

APPENDIX A - LIST OF ENVIRONMENTAL PERMITS REQUIRED

LIST OF ENVIRONMENTAL PERMITS REQUIRED

A.1 REGULATORY FRAMEWORK

This EA has been prepared under the provisions of, and in accordance with the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, and VA's regulations for implementing NEPA (38 CFR Part 26). In addition, the EA has been prepared as prescribed in VA's *NEPA Interim Guidance for Projects* (VA 2010). Federal, state, and local laws and regulations specifically applicable to this Proposed Action are identified, where appropriate, within this EA, and include:

- Endangered Species Act of 1973, as amended (7 USC 136; 16 USC 1531 et seq.).
- Energy Independence Security Act Section 438.
- Executive Order 11988, *Floodplain Management* (24 May 1977).
- Executive Order 11990, *Protection of Wetlands* (24 May 1977).
- Executive Order 12898, *Environmental Justice* (11 February 1994).
- Executive Order 13834, *Efficient Federal Operations* (17 May 2018).
- Farmland Protection Policy Act (7 USC 4201, et seq.)
- Federal Clean Air Act of 1990 (42 USC 7401 et seq., as amended).
- Federal Clean Water Act (Federal Water Pollution Control Act) of 1948, as amended (1972, 1977) (33 USC 1251 et seq.); Sections 401 and 404.
- Migratory Bird Treaty Act (MBTA; 16 USC 703-712, 3 July 1918; as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989).
- Native American Graves Protection and Repatriation Act, as amended (25 USC 3001 et seq.).
- National Historic Preservation Act (NHPA) of 1966, as amended (36 CFR Part 800).
- Virginia Department of Environmental Quality, Virginia Pollution Discharge Elimination System.
- Virginia Administrative Code.
- Spotsylvania County Code of Ordinances.
- City of Fredericksburg Unified Development Ordinance.
- City of Fredericksburg Code of Ordinances.

A.2 ENVIRONMENTAL PERMITS REQUIRED

In addition to the regulatory framework of NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, VA's NEPA regulations (38 CFR Part 26), and VA's *NEPA Interim Guidance for Projects*, the following federal, state, and/or local environmental permits are required as part of this Proposed Action, and include:

Both Action Alternative Sites

- Virginia Department of Environmental Quality, Virginia Pollution Discharge Elimination System.
- Virginia Department of Environmental Quality Air Quality Division general minor new source review (generators) permit and state operating permits.
- City of Fredericksburg or Spotsylvania County Land Disturbing Permit.

- Virginia Department of Environmental Quality Coastal Zone Management Program Federal Coastal Zone Consistency Determination.

Gateway Site

- U.S. Army Corps of Engineers/Virginia Department of Environmental Quality/Virginia Marine Resource Commission Section 401 and 404 of the Clean Water Act permits.

Hood Drive Site

- Virginia Department of Environmental Quality/Virginia Marine Resource Commission Section 401 and 404 of the Clean Water Act permits for WOUS or Virginia Department of Environmental Quality/Virginia Marine Resource Commission Water Protection permit for isolated waters of the state.

APPENDIX B – AGENCY CORRESPONDENCE



DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

Date: November 26, 2019

Notice: Valued Stakeholders

Subject: Notice of Stakeholder Meeting for the Proposed Outpatient Clinic in the Fredericksburg Area

The U.S. Department of Veterans Affairs (VA), Office of Construction & Facilities Management is proposing a long-term, fully serviced lease for construction and operation of an approximate 426,722-square-foot Outpatient Clinic (OPC) in the Fredericksburg, Virginia area (see area of consideration in map below).

As part of the decision-making process, VA will undertake activities to comply with the National Environmental Policy Act (NEPA). VA is seeking input on issues to be addressed during the NEPA process, including environmental concerns. Concurrently, VA is seeking input to support future consultation under Section 106 of the National Historic Preservation Act regarding potential effects to historic properties. VA will also be consulting with the Virginia Department of Historic Resources and other consulting parties to identify historic properties that may potentially be affected by the undertaking, and to seek ways to avoid, minimize, or mitigate potential adverse effects.

NEPA requires that a Federal agency provide the public with an opportunity to participate in the process of analyzing the impact of Federal actions on the human environment. The purpose of this letter is to notify members of the community and other stakeholders of an opportunity to assist the VA in identifying issues, including environmental concerns that may occur as a result of the proposed Federal action.

VA is therefore requesting your presence at an agency scoping meeting to be held on Thursday, December 5th, 2019. The VA will present information on the proposed project and you will have an opportunity to ask questions and submit comments. The location, time, and date are presented below:

WHEN: Thursday, December 5th, 2019, from 10 am to 12 pm

WHERE: Country Inn & Suites, 656 Warrenton Road, Fredericksburg, VA 22401

An additional meeting is being held from 1 pm to 3 pm on December 5th at the same location for those unable to attend the 10 am meeting.

