which explicitly requires compliance with Section 106. See 86 Fed. Reg. 2744, 2869-70 (Jan. 13, 2021); 82 Fed. Reg. 1860, 2000-01 (Jan. 6, 2017). And Section 106 requirements must also be met during review of individual permits. 54 U.S.C. § 306108; 33 C.F.R. Part 325, App. C.

¹⁴ 33 C.F.R. Part 325, App. C, § 5.f. (emphasis added).

It is also clear that, regardless of the type of Clean Water Act permit utilized here, the Section 106 review process must include coordination with the Virginia Department of Historic Resources (“VDHR”) and other consulting parties. Pursuant to the “Norfolk District Standard Operating Procedures for Section 106 Coordination with the Virginia Department of Historic Resources” (“Norfolk District/VDHR Section 106 SOPs”), this project clearly cannot qualify for “Streamlined Review” (under which Section 106 coordination with VDHR is not required) because there are known historic resources within the project area as well as the area of potential effects for indirect effects.¹⁵ As a result, coordination with VDHR is required and the “Coordination Procedures” laid out in Section III of the Norfolk District/VDHR Section 106 SOPs must be followed.¹⁶ Those coordination procedures make clear that VDHR and identified consulting parties are to be involved as the Army Corps develops its assessment of effects on historic properties.¹⁷ The Journey has previously made clear to the County its desire to be a Section 106 consulting party in this process due to its concerns with the potential effects of the project on historic resources that help define this portion of the Journey Through Hallowed Ground National Heritage Area.¹⁸ Similarly, NTHP has previously informed the Army Corps of its interest in being a Section 106 consulting party on this project.¹⁹ Both organizations respectfully restate those requests here.

In closing, we remain concerned about the significant risks the County and its taxpayers face if the County unduly delays working with the Army Corps and the other agencies to ensure the requirements of the Clean Water Act and the NHPA are met for the proposed Route 15 North widening project. We also remain extremely concerned about the risks to the extraordinary array of historic resources located along Route 15 that are threatened by the proposed project. We fear

¹⁵ See Norfolk District Standard Operating Procedures for Section 106 Coordination with the Virginia Department of Historic Resources (VDHR) at § II (last revised Jul. 2018), https://www.nao.usace.army.mil/Portals/31/docs/regulatory/commonreq/Historic%20Resources_SOP_July%202018_FINAL.PDF?ver=2018-08-09-102950-003 [hereinafter Norfolk District/VDHR SOPs]. The Norfolk District & VDHR Programmatic Streamlined Activities List (Jul. 2018), referenced in section II of the Norfolk District/VDHR SOPs, also explicitly lists the SPGP, NWP #14 (the NWP that is available for certain linear transportation projects), and individual permits as ineligible for streamlined review. See also Attachment 2, “Supplemental Preapplication Information” (noting, as part of the documentation associated with the Corps’ approved jurisdictional determination, that known historic properties, architectural resources, and archaeological resources are located along the project route, and that known historic resources are also located in the vicinity of the study area).

¹⁶ See Norfolk District/VDHR Section 106 SOPs at § II.

¹⁷ See id. at § III(C); § III(F); and § V. Further, since part of the project will take place within the boundaries of the Ball’s Bluff Battlefield Historic District National Historic Landmark, the Corps will also be required to coordinate with the Secretary of the Interior (via the National Park Service) pursuant to Section 110(f) of the NHPA. 54 U.S.C. § 306107; 36 C.F.R. § 800.10(c); see also Norfolk District/VDHR Section 106 SOPs at § IV.

¹⁸ See Attachment 5.

¹⁹ See Attachment 6.

that the closer this project gets to a final design without having gone through the proper review and consultations under the NHPA, the more the review and consultations risk becoming a “box to be checked” rather than the careful consideration of impacts, avoidance strategies, and mitigation options that they need to be. In addition, belated Section 106 consultation could lead to the conclusion that the County has unlawfully foreclosed the ability of the Advisory Council on Historic Preservation to comment on the undertaking, pursuant to 36 C.F.R. § 800.9(b), which could put at risk the County’s ability to obtain approval from the Corps.

We respectfully request that you provide us with a response within the next two weeks that explains the County’s plans and projected timeline for applying for the necessary Clean Water Act permit and for participating in the historic resource impact review the NHPA requires.

Sincerely,



William Sellers
President and CEO
The Journey Through Hallowed Ground Partnership



Morgan Butler
Senior Attorney
Southern Environmental Law Center



Elizabeth Merritt
Deputy General Counsel
National Trust for Historic Preservation



Stewart Schwartz
Executive Director
Coalition for Smarter Growth



Chris Miller
Executive Director
Piedmont Environmental Council



Gem Bingol
Land Use Officer, Loudoun County
Piedmont Environmental Council



Martha Polkey
Coordinator
The Catoclin Coalition

CC: Julie Langan, Virginia State Historic Preservation Officer,
Virginia Department of Historic Resources (Julie.Langan@dhr.virginia.gov)

Roger Kirchen, Director of the Division of Review & Compliance,
Virginia Department of Historic Resources (Roger.Kirchen@dhr.virginia.gov)

Tucker Smith, Chief, Northern Virginia Regulatory Section,
U.S. Army Corps of Engineers, Norfolk District (tucker.smith@usace.army.mil)

Ronald Stouffer, Jr., Environmental Scientist, Northern Virginia Regulatory Section,
U.S. Army Corps of Engineers (ron.h.stouffer@usace.army.mil)

Kimberly A. Prisco-Baggett, Deputy Chief, Special Projects Section,
U.S. Army Corps of Engineers (kimberly.a.baggett@usace.army.mil)

Joe Kroboth, Director, Department of Transportation & Capital Infrastructure,
Loudoun County (joe.kroboth@loudoun.gov)

Mark Hoffman, Design Program Manager, Department of Transportation & Capital
Infrastructure, Loudoun County (mark.huffman@loudoun.gov)

Leo Rogers, County Attorney,
Loudoun County (attorney@loudoun.gov)

Heidi Siebentritt, Preservation Planner,
Loudoun County (heidi.siebentritt@loudoun.gov)

Attachments:

- Attachment 1: Letter from William W. Sellers, Journey Through Hallowed Ground to Phyllis Randall, Loudoun County Board of Supervisors (Feb. 2, 2021).
- Attachment 2: Letter from Alexi Weber, WSSI, to Dan Vargas (Jun. 4, 2020), with NAO-2020-00657 (Limestone Branch) Approved Jurisdictional Determination Letter (Jun. 3, 2020).
- Attachment 3: WSSI Wetlands Delineation, Attachment I to WSSI, "Waters of the U.S. (Including Wetlands) Delineation," Route 15 Widening, Loudoun County WSSI #30630.01 (Mar. 6, 2020).
- Attachment 4: Letter from Elizabeth S. Merritt, National Trust for Historic Preservation to Ronald H. Stouffer, Jr., Army Corps of Engineers (Nov. 26, 2018).
- Attachment 5: Email from William W. Sellers, Journey Through Hallowed Ground, to Joe Kroboth, Loudoun County (Dec. 14, 2018).
- Attachment 6: Email from Elizabeth S. Merritt, National Trust for Historic Preservation to Lee Fuerst, Army Corps of Engineers (February 20, 2020).

