

Michele R. Donato

A Professional Corporation
Attorney at Law

P. O. Box 145
106 Grand Central Avenue
Lavallette, NJ 08735

Phone: (732) 830-0777
Telefax: (732) 830-0778
Email: mdonato@MicheleDonatoEsq.com

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Office of Environmental Analysis
Surface Transportation Board
Attn: Joshua Wayland
395 E Street, S.W.
Washington, D.C. 20472

Re: Comments on the Cultural Resources Identification Report
Conrail Harsimus Branch Abandonment Exemption,
STB Docket No. AB 167 (Sub-No. 1189X)

Dear Mr. Wayland:

The LLCs¹ submit the following comments in response to the Cultural Resources Identification Report that the Office of Environmental Analysis (“OEA”) of the Surface Transportation Board (“Board” or “STB”) issued in the above-captioned proceeding on May 5, 2017 (the “Report”). These comments are accompanied by the report prepared by Brandy M. Harris, Senior Cultural Resources Specialist of Burns and McDonnell (“Harris Report”) addressing the Area of Potential Effects (“APE”), and providing additional comments on the Report.

**I.
BACKGROUND AND THE NEED TO AVOID FURTHER DELAY**

The LLCs acquired the 1.36-mile property underlying what is referred to as the Harsimus Branch, the Harsimus Branch Embankment, the Sixth Street Embankment, the Embankment, or other variants, from Consolidated Rail Corporation (“Conrail”) in 2005, almost 12 years ago. When constructed over a century ago, “[t]he Embankment effectively formed a broken wall that at once created blighted spaces along its corridor,”

¹ The LLCs consist of 212 Marin Boulevard, LLC.; 247 Manila Avenue; LLC; 280 Erie Street, LLC; 317 Jersey Avenue, LLC; 354 Cole Street, LLC; 389 Monmouth Street, LLC; 415 Brunswick Street, LLC; and 446 Newark Avenue, LLC.

(Report at 5-12), and when it supported full railroad operations, “the land and structures directly adjacent to the Embankment were often blighted, and the property of the PRR itself was neglected.” *Id.* at 3-53. The railroad line that operated over the Embankment has been out of service since 1992, and the bridges and other structures were removed at the request of Jersey City in the mid-1990s. *Id.* at ii. The Report notes that there is no vestige of the eastern terminus of the Embankment, which has been completely redeveloped. *Id.*

In 1999, the Embankment Coalition nominated the Embankment to the National Register. *Id.* at Appendix M. Jersey City opposed the listing, and Conrail refused the listing, resulting in the Embankment being declared eligible for the National Register. *Id.*

The Embankment as it now stands continues to constitute and contribute to blight in the surrounding area. *Id.* at 3-61 (referencing the study that Louis Berger & Associates, Inc., prepared for Jersey City in 1999). The 2015 Survey by the authors of the Report describes the physical condition of the Harsimus Branch right-of-way, including the six stone-lined Embankment segments, as “Poor” and the remaining historic fabric as “Low.” *Id.* at 7-265. It concludes that the Harsimus Branch right-of-way lacks historical significance and physical integrity, rendering it ineligible individually to meet the criteria for listing in the National Register, and recommends that the Embankment be eligible for listing in the National Register only as “a discontinuous key contributing resource” to the Pennsylvania Railroad (“PRR”) (New York to Philadelphia) Historic District. *Id.* at 7-284.

In the past, starting in 1984, and continuing in the late 1990s, Jersey City considered purchasing and redeveloping the Embankment, and in 1998 proposed to demolish the Embankment, remove all the fill, and construct at-grade housing. Despite Conrail’s willingness and attempts to sell the property to Jersey City, the sale to the City never occurred, and it was not until 2005 that Conrail sold the property to the LLCs. The LLCs would like to redevelop the property in a responsible manner following abandonment, including possible substantial preservation of the Embankment. However, the ongoing and protracted Board proceedings as well as other litigation challenging the refusal of the City and its land use agencies to approve any development pursuant to the local land use ordinances or to implement a visionary plan have impeded those efforts.

The LLCs have no solitary and certainly no final plan for redevelopment of the property at this time. The parcels are zoned within a R-1, one and two family residential district, with the exception of the Manila Avenue block, which is zoned R-2, multi-family attached housing, and the easternmost Marin Boulevard parcel, which is zoned within a R-4 medium density general residential district. *Id.* at 1-9. In any event,

no demolition and residential development may take place until waivers of Municipal Landmark restrictions that the City has placed on the Embankment properties are approved at the local level, and additional variances and local permitting are secured, depending on what final plans and proposals are developed – likely in cooperation with the City.

The LLCs have presented various concepts and proposals in recent years. A number of those proposals would retain one or more of the existing Embankment structures, potentially in exchange for being allowed to develop higher-density mixed use residential buildings on the east end of the Embankment, near other high-density development, and consistent with the Division of City Planning's Luis Munoz Marin Boulevard Redevelopment Plan adopted in 2012. Such density bonuses are not uncommon in Jersey City (and elsewhere) and have been regularly utilized in nearby areas of the City. The LLCs remain very interested in those proposals, but nothing is set, and any plans and proposals require further review and approval by the City.

The statement in the Report at page iii that "[a]ll applications involving Embankment lots include demolition of the Embankment" is thus fundamentally incorrect. The presence of such a claim suggests an intent or desire to reach conclusions and make findings that are not warranted and overlooks the actual applications that have been proposed by the LLCs for substantial preservation of several blocks of the Embankment. Nevertheless, these are issues for the City to resolve at the local level, and are not before the STB.

The LLCs strongly believe that redevelopment of the Embankment has the potential to make a substantial contribution to Jersey City in a way that respects the past and serves the diverse interests of the surrounding community. The LLCs are attempting to work in good faith with the City of New Jersey and others to realize that vision. However, the existing condition of the Embankments, which have continued to deteriorate for years before and during the pendency of the abandonment exemption proceeding, does no one any good. The ongoing delay in this proceeding is contrary to the public interest.

Abandonment, particularly for a line of railroad that has been out of service for years and is wholly unsuitable for continuing freight rail service, is supposed to be an expedited process. The Board's rules provide for a time frame of 110 days to process and approve abandonment applications, 49 C.F.R. § 1152.26 (with consummation subject to completion of any environmental, historic preservation, and other review or conditions), and the Board has adopted general procedures to expedite the handling of abandonment exemption proceedings. *E.g., id.* at §§ 1121.4, 1152.60. For a variety of reasons, no such expedition has been achieved here, *e.g.*, Conrail submitted its notice to initiate

abandonment in the proceeding, including its reports on historic matters, on March 12, 2008, over nine years ago.²

The LLCs are concerned that the preparation and extensive nature of the Report³ has already contributed to the delay and may also contribute to additional delay. In particular, the Board's standard procedure is for the Office of Environmental Analysis to issue an Environmental Assessment recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties within the right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. The Board then proceeds with the other aspects of abandonment approval, with the Section 106 process condition removed when the process is completed. The reversal of that process has occurred here. The fact that the abandonment has effectively been put on hold pending completion of the environmental and historic preservation review has greatly extended and exacerbated the process, and the delay continues.

The LLCs are aware of no other railroad abandonment proceeding before the Board where the environmental or historic review process has taken even remotely close to this long to complete. Unfortunately, the protracted delay that has occurred in completing this proceeding undermines the National Transportation Policy to minimize the need for Federal regulatory control over the rail transportation system, require fair and expeditious handling and resolution of all proceedings brought to the Board, require fair and expeditious regulatory decisions, and reduce regulatory barriers to exit from the industry. 49 U.S.C. §§ 10101(2), (7) and (15).

² Conrail has submitted three environmental and historic reports in this Proceeding. The first two were submitted on March 6, 2008 and February 26, 2009, prior to the STB's April 20, 2010 decision holding the abandonment exemption proceedings in abeyance pending review by the Special Court over whether the Harsimus Branch was a common carrier line of railroad. Following the STB's reinstitution of the proceeding in its August 11, 2014 decision, which also granted the LLC's request to intervene, Conrail submitted a Supplemental Environmental and Historic Report in response to the Board's request for an updated report. We are now approaching three years since Conrail filed its updated environmental and historic reports.

³ The Report is the second cultural resources report issued in this proceeding. The first one was issued over eight years ago. *See Area of Potential Effects Report and Proposed Methodology for Section 106 Consultation, Conrail Harsimus Branch Abandonment (STB Docket No. AB 167 (Sub-No. 1189X)), City of Jersey City, Hudson County, New Jersey (Sept. 2008).*

II. THE LIMITED SCOPE OF THE BOARD'S HISTORICAL REVIEW

Under Section 106 of the National Historic Preservation Act (“NHPA”), 54 U.S.C. § 306108, federal agencies must “take into account the effect of the undertaking on any historic property” that is eligible for inclusion on the National Register. Under governing precedent, an “undertaking” includes railroad abandonment approvals. *Implementation of Environmental Laws*, 7 I.C.C.2d 807, 826 (1991) (“*Environmental Laws*”). However, the LLCs are very concerned that Report exceeds the limited scope of the Board’s authority with respect to historic review, carrying with it the potential for additional delay.

A. The Limited Area of Potential Effects and Board Jurisdiction

Under 36 C.F.R. § 800.16(d), the APE is “the geographic area or areas within which an [NHPA] undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exists.” It has long been established that in railroad abandonment proceedings, the APE for the undertaking is comprised of the railroad right-of-way. *Dakota, Minn. & E. R.R. Corp. – Abandonment Exemption – In Scott County, Iowa*, AB 337 (Sub-No. 9X) (served Oct. 14, 2016), 2016 WL 6023852 at *7 (“[i]n railroad abandonment cases, OEA defines the APE to comprise the rail right-of-way”); *Union Pac. R.R. Co. – Abandonment Exemption – in Yakima County, Wash.*, AB 33 (Sub-No. 285X) (served June 25, 2010), 2010 WL 2560456 at *4 n.2 (“[f]or abandonments, the rail right-of-way is the APE”).

This APE limitation coincides with the Board’s limited statutory jurisdiction over railroads and their property. *Missouri C. R.R. Co. – Abandonment and Discontinuance of Service Exemption – in Cass, Henry, Johnson, and Pettis Counties, Mo.*, AB 1068 (Sub-No. 1X), *et al.* (served June 14, 2013), 2013 WL 2898328 at *6 n.4 (“[t]he Board’s statutory authority is limited to the rail line right-of-way, or area of potential effect, therefore any structures or objects outside the right-of-way . . . would be outside of the Board’s jurisdictional control”). Additionally, the Board’s focus in an abandonment proceeding is limited to the abandonment of the rail line in the railroad right-of-way and the disruptive consequences of removing the track and related structures by the common carrier, and does not properly extend to the activities of others or property of others. *E.g., Iowa So. R.R. Co. – Exemption – Abandonment*, 5 I.C.C.2d 496, 501 (1989), *aff’d Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990).

It follows that OEA’s recommendation that the size and period of the Hamilton Park and Harsimus Cove Historic Districts be expanded (Report at 5-12 to 5-18) is *ultra vires*. The Board’s authority does not extend beyond the railroad line that is

proposed for abandonment. *Brown & Williamson v. Food & Drug Admin.*, 529 U.S. 120, 161 (2000) (“an administrative agency’s power to regulate in the public interest must always be grounded in a valid grant of authority from Congress”). Other federal agencies, and not the STB, are responsible for the designation of historic resources. The Report’s consideration of other matters that have nothing to do with the Embankment is an additional misuse of the Board’s scant resources. The LLCs’ lack of specific comment on other aspects of the Report that do not bear on the Embankment should not be taken as acquiescence.

The Report recognizes that freight service ended in 1992 and, at the request of Jersey City, rail infrastructure was removed in the mid-1990s. Report at i. The Report also recognizes that “[n]ormally, the scope of analysis conducted under Section 106 in an abandonment undertaking is limited to considering the effects of the removal of a line from the national rail transportation system and the immediate effects of traffic diversion and salvage, and the APE is limited to the right-of-way.” *Id.* at ii. The Report then notes that “potential preservation and mitigation options are different here because the track and some structures have already been removed and most of the property underlying the right-of-way has been sold with plans for redevelopment.” *Id.*

Without stating how or why the prior removal of railway assets could cause a significant expansion in the Board’s normal environmental or historic review, the Report simply asserts that “[b]ecause of the unique circumstances of this case, OEA has taken into consideration the potential effects of reasonably foreseeable post-abandonment changes to the rail right-of-way that could occur if abandonment authority is granted.” *Id.* The Report further finds that “the APE includes the entire right-of-way and adjacent areas that could experience changes to the visual landscape as a result of the removal or alteration of historic architectural resources within the rail right-of-way.” *Id.* The Report identifies the Embankment, and 25 other architectural resources located outside of the railroad right-of-way, as listed or eligible for listing in the National Register. *Id.* at iii.