A public scoping comment period will be open through **Tuesday, December 31, 2019**. During this time, agencies are encouraged to provide written comments on the proposed action and identify potential issues or concerns for consideration in the NEPA process and NHPA Section 106 consultation. Comments received during the scoping period will be considered in the NEPA compliance process.

Comments may be submitted by email or mail as follows:

Email to Glenn Elliott (glenn.elliott@va.gov) using the subject line "Fredericksburg HCC Scoping".

Mail to (postmarked by **December 31, 2019**):

Glenn Elliott

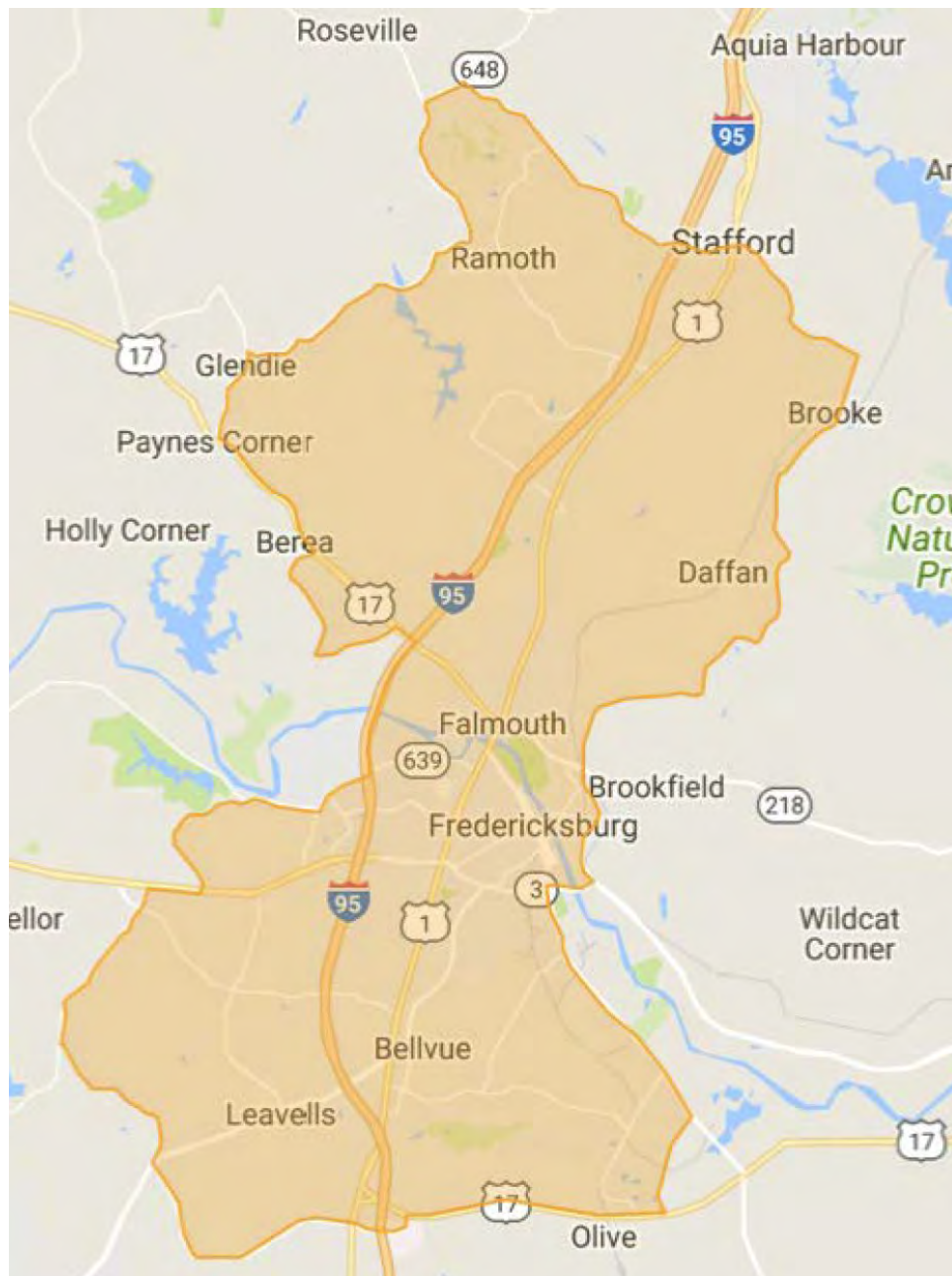
VA Office of Construction & Facilities Management (003C2)

425 I (Eye) Street NW

Washington DC 20001

If you have any questions, please contact Glenn Elliott at (202) 632-5879.