Attachments

to the

Letter to Loudoun County Board of Supervisors

from

The Journey Through Hallowed Ground Partnership, the National Trust for Historic Preservation, the Southern Environmental Law Center, the Piedmont Environmental Council, the Catoctin Coalition, and the Coalition for Smarter Growth

MARCH 2, 2021

*regarding the Route 15 North widening project
and Clean Water Act and National Historic Preservation Act requirements*

—

1. Letter from William W. Sellers, Journey Through Hallowed Ground to Phyllis Randall, Loudoun County Board of Supervisors (Feb. 2, 2021).
2. Letter from Alexi Weber, WSSI, to Dan Vargas (Jun. 4, 2020), with NAO-2020-00657 (Limestone Branch) Approved Jurisdictional Determination Letter (Jun. 3, 2020).
3. WSSI Wetlands Delineation, Attachment I to WSSI, “Waters of the U.S. (Including Wetlands) Delineation,” Route 15 Widening, Loudoun County WSSI #30630.01 (Mar. 6, 2020).
4. Letter from Elizabeth S. Merritt, National Trust for Historic Preservation to Ronald H. Stouffer, Jr., Army Corps of Engineers (Nov. 26, 2018).
5. Email from William W. Sellers, Journey Through Hallowed Ground, to Joe Kroboth, Loudoun County (Dec. 14, 2018).
6. Email from Elizabeth S. Merritt, National Trust for Historic Preservation to Lee Fuerst, Army Corps of Engineers (February 20, 2020).

ATTACHMENT 1

Letter from William W. Sellers, Journey Through Hallowed Ground to Phyllis Randall, Loudoun
County Board of Supervisors (Feb. 2, 2021)

THE JOURNEY

THROUGH HALLOWED GROUND

February 2, 2021

Chair Phyllis Randall
Members of the Board of Supervisors, Loudoun County

By email: bos@loudoun.gov

Dear Loudoun County Board of Supervisors:

We are writing to reiterate the strong warning that the Journey Through Hallowed Ground has previously raised regarding the need for the County to engage with the U.S. Army Corps of Engineers *before* proceeding to approve the proposed widening of Route 15 between Battlefield Parkway and Montresor Road. Specifically, the County must obtain an Army Corps permit for the project under Section 404 of the Clean Water Act (CWA) due to the location of jurisdictional waters along the proposed route. The wetlands jurisdictional determination report prepared by WSSI clearly indicates that the need for an Army Corps permit cannot be avoided. Further, due to the location of significant historic resources throughout the project corridor, and their overlap with areas over which the Corps has permitting responsibility under Section 404 of the CWA, the Corps' required CWA review must also include a review of potential historic resource impacts under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, 36 C.F.R. Part 800.

Both the CWA and the NHPA require the Corps to engage with interested parties and the public at large to assess the potential impacts of the project on the protected resources, to evaluate alternatives to the proposal, and to consider ways to minimize and mitigate any harm that cannot be avoided. Significantly, both of those statutorily required review processes could result in significant changes to the project layout and design.

For this reason, we believe it is premature for County staff to seek the Board of Supervisors' endorsement of the proposed location and major design elements of the project at this time. Instead, this vote should be postponed. County staff should first submit its Section 404 application to the Corps and work through the required permitting process in order to determine the specific project layout and design the Corps is willing to permit. Directing staff to proceed with developing final design and construction documents before even applying for the Section 404 permit carries a serious risk that the Corps could require the project to be redesigned and/or realigned in order to avoid and minimize harm to historic and environmental resources. The result would be delays in implementing the project, and an irresponsible waste of County resources, which is contrary to the interests of the taxpayers.

The redesign of the Journey Through Hallowed Ground National Scenic Byway needs to be done right the first time and in compliance with the CWA and NHPA. In fact, the County's intentional efforts to delay and evade Army Corps review could ultimately foreclose alternatives and lead to a risk that the Corps permit might be denied. We urge you not to exacerbate that risk, and instead, to defer the proposed decision until after the Army Corps permit has been resolved.

Sincerely,



William W. Sellers
President & CEO

ATTACHMENT 2

Letter from Alexi Weber, WSSI, to Dan Vargas (Jun. 4, 2020), with NAO-2020-00657
(Limestone Branch) Approved Jurisdictional Determination Letter (Jun. 3, 2020)



June 4, 2020

Via Email: dvargas@gordon.us.com

Mr. Dan Vargas
Gordon
4501 Daly Drive, Suite 200
Chantilly, Virginia 20151

Re: Jurisdictional Determination (#NAO-2020-00657)
Route 15 Widening
Loudoun County, Virginia
WSSI #30630.01

Dear Mr. Vargas:

Enclosed is a copy of the U.S. Army Corps of Engineers' (COE) Jurisdictional Determination (JD) (#NAO-2020-00657) confirming the wetland delineation prepared by Wetland Studies and Solutions, Inc. This JD is valid for a period of five years from the date that it was issued (June 3, 2020).

Please note that the COE has mentioned that known historic properties, and architectural and archeological resources are located on the property, and known historic resources are located in the vicinity of the study area. Wetland Studies and Solutions, Inc (WSSI) is conducting a Phase I Cultural Resources Investigation within the study area; completion of the Phase I study is currently pending.

In addition, the COE mentioned that there is a potential for the federal and state threatened northern long-eared bat (*Myotis septentrionalis*) to occur within the vicinity of the project study area. As detailed in WSSI's August 14, 2019 letter entitled "Endangered and Threatened Species Review, Route 15 Widening (±434 acres)," there are no known maternity roosts or hibernacula in Loudoun County; thus the northern long eared bat is not expected to pose a constraint on the issuance of a wetland permit. Please see the enclosed supplemental pre-application information sheets included from the COE.

Please note that this JD is only the U.S. Army Corps of Engineers verification of the wetland delineation and does not constitute authorization to impact any waters of the U.S. on the site.



Mr. Dan Vargas
June 4, 2020
WSSI Project #30630.01
Page 2 of 2

If you have any questions, please contact me at ataweber@wetlandstudies.com or (703)679-5618.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



Alexi Weber, WPIT¹
Project Environmental Scientist

¹ *Wetland Professional in Training, Society of Wetland Scientists Certification Program, Inc.*



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT
803 FRONT STREET
NORFOLK, VA 23510-1011

June 3, 2020

CENAO-WRR-N
Northern Virginia Regulatory Section
NAO-2020-00657 (Limestone Branch)

Mr. Dan Vargas
Gordon
4501 Daly Drive, Suite 200
Chantilly, Virginia 20151

Dear Mr. Vargas:

This letter is in reference to a request on your behalf by Wetland Studies and Solutions Inc., for a delineation confirmation and jurisdictional determination for waters of the U.S. (including wetlands) on an approximately 434-acre study area in a corridor along Route 15 originating north of Battlefield Parkway and terminating 2000 feet north of Montessor Road in Loudoun County, Virginia. The project is called Route 15 Widening.

The exhibit in six (6) sheets, entitled "Attachment I: Waters of the U.S. (Including Wetlands) Delineation Map, Route 15 Widening, Loudoun County, Virginia" dated March 6, 2020, provides the locations of waters and/or wetlands within the subject tract listed above. This is in accordance with the Corps' 1987 Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark (33 CFR 328.3(a)).

Discharges of dredged or fill material, including those associated with mechanized land clearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This letter serves as an approved jurisdictional determination for the subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division

Office at the following address: U.S. Army Corps of Engineers, North Atlantic Division (CENAD-PD-OR), Attn: James W. Haggerty, Regulatory Program Manager, Fort Hamilton Military Community, 301 General Lee Avenue, Brooklyn, NY 11252.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five years from the date of this letter. If you have any questions, please contact me at ron.h.stouffer@usace.army.mil or 757-201-7124.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stouffer, Jr.", with a long horizontal flourish extending to the right.