The Report’s APE findings are illogical and erroneous. The Report provides no basis, let alone reasonable basis, for its expansion of the APE. The Report acknowledges that there are no NHPA impacts raised by Conrail’s abandonment Application, but then appears to use that finding as a basis for looking far beyond the Application in an apparent search for historic impacts. Such a finding is unreasonable, unjustified, and arbitrary and capricious.

The mere fact that there is no longer any track, roadbed, or bridges for Conrail to salvage on the Harsimus Branch that could possibly impact historic resources does not and cannot provide a valid justification for attempting to expand the APE beyond the railroad right-of-way. The Report also fails to provide a basis for abandoning

established Board precedent defining the APE in abandonment proceedings as limited to the railroad right-of-way. If there is any historic impact, it must result from Conrail's abandonment of its right-of-way, and not from post-abandonment possible impacts that go well beyond the right-of-way, and well beyond the Board's jurisdictional authority – especially for the purpose of altering historical reviews of external properties that were previously conducted by other authorities operating within the scope of their jurisdiction. Harris Report at 1-2.

Also, the analysis fails to address or recognize that the right-of-way at the eastern end of the Embankment no longer exists and has been developed. *Id.* at 2. In this respect, the Report expanded the APE despite the fact that the right-of-way corridor is gone and extensive development has occurred in that area, as have any associated adverse effects. “The presence of a historic property in the area alone [the Warehouse Historic District] does not justify expanding the APE and does not satisfy the requirements under Section 106, § 800.4(a)(1), which requires federal agencies to document the reasoning behind their APE delineation.” *Id.*

In addition, the Board cannot impose a restrictive covenant or other nonconsensual obligation beyond documentation. In this instance, documentation is already achieved through the Report itself:

Where historic property is involved, our ability to protect it is very limited..... [W]e can impose historic preservation conditions only to the extent the particular property is owned by the applicant carrier Moreover, even where the property is subject to our conditioning authority, we do not have the power to force a railroad to sell (or donate) its property, or impose a restrictive covenant upon the deed, as a condition to obtaining abandonment . . . authority. Nor can we deny [agency] approval of a transaction solely on the ground that it would adversely affect historic resources. Thus, as a practical matter, documentation of the historic resources involved in the proposal under review (before they are altered or removed) is the only form of nonconsensual mitigation available to us.

Environmental Laws, 7 I.C.C.2d at 828-29 (footnotes omitted). The agency later stressed that “our *conditioning* power is limited to requiring appropriate documentation of historic railroad property.” *Id.* at 830 (original emphasis).

Since the Board has no power to impose a restrictive covenant upon the applicant carrier, the Board certainly has no power to impose any conditions on a downstream owner of the property that is not even a carrier subject to the agency's jurisdiction. Accordingly, the LLCs object to the Report's statement that "[b]ecause of the unique circumstances of this case, OEA has taken into consideration the potential effects of reasonably foreseeable post-abandonment changes to the rail right-of-way that could occur if abandonment authority is granted." Report at ii. The Board has no such broad grant of authority, and what the Report deems "reasonably foreseeable" is highly speculative and even outright specious, as explained further below.

B. The Board's Lack of Jurisdiction over Property Reuse

The reuse and redevelopment of the Embankment property post-abandonment, especially by entities such as the LLCs that are not common carriers subject to the Board's authority, is beyond the Board's jurisdiction. The Board is simply "not a planning agency" that would review the merits of such a redevelopment plan in any event. *Environmental Laws*, 7 I.C.C.2d at 812. Furthermore, "the identification and development of reuse alternatives is the responsibility of state and local planning agencies, not the ICC." *Id.* (footnote omitted).

While the National Environmental Policy Act ("NEPA") rules require that an agency consider the potential indirect impacts of a proposed action, 40 C.F.R. § 1508.8(b), any evaluation of property "reuse" requires "a reasonably close causal relationship" such as that established by the "familiar doctrine of proximate cause from tort law." *DOT v. Public Citizen*, 541 U.S. 752, 767 (2004) (quoting *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1983)). A "but for" causal relationship is not enough to make an agency responsible for a particular effect. *Id.* Where "an agency has no ability to prevent a certain effect due to its limited statutory authority over the relevant actions, the agency cannot be considered a legally relevant 'cause' of the effect," and it thus need not consider the possible effect under the environmental or historic preservation laws. *Id.* at 770.

The Report considers two possible future uses, one being the City's plans to acquire and develop the Embankment for a combination of light rail, park and trail use, and the other being the LLCs' plans to develop the Embankment and other properties for residential use. In referring to development plans for the Embankment portion of the right-of-way, the Report relied upon information provided by Jersey City regarding development applications in 2005, 2007 and 2012. The Report fails to note that the 2005 and 2007 development applications for the Brunswick, Monmouth, Jersey, Erie and Cole Blocks were designed to be in complete conformity with the City's land use ordinances and were granted by judgment of the Superior Court of New Jersey after denials by the

local planning board. More importantly for present purposes, the Report also fails to note the application for the Marin block required local approval and variances to proceed, which was uncertain. Ultimately, no approval was or has since been granted for the two eastern blocks of the Embankment property to date, and none are forthcoming at this time. If the Planning Board would not approve as-of-right development, its willingness to grant variances to allow an 11-story building is unlikely, uncertain, and not reasonably foreseeable.

Any and all such future land reuse and development is subject to local planning, permitting, zoning, and regulation by local authorities that are responsible for community needs. Harris Report at 1-2. Here, the Board lacks any authority over such future reuse of the Embankment properties, and any future development is not proximately caused by the proposed abandonment or reasonably foreseeable under NEPA or the NHPA. *E.g., Baltimore & Ohio R.R. Co. et al. – Abandonment – of the Georgetown Subdivision Located in Montgomery Cnty., Md. and the District of Columbia*, AB-19 (Sub-No. 112) (served Oct. 2, 1987), 1987 WL 342670 at *5-*6 (“reuse of the right-of-way is an issue largely outside the control of this agency,” and “[i]t is not the responsibility of the ICC, to determine the acceptability of land use plans at the regional and local levels. These issues should be decided by State and local officials who are responsible for community needs.”).

As Ms. Harris summarizes in her Report:

The failure to take these restrictions into account in any way causes the CRIR to overstate what it characterizes as the “reasonably foreseeable” consequences of redevelopment of the Embankment as well as what benefits might result from listing the Embankment in the NRHP. The CRIR thus effectively goes out of its way to raise potential problems, effects, or consequences resulting from the rail line abandonment and cessation of freight rail service (recognizing that active freight rail service ended long ago on the line, and is infeasible at the present time) that do not otherwise exist.

This is especially the case given that the application for abandonment, as I understand it, does not ask for permission or otherwise involve destruction or demolition of any component of the Embankment parcels by the Applicant. Approval of any proposals for development of the Embankment property by the LLC’s post-abandonment, or

other possible uses, including park, trail, or transit, lies with state and local officials, and does not involve Federal agency action by the STB as part of its federal abandonment application review process. Such reuse is thus speculative and not reasonably foreseeable within the meaning of the National Historic Preservation Act (NHPA) and the implementing regulations at this time.

This is especially true as no redevelopment approval has yet been granted, and any definitive plans and proposals would require separate review and approval at the local level. . . . The CRIR does not adequately address and take into consideration this separate review and approval process for property reuse that is outside of, and removed from, the rail line abandonment proceeding. If reasonable local land use ordinances are enacted to enable some adaptive reuse of the Embankment, including use as open space and trails, application to local boards and the Historic Preservation Commission would follow.

Harris Report at 2.

Even if the Board had jurisdiction over future Embankment reuse and development, which it does not, the NHPA plainly is not intended to require duplication of such work by the STB. Activities and effects occurring outside STB's jurisdiction and control cannot be said to be proximately caused by the Board, and thus they should not be considered as part of the STB's historic review process.

* * *

As expressed above, the LLC's have serious concerns and objections over the Report's identification and assessment of culture resources that are beyond its jurisdiction and that are not required under the NHPA in this abandonment proceeding. Nevertheless, the LLCs wish to make clear that their preference is to work with all stakeholders to realize a vision for the Embankment that respects its past, serves the present, and contributes to the future. In that regard, the LLCs are very open to discussions that could culminate in a Memorandum of Agreement or other arrangement with the City that addresses retention of some of the Embankment. However, the historic review and other aspects of the abandonment exemption process should not be used as

vehicles for delaying the abandonment and redevelopment of the Embankment for the sake of delay or forcing the LLCs to abandon their plans and relinquish their interests.⁴

III. THE EMBANKMENT IS NOT A CONTRIBUTING RESOURCE TO THE HARSIMUS COVE OR HAMILTON PARK HISTORIC DISTRICTS

The Report recommends that the right-of-way of the Embankment not be listed as eligible in the National Register either individually or as a contributing resource to the PRR (New York to Philadelphia) Historic District because the removal of so much of the physical structure means that what remains, *i.e.*, the Embankments themselves, no longer conveys the sense of being a railroad:

The absence of so much of the physical integrity of the branch also represents a significant loss in its integrity of workmanship. Without its connecting bridges or large stretches of iron viaduct, the Branch's integrity of design is largely eroded.⁵ The additional absence of numerous iron

⁴ Additionally, there is no factual basis for the Report to treat use of the Embankment for light rail to be reasonably foreseeable. The prior testimony of Edward Bolden, a professional transportation planner, considers the Jersey City Master Plan recommendation regarding light rail and explains that the Master Plan provides no documentation to support the use or costs associated with light rail on the Embankment. Mr. Bolden described the possibility of light rail use on the Embankment as “significantly problematic” and he found that use of the Embankment for that purpose is simply not feasible. The grades to access the top of the Embankment are too steep, and there is inadequate space to accommodate the ascent and descent of passengers. Further, the Jersey City Planner acknowledged that New Jersey Transit rejected the idea. Mr. Bolden explained that the proposed service would duplicate existing service. The Master Plan provided no justification for the light rail proposal. Even if it were somehow deemed feasible, light rail would have a more severe impact on the historic character of the Embankment and the neighboring historic districts. To the extent that the City of Jersey City or others may wish to develop the Embankment in some other way or for some other purpose, the appropriate procedure is to invoke eminent domain, with appropriate compensation to the LLCs. The historical review process should not be used to effectuate a public taking without appropriate compensation.

⁵ The Report notes (at ii) that “[m]ost of the tracks, ties, ballast, bridges and other structures were removed in the mid-1990s, at least in part at the request of Jersey City and before Conrail sought abandonment authority.”

support bents and two bridge abutments (Brunswick Street and Marin Boulevard) breaks up the linear continuity of the surviving substructures and diminishes the sense of a distinguishable railroad corridor. Together with the absence of the original and all-important rail yard and terminal facilities, as well as the overhead electrified catenary system, the resource no longer retains the character and setting of a major transportation operation. With significant losses in its original design, materials, workmanship, and setting, the PRR Harsimus Branch no longer conveys the feeling of a major railroad operation....

Report at 5-17. The LLCs concur in this aspect of the Report's analysis since the Embankment, without the additional structures, does not contribute to the sense of time and place and historical development of the PRR.⁶

Notwithstanding its finding that the Embankment "no longer conveys the feeling of a major railroad," in an obvious attempt to increase the significance of the Embankment, the Report nonetheless recommends that the Embankment be listed as a contributing resource to other resources, particularly the Hamilton Park and Harsimus Cove Historic Districts.⁷ However, the Report "adopts an unnecessarily broad approach in considering whether the Embankment represents a contributing feature of additional historic districts that are already NRHP listed or determined eligible." Harris Report at 3.

For example, the Embankment "resource itself was explicitly excluded in the associated [National Register] nominations of these districts, and more significantly, was used to define the boundary of the properties, signifying its *lack of association with historic development patterns during the districts' periods of significance* (Sheehan 1997 and Sullebarer and Arms 1987)" *Id.* (emphasis added). Also, even if there were some reasonable contributing element connection, which there is not, the Report's focus on the relationship of the Embankment to nearby historic districts is not a part of OEA's

⁶ Under 36 C.F.R. § 67.5(a)(1), "a building contributing to the historic significance of a district is one by which location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development." Conversely, under 36 C.F.R. § 67.5(a)(2), "a building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development."

⁷ In addition, the Report recommends the Embankment as eligible for listing as a discontinuous key contributing resource to the PRRHD, a matter that is addressed *infra*.

obligations under Section 106. *Id.* Additionally, the Report's further reevaluation of resources already listed in the National Register, and "particularly the expansion of established [National Register] district boundaries in terms of both space and period of historical significance, would appear beyond the scope of the survey." *Id.*

In this respect, the Report engages in a series of bootstraps that make little sense, but seem designed to reach a preordained conclusion.