Ronald H. Stouffer, Jr.
Environmental Scientist
Northern Virginia Regulatory Section

Enclosures

cc: Wetland Studies and Solutions Inc.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Gordon		File Number: 2020-00657	Date: 3 Jun 2020
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Norfolk District
Northern Virginia Field Office (CENAO-WR-RN)
Attn.: Mr. Ronald H. Stouffer, Jr.
18139 Triangle Plaza, Suite 213
Dumfries, VA 22026

703-221-6967 or email ron.h.stouffer@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

U. S. Army Corps of Engineers
North Atlantic Division (CENAD-PD-OR)
Attn: Mr. James W. Haggerty, Regulatory Program Manager
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252
347-370-4650

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT CORPS OF ENGINEERS
FORT NORFOLK 803 FRONT STREET
NORFOLK VIRGINIA 23510-1094

JUNE 3, 2020

Supplemental Preapplication Information

Project Number: NAO-2020-00657
Applicant: Gordon
Project Location: Loudoun County

1. A search of the Virginia Department of Historic Resources data revealed the following:

- Known historic properties are located on the property.
- Known architectural resources are located on the property:
- Known archaeological resources are located on the property:
- Known historic resources are located in the vicinity of the property

NOTE:

- 1) *The information above is for planning purposes only. In many cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
- 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

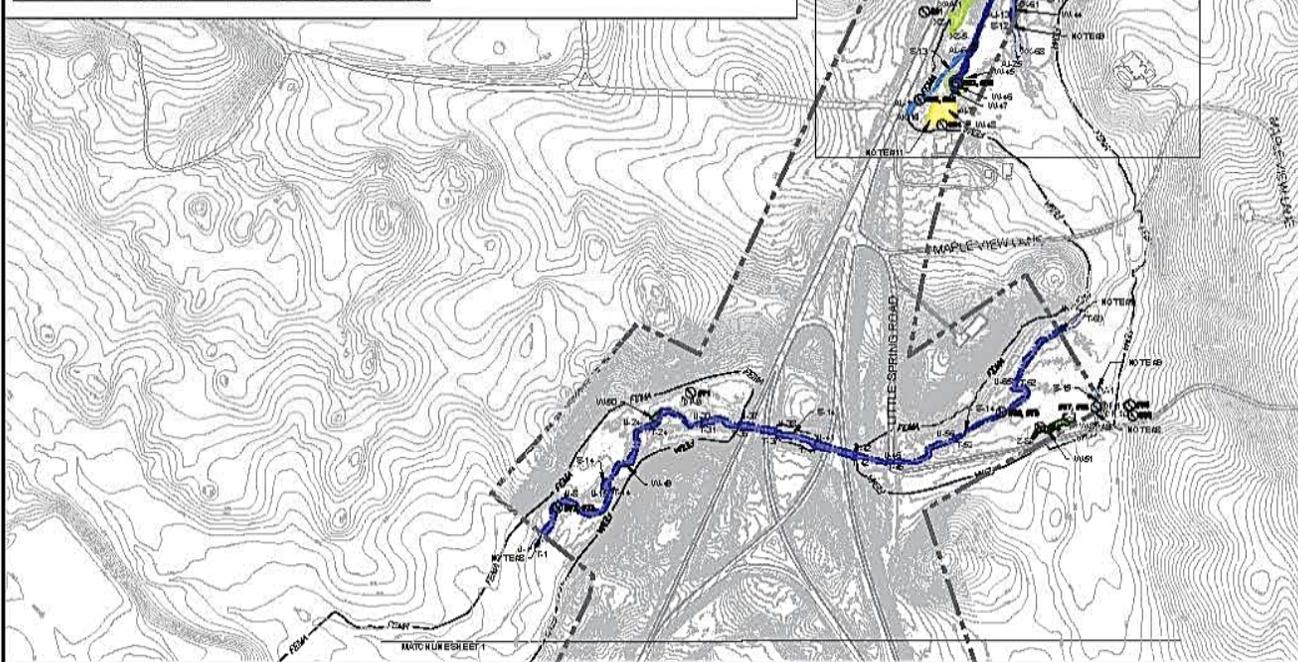
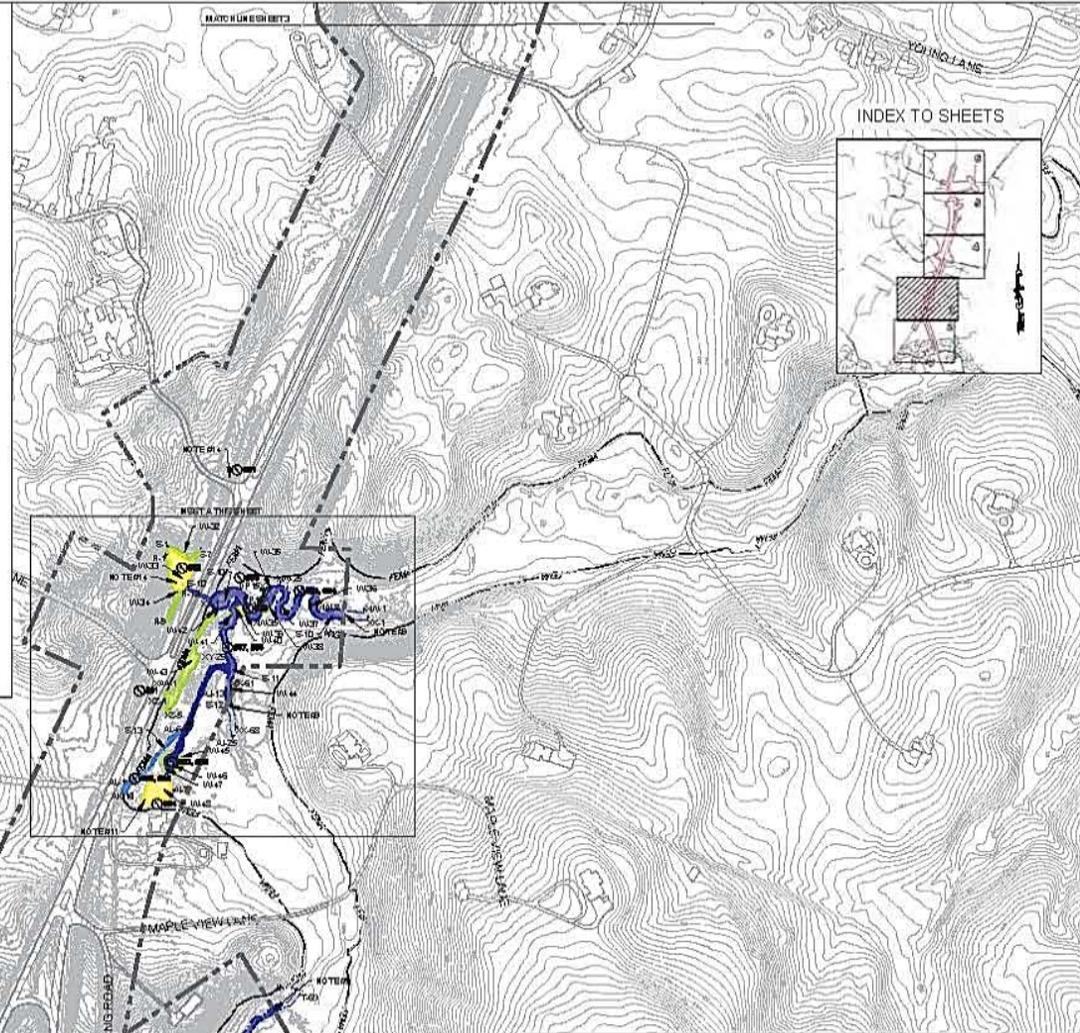
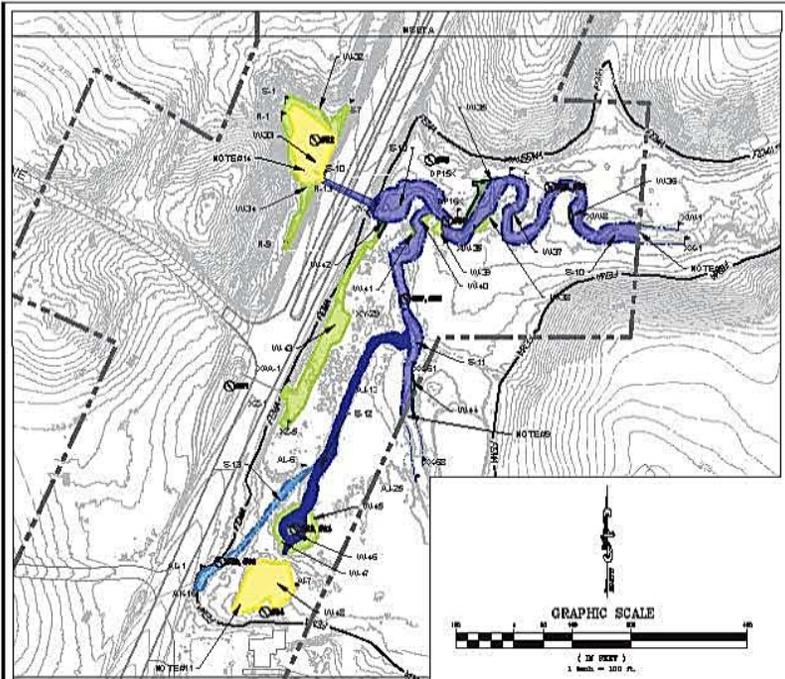
2. A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Game and Inland Fisheries revealed the following:

- No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
- The following federally-listed species may occur within the vicinity of the subject property:
Northern Long-eared Bat (*Myotis septentrionalis*)
- The following state-listed (or other) species may occur within the vicinity of the subject property
- Known listed species may occur in the vicinity of the subject property:

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.

ATTACHMENT 3

WSSI Wetlands Delineation, Attachment I to WSSI, "Waters of the U.S. (Including Wetlands) Delineation," Route 15 Widening, Loudoun County WSSI #30630.01 (Mar. 6, 2020)



SEE SHEET 1 FOR LEGEND, NOTES, AND JURISDICTIONAL SUMMARY TABLE.

GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.

Wetland
 3300 Williams Branch Drive, Suite 100
 Charlottesville, Virginia 22903
 Phone: 703.431.8000 Fax: 703.431.1000
 www.wetland.com

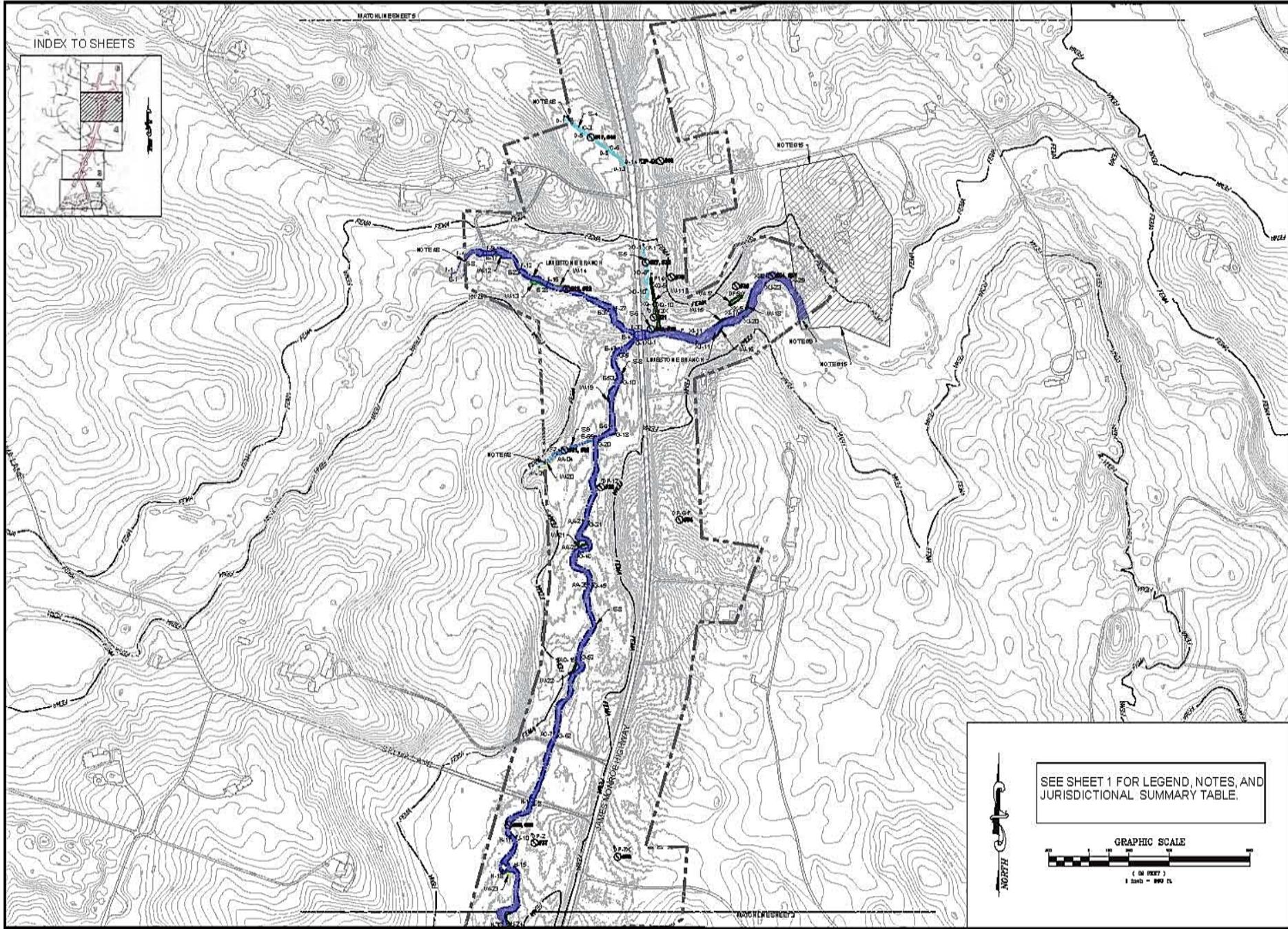
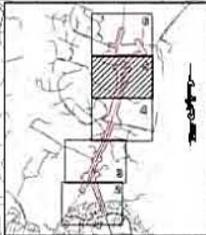
ATTACHMENT I
 WATERS OF THE U.S. (INCLUDING WETLANDS)
 DELINEATION MAP
 Prepared For: **Coventry**

Route 15 Widening
 Loudoun County, Virginia
 Copyright © 2020 Wetland, Inc. and Coventry, Inc.

REVISIONS	No.	Date	Description

Vertical Datum	NAVD 83
Boundary and Topographic Data Source	Coventry Digital Data
Design	DMF
Checked	DMF
Approved	ENR
Sheet #	3 of 6
Computer File Name	15Widening.dwg
Printed File Name	15Widening.dwg

INDEX TO SHEETS



Wetland
 Environmental Company
 1300 West Virginia Ave. Suite 100
 Charleston, WV 25304
 Phone: 304.751.1000 Fax: 304.751.1001
 www.wetlandco.com

ATTACHMENT I
WATERS OF THE U.S. (INCLUDING WETLANDS)
DELINEATION MAP
 Payson, PA & Co., LLC
 Route 15 Widening
 Loudon County, Virginia
 Copyright © 2010 Wetland Environmental Company, Inc.

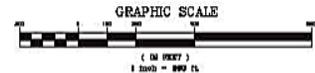
REVISIONS

No.	Date	Description	By	Appr.

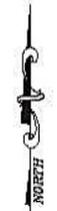
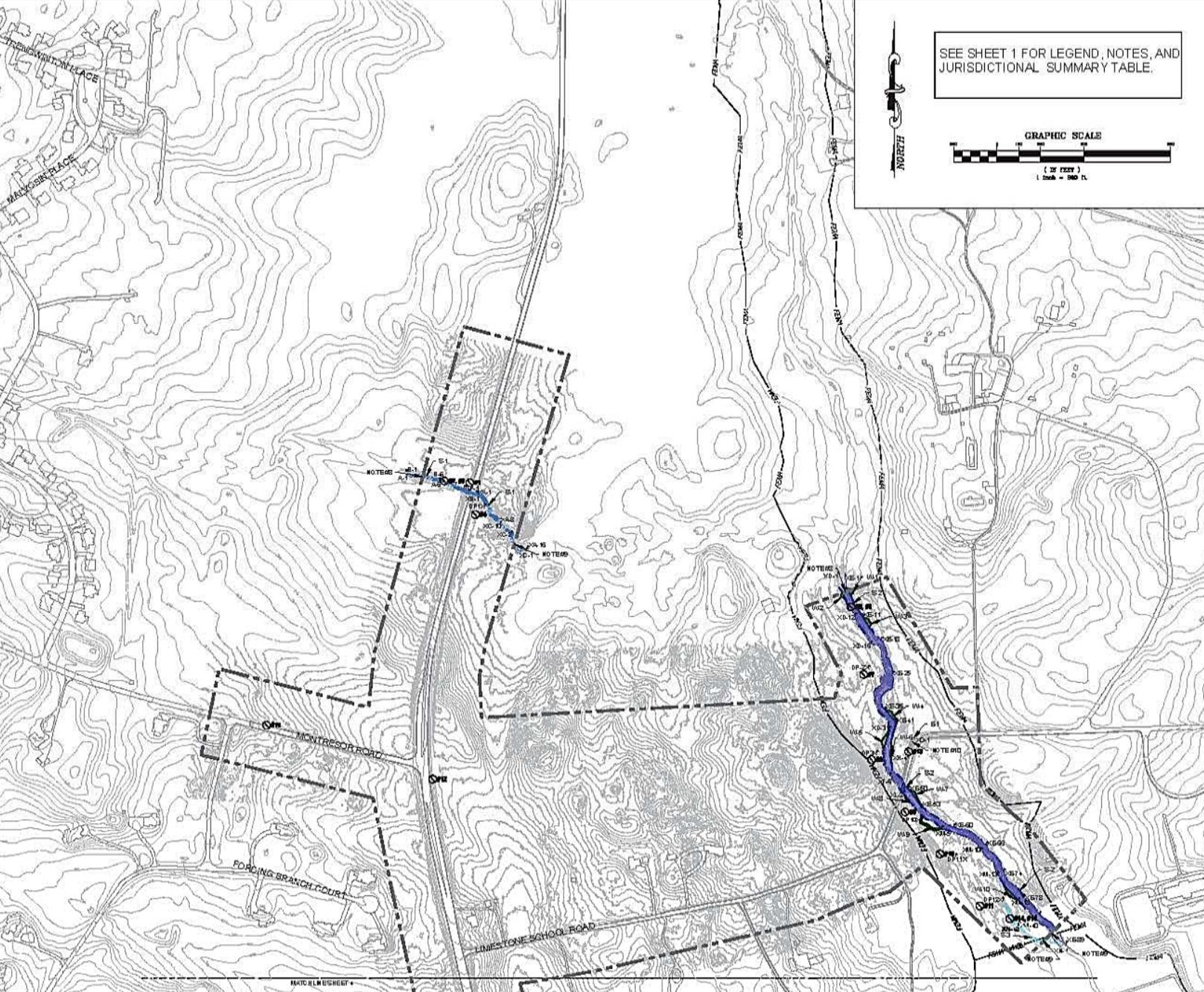
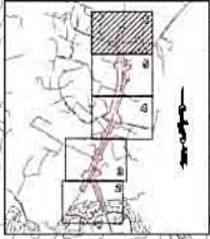
DATE: 8/24/11, 2010 SCALE: 1"=200' G.L.I. 5/2

Vertical Datum	NAVD83	
Boundary and Topo Source	Loudon County Digital Data	
Drawn	TMF	Appr'd
Sheet #	5	of 6
Graphic Scale	1 inch = 200 feet	

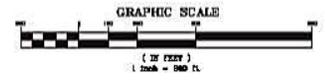
SEE SHEET 1 FOR LEGEND, NOTES, AND JURISDICTIONAL SUMMARY TABLE.



INDEX TO SHEETS



SEE SHEET 1 FOR LEGEND, NOTES, AND JURISDICTIONAL SUMMARY TABLE.



Wetland
 Environmental Services
 2000 Highway 2600, Suite 100
 Charlottesville, Virginia 22901
 Phone: 703.478.2000 - Fax: 703.478.1001
 www.wetlandinfo.com

ATTACHMENT I
 WATERS OF THE U.S. (INCLUDING WETLANDS)
 DELINEATION MAP
 Project: Rte. 260
 Route 15 Widening
 Loudoun County, Virginia
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REV	DATE	DESCRIPTION

DATE	BY	DESCRIPTION

Metadata Date: 04/20/2009
 Vertical Datum: NAVD83
 Boundary and Type Source: Loudoun County Digital Data
 Date Acquired:

DATE	DATE	APPROVAL
1/11/09	1/11/09	EMF

Sheet #
 6 of 6

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ATTACHMENT 4

Letter from Elizabeth S. Merritt, National Trust for Historic Preservation to Ronald H. Stouffer, Jr., Army Corps of Engineers (Nov. 26, 2018)



**National Trust *for*
Historic Preservation**
Save the past. Enrich the future.

November 26, 2018

Ronald H. Stouffer, Jr.
Northern Virginia Field Office
Army Corps of Engineers
18139 Triangle Plaza, Suite 213
Dumfries, VA 22026
ron.h.stouffer@usace.army.mil

Re: Loudoun County Route 15 Widening Project North of Leesburg

Dear Ron,

Thank you for taking the time to return my call earlier this month about the Route 15 widening project that Loudoun County recently approved from Leesburg north to Montessor Road. (I was out the week before Thanksgiving at the National Trust's annual conference, but I'm back in the office for the rest of the month.) As I mentioned, the National Trust has recently heard from a number of organizations -- including the Journey Through Hallowed Ground, Southern Environmental Law Center, Piedmont Environmental Council, and Coalition for Smarter Growth -- who are very concerned about the potential impact of the Route 15 widening project on a number of significant historic resources located along the corridor. As promised, I'm following up with additional information about the project and the resources I mentioned during our call.

The project that the Loudoun County Board of Supervisors approved on September 20, 2018 is a segment of Route 15 north of Leesburg, just over 3.5 miles long, from Battlefield Parkway NE up to Montessor Road. The plan is to widen Route 15 to a rural four-lane divided cross-section with a median. (Here's a link to a record of the Board of Supervisors vote: <https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/8193>.)

Originally, the county was considering potential sources of federal transportation funding for this project, but that funding has not been included, leaving the Army Corps as the lead federal agency, because of the project's overlap or impact on areas subject to the Corps' regulatory jurisdiction. It's also useful to know for context (and cumulative impacts) that the County is actively considering widening the next segment of Route 15 to the north of this project, which would extend the widening from Montessor Road up to the historic town of Lucketts as a second segment. (The three concepts the County has presented as part of its Route 15 Safety and Operations Study are available at <https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/8149>. Concept B includes the widening of Route 15 to four lanes between Montessor Road and the town of Lucketts.) In addition, Loudoun County has applied for a federal "BUILD" grant to begin preliminary engineering and NEPA work for expanding Route 15 from Whites Ferry Road

(which is within the segment just approved by the County) all the way up to the Potomac River. The federal decision on this grant application is expected by December 18.