For example, the Hamilton Park Historic District has been listed under Criterion C, apparently because of the architecture of its residential buildings constructed from circa 1835 to circa 1887 constitutes its period of significance. Report at 5-12. The Embankment could not possibly be found to be a contributing resource on this basis since construction of the Embankment occurred between 1901 and 1905, when its significance was established. *Id.* at 1. There is thus no historical integrity as the Embankment is separated from the District by both time (at least fourteen years) and place, precluding a finding of any sense of integrity.

However, the Report seeks to overcome this gap by (a) recommending that the District be considered eligible under Criteria A because of the neighborhood's broader contributions, (b) extending the period of historical significance to 1917, and (c) expanding the District to include the Embankment because it "did create an imposing and enduring edge to this community" by forming "a broken wall that at once created blighted spaces along its corridor, encouraging the flight of affluent residents, while also opening up opportunities for new immigrant communities to thrive." *Id.* at 5-12 to 5-13.

The Report's analysis, such as it is, is defective in multiple respects and should not be adopted. First, as a threshold matter, the abandonment proceeding should not be used as a vehicle to reexamine and revisit prior historical reviews, which found Hamilton Park (and Harsimus Cove) to be a historic district, but one which did not support including the Embankment in those districts. The appropriate subject of the Report should be the Embankment itself, not the revision of other historical reviews that were completed years ago. Furthermore, the Report proposes to expand both the basis on which those other resources are deemed significant and the period of significance. As a result, the review has little to do with the Embankment or the proposed abandonment and constitutes an inappropriate use of the Board's limited resources.

Second, the Report's analysis is too flimsy in substance to be adopted. There is no plausible explanation, nor could there be, as to how remaining buildings that were constructed by 1887 could, in 2017, give a sense of neighborhoods as they existed in 1917, one hundred years earlier. Moreover, if the Embankment is, as the Report finds, too insufficient to give a sense of the railroad operation that existed at the time, then the

Embankment is also insufficient to convey the “edge” that the railroad gave to the neighborhoods in the historic district. A remaining structure that is insufficient for the first purpose is also insufficient for the second.

Third, even assuming *arguendo* that the Embankment somehow conveys an edge to the neighborhoods, the Report’s reasoning would still be defective for failing to consider how the edge was created not by Embankment, but instead by the railroad operations that preceded the Embankment. The Report at 3-36 to 3-37 describes how railroad operations existed along the Embankment right-of-way long before the Embankment structures were ever constructed. The prior structure depicted at Figure 3.16 at page 3-20 of the Report imposed a substantial barrier, one that may well have been more intrusive and impenetrable than the Embankment itself and the associated railroad operations.

Accordingly, the analysis in the Report is overly broad and fails to establish that the Embankment is sufficient to convey the “edge” that the Embankment supposedly established for the Hamilton Park Historic District. Furthermore, even if the Embankment still somehow conveys the sense of such an edge, it is far more logical that it was established earlier by the preceding railroad operations and not the Embankment itself. Retaining the Embankment to convey the sense of an edge that existed previously would create a false sense of historical significance.

The same basic problems extend to the Report’s recommendation that the Embankment be considered a discontinuous contributing resource to the Harsimus Cove Historical District. In particular, the historic buildings in the district were constructed between 1850 and 1887, Report at 5-13, at least fourteen years before construction of the Embankment began. While the Report infers that the district has been nominated under Criteria A and C, the Report nonetheless concedes that “the transportation qualities of the Embankment were not integral to the architectural and residential qualities” of the District, but asserts that the Embankment still affected the District by creating “blighted spaces along the corridor, encouraging the flight of affluent residents,” which created housing opportunities for immigrants. *Id.* at 5-14.

Because the Embankment was constructed after the buildings in the district, the Embankment cannot be considered a contributing resource under Criterion C. There is simply no integrity of time or historic significance. The analysis under Criterion A fails because, as the Report found, the Embankment is insufficient to convey the sense of a railroad, and is thus insufficient to convey the barrier that the railroad presented. Moreover, insofar as the Embankment created a barrier, that barrier existed before the construction of the Embankment in the form of the prior railroad operations, as explained *supra*. Since the barrier was in place before the Embankment, the Embankment “does

not add to the district's sense of time and place and historical development," 36 C.F.R. § 67.5(a)(2), and should not be treated as a contributing resource. Indeed, insofar as the Embankment was a later arrival, its presence detracts from the sense of architectural time and place that listing seeks to preserve. Additionally, retention of the Embankment structures is not necessary to convey the sense of any barrier that existed. Indeed, the existence of railroad operations along the corridor before the Embankment was constructed demonstrates that the Embankment did not create the barrier.

IV.

THE EMBANKMENT SHOULD NOT BE CLASSIFIED AS A CONTRIBUTING RESOURCE FOR THE PENNSYLVANIA RAILROAD HISTORIC DISTRICT

Notwithstanding the lack of physical integrity in the Embankment referenced above, the Report nonetheless recommends that the Embankment be eligible for listing in the National Register as "a discontinuous key contributing resource within the National Register-eligible PRR (New York to Philadelphia) Historic District." Report at 5-4. The recommendation lacks logic, and merely serves to further demonstrate the Report's "excessive focus on other historic properties within the indirect APE" – especially because, as was the case with the nearby Hamilton Cove and Harsimus Park historic districts, the Embankment resource itself was not included as a contributing element in the National Register nomination of the PRR Historic District. Harris Report at 3-4.

The only stated basis for finding the Embankment eligible in the SHPO Report is that it supposedly "is a distinguishable railroad corridor (despite the absence of its connecting bridge spans) and an example of the large-block ashlar masonry favored by the PRR and its engineers for its bridges and viaducts." Report at 460. However, the OEA Report notes that the "integrity of design is largely eroded" and "the resource no longer retains the character and setting of a major transportation operation." *Id.* at 5-17. Since what remains is insufficient to convey the sense of a railroad, there is not a sufficient basis for finding the Embankment has "significant historical association in the areas of Transportation and Community Planning and Development" under Criterion A. *Id.* at 5-4.

The Report's recommendation is further undermined by the claim that the "period of significance extends from 1867 to 1949." *Id.* Construction of the Embankment did not commence until 1901, at which point time the corridor as such already existed inasmuch as railroad operations were conducted over the right-of-way long before the Embankment was constructed. Insofar as the objective is to convey a sense of the existence of a railroad corridor, it follows that retention of the Embankment Structure is neither necessary nor sufficient for that purpose. Furthermore, the

Embankment could be redeveloped in a variety ways that would retain the sense of a corridor, even if the Embankment structures were removed in their entirety, although the LLCs hasten to add that removal of all the structures is not their plan, intent, or desire at the current time.

The Report also asserts that the Embankment is eligible for listing under Criterion B as an example of the use large-block masonry and its association with the work James J. Ferris, a notable Jersey City Engineer. *Id.* The Report's reasoning in this regard appears rather circular, *i.e.*, it is unclear whether Mr. Ferris becomes significant because of the Embankment structures, or whether the Embankment structures are significant because of the involvement of Mr. Ferris. In any event, the Report fails to take into the fact that there is a nearby building, the Hudson & Manhattan Railroad Powerhouse, the foundation for which was designed by Mr. Ferris, that is already listed on the National Register. Insofar as the objective is to preserve an example of Mr. Ferris's contributions in Jersey City, that objective is already satisfied and does not justify the listing of the Embankment.

However, even assuming that the Embankment structure should be listed as historically significant as an additional example of large-block masonry, the rationale does not support the listing of all of the Embankment structures, as the objective would be achieved by listing only a few of structures or even just one. The Embankment structures are all large, and any one of them is sufficient to convey a sense of the time and place by serving as an example of the construction and Mr. Ferris's contributions. Designating all of the structures is not necessary for achieving the Report's stated goal under Criterion B. The LLCs reiterate that they remain very open to retaining one of more of the Embankment structures in the redevelopment.

In short, the Report does not provide a convincing rationale for why the Embankment itself should be listed as a discontinuous key contributing resource within the PRR under Criteria A or B. However, even if the Report is deemed to provide a convincing rationale, it would not support the listing of all of the Embankment structures. Only a few or even a single structure would be sufficient to serve the asserted rationale.

V. CONCLUSION

The Report suffers from severe flaws in numerous respects. It took too long to prepare, and it has been allowed to delay the rest of the abandonment proceeding, whereas the Board's standard practice is to allow abandonments to proceed and be approved, subject to the eventual outcome of the environmental review. The Report rests on the premise that abandonment will result in the removal of all the Embankment

structures, but that assumption is unfounded and, in fact, inconsistent with the LLCs' preferred path for development. Furthermore, the Report improperly presumes that the Board may address the disposition of the property post-abandonment, by an entity that it is not even a common carrier subject to the Board's regulatory jurisdiction, and perhaps that the Board may impose a nonconsensual condition other than documentation. Beyond that, the Board does not serve as a planning agency, and it should not attempt to perform those functions. In these respects, the Board departs from well-established precedent and its own statutory authority.

The Report also errs substantively. In particular, the Report revisits and seeks to alter and expand upon historical reviews that were previously prepared and completed for the Hamilton Park and Harsimus Cove Historic Districts, changing the basis on which those districts were listed and even their period of significance, all in order to find a basis to find the Embankment eligible for listing, when the Embankment was not listed previously, despite the fact that those listed districts were already the subject of rigorous review. The APE improperly extends beyond the right-of-way itself. The Report seeks to depict the Embankment as having created an edge of blight around those areas, but the railroad operations that existed years prior to construction of the Embankment structures were more than sufficient to create those conditions. Accordingly, the Report wholly fails to make a case for listing the Embankment as part of either historic district.

The Report also fails to make a case for listing the Embankment as a contributing resource to the PRR Historic District. As the Report notes, the remaining Embankment structures are simply insufficient to provide the sense of a major railroad operation. Insofar as the objective is to convey the sense of a rail corridor, the Embankment structures are not necessary for that purpose, as the corridor existed decades before the Embankment was constructed. Indeed, retention of the Embankment structures serves more to convey historical distortion by suggesting that the Embankment was essential to the establishment of the corridor. The listing of the Embankment is not necessary to preserve an example of the work of Mr. Ferris, as the National Register already includes such a listing in Jersey City. However, even if an additional example, the objective can be accomplished with the retention of one of the Embankment structures, and the listing of all the structures is not needed.

In short, the Report's recommendation for listing is a solution for a problem that does not exist, by an agency that lacks the authority either to consider the putative problem or to adopt the proffered solution.

Notwithstanding these and numerous other flaws and infirmities in the Report, the LLCs remain very open to and interested in potentially retaining one or more

of the Embankment structures as part of a redevelopment that respects the past and serves the current and future needs of Jersey City. That process, through a Memorandum of Agreement or other arrangement reached with the City, can occur, and occur best, without the sort of overreaching that is embodied in the Report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele R. Donato".

Michele R. Donato

MRD:dp
Encls.

cc: The LLCs (c/o Victoria Hyman and Raymond Obsuth, Esq. by email transmission only)
Ms. Brandy M. Harris (by email transmission only)
Mr. Brian Laughlin (by email transmission only)
Robert M. Jenkins, III. Esq. (by email transmission only)
Charles H. Montange, Esq. (by email transmission only)



June 16, 2017

Michele R. Donato, Esq,
106 Grand Central Avenue
Lavallette, NJ 08735

Re: Review of *Cultural Resources Identification Report, Conrail Harsimus Branch Abandonment*, STB Docket Nos. AB 167 (Sub-No. 1189X), AB 55 (Sub-No. 686X), and AB 290 (Sub-No. 306X), Prepared for Office of Environmental Analysis, Surface Transportation Board, May 2017.

Dear Ms. Donato:

At the request of the LLCs, owners of the property underlying the right-of-way of the former Conrail Harsimus Branch, I have reviewed the Cultural Resources Identification Report (CRIR) prepared under the Office of Environment Analysis (OEA) of the Surface Transportation Board (STB) for the proposed abandonment of the line of railroad in Jersey City, Hudson County, New Jersey (Project) (RGA Inc. 2017).

By way of brief background, I am an Architectural Historian and have been employed as a Senior Cultural Resources Specialist at Burns and McDonnell for over 3 years and in the same capacity at other firms for over 13 years. I meet the Secretary of the Interior (SOI) standards in both history and architectural history. I have personally conducted hundreds of similar cultural resources survey and assessments in over twenty states during the course of my career, and I have reviewed and commented upon many others. Attached is a copy of my C.V., which contains additional information on my qualifications, background, and experience.

In my opinion, there are number of deficiencies in the CRIR. Some of the more significant are noted and explained below. Failure to address a matter at this time should not be construed as concurrence with or acquiescence with that aspect of the CRIR.