As shown on the “Route 15 Historic and Environmental Resources” map that Loudoun County created for this project (available at <https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/8151>), several large historic resources overlap geographically with this segment of Route 15. These include:

Ball’s Bluff Battlefield Historic District NHL: This Civil War battlefield and National Historic Landmark (NHL) District includes a portion of the district that extends across Route 15 at Tutt Lane (Route 740) (delineated on the County’s map by a gray outline). The portion of the district along the western side of Route 15 extends north to include the Big Spring property, which is home to the largest limestone spring in Loudoun County and the site of a Confederate encampment in 1861. The spring is immediately adjacent to Route 15 and feeds Spring Creek, which flows beneath Route 15 within the NHL district, approximately 300 feet north of the intersection of Route 15 with Tutt Lane. (The water features are clearer on the map the County submitted with its NHL Nomination form, which is available at <https://www.loudoun.gov/DocumentCenter/View/125404>.) The Big Spring property is also home to the Springwood mansion and archaeological site, both of which have been deemed eligible for listing on the National Register. These historic sites are identified as contributing resources to the NHL or defining features of the Ball’s Bluff Battlefield landscape on the NHL nomination form. (See <https://www.loudoun.gov/BallsBluff> and <https://www.loudoun.gov/DocumentCenter/View/123451>.) Of course, the potential for direct adverse effects on an NHL requires inviting the National Park Service and the ACHP to participate directly in the Section 106 consultation.

Catoctin Rural Historic District: The Catoctin Rural Historic District envelops the entire stretch of Route 15 from Leesburg to the Potomac River and totals approximately 25,000 acres (represented by the dark green outline on the County’s map, at <https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/8151>). This Rural Historic District was added to the Virginia Landmarks Register in 1988 and has been determined eligible for the National Register as well. (See VDHR webpage: <https://www.dhr.virginia.gov/historic-registers/053-0012>.) The Rural Historic District includes streams that cross the portion of Route 15 proposed for widening, including Limestone Branch, Spring Creek, and Big Spring Creek.

Morven Park: Home of Westmoreland Davis, governor of Virginia from 1918 to 1922, this property was listed in the National Register in 1975. (See VDHR webpage: <https://www.dhr.virginia.gov/historic-registers/053-0087>.) The property is shown in green on the County’s map and is just southwest of where the Ball’s Bluff Battlefield NHL District crosses Route 15. Morven Park borders the west side of Route 15 between Big Spring Creek and Tutt Lane (Route 740). Big Spring Creek crosses under Route 15 and the Route 15 interchange at the southern edge of the portion of Morven Park that is immediately adjacent to the road.

Significantly, there are other important historic properties along this segment of Route 15 that are *not* depicted on the County's map. These include the following:

Rockland: The Rockland property, which is located along Route 15 about a half mile south of Montresor Road, has been listed in the National Register since 1987, and thus the County's failure to identify this historic property on its map is surprising. As shown on the attached map based on VDHR's Virginia Cultural Resources Identification System (V-CRIS), the property boundary includes land on both sides of Route 15, and Limestone Branch (which is specifically mentioned in the National Register Nomination) crosses under Route 15 in the northwestern portion of the property. The Nomination also mentions a number of "limestone outcroppings." The Overseer's house, noted in the Nomination as "contributing" to the Rockland property's significance, is located in close proximity to this stream crossing. (See https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/053-0096_Rockland_1987_Final_Nomination.pdf.)

Macaria: Macaria borders the western side of Route 15 just northwest of Rockland. Originally built in 1778, it represents the early two-room farmhouse architecture notable in this district (and it was subsequently expanded with late-nineteenth-century additions). (See https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/053-0012_Catoctin_Rural_Historic_District_1988_FINAL_Nomination.pdf, page 7.) Macaria was determined eligible for the National Register in 1988. (See pages 14-20 of VDHR's Architectural Survey Form for the Catoctin Rural Historic District, attached.) As shown on the attached map using the V-CRIS tool, Limestone Branch flows through the Macaria property up to the point where the stream crosses under Route 15, and an unnamed tributary to Limestone Branch flows across the northeast corner of the property and crosses Route 15 just north of Rocky Meadow Lane.

As I mentioned on the phone, the coalition of organizations listed above all have a strong interest in ensuring that potential effects to historic resources along Route 15 are properly evaluated and addressed through Section 106 consultation (as well as compliance with Section 110(f) for the NHL Ball's Bluff Battlefield). I understand from our conversation that the Army Corps has not yet received any permit application for this project from the County (at least as of the date we spoke). However, I wanted to be sure you are aware of the project, along with the presence of significant historic resources throughout the project corridor, and their overlap with areas over which the Army Corps has permitting responsibility under Section 404 of the Clean Water Act. I have also spoken with Samantha Henderson at the Virginia SHPO about this project, and I told her I was putting together this background summary, so I thought it would be useful for her to get a copy of this as well. I'll also share a copy with the ACHP, so they'll have a heads-up about the project. And I've spoken with Tony Opperman at VDOT about this, and he has asked that we keep him copied on communications as well.

Thank you again for returning my call about the project a couple weeks ago. Please let us know once the Corps has received the permit application and is ready to initiate Section 106 consultation.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Merritt". The signature is written in a cursive, flowing style.

Elizabeth S. Merritt
Deputy General Counsel

Enclosures:

- Map showing Rockland and Macaria, based on V-CRIS database
- VDHR Architectural Survey Form for Catoctin Rural Historic District

cc: John Eddins, Jaime Loichinger, and Reid Nelson,
Advisory Council on Historic Preservation
Samantha Henderson, Virginia Department of Historic Resources
Anthony Opperman, Virginia DOT

ATTACHMENT 5

Email from William W. Sellers, Journey Through Hallowed Ground, to Joe Kroboth, Loudoun County (Dec. 14, 2018)



Bill Sellers <bill@jthg.org>

JTHG Concerns regarding Route 15 and NHPA

Bill Sellers <bill@jthg.org>

Fri, Dec 14, 2018 at 1:57 PM

To: "Kroboth, Joe" <Joe.Kroboth@loudoun.gov>

Hello Joe,

I hope you and your family have plans for a wonderful holiday season.

I'm writing to share with you a copy of a letter and attachments that Betsy Merritt with the National Trust for Historic Preservation sent to Ron Stouffer with the Northern Virginia Field Office of the U.S. Army Corps of Engineers a couple of weeks ago.

As you know, the Journey Through Hallowed Ground and several other organizations have strong concerns about the impacts that the County's project to widen Route 15 between Battlefield Parkway and Montesor Road could have on numerous historic resources located along the route. We have been communicating with the National Trust, the Southern Environmental Law Center, and others about how best to ensure any such impacts are avoided or minimized, and we all agree that this is a primary purpose of Section 106 of the National Historic Preservation Act (NHPA).

Unfortunately, a statement in the September 20 staff report for this project has generated a great deal of confusion over whether the County views the NHPA as applying to the project. The statement indicates the County's view that the regional and local funding sources for the project "do not require a formal environmental review such as ... National Historic Preservation Act Section 106," but that the County will "work to minimize or avoid impacts on historical, cultural and archeological resources as practically feasible throughout the design and construction phases of the project." (The quoted statements are from page 15 of the staff report.)

We, too, are confused about what the staff report was suggesting regarding the applicability of Section 106 to this project, but we strongly disagree with the County's assumption that Section 106 review is "not mandated based on the funding sources" for the project. Regardless of the sources of funding, the Army Corps of Engineers has permitting jurisdiction over this project under Section 404 of the Clean Water Act. Accordingly, the Corps must undertake review of the County's project under Section 106, irrespective of whether the funding sources are local, state, or federal. Further, because one of the historic resources that is bisected by the project corridor is a National Historic Landmark (the Ball's Bluff Battlefield), Section 110(f) of the NHPA is also implicated, and it calls for a higher standard of protection, and the direct involvement of the National Park Service in the consultation. Yet the County's 136-page staff report does not even mention the Army Corps or the National Park Service.

As you might expect, due to the Journey's concerns with the potential effects of the project on historic resources that help define this portion of the National Heritage Area, we would like to participate in all consultations as part of the Section 106 and Section 110(f) reviews for this project. We want to be sure that you, as Director of the County's Department of Transportation and Infrastructure, are specifically aware of our interest in participating.

I've attached the National Trust's letter and the two attachments it included to this message. (We note that the County has apparently shuffled around some of the documents and removed some from its website, so a few of the web-links in the letter are no longer accurate; we have also attached copies of the three documents for which the links provided in the National Trust's letter are no longer working.) In any event, we look forward to working with you as part of the required Section 106 review of this project.

Sincerely,

Bill

William W. Sellers
President and CEO
Journey Through Hallowed Ground National Heritage Area

15481 Second Street
Post Office Box 77
Waterford, Virginia 20197
O: 540.882.4929
F: 540.882.4927
C: 703.969.8478

HallowedGround.Org

The mission of the Journey Through Hallowed Ground National Heritage Area is to promote and support civic engagement through history education, economic development through heritage tourism, and the preservation of cultural landscapes in one of the nation's most important historic regions.

The Journey is a 180-mile corridor from Gettysburg, PA through Maryland and Harpers Ferry, WV to Monticello in Charlottesville, VA. The region was placed on the National Trust for Historic Preservation's list of the 11 most endangered places in the United States in 2005, was declared by Congress as a National Heritage Area in 2008, and Route 15/20 was named a National Scenic Byway in 2009. The Journey includes 12 National Parks, nine presidential sites, 30 historic Main Street Communities, dozens of Civil War battlefields, and over 100 sites related to the fight for Civil Rights.

6 attachments



181214 Natl Trust ltr to Corps re Rt. 15 widening Nov 26 2018.pdf
171K



181214 VCRIS Rockland and Macaria Map.pdf
1004K



181214 Catoctin Rural Historic District Architectural Survey Form.pdf
1134K



181214 01 - Loudoun County Copy Teste - 9-20-18.pdf
31K



181214 02 - Rt. 15 Concepts.pdf
601K



181214 03 - Loudoun County Rt 15 Historic Environmental Resources Map.pdf
279K

ATTACHMENT 6

Email from Elizabeth S. Merritt, National Trust for Historic Preservation to Lee Fuerst, Army
Corps of Engineers (February 20, 2020)

Betsy Merritt

From: Betsy Merritt
Sent: Thursday, February 20, 2020 11:43 AM
To: Fuerst, Lee A CIV USARMY CENAO (US)
Cc: Berg, Robert A CIV USARMY CENAO (USA); Prisco-Baggett, Kimberly A CIV USARMY USACE (US); Stouffer, Ronald H Jr CIV USARMY CENAO (US); Smith, Marshall Tucker (Tucker) CIV USARMY CENAO (US); Cotnoir, Audrey L CIV USARMY CENAO (US)
Subject: RE: Route 15 question
Attachments: PROPOSAL.Gordon_Route_15_Environmental_and_Cultural_Resource_Investigations.PDF; 2020-02-03 Rockland Reply to Phase I ESA Request.PDF

Dear Mr. Fuerst,

I wanted to follow up on our correspondence from last year (below) to ask if the Army Corps has heard from Loudoun County or its consultants regarding the proposed widening of Route 15 north of Leesburg, for the stretch of the highway from Battlefield Parkway NE up to Montresor Road. I also wanted to remind the Corps of our interest in participating in any historic preservation reviews required for this proposal.

We recently learned that Wetland Studies and Solutions, Inc. (WSSI) -- one of the environmental consultants that Loudoun County has hired -- has been in the field conducting wetland and stream investigations and cultural resource studies for this project. In addition, based on the attached proposal for consulting work submitted to the County, it appears that upon completion of the wetland and stream delineations, WSSI foresees requesting an on-site review with the Corps to obtain an approved jurisdictional determination or a preliminary jurisdictional determination, and then coordinating with the Corps regarding any additional Clean Water Act requirements. (Please see pages 1-8 of sub-consultant WSSI's proposal, which begins at page 18 of 36 in the attached PDF containing the proposal from William H. Gordon Associates, Inc. to Loudoun County dated May 17, 2019.)

As I noted in my November 26, 2018 letter to Ron Stouffer, the National Trust has heard from several organizations and individuals who remain very concerned about the potential adverse impacts of the Route 15 widening project on a number of significant historic resources located along the portion of the corridor proposed for widening. As an example, I have attached a letter dated February 3, 2020 that representatives of the owner of Rockland Farm (which is listed on the National Register of Historic Places and straddles a portion of Route 15 proposed for widening) sent to WSSI in response to a request for assistance in completing an environmental site assessment for the project. The letter describes the Rockland property owner's concerns about the impacts that the project will have on historic resources (including the Rockland property) and riparian areas located in the vicinity of where Limestone Branch crosses under Route 15—an area subject to the Corps' regulatory jurisdiction.

As originally noted in my letter to Mr. Stouffer, we wish to ensure that the potential impacts of this project on historic resources along Route 15 are properly evaluated and addressed through consultation under Section 106 of the National Historic Preservation Act (NHPA) (as well as compliance with Section 110(f) for the Ball's Bluff Battlefield National Historic Landmark), and we are reaching out to the Corps due to the project's overlap with areas subject to your regulatory jurisdiction. We would like to be included as consulting parties for all determinations regarding findings of effect on historic properties for this project under Section 106 of the NHPA.

Please keep me posted regarding the Corps' review of this project and your consultation and coordination with other agencies and consulting parties.

Sincerely,
Betsy Merritt

Elizabeth Sherrill Merritt, Deputy General Counsel National Trust for Historic Preservation
2600 Virginia Ave. NW, Suite 1100
Washington, DC 20037
emerritt@savingplaces.org
202-297-4133

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

From: Fuerst, Lee A CIV USARMY CENAO (US) <Lee.A.Fuerst@usace.army.mil>

Sent: Wednesday, January 2, 2019 2:24 PM

To: Betsy Merritt <emerritt@savingplaces.org>

Cc: Berg, Robert A CIV USARMY CENAO (USA) <Robert.A.Berg@usace.army.mil>; Prisco-Baggett, Kimberly A CIV USARMY USACE (US) <Kimberly.A.Baggett@usace.army.mil>; Stouffer, Ronald H Jr CIV USARMY CENAO (US)

<Ron.H.Stouffer@usace.army.mil>; Smith, Marshall Tucker (Tucker) CIV USARMY CENAO (US)

<Tucker.Smith@usace.army.mil>; Cotnoir, Audrey L CIV USARMY CENAO (US) <Audrey.L.Cotnoir@usace.army.mil>

Subject: Route 15 question

Dear Betsy,

Ron emailed us before the holiday break to let us know of your call and concerns so I apologize for the delay in response. I did some quick research. As of now, we do not have a permit application that I could find in our database for this portion of Route 15.

I did look up the project on the county website:

<https://www.loudoun.gov/3997/Route-15-North-of-Leesburg>

Based on their website from Oct. 2018 - from their overview presentation, they are now in the "engineering procurement phase" moving to "engineering design" (which this phase includes "environmental services and wetlands permitting") - it's possible that the Corps might not have any action depending on the applicant's proposed activity/impacts. From a very quick review, it looks like a lot of the funds are coming from Capital Improvement Plan (from NVTA) - the website says that Loudoun County Dept. of Transportation and Capital Infrastructure are managing the project. I would recommend contacting Loudoun County Dept. of Transportation.

Please let me know if you have any additional questions.

Thank you. Have a great afternoon.