Failure to Consider Other Existing Legal Requirements and Their Impact

The CRIR lacks an effective summary of the numerous local, state, and Federal Regulations and other legal requirements that already apply to and offer protection for the Harsimus Branch Embankment (Embankment). As a consequence, those legal requirements are effectively ignored. The CRIR instead focuses on determining whether the Embankment, which has already been designated as eligible for listing in the National Register of Historic Places (NRHP), contributes to yet additional multiple resource properties and historic districts in its vicinity.

In fact, there already are applicable local planning and use laws, historic preservation, and other legal requirements that provide substantial protection for any historical contribution that the Embankment might make to these other resources. Adherence to these legal requirements would be required for any future use or development of the Embankment, regardless of its association with or relationship to other potential or existing historic properties.

The failure to take these restrictions into account in any way causes the CRIR to overstate what it characterizes as the “reasonably foreseeable” consequences of redevelopment of the Embankment as well as what benefits might result from listing the Embankment in the NRHP. The CRIR thus effectively goes out of its way to raise potential problems, effects, or consequences resulting from the rail line abandonment and cessation of freight rail service (recognizing that active freight rail service ended long ago on the line, and is infeasible at the present time) that do not otherwise exist.

This is especially the case given that the application for abandonment, as I understand it, does not ask for permission or otherwise involve destruction or demolition of any component of the Embankment parcels by the Applicant. Approval of any proposals for development of the Embankment property by the LLC’s post-abandonment, or other possible uses, including park, trail, or transit, lies with state and local officials, and does not involve Federal agency action by the STB as part of its federal abandonment application review process. Such reuse is thus speculative and not reasonably foreseeable within the meaning of the National Historic Preservation Act (NHPA) and the implementing regulations at this time.

This is especially true as no redevelopment approval has yet been granted, and any definitive plans and proposals would require separate review and approval at the local level. (In this respect, previous LLC plans that were submitted for historic review by the Jersey City Historic Preservation Commission were denied, despite containing substantial preservation of the Embankment, although the matter remains pending on appeal in State court.) The CRIR does not adequately address and take into consideration this separate review and approval process for property reuse that is outside of, and removed from, the rail line abandonment proceeding. If reasonable local land use ordinances are enacted to enable some adaptive reuse of the Embankment, including use as open space and trails, application to local boards and the Historic Preservation Commission would follow.

Failure to Recognize Limitations in the Areas of Potential Effects (APE)

The analysis of the areas of potential effects (APE) is deficient in failing to recognize that the railroad right-of-way (ROW) at the eastern end of the Embankment no longer exists because that portion of the ROW has already been developed. The presence of the nearby Warehouse Historic District does not alter the fact that extensive development has already occurred in that area, as have any adverse effects associated with such development. The presence of a historic property in the area alone does not justify expanding the APE and does not satisfy the requirements under Section 106, §800.4(a)(1), which requires federal agencies to document the reasoning behind their APE delineation.

Excessive Focus on Relationship of Embankment to Nearby Historic Districts

The CRIR also adopts an unnecessarily broad approach in considering whether the Embankment represents a contributing feature of additional historic districts that are already NRHP listed or determined eligible, including the Pennsylvania Railroad (New York to Philadelphia) Historic District, the Hamilton Park Historic District and District Extension, and the Harsimus Cove Historic District. The resource itself was explicitly excluded in the associated NRHP nominations of these districts, and more significantly, was used to define the boundary of the properties, signifying its lack of association with historic development patterns during the districts' periods of significance (Sheehan 1997 and Sullebarger and Arms 1987).

Reevaluation of resources already listed in the NRHP, particularly the expansion of established NRHP district boundaries in terms of both space and period of historical significance, would appear beyond the scope of the survey. Such an assessment is also outside of the obligations of the OEA to assess the potential effects of the proposed abandonment on historic properties.

Furthermore, the focus on the relationship of the Embankment to nearby historic districts is not a particularly productive exercise. Section 106 of NHPA does not mandate avoidance of all impacts, but merely requires that sufficient mitigation be developed to account for those adverse effects. The mitigating measures that are appropriate for the Embankment itself (as well as the other legal restrictions on the Embankment's redevelopment) are either apt to be effective on their own or could be expanded to include measures that would benefit historic districts, without modifying their spatial and temporal boundaries to result in direct impacts to those resources. Such measures would typically be addressed in a Memorandum of Agreement (MOA) that would serve to document the OEA's compliance with Section 106.

Excessive Focus on Other Historic Properties within the Indirect APE

As shown above, the CRIR devotes much of its attention to properties that are not part of the Embankment, but that might be affected by potential redevelopment following abandonment approval. Those resources are identified and addressed in two tables that are appended to this letter. Table 1 includes 11 properties that were previously recorded, and Table 2 includes 4 additional resources that were identified during the reconnaissance and intensive survey that are recommended for NRHP inclusion.

Except for the three historic districts that the CRIR contends the Embankment contributes to, none of the additional properties would be directly impacted by the proposed railroad abandonment. However, their inclusion within the indirect APE suggests the possibility for adverse effects to the properties by the proposed undertaking, for example, through changes to their setting. However, the CRIR overlooks several material factors in reaching its conclusions.

For example, the eligibility determinations for many of the properties are decades old. Since the resources were not resurveyed, there is a substantial possibility that they no longer retain sufficient integrity for continued NRHP consideration. Because the character-defining

features of each resource are also not identified or verified, there is not a sufficient basis for determining if those features would be affected by the abandonment. The Warehouse Historic District and contributing buildings, the boundaries for which are undetermined, exemplifies the problem. The District is adjacent to the Eastern portion of the former Harsimus Branch ROW that is no longer extant. The extensive modern development in that area precludes a finding of adverse effect from the abandonment.

Similarly, the CRIR maintains that the parish for the Holy Roman Catholic Complex is significant. However, the CRIR also indicates that none of the associated buildings retains sufficient integrity to warrant NRHP inclusion. As a result, there is no stated basis for determining what aspect of this resource warrants listing or what aspect would warrant protection from adverse effects.

Furthermore, the description and photographs associated with the altered streetscapes for the resources listed as ineligible suggest that much of the area surrounding the Embankment lacks integrity of its historic fabric. An adjustment to the CRIR is suggested indicating that despite the Embankment's NRHP eligibility, development of or modification to the Embankment would have a low potential to visually impact other historic resources based on the results of the field reconnaissance.

Summary Conclusions

The matters addressed above reveal an inherent unevenness in the CRIR's analysis.

The CRIR seems eager to take a very expansive view of the historical significance of the Embankment, notwithstanding its poor condition, in relation to other historic or possibly historic properties, even though the Embankment was not previously considered to be a contributing element to those resources when they were originally designated.

At the same time, the CRIR reveals an unwillingness to consider other matters that might weigh against designation or a determination of adverse effect to historic properties within the defined APE. The excluded considerations include whether other legal requirements would limit the "reasonably foreseeable" impacts of the abandonment, whether those properties that were previously reviewed, sometimes decades ago, still retain their historical integrity, and whether other development that has already occurred may have created adverse effects even absent from redevelopment of the Embankment.

The breadth of the CRIR's analysis in the first respect and its narrowness in the second is clearly evident.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandy Harris', with a stylized, flowing script.

Brandy Harris
Senior Cultural Resources Specialist

REFERENCES

City of Jersey City

- 2007 Historic Preservation Commission. Electronic document, <http://www.jerseycitynj.gov/historicpreservationcommission/>, accessed June 13, 2017.
- 2015 Amendment to the Entire Historic Preservation Plan Element (Article IX). Electronic document, http://www.cityofjerseycity.com/uploadedFiles/City_Government/18%20-%20Historic%20Preservation%20Plan%20Element%20Amendment%2003-10-2015.pdf, accessed April 13, 2017.

New Jersey Department of Environmental Protection (NJDEP)

- 2017 New Jersey and National Register of Historic Places. Electronic document, <http://www.nj.gov/dep/hpo/1identify/nrsr.htm>, accessed, June 13, 2017.

RGA, Inc.

- 2008 *Area of Potential Effects Report and Proposed Methodology for Section 106 Consultation, Conrail Harsimus Branch Abandonment (STB Docket No. AB 167 [Sub-No. 1189X]) City of Jersey City, Hudson County, New Jersey*. Copy on file at the Surface Transportation Board Office of Environmental Analysis. Washington D.C.
- 2017 Cultural Resources Identification Report: Contrail Harsimus Brand Abandonment, STB DOCKET NOS. AB 167 (Sub-No. 1189X), AB 55 (Sub-No. 686X), and AB 290 (Sub-No. 306X), City of Jersey City, Hudson County, New Jersey.

Sheehan, Margaret A.

- 1977 *National Register of Historic Places Inventory – Nomination Form, Hamilton Park Historic District*. Prepared by the Jersey City Office of Planning. Copy on file at the NPS. Washington, D.C.

Sullebarger, Beth and Meredith Arms

- 1987 *National Register of Historic Places Inventory – Nomination Form, Harsimus Cove Historic District*. Prepared by Sullebarger Associates. Copy on file at NPS. Washington, D.C.

Surface Transportation Board (STB)

- n.d. Environmental Matters; Environmental Rules. Electronic Document. <http://www.stb.gov/stb/environment/rules.html>. Accessed June 2017

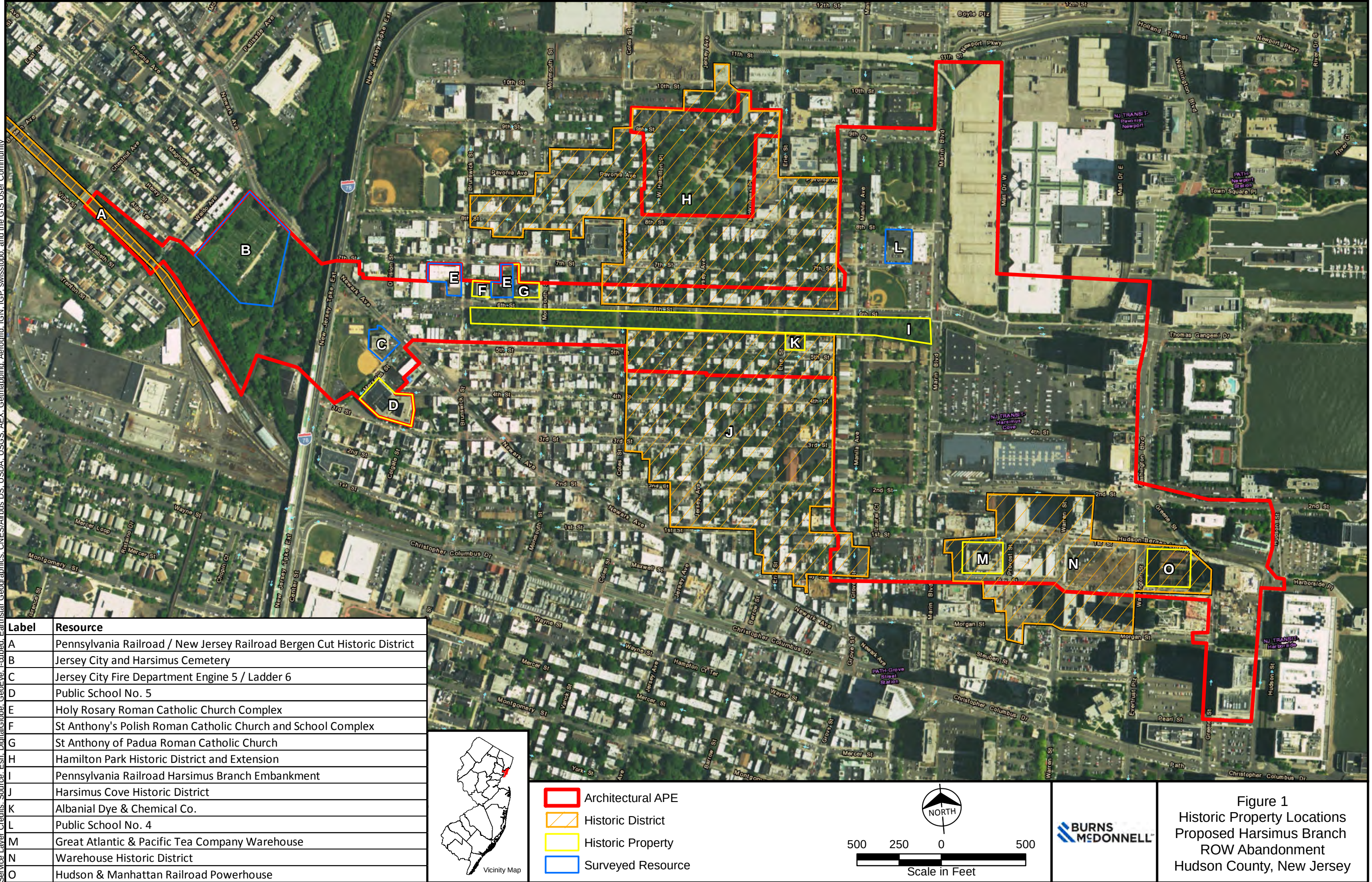
Table 1: Previously Recorded Historic-Age Resources