Lee A Fuerst
Environmental Scientist
U.S. Army Corps of Engineers
Norfolk District Regulatory Branch
803 Front Street, Norfolk, VA 23510
Office 757-201-7832 / Cell 757-536-5954

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Loudoun County, Virginia

www.loudoun.gov

Department of Transportation and Capital Infrastructure
101 Blue Seal Drive SE, Suite 102, MSC# 64,
PO Box 7500, Leesburg, VA 20177-7500
Main 703/777-0396 • Fax 703/777-0626

March 16, 2021

William Sellers
Journey Through Hallowed Ground Partnership
P.O. Box 77
Waterford, VA 20197

Morgan Butler
Southern Environmental Law Center
103 East Water Street, Suite 201
Charlottesville, VA 22902

Elizabeth Merritt
National Trust for Historic Preservation
2600 Virginia Avenue NW, Suite 1100
Washington, DC 20037

Chris Miller and Gem Bingol
Piedmont Environmental Council
PO Box 460
Warrenton, VA 20188

Stewart Schwartz
Coalition for Smarter Growth
PO Box 73282
2000 14th Street NW
Washington, DC 20009

Martha Polkey
The Catocin Coalition

Dear Mr. Sellers, Mr. Butler, Ms. Merritt, Mr. Miller, Ms. Bingol, Mr. Schwartz, and Ms. Polkey:

In response to your joint letter to Chair Randall and members of the Loudoun County Board of Supervisors (Board) dated March 2, 2021, I want to clarify how the Loudoun County Department of Transportation and Capital Infrastructure (DTCI) intends to address impact to Waters of the U.S. associated with the Route 15 widening project from Battlefield Parkway to Montesor Road

(Route 15 improvements). We appreciate your continued interest in the Route 15 improvements and want to reiterate that DTCI and its project team will comply with all applicable regulatory requirements.

To design the Route 15 improvements, DTCI is utilizing several consultants who specialize in the disciplines of roadway design, survey, environmental investigation and permitting, cultural resource investigation and reporting, traffic engineering, geotechnical investigation and engineering, structural engineering, and lighting design. The role of DTCI staff in the project development process is to direct and coordinate these consultants to ensure the project's scope conforms to Board direction and to manage the project's schedule and costs to effectively implement the project scope given budget constraints. DTCI relies on consultants, and their specialized knowledge and subject matter expertise, to provide design, investigation, and permitting services to implement the project.

Prior to seeking Board endorsement of the design elements, DTCI hosted a virtual public information meeting on October 29, 2020. The Route 15 improvements' team provided an overview of the project and members of the public asked verbal and written questions. This public feedback helped the team understand the experiences and perspectives of those traveling on Route 15. On February 2, 2021, the Board endorsed the major design elements of the Route 15 improvements. Based on the Board's endorsement of the major design elements, DTCI staff is currently working with our consultants to perform additional field investigations and to prepare 60% design plans. The 60% design plans will include drainage design and stormwater management facility design in addition to the roadway geometry. The drainage design and stormwater management design are necessary elements to determine the limit of disturbance associated with the project. It is anticipated the 60% design plans will be submitted to the Loudoun County Department of Building and Development (B&D) and the Virginia Department of Transportation (VDOT) in spring 2021. After receiving review comments from B&D and VDOT on the 60% design plans, DTCI's consultant team will adjust the design as necessary and re-evaluate the project's limits of disturbance.

Once the project's limits of disturbance are re-evaluated after receipt of 60% design plan review comments, DTCI's environmental consultant will submit a permit application to the U.S. Army Corps of Engineers (Army Corps) for impacts to Waters of the U.S. It is the project team's intent to apply for a State Programmatic General Permit and the 60% design plans are being developed with this intent in mind. It is anticipated the permit application will be submitted to the Army Corps in fall 2021. While we share your concern that the permit should be submitted as early in project development as possible, we cannot apply for the permit until the limits of disturbance are established.

After reviewing the issue with our environmental consultant, DTCI acknowledges that part of the Army Corps permit review responsibilities includes conducting and coordinating a review of potential historic resource impacts pursuant to Section 106 of the National Historic Preservation Act. How the review of potential historic resource impacts is conducted and coordinated by the Army Corps is at the discretion of the Army Corps. DTCI and the design team will cooperate with the Army Corps as part of the Waters of the U.S. permitting process.

We appreciate the interests of your organizations during the development of the Route 15 improvements.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark E. Hoffman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Hoffman, PE
Design Program Manager

cc: Phyllis Randall, Loudoun County Board of Supervisors, Chair
Koran Saines, Loudoun County Board of Supervisors, Vice Chair
Juli Briskman, Algonkian District Supervisor
Tony Buffington, Blue Ridge District Supervisor
Sylvia Glass, Broad Run District Supervisor
Caleb Kershner, Catoclin District Supervisor
Matt Letourneau, Dulles District Supervisor
Mike Turner, Ashburn District Supervisor
Kristen Umstattd, Leesburg District Supervisor
Tim Hemstreet, County Administrator
Charles Yudd, Deputy County Administrator
Leo Rogers, County Attorney
Steve Jackson, County Attorney's Office
Glen Barbour, Public Affairs and Communications
Shawn Zelman, Public Affairs and Communications
Joe Kroboth, Department of Transportation and Capital Infrastructure
Bruce Johnston, Department of Transportation and Capital Infrastructure
James Zeller, Department of Transportation and Capital Infrastructure
Heidi Siebentritt, Department of Planning and Zoning

**THE JOURNEY
THROUGH HALLOWED GROUND
NATIONAL HERITAGE AREA**



**THE
CATOCTIN
COALITION**

April 6, 2022

Mark E. Hoffman, P.E.
Design Program Manager
Department of Transportation and Capital Infrastructure
Loudoun County, Virginia
101 Blue Seal Drive SE, Suite 102, MSC# 64,
PO Box 7500, Leesburg, VA 20177-7500

Dear Mr. Hoffman,

We are writing to inquire about the status of the proposal to widen Route 15 between Battlefield Parkway and Montesor Road (“proposed widening”). Specifically, we request an update on the County’s timing for applying to the U.S. Army Corps of Engineers (“Army Corps”) for a Clean Water Act Section 404¹ permit to impact waters of the U.S. in connection with the proposed widening.

As you may recall, our organizations submitted a letter to the County Board of Supervisors on March 2, 2021, in which we explained that the Army Corps has jurisdiction over streams and wetlands that the proposed widening would impact. Our letter also explained that the Army Corps’ responsibilities will include conducting and coordinating a review of the project’s potential historic resource impacts pursuant to Section 106 of the National Historic Preservation Act (“NHPA”).²

Your response, dated March 16, 2021, stated that the County’s Department of Transportation and Capital Infrastructure (DTCI) would submit a permit application to the Army Corps for impacts to waters of the U.S., and that you anticipated the permit application would be submitted in fall 2021—after DTCI had received comments from the County’s Department of Building and Development and the Virginia Department of Transportation on the County’s 60% design plans for the proposed widening. Your response also acknowledged that the Army Corps’ permit review responsibilities would include conducting and coordinating a review of the potential historic resource impacts pursuant to Section 106.

¹ 33 U.S.C. § 1344.

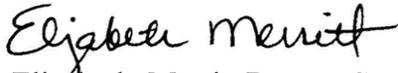
² 54 U.S.C. § 306108; 36 C.F.R. Part 800.

We request that you provide us with an update on the County's timing for submitting the application to the Army Corps, as well as the status of the design plans for the proposed widening, at your earliest possible convenience.

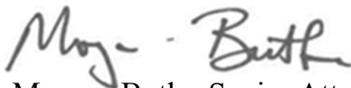
Sincerely,



William Sellers President and CEO
The Journey Through Hallowed Ground Partnership



Elizabeth Merritt Deputy General Counsel
National Trust for Historic Preservation



Morgan Butler Senior Attorney
Southern Environmental Law Center



Stewart Schwartz Executive Director
Coalition for Smarter Growth



Gem Bingol
Land Use Officer, Loudoun County
Piedmont Environmental Council



Martha Polkey
Coordinator
The Catocin Coalition

Cc:

Julie Langan, Virginia State Historic Preservation Officer, Virginia Department of Historic Resources (Julie.Langan@dhr.virginia.gov)

Roger Kirchen, Director of the Division of Review & Compliance, Virginia Department of Historic Resources (Roger.Kirchen@dhr.virginia.gov)

Tucker Smith, Chief, Northern Virginia Regulatory Section, U.S. Army Corps of Engineers, Norfolk District (tucker.smith@usace.army.mil)

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