Resource	NRHP Listed?	State Listed?	Jersey City Municipal Landmark / District?	NRHP Eligible?	When determined eligible?	Comments
Pennsylvania RR Historic District	No	No	No	Yes (Criteria A and C)	Multiple SHPO opinions 2003, 2007, 2008	CRIR argues Embankment is contributing feature; otherwise physically and topographically disconnected
New Jersey RR Bergen Cut Historic District	No	No	No	Yes (Criteria A and C)	SHPO 1999	Eastern boundary undefined
Public School No. 5	No	No	No	Yes	SHPO 1991	Undetermined criteria and POS
St. Anthony's Polish Roman Catholic Church and School Complex	Yes (church only)	Yes (church only)	No	Yes (complex)	SHPO 1994	Eligible under Criterion C; Criteria Consideration A for Religious properties; resources are discontiguous
Hamilton Park Historic District	Yes	Yes	Yes	N/A	Listed in 1977 under NRHP Criterion C; boundaries expanded in 1982	CRIR argues that district is also significant under Criterion A and that boundaries should be expanded to include Embankment
Harsimus Cove Historic District	Yes, 1987	Yes, 1987	Yes	N/A	Listed in 1987 under NRHP Criteria A and C	CRIR argues that boundaries should be expanded to include Embankment

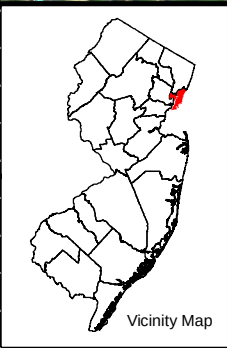
Resource	NRHP Listed?	State Listed?	Jersey City Municipal Landmark / District?	NRHP Eligible?	When determined eligible?	Comments
Albaniel Dye and Chemical Company	Yes (as part of Harsimus Cove Historic District)	No	No	Yes (individually under Criterion C)	SHPO Opinion: 1980 and 1981; DOE	In APE adjacent to portion of abandoned Harsimus Branch ROW that no longer exists
Warehouse Historic District	No	No	Yes	Yes (under Criteria A and C)	SHPO 1991	In APE adjacent to portion of abandoned Harsimus Branch ROW that no longer exists; boundaries undetermined
Hudson & Manhattan RR Powerhouse	Yes	No	Yes	N/A	Listed in 1999 under Criteria A, B, and C	In APE adjacent to portion of abandoned Harsimus Branch ROW that no longer exists
Great Atlantic & Pacific Tea Company Warehouse	Yes	Yes	Yes	N/A	Listed in 1978 under Criterion A and C	In APE adjacent to portion of abandoned Harsimus Branch ROW that no longer exists; NHL ID No. 1504

Table 2: Additional Resources Recommended for NRHP inclusion in the CRIR

Resource	NRHP Recommendation
Jersey City and Harsimus Cemetery	Recommended under Criterion A (Criteria Consideration D)
Holy Rosary Roman Catholic Church Complex	Recommended under NRHP Criterion A but CRIR suggests none of the buildings maintain integrity or architectural distinction; no reference to NRHP Criteria Consideration A
Jersey City Fire Department Engine 5/Ladder 6	Recommended under NRHP Criteria A and C
Public School No. 4	Recommended under Criterion C as part of thematic resource representing work of John T. Rowland



Label	Resource
A	Pennsylvania Railroad / New Jersey Railroad Bergen Cut Historic District
B	Jersey City and Harsimus Cemetery
C	Jersey City Fire Department Engine 5 / Ladder 6
D	Public School No. 5
E	Holy Rosary Roman Catholic Church Complex
F	St Anthony's Polish Roman Catholic Church and School Complex
G	St Anthony of Padua Roman Catholic Church
H	Hamilton Park Historic District and Extension
I	Pennsylvania Railroad Harsimus Branch Embankment
J	Harsimus Cove Historic District
K	Albania Dye & Chemical Co.
L	Public School No. 4
M	Great Atlantic & Pacific Tea Company Warehouse
N	Warehouse Historic District
O	Hudson & Manhattan Railroad Powerhouse



- Architectural APE
- Historic District
- Historic Property
- Surveyed Resource

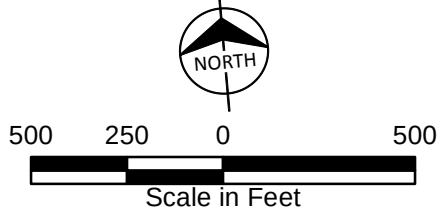


Figure 1
Historic Property Locations
Proposed Harsimus Branch
ROW Abandonment
Hudson County, New Jersey

BRANDY M. HARRIS

Senior Cultural Resources
Specialist/Architectural Historian



Ms. Harris has over twelve years of professional experience in all aspects of cultural resource management. She currently serves as lead historian and principal investigator for Burns & McDonnell. Ms. Harris leads multiple historic resource survey and assessment projects and archival research projects for a variety of local, state, federal, and private sector clients under an array of regulatory contexts. During her career,

Ms. Harris has developed a high level of skill in historical investigation and historic building documentation. She also serves as the lead technical professional performing and directing archival research efforts, property history and archival research for large-scale archeological survey, testing, and mitigation projects, reconnaissance and intensive-level historic architecture surveys, evaluation and assessment of properties for National Register of Historic Places (NRHP) eligibility, and the production of archival and technical reports including National Register nominations and historic contexts. She meets the SOI standards as a historian and architectural historian.

Ms. Harris has direct experience preparing environmental documents for National Environmental Policy Act (NEPA) compliance in coordination with other environmental professionals, including categorical exclusions, environmental assessments, and environmental impact statements. Other areas of expertise include staff coordination and administration, project management, scoping and budgeting historic resource survey and archival research projects, proposal development, contract execution, consulting with clients and agency staff to ensure Section 106 and other regulatory compliance, documenting and evaluating historic resources under Section 4(f), and evaluating and mitigating effects to historic properties as required through regulatory processes.

The following are narrative descriptions of recent relevant projects involving historic resource survey and bridge documentation. Besides the recent projects described below, she has also served as principal investigator or contributing historian on numerous additional historic building documentation projects, archeological survey and testing projects, and archival research projects throughout Texas, Louisiana, Mississippi, Oklahoma, Arkansas, North Carolina, South Carolina, Colorado, Missouri, Kansas, Minnesota, Ohio, Pennsylvania, Maryland, Iowa, Indiana, Nevada, and California. The wide variety of projects demonstrates her ability to document and assess affects to cultural resources in high profile and sensitive situations as well as her capacity to make efficient impact determinations, conduct agency coordination, and provide solutions to clients under a range of constraints in a variety of project types.

EDUCATION

- ▶ MA, Public History
- ▶ BA, History

CERTIFICATIONS

- ▶ TxDOT Precertified, ESN 17354 (Categories 2.8.1 and 2.11.1)
- ▶ Iowa DOT Precertified; Category 363
- ▶ Idaho DOT Precertified

PUBLICATIONS

- ▶ "Rediscovering a Lost Community," Texas Mining Magazine, Fall 2013.
- ▶ "Piecing Together the Past: The Role of Archival Research in Reconstructing the Headsville Community," Texas Archeological Society annual meeting, Tyler, Texas, 2012
- ▶ "Urban Renewal Records as an Archival Source and the African American Experience during Waco's Urban Renewal Initiative," Society for Historical Archaeology Conference on Historical and Underwater Archaeology in Austin, Texas, 2011
- ▶ "The Center of the City," in American City and County, 2008.
- ▶ "Contextual Development for Archaeology in the Main Plaza," Texas Archaeological Society annual meeting, San Antonio, Texas, 2007

3 YEARS WITH BURNS &
MCDONNELL

13 YEARS OF EXPERIENCE

BRANDY M. HARRIS

(continued)

Merchants Bridge Reconstruction Project

Across the Mississippi River between St. Louis, Missouri and Venice, Illinois

Section 106 and architectural history lead to facilitate improvements to the NRHP eligible Merchants Bridge. The railroad bridge crosses the Upper Mississippi River at Mile 183.2 connecting St. Louis, Missouri and Venice, Illinois, and represents a key river crossing and critical link in the transcontinental railroad system. The 1890 bridge is owned by the Terminal Railroad Association of St. Louis (TRRA). The project is subject to compliance with NEPA, Section 106 of the National Historic Preservation Act (NHPA), and Section 4(f) of the DOT Act. Though current plans include retaining portions of the original structure, both Missouri and Illinois SHPO staff concurred construction of the preferred alternative would constitute an “adverse effect” to the NRHP-eligible bridge. Brandy led efforts to identify and contact consulting parties for their input into appropriate mitigation measures, prepared a full Section 4(f) evaluation to demonstrate the preferred alternative is the most prudent and feasible and that all measures have been taken throughout the project development process to minimize harm to the historic bridge, developed an MOA, and will implement approved mitigation measures. Additionally, Ms. Harris led efforts to define and survey a visual impacts APE to assess indirect impacts from the proposed project.

Proposed Highway 65 Improvement Project | Arkansas Highway and Transportation Department

Boone and Newton Counties, Arkansas

Lead historian for the US 65 cultural resources survey conducted for the Arkansas Highway and Transportation Department in Boone and Newton Counties, Arkansas. She documented and assessed potential project impacts to 69 historic-age architectural resources along the roadway corridor, including an NRHP-eligible Western Style barn. All of Brandy’s recommendations regarding impacts to historic properties were accepted by SHPO reviewers with no comment. Ms. Harris also led archival research and NRHP eligibility and effect assessment efforts for a historic archaeological site including the remnants of a former springhouse structure within the project ROW. Springhouses were historically used to store and preserve perishable food items prior to refrigeration technology. The spring itself was used by early settlers as early as the 1830s and gave the surrounding community of Valley Springs its name. The resource was determined NRHP eligible under Criterion A and as the project would

result in destruction of the site, mitigation efforts were developed via a Memorandum of Agreement (MOA) between, AHTD and the Arkansas State Historic Preservation Officer (SHPO). Brandy led MOA compliance efforts via in-depth archival research and oral history interviews at various regional and state archives. This research revealed that the spring was owned and likely used by community founders, the Rowland family, throughout the 19th century and into the early 20th century. The research also provided additional information about the Rowland family and their occupation, including confirmation that the larger land parcel associated with the spring contained improvements during their tenure of ownership. Finally, the research confirmed that the Rowlands were significant to local development patterns and that the spring was an important feature of the Valley Springs community throughout its history. The report was approved by AHTD and SHPO as mitigating adverse effects to the historic property.

PROFESSIONAL DEVELOPMENT

- ▶ Section 106 Essentials Training, Advisory Council on Historic Preservation (2010)
- ▶ PMP Essentials Certification Training (2011)
- ▶ California Environmental Compliance Training (2012)
- ▶ NEPA Compliance and Cultural Resources (2015)
- ▶ Section 4(f) Compliance for Historic Properties (2015)
- ▶ Historic Bridges: Management, Regulations, and Rehabilitation (2016)
- ▶ Section 106: Agreement Documents (2017)
- ▶ Renewable Energy Developments: Impacts on Cultural Resources



BRANDY M. HARRIS

(continued)

Proposed Kearny County Airport Improvement Project Kearny County, Kansas

Lead historian for Phase I and II cultural resource survey efforts for the proposed Kearny County Airport Project near the City of Lakin, Kansas. The Project included construction of a new runway and widening of an existing runway and taxi area, creation of safety areas, and an upgrade of design standards in accordance with Federal Aviation Administration (FAA) regulations and required compliance with Section 106 of the NHPA and Section 4(f) of the DOT Act. In addition to archaeological resources, Brandy documented and evaluated a nineteenth century irrigation feature known as the Amazon Ditch. Research confirmed the resource warranted NRHP inclusion, and direct project impacts required additional consideration of the resource under Section 106 and Section 4(f). The canal was the largest irrigation feature ever constructed in Kansas and was part of an extensive system of over 336 miles of main canals that served the region. The Amazon Ditch maintains historical associations with several distinct periods of agricultural development in the region, including early settlement and the land boom in the 1880s, the advent of sugar beet production during the first decade of the 20th century, and continued agricultural innovations during the post-World War II era. The SHPO concurred with Brandy's evaluation of the resource as NRHP eligible under Criterion A and with the assessment that it would not be adversely impacted by the project. The project was approved to proceed in April 2015 with only *de minimis* coordination required under Section 4(f).

El Reno Bridge Replacement Project | U.S. Department of Agriculture, Oklahoma El Reno, Oklahoma | 2017

Lead Cultural Resources Specialist for the proposed replacement of two bridges on the U.S. Department of Agriculture (USDA), Grazinglands Research Laboratory. One of the bridges is eligible for National Register of Historic Places. Leading Section 106 consultation efforts in support of the EA, including required coordination to account for adverse effect to the NRHP eligible bridge and archaeological survey of proposed construction laydown areas. The facility was formerly a cavalry post and WWII POW internment camp and is listed on the National Register of Historic Places. The NRHP eligible bridge was constructed by German and POWs during WWII, and surrounding areas were campsites for Native American cavalry scouts during the late nineteenth century.

Historic Documentation of the PG&E Line 108 Pipeline Suspension Bridge Sacramento County, California

Quality control reviewer and Historian for Historic American Engineering Record (HAER) Level 1 documentation of an NRHP-eligible pipeline suspension bridge within the boundaries of the Cosumnes River Preserve in Sacramento County, California. Documentation of this bridge was required under Section 106 of the NHPA as a condition of a USACE permit for removal of the existing bridge structure and installation of a new pipeline beneath the Cosumnes River. Brandy served as the quality control reviewer for this project, which included in-depth archival research, large-format photography, and Light Detection and Ranging (LIDAR) optical remote sensing of the bridge and its surroundings to produce measured drawings as required under HAER Level I guidelines. The report was accepted by the California SHPO in 2008.

Proposed "Mission Trails" Enhancement Project | City of San Antonio San Antonio, Texas

Lead historian providing historic resource survey services for the City of San Antonio's "Mission Trails" Enhancement Project. This work involved both resurvey of previously documented historic resources and documentation and assessment of previously unrecorded resources along a 10-mile hike-and-bike trail beginning in downtown San Antonio and extending south through the city's historic Spanish Mission districts. She oversaw and participated in the documentation and assessment of over 250 properties dating from the Spanish Colonial period through the mid-twentieth century, many of them listed in the



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NRHP individually and/or as part of larger NRHP districts. Several of these resources, including portions of original Spanish Missions, were also designated as National Historic Landmarks. Additionally, the survey included several properties identified as City of San Antonio Local Landmarks and Local Historic Districts. Brandy also coordinated project effects under Section 106 and Section 4(f) with City of San Antonio Historic Preservation Office Staff and reviewers at TxDOT and the THC. The project was conducted under an expedited schedule during which she supervised the preparation of two separate reports and corresponding Environmental Assessment language. Both portions of the project were cleared for construction in 2011, and Brandy recently created content for an interactive website/mobile application that will enable visitors to combine heritage tourism with exercise. Once active, the website will both identify significant historic resources and provide a thematic framework in which visitors and residents alike can learn about the region's history.

NRHP Eligibility Assessment of Rollover Fish Pass and History of Recreational Development on Bolivar Peninsula | Texas General Land Office Galveston County, Texas

Lead historian for this project, which included intensive-level historic documentation and archival research services for the Texas General Land Office to facilitate an NRHP determination for Rollover Fish Pass by the Army Corps of Engineers (USACE) as required under Section 106 of the National Historic Preservation Act. The artificial inlet created in 1955 provides a tidal connection between the Gulf of Mexico and Rollover Bay in the southeastern portion of East Galveston Bay. Through initial Section 106 consultation related to proposed closure of the pass, the Texas Historical Commission (THC) and USACE cultural resources staff identified the need for additional documentation of the resource, including current condition documentation and assessment of its historic integrity, in order to facilitate a determination of the resource's NRHP eligibility. Additionally, USACE staff required the resource be evaluated within the context of recreational development on Bolivar Peninsula from circa 1900 through 2010. Brandy conducted intensive archival research at local and state repositories, developed a comprehensive historic context for recreational development on Bolivar Peninsula within which to evaluate the pass, and provided architectural documentation and NRHP assessment of the resource. Both agencies concurred with the recommendation that Rollover Pass did not meet the criteria for NRHP inclusion based on the documentation included in the report.

Proposed Loop 9 Southeast | Texas Department of Transportation (TxDOT) Texas Turnpike Authority (TTA) Dallas, Ellis, and Kaufman Counties, Texas

Lead historian providing historic resource documentation and archival research services as required under NEPA, Section 106, and Section 4(f) for the construction of a 44-mile new location tollway in the Dallas-Fort Worth Region. She conducted both reconnaissance and intensive-level surveys of historic resources in accordance with the provisions of Secretary of the Interior (SOI) Standards and TxDOT's Standards of Uniformity (SOU). The project required documentation and assessment of over 300 historic-age resources, completion of the corresponding sections of the draft EIS under an expedited (4 months) schedule, and archival research to facilitate final determinations of NRHP eligibility for select resources by TxDOT historians. The project also involved intensive survey and archival research on a portion of the Trinity River Levee System in Dallas, Ellis, and Kaufman Counties.

Proposed Roadway Improvements US 77 | City of Waxahachie Ellis County, Texas

Lead historian responsible for conducting/overseeing a historic resource survey to assess NRHP eligibility and effects for historic properties that may have been impacted by proposed roadway and sidewalk improvements in Waxahachie, Texas as



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required under Section 106 and Section 4(f). The project was predominately located in Waxahachie's historic (NRHP-listed) downtown commercial district, but also included portions of two historic residential neighborhoods. Brandy led a team of historians who surveyed and photographed over 130 resources, many of which contributed to two NRHP-listed historic districts: the West End Historic District and the Ellis County Courthouse Historic District. Through in-depth analysis of the original NRHP nominations and coordination with TxDOT and THC staff, she was able to determine that proposed project activities would not adversely affect any of the NRHP-listed resources' character-defining features. The project was completed under an expedited schedule, and the associated report was described as "detailed and comprehensive" by TxDOT historians.

Proposed Hidalgo International Bridge Trade Corridor Connector and SH 365 | Hidalgo County Regional Mobility Authority (HCRMA) Hidalgo County, Texas

Lead historian, field supervisor, and primary report author for this combined reconnaissance and intensive-level survey effort. The intensive-level survey involved additional documentation and research to facilitate an NRHP eligibility determination for the former Mission Brick/Valley Brick and Tile Company complex, which will be subject to direct impacts from the proposed new location roadway project during construction. Oversaw and conducted field survey, intensive-level historic map and aerial photograph research, and detailed property history research. THC concurred with TxDOT that the property was not eligible for NRHP inclusion based on the information included in the survey report in June 2013. Final report was cleared in January 2014, including *de minimis* determination under Section 4(f) for impacts to the NRHP-listed Louisiana-Rio Grande Valley Irrigation District.

Creekbend Boulevard Extension | City of Round Rock and TxDOT Austin District Williamson County, Texas

Lead historian providing intensive-level historic survey services for the City of Round Rock as required under Section 106 and Section 4(f). Property access limitations required intensive-level property history research to identify and evaluate the significance of any historic-age resources within the APE of a proposed new location roadway. She supervised/conducted the field and archival research efforts and authored the technical report. She also coordinated with the local historical commission as well as the regulatory agency and the client and developed counterpart language for the EA. Through a combination of archival research and map and aerial photograph analysis, Brandy was able to provide TxDOT ENV staff with enough information to concur that there were no historic properties present within the ROW or APE of the proposed project. The project was cleared for historic resources under both Section 106 and Section 4(f) by TxDOT and the SHPO.

Main Plaza Redevelopment Project, Phases I and II | City of San Antonio, Texas San Antonio, Texas

Lead historian for this high-profile City of San Antonio-sponsored project to redevelop the City's historic Main Plaza. She conducted and supervised the archival research efforts during the multiple phases of this project, which involved archeological monitoring and survey for the entire plaza and NRHP testing and data recovery for two sites discovered during the survey. Brandy coordinated the identification of high probability areas in the NRHP-listed Main Plaza, developed a detailed land use history, and identified the origins of a possible Texas Revolution-era military entrenchment discovered at the southeast corner of the plaza. The archival effort involved reviewing records at numerous archives throughout the state dating from the Spanish Colonial period through the twentieth century and the development of a comprehensive bibliography of historical sources relevant to the history of downtown San Antonio. Though reporting efforts are ongoing, the project has already been constructed, and Brandy presented a professional paper entitled "Contextual Development for Archaeology in



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the Main Plaza” detailing her archival efforts at a Texas Archeological Society annual meeting. Brandy also worked with other staff members to develop a permanent historic marker now on display in the plaza commemorating the location of the military entrenchment site mitigated as part of the project.

California High Speed Train Project

California

Lead historian in compliance with CEQA, Section 4(f), and Section 106, to conduct a historic resources survey of the proposed corridor for a segment of the California High Speed Train Project between San Francisco and San Jose, California. The survey involved documentation of hundreds of historic-age resources on parcels extending into the visual, noise, and vibration areas of potential effect for the train corridor, which included at-grade, elevated, and underground segments. Upon completion of the survey, Brandy assembled and edited resource documentation forms that included eligibility and effect assessments for many of the recorded resources. Additionally, she served as the quality control officer for the historic context statement submitted with the final report.

National Register of Historic Places Registration Form | Max and Minnie (Tomerlin)

Voelcker Dairy Farm

San Antonio, Texas

Lead historian during the preparation of an NRHP nomination for the Voelcker Farmstead Historic District in San Antonio, Texas. The resource was nominated as an outstanding representation of a family dairy farm from the area known as “Buttermilk Hill” in Bexar County. Initially identified as a significant representation of its property type in the Multiple Property Submission “Historic Farms and Ranches of Bexar County, 1800-1970,” the farmstead is associated with the rise of the family dairy industry in Bexar County, the introduction of refrigeration and mechanization, and the eventual demise of the small family dairy resulting from post-World War II transformations of the industry. The Voelcker Farmstead Historic District was nominated at the local level of significance under Criterion A in the area of Agriculture.

Historic Resources Survey and Archival Research Report, Eagleland Hike-and-Bike Trail | City of San Antonio

San Antonio, Texas

Lead historian for historic resource documentation and archival research services for the City of San Antonio’s proposed Eagleland Hike-and-Bike Trail project. The proposed trail (currently constructed) extended along the San Antonio River in a historic portion of the city. The project involved documentation and coordination of effects under Section 106 and Section 4(f) for several NRHP-listed districts within the project’s area of potential effects, including Blue Star Street Industrial District, King William Historic District, and S. Alamo/S. St. Mary’s Historic District. Additionally, in lieu of archeological investigations due to hazardous contamination, Brandy conducted archival and historic map research to assess the potential for intact archeological deposits in the project vicinity. This research included development of a detailed land use history from the area’s initial colonial settlement and agricultural use of the land by Canary Island settlers in the eighteenth century through its industrial development during the railroad era. Ongoing coordination for this project, including facilitation of a Section 4(f) *de minimis* determination, concluded in 2011 and Brandy recently finished assembling an interpretive exhibit for a grain processing complex historically located along the trail’s alignment including a kiosk interpretive marker and a representation of the historic railroad grade using bronze medallions.



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Cultural Resources Surveys of the Proposed Turk to Southeast Texarkana and Sugarhill Transmission Lines | American Electric Power (AEP)

Hempstead, Miller, and Little River Counties, Arkansas

Visual impact lead for a visual impact survey and archival research efforts for two proposed transmission line corridors in southwest Arkansas for American Electric Power. The visual impacts surveys involved NRHP eligibility and effects assessments for all historic-age resources within 0.5 mile of the proposed corridors, NRHP-standard photo-documentation of NRHP-eligible and NRHP-listed historic resources and districts within the area of potential effect, and historic landscape assessments. Brandy coordinated and conducted the field surveys, was primary author of the technical reports, and prepared and submitted all required resource documentation to the Arkansas SHPO. She also coordinated and conducted archival research for two potentially NRHP-eligible historic archaeological sites, including identification and documentation of a former African American tenant farming community. Both of the associated reports were cleared by SHPO staff.

Cultural Resource Survey of the First Five-Year and Ancillary Areas of the Proposed Turlington Mine and NRHP Testing of Historic Sites 41FT592, 41FT600, and 41FT619

Freestone County, Texas

Lead historian for this archeological survey and NRHP testing project in Freestone County, Texas. In this role, she provided archival support for this 6,500-acre survey of the First Five-Year Area of the proposed Turlington Mine. She directed and performed intensive archival research for 23 historic sites including chain of title (deed, probate, and vital records) research, Ad Valorem tax research, and intensive population census research. The research was used to develop NRHP eligibility recommendations for all of the sites and a detailed historic period context for the project area. As a result of these efforts, additional work was recommended at 6 historic sites, 3 of which (41FT592, 41FT600, and 41FT619) underwent NRHP testing in 2009. Brandy also served as the lead historian for the testing project, which involved additional intensive-level archival research including supplementary property history research, intensive, year-by-year Ad Valorem tax research for the time periods suggested by the deed and archeological record, and identification and oral history interviews of former occupants of the sites and other local informants. The interviews were transcribed, and the resulting report contained in-depth site-specific histories, a detailed analysis of agricultural tenancy in the area, and an expanded historic context statement including information about the no-longer-extant tenant farming community of Blunt. The information collected was used to create a commemorative marker erected at the site of the former tenant-farming community.

Texas Sports Hall of Fame Archeological Mitigation | Texas Sports Hall of Fame Waco, Texas

Lead historian for this archeological survey and mitigation project in Waco, Texas. At the request of the Texas Sports Hall of Fame, Brandy and her team conducted data recovery excavations at NRHP-eligible historic site 41ML296 in October of 2008 to mitigate negative impacts to the resource by expansion of the existing museum facility. Through archival research, Brandy was able to associate the features and deposits with early- to mid-twentieth century domestic occupations in a historically African American neighborhood. Additionally, she associated specific addresses and potential occupants with the features through intensive deed, census, city directory, and primary source archival research. Review of urban renewal records archived at Baylor University revealed that the structures historically located at the site and within the surrounding neighborhood were razed in the early 1960s as part of Waco's Urban Renewal Initiative. Construction of the project was cleared to proceed in early 2009, and Brandy presented a professional paper about the associated archival research effort titled "Urban Renewal Records as an Archival Source and the African American Experience during Waco's Urban Renewal Initiative" at the 2010 Society for Historic Archeology conference in Austin, Texas.



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Evaluation of Effects by Proposed Operation Changes at the NRHP-listed Virginia Robinson Gardens in Beverly Hills, California as Required under CEQA

Los Angeles County, California

Lead historian in compliance with CEQA, to evaluate potential effects to the NRHP-listed Virginia Robinson Gardens in Beverly Hills, Los Angeles County, California from proposed administrative changes by the property's owner. The property is also a designated California Point of Historical Interest. Because the proposed administrative changes had the potential to increase use of the facility, Brandy had to evaluate the proposed changes in relation to their potential to impact historic resources on the property. As a result of the evaluation, it was determined that project did not have the potential to directly or indirectly impact any of the property's character-defining resources or landscape features. The project was allowed to proceed as planned.

Cultural Resource Evaluation Report, Chevron Richmond Refinery Redevelopment Project | Chevron Richmond Refinery

Costa County, California

Lead historian for the architectural survey component of this comprehensive cultural resources survey for the Chevron Richmond Refinery in Contra Costa County, California. She evaluated all historic-age structures within the proposed project area for CHRP and NRHP eligibility, produced DPR 523 forms for all recorded resources, and conducted research into the history of industrial development in the area to facilitate NRHP determinations. All of the resources were found to lack integrity and significance, and the project proceeded as planned.

CHRP Eligibility Assessment | Chester L. Washington Golf Course Clubhouse

Los Angeles County, California

Lead historian for who documented and evaluated the clubhouse and pro-shop at the Chester L. Washington Golf Course in Los Angeles County, California for inclusion on the CRHP. The project involved development of a historic context statement, documentation of the resources and development of architectural descriptions, and integrity and CRHP eligibility assessments. As a result of the evaluation, the resources were determined to be ineligible for consideration as historic resources under CEQA. Proposed changes to the buildings were allowed to proceed as planned.

Bexar County Courthouse Foundation Waterproofing

Bexar County, Texas

Lead historian for this waterproofing improvement and Americans with Disabilities Act (ADA) compliance project at the NRHP-listed Bexar County Courthouse in San Antonio's historic Main Plaza. In this role, she supervised and conducted intensive archival and property history research including review of Spanish and Mexican records at the County's Spanish Archives, chain of title research and vital records research at the Bexar County courthouse, historic map research, and contextual research regarding the history of the plaza. She developed a detailed land use history documenting the property's use from initial settlement and domestic use by the Canary Islanders in the early eighteenth century, its commercial associations in the nineteenth century, through the construction of the courthouse in 1892 in order to identify cultural features recorded during archeological monitoring. The report also included a detailed historic context tracing the NRHP-listed Main Plaza's development over time. SHPO concurred with the findings and cleared the project for construction.



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Mitigation for NRHP-Eligible Selman Farmstead and Selman-Barnett Farmstead Panola County, Texas

Lead technical professional providing intensive-level historic architectural documentation services to Luminant Power for two historic farmsteads located within the company's Martin Lake Mine Permit 4I Boundary area in Panola County, Texas. Documentation of these farmsteads was required under Section 106 of the National Historic Preservation Act as a means to mitigate adverse effects by planned mining activities. Under her direction, a team of historians conducted fieldwork and engaged in additional archival research, the results of which were submitted in a HABS Level III documentation report to the Texas SHPO. The field efforts involved large format and high quality digital photography of the buildings and creation of scaled floor plans and site maps. The archival effort involved contextual research in order to explain the local significance of the farmsteads, detailed chain of title research involving deed, probate, and district court records, year-by-year analysis of Ad Valorem tax rolls, and population and agricultural census research. The report was cleared by the Texas SHPO on April 9, 2008.

State Highway 48 Road Improvements | TxDOT Pharr District Cameron County, Texas

Lead historian providing historic resource survey and documentation services for TxDOT's Pharr District. In this capacity, she documented and assessed effects to over 50 historic-age resources potentially impacted by a proposed widening of SH 48 (Boca Chica Blvd.) in Brownsville, Texas. As lead historian, Brandy conducted/coordinated the field survey and report production efforts, developed preliminary NRHP eligibility recommendations for all recorded resources, made assessments of effect under Section 106 and Section 4(f), drafted the historic resources section of the associated environmental document, and coordinated with agency staff to finalize NRHP eligibility determinations.

Cultural Resources Investigations | Port of Houston Authority (POHA) Harris County, Texas

Lead historian providing archival research and reconnaissance-level historic resource documentation services for POHA in compliance with NEPA, Section 404, and Section 106. The cultural resource investigations included historic documentation and assessment of abandoned World War II munitions depot buildings and structures that would be inundated or destroyed by the proposed project. Brandy oversaw preparation of a comprehensive historic context statement for the property and existing condition documentation for a complex of World War II-era roads, munitions storage bunkers, administrative and maintenance buildings, and earthen berms across the 557-acre project area. Additionally, she conducted property history research to facilitate identification of a cemetery located on the property and to identify possible antebellum archaeological resource localities affected by required excavation activities. The U.S. Army Corps of Engineers (USACE) and State Historic Preservation Officer (SHPO) acknowledged the draft report as a "fine example of WW II resource documentation." The final report was cleared for historic resources.

Proposed Mount Pleasant Relief Route, Proposed Farm-to-Market 1000, and Proposed Farm-to-Market 2348 Mount Pleasant, Titus County Texas

Lead historian for this series of new location roadway projects for the TxDOT Atlanta District. These projects were undertaken in compliance with NEPA, Section 4(f), and Section 106. Brandy oversaw/conducted reconnaissance and intensive-level historic resource surveys in accordance with the SOI Standards and the provisions of TxDOT's SOU to assess eligibility and effects to historic-age resources potentially affected by the construction of a series of roadways to provide a traffic bypass for the city of Mount Pleasant. She documented and assessed over 100 resources in three surveys, conducted



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archival research to facilitate evaluation of inaccessible parcels, and prepared corresponding sections for three Environmental Assessments. All of the projects were found to have no affect to historic properties under both Section 106 and Section 4(f) and have been cleared for construction through the environmental process.

Proposed Farm to Market 110 | Hays County and TxDOT Austin District Hays and Caldwell Counties, Texas

Lead historian completing intensive-level historic building documentation services and archival research for the planning of proposed FM 110. She supervised and performed intensive-level historic building documentation and property history research to finalize evaluations of NRHP eligibility for resources located along the preferred alternative. This process included supervising the production of a survey report, identifying the NRHP boundaries of eligible resources, and making assessments of effect under Section 106 and Section 4(f). Brandy also coordinated with the local historical commission as well as the regulatory agency and the client and developed counterpart language for the associated EA.

Data Recovery at Site 41RT413 Robertson County, Texas

Lead historian for this archeological data recovery project at a historic industrial site in the former community of Headsville, Robertson County, Texas. The site historically served as the rural community's gristmill and cotton gin. Through archival research, the project team was able to identify the facility's components, its general date of construction and phases of improvements, its historic owners and economic role in the community, and where it fit within the context of industrial development in Texas during the mid-to-late-nineteenth century. The Texas Historical Commission reviewer described the report as one of the best researched and most interesting reports he had read in years. Mining was cleared to proceed at the site in December 2011, and Brandy received an award of merit for my role in the project in 2012.

Proposed Blanco Roadway and Drainage Improvements | City of San Antonio Bexar County, Texas

Lead historian for conducting historic resource documentation and assessment services COSA. The team provided COSA with a comprehensive inventory of and preliminary NRHP eligibility assessments for over 400 historic-age resources for use in project and development planning. The inventory included architectural assessments and photo-documentation of individual historic-age dwellings and commercial resources within several large neighborhoods abutting proposed improvement areas. The information was submitted in database format and consisted of integrity and current conditions evaluations and architectural descriptions with supporting photographs and mapping. Historians also provided COSA with information regarding potential historic districts within the project area and specific assessments of potential project impacts to both NRHP-listed and potentially eligible historic districts within a prescribed area of potential effect (APE).

Historic Resource Survey and Assessment | Union Pacific Railroad Bridge 110.86

Placer County, California

Contributing historian for this railroad bridge replacement project in compliance with Section 404 of the Clean Water Act and Section 106 of the NHPA. The project involved documentation of a 1928 wooden trestle railroad bridge, site specific and contextual research regarding railroad construction and general historic development in the project vicinity, and NRHP eligibility evaluation of the bridge. Brandy conducted archival research and completed the historic context statement. The project was cleared for construction in 2006.



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Arkansas Architectural Resources Form, Union Pacific Railroad Bridge 397.06,

Garland, Miller County, Arkansas, 2006

Lead Historian for documentation of the NRHP-listed railroad swing bridge in Miller County, Arkansas. Conducted state level HAER documentation on the structure, including black and white photography, archival research, preparation of documentary materials, and development of detailed history and description of bridge. Developed archival package about the bridge to facilitate development of historic mitigation materials. Documentation submitted to the Arkansas Historic Preservation Program and Project approved for construction in 2006.

SELECT HISTORIC ARCHITECTURE SURVEYS/HISTORIC BUILDING DOCUMENTATION PROJECTS (INCLUDING ASSOCIATED NEPA DOCUMENTATION WHERE REQUIRED)

- ▶ Historic-Age Resource Reconnaissance Survey of Proposed Rock Creek Wind Project, Atchison, Holt, and Nodaway Counties, Missouri, 2017.
- ▶ Historic-Age Resource Reconnaissance Survey from Rutland Substation to the Huntley Substation in Faribault County, Minnesota, 2017.
- ▶ Historic-Age Non-Archaeological Resource Reconnaissance Survey of Associated Facilities of Minnesota – Iowa 345 kV Transmission Project, Faribault County, Minnesota, 2016.
- ▶ Historic-Age Resource Reconnaissance Survey from the Huntley Substation to the Iowa Border in Faribault County, Minnesota, 2016.
- ▶ Historic Resources Reconnaissance Survey and Archaeology Review for the Kansas Extension Project, Greene County Missouri, 2016.
- ▶ Historic Resources Constraints Analysis and Preliminary Landscape Assessment for the Asheville to Campobello Transmission Line Project, Buncombe, Henderson, and Polk Counties North Carolina and Spartanburg County, South Carolina, 2016.
- ▶ Historic-Age Non-Archaeological Resource Reconnaissance Survey of the Proposed Microwave Relay Tower at Luchtman Substation, Northern Indiana Public Service Company, 2016.
- ▶ Archaeological Site Detection Survey of Proposed Drift Sand Wind Project, Grady County, Oklahoma.
- ▶ Cultural Resources Survey of Transource Missouri's Midwest Transmission Project in Jackson, Ray, Caldwell, Clinton, Dekalb, Andrew, Nodaway, and Holt Counties, Missouri, 2015.
- ▶ Cultural Resources Survey of Omaha Public Power District's Midwest Transmission Project in Richardson, Nemaha, and Otoe Counties in Nebraska, 2015.
- ▶ Phase I Cultural Resources Survey for Northern Indiana Public Service Company and Pioneer Transmission LLC Greentown to Reynolds 765-kV Transmission Line Project, Howard, Miami, Cass, Carroll, and White Counties, Indiana, 2015.
- ▶ Historic Resources Survey for Proposed Improvements and Realignment of US 259 (EC-1310), McCurtain County, Oklahoma, 2015.
- ▶ Historic Resources Survey for SH 10C Improvement Project in Ottawa County, Oklahoma and Newton County, Missouri (EC-1420B), 2015.
- ▶ Historic Resources Survey for Miami County Airport Improvement Project, Valley Township, Kansas, 2015.
- ▶ Carriage to Hanville (CGHV) 69 kV Transmission Line Project Cultural Resources Background Review and Summary for American Transmission Systems, Inc., a FirstEnergy Company, Huron County, Ohio, 2015.



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- ▶ Environmental Assessment, Cross Texas Transmission, LLC Proposed Panhandle Wind to Railhead 345 kV Transmission Line Project, Carson County, Texas, 2015.
- ▶ Environmental Assessment and Alternative Route Analysis, South Texas Electric Cooperative, Proposed Oaks to Loxley 138 kV Transmission Line Project, Atascosa County, Texas, 2015.
- ▶ Cultural Resources Technical Report within the Iowa Portion of the Dakota Access Pipeline Project, 2015.
- ▶ Environmental Constraints Analysis, Proposed BASF Pipeline Project, Brazoria County, Texas, 2015.
- ▶ Environmental Constraints Analysis, Proposed Gulf South to Freeport LNG Pipeline Project, Wharton, Matagorda, and Brazoria Counties, Texas, 2015.
- ▶ Environmental Constraints Analysis, Proposed East Corridor Expansion Project, Ascension, St. James, St. John the Baptist, and St. Charles Parishes, Louisiana, 2015.
- ▶ Environmental Constraints Analysis, Proposed Monee to Clinton Pipeline Project, Bureau, Cook, Grundy, LaSalle, Lee, Rock Island, Whiteside, Will, and Kendall Counties, Illinois and Clinton County, Iowa, 2015.
- ▶ Phase II Cultural Resources Survey for the Proposed South Alma to Keene Transmission Line Project, Wabaunsee, County, Kansas, 2015.
- ▶ Phase II Cultural Resources Survey for the Proposed South Alma to South Manhattan Transmission Line Project, Geary and Wabaunsee Counties, Kansas, 2015.
- ▶ Environmental Assessment, Cross Texas Transmission, LLC Proposed Salt Fork to Gray 345 kV Transmission Line Project, 2014.
- ▶ Cultural Resources Survey of American Transmission Systems, A FirstEnergy Company's, Allen Junction-East Fayette (AJEF) Transmission Line Rebuild Project in Lucas and Fulton Counties, Ohio, 2014.
- ▶ Historic Resources Survey Report of Proposed US 281/IBTC Overpass, Hidalgo County, Texas, Document No. 110112, 2011.
- ▶ Historic Resources Survey Report, Proposed Hidalgo International Bridge Trade Corridor Connector from FM 1016 to FM 3072, Hidalgo County, Texas, Document No. 110109, 2011.
- ▶ Historic Standing Structure Survey – Proposed Culvert Replacements, East Mulberry Avenue and Millrace Road at Catalpa-Pershing Channel and Temporary Bridge Crossing, City of San Antonio, Bexar County, Texas, Memorandum, 2010.
- ▶ Historic Resources Windshield Survey Report, State Highway 276 from SH 205 to FM 549, Rockwall County, Texas, TxDOT Dallas District, Document No. 090160, 2009.
- ▶ Historic Resources Intensive and Reconnaissance Survey Report, Proposed FM 1000, Titus County, Mount Pleasant Vicinity, Texas, Document No. 080248, 2009.
- ▶ Historic Resources Windshield Survey Report, State Highway 276 from FM 551 to FM 548, Rockwall County, Texas, Document No. 090163, 2009.
- ▶ Historic Resources Windshield Survey Report, State Highway 276 from FM 548 to CR 2472, Document No. 090164, 2009.
- ▶ Historic Standing Structure Survey – Proposed Indian Creek Channel Improvements, City of San Antonio, Bexar County, Texas, Memorandum, 2009.
- ▶ Addendum to Historic Resources Reconnaissance Survey Report, IH 45 Roadway Improvements from FM 1764 to the Galveston Causeway, TxDOT Houston District, Galveston County, Texas, Document No. 080032, 2009.
- ▶ Historic Resources Reconnaissance Survey Report, FM 359 in Brookshire from 0.3 Mile South of IH 10 to South Street (North of IH 10), Brookshire, Waller County, Texas, Document No. 090174, 2009.
- ▶ Cultural Resources Survey, SH 45 Beginning Approximately 2.2. Miles West of the SH 8 Junction Extending East through Carmen 2.2. Miles, Alfalfa County, Oklahoma, Document No. 080114, 2008.



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- ▶ Cultural Resources Survey, US Highway 281 Bridge and Approaches Over Unnamed Creek, Approximately 1.4 Miles West of SH 45 Junction, Woods County, Oklahoma, Document No. 080096, 2008.
- ▶ Cultural Resources Survey, SH 8 Bridge and Approaches Over Driftwood Creek, Approximately 3.3, 3.4, 3.5, and 3.6 Miles North of the US 64 West/SH 11 East Junction near Ingersoll, Alfalfa County, Oklahoma, Document No. 080095, 2008.
- ▶ Cultural Resources Survey from the Major County Line 4.0 Miles North to EW 34, Alfalfa County, Oklahoma, Document No. 080098, 2008.
- ▶ Historic Resources Reconnaissance Survey, Proposed FM Road 2348, Mount Pleasant, Titus County, Texas, Document No. 080116, 2008.
- ▶ Historic Resources Reconnaissance Survey, Mount Pleasant Relief Route from 0.26 Mile North of US 67 to 0.66 Mile South of FM 3417, Titus County, Texas, Doc. No. 070085, PBS&J, Austin, Texas, April 2007.
- ▶ Historic Resources Reconnaissance Survey, Additional Alternatives for IH-10 at White Oak Bayou Detention Ponds Project, Harris County, Texas, Atkins, Austin, Texas, Document No. 070011, 2007 (Addendums in 2009, 2010, and 2011).
- ▶ Historic Resources Reconnaissance Survey, U.S. Highway 271 Roadway Improvements Project from 2.33 Miles South of CR 1480 in Red River County to 2.11 Miles North of FM 1896 and from 1.83 Miles South of FM 1896 to FM 1734, Titus County, Texas, Atkins, Austin, Texas, Document No. 070048, 2007.
- ▶ Historic Resources Reconnaissance Survey, U. S. Highway 271 Bridge Replacement and Roadway Widening Project, 2.11 Miles North of FM 1896 to 1.83 Miles South of FM 1896, Titus County, Texas, Document No. 060274, 2007.
- ▶ Historic Resources Reconnaissance Survey, State Highway 6: Piping Rock to Memorial, Houston, Harris County, Texas, Document No. 070150, 2007.
- ▶ Historic Resources Reconnaissance Survey, Railroad Avenue from State Highway 225 to Center Street, Deer Park, Harris County, Texas, Document No. 070009, 2007.
- ▶ Historic Resources Survey, Interstate 45 South of the Galveston Causeway to 61st Street, Galveston, Galveston County, Texas, Atkins, Austin, Texas Document No. 060253, 2006.
- ▶ Historic Resources Reconnaissance Survey, FM 907 North from US Highway 83 to East Nolana Loop, Alamo, Hidalgo County, Texas, Document No. 060200, 2006.
- ▶ Historic Resources Reconnaissance Survey, FM 907 North Extension from Nolana (Earling) Road to Trenton Road, Alamo, Hidalgo County, Texas, Document No. 060252, 2006.
- ▶ Historic Resources Reconnaissance Survey, FM 907 South from Business 83 to Rancho Blanco, Alamo, Hidalgo County, Texas, Document No. 060202, 2006.
- ▶ Historic Resources Reconnaissance Survey, Brooks County Airport Runway Extension, Falfurrias, Brooks County, Texas, Atkins, Austin, Texas, Document No. 060205, 2006.
- ▶ Historic Resources Reconnaissance Survey, U.S. Highway 69 North of Farm to Market Road 1247 near Wells, Texas South to 0.9 Mile South of Farm to Market Road 1247 at the Angelina County Line, Cherokee County, Texas, Atkins, Austin, Texas, Document No. 060334, 2006.
- ▶ Historic Reconnaissance Survey, Crighton Road from IH 45 to FM 1314, Montgomery County, Texas, Document No. 060136, 2006.
- ▶ Arkansas Architectural Resources Form, Union Pacific Railroad Bridge 397.06, Garland, Miller County, Arkansas, Arkansas Historic Preservation Program Documentation File #58512, Arkansas Resource #M10237, Documentation forms, photos, and correspondence on file at the AHPP, 2006.



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SELECT ADDITIONAL ARCHIVAL RESEARCH PUBLICATIONS

- ▶ Archival Research for Sites 41CP391, 41CP401, 41CP405, 41CP412, and 41CP434, Luminant's Leesburg Mine, Camp County, Texas.
- ▶ A Class III Cultural and Class I Paleontological Resources Survey of Spread 1 of the Front Range Pipeline Project, Weld, Adams, Arapahoe, Elbert, and El Paso Counties, Colorado, 2012.
- ▶ "Los Caminos Reales and Other Historic Circulation Networks in Texas and the Vicinity of Site 41CW104," in Data Recovery at Site 41CW104 Settlement Patterns Analysis Report, 2012.
- ▶ "History of Texas Cartography during the Spanish and Mexican and Texas Republic Eras (Before 1567-1829)" in Data Recovery at Site 41CW104 Settlement Analysis Report, 2012.
- ▶ Forgecraft Historical and Architectural Assessment, Technical Memorandum, Prepared for the Environmental Protection Agency, Fort Smith, Arkansas, 2009.
- ▶ Eagleland Hike and Bike Trail, Archival Research Report, San Antonio, Bexar County, Texas, Atkins, Austin, Texas, Document No. 060279, 2006.
- ▶ Kimik Kiln Site (41LT198) Historical Marker Application, Limestone County Texas, Submitted to the Texas Historical Commission by Atkins, Austin Texas on behalf of the Limestone County Historical Commission, 2006.
- ▶ A Class III Cultural and Class I Paleontological Resources Survey of Spread 1 of the Front Range Pipeline Project, Weld, Adams, Arapahoe, Elbert, and El Paso Counties, Colorado, 2012.

SELECT ARCHIVAL RESEARCH SUPPORT FOR ARCHAEOLOGICAL SURVEY, TESTING, AND MITIGATION PROJECTS

- ▶ Archeological Investigations at Waco's First Street Cemetery, Waco Texas (Report in Progress), 2011.
- ▶ Cotton, Corn, and Steam on the Kosse Mine: Data Recovery at Headsville, 41RT413, Robertson County, Texas, 2011.
- ▶ Final Report, Archeological Investigations at the Adams Homestead and Cemetery, 41RT367, Kosse Mine, Robertson County, Texas, Document No. 100176, 2011.
- ▶ Archeological Investigations and Relocation of the Head Family Cemetery, Kosse Mine, Robertson County, Texas (Report and Fieldwork in Progress), 2011.
- ▶ National Register of Historic Places Eligibility Testing of Sites 41LT56, 41LT310, 41LT387, 41LT397, 41LT415, 41LT422, 41LT424, 41LT425, and 41RT413 in Luminant's Kosse Mine, Limestone and Robertson Counties, Texas, 2011.
- ▶ National Register of Historic Places Testing of Historic Sites 41RT530, 41RT537, and 41RT538 located within Luminant's Kosse Mine, Robertson County, Texas, 2010.
- ▶ Cultural Resources Survey of Approximately 355 Acres at the Oxbow Lignite Mine Prospect, Red River Parish, Louisiana, 2010.
- ▶ Data Recovery Investigations at Site 41ML296, Waco, McLennan County, Texas, Document No. 100043, 2010.
- ▶ Cultural Resource Survey of the Proposed 4,002-acre Liberty Deposit Mine Area, Rusk County, Texas, 2010.
- ▶ Intensive Cultural Resources Survey of the Kosse East Mine Area, Limestone County, Texas, Document No. 090138, 2010.
- ▶ An Intensive Cultural Resources Survey of the Proposed Turk to Southeast Texarkana 138-kv Transmission Line, Hempstead, Miller, and Little River Counties, Arkansas, Document No. 090213, 2010.
- ▶ Intensive Archeological Survey for the Northeast Texas Regional Mobility Authority, Proposed Toll 49, Segment 3B between Interstate Highway 20 and State Highway 31, Tyler, Smith County, Texas, 2009.
- ▶ Intensive Cultural Resources Survey of the Proposed South Henderson Deposit First 5-year Area and Ancillary Properties, Rusk County, Texas, 2009.



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- ▶ An Intensive Cultural Resources Survey of the Proposed Turk to Sugarhill 138-kv Transmission Line, Hempstead, Miller, and Little River Counties, Arkansas, Document No. 090208, 2009.
- ▶ Revised Cultural Resource Survey Report, Proposed Turlington Mine, Freestone County, Texas, 2009.
- ▶ Intensive Cultural Resources Survey of the TXU Leesburg Mine Outyears Area, Camp County, Texas. Document No. 070164. Atkins, Austin, Texas, 2007.
- ▶ Cultural Resource Survey of the Proposed 7,664-acre Kosse Mine Outside First Five-Year Area, Limestone and Robertson Counties, Texas, Document No. 441647, 2007.

*a more complete list can be provided upon request