AREA OF CONSIDERATION:





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 31 2019

Mr. Glenn Elliott
Department of Veterans Affairs
Office of Construction & Facilities Management (003C2)
425 I Street, NW
Washington, DC 20001

RE: Scoping for the Fredericksburg Outpatient Clinic

Dear Mr. Elliott:

The U.S. Environmental Protection Agency (EPA) received notice that a stakeholder meeting was held by the Department of Veterans Affairs (VA) on December 5, 2019 regarding the proposed long-term, fully serviced lease for construction and operation of an Outpatient Clinic (OPC or Project) in the vicinity of Fredericksburg, Virginia. As part of the decision-making process, the VA will undertake activities to comply with the National Environmental Policy Act (NEPA). The VA is seeking input on issues to be addressed during the NEPA process, including environmental concerns. In accordance with NEPA, Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1509), EPA is providing comments for your consideration in the development of the Environmental Impact Statement (EIS) or Environmental Assessment (EA).

Thank you for engaging the local community and agencies on the Project. We are providing comments for the development of the EIS or EA (Study) in the enclosure. Overall, we recommend consideration of brownfield or redevelopment of previously-developed sites for the project, which may reduce potential adverse impacts on the environment and cultural resources and provide benefits to the local community. We strongly encourage integrating low-impact development and green infrastructure into the site and/or building design. We also suggest that availability of public transit options to the site should be fully evaluated and incorporated into site selection.

We would welcome the opportunity to discuss any of these comments and to work with you as more information becomes available. We request that you share preliminary findings and the draft Study with EPA. Please feel free to contact Carrie Traver at 215-814-2772 or traver.carrie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Rudnick", is written over a horizontal line.

Barbara Rudnick
NEPA Program Coordinator

Enclosure
VA Fredericksburg OPC - Detailed Comments for Scoping

EPA has the following recommendations for consideration in the development of the Study:

Purpose and Need

The purpose and need for the project define the range of alternatives evaluated. Therefore, it is important that the purpose and need of the facility are clearly stated in the Study.

Alternatives Analysis

As described in the regulations for the CEQ (40 CFR §1502.14), the examination and comparison of the alternatives under consideration is the heart of the environmental document, and the details of each alternative, including the “no action” alternative, should be clearly presented in a comparative form for easy analysis by the reader. We recommend including a thorough evaluation of the alternatives considered in the Study; such an analysis would include a discussion of the selected Area of Consideration, a detailed discussion of the specific key requirements for the facility, a list of sites that have been evaluated, and the reason(s) sites were eliminated from consideration.

EPA strongly recommends evaluation of brownfields or previously developed properties. We suggest careful rationale for selection of the Fredericksburg area be included in the NEPA documentation. Please reach out to us at your convenience to discuss potential property options or review options already under consideration.

Section 106 of the National Historic Protection Act

Given the significant historic and cultural resources in the area, continued consultation with the Virginia Historic Department of Historic Resources and other consulting parties throughout the planning process is recommended. The Study would benefit from an explanation of the historic or archaeological resources that may be impacted by the Project, including viewshed impacts.

We recommend early engagement with Native American tribes to identify resources that may of concern; this coordination should be documented in the Study.

Permits

We suggest that the Study include a discussion of any permits that may be needed for the construction and operation of the facility.

Air Quality

EPA, under the requirements of the 1970 Clean Air Act (CAA) as amended in 1977 and 1990, has established National Ambient Air Quality Standards (NAAQS) for criteria pollutants (40 CFR 50). These are: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), lead (Pb), and sulfur dioxide (SO₂). The Study should identify the attainment status of each criteria pollutant.

The Study should include a general conformity rule analysis according to the guidance provided by the EPA in *Determining Conformity of General Federal Actions to State or Federal Implementation Plans*. Under the rule, federal actions located in nonattainment or maintenance areas are required to demonstrate compliance with the general conformity guidelines. Reasonably foreseeable emissions

associated with all operational and construction activities, both direct and indirect, must be quantified and compared to the annual de minimis levels for those pollutants in nonattainment for that area.

Floodplains

Consistent with Executive Order 11988, *Floodplain Management*, we recommend avoiding sites that are located in the floodplain or would contribute to flooding. Given the nature of the facility, we also recommend that the VA minimize risk to OPC operations by locating it in an area that would have minimal potential to have operations disrupted by flooding, even in a large-scale storm event.

Water Resources

In accordance with the Section 404 of the Clean Water Act, impacts to streams and wetlands should be avoided or minimized. For the purpose of site selection and comparison, use of geospatial data may be sufficient to determine the potential extent and location of aquatic resources. Once a preferred alternative is identified, more detailed information will be needed to assess impacts. As part of this assessment, all aquatic resources on or immediately surrounding the site should be delineated and characterized. The extent of streams should be mapped and wetlands on the site should be delineated according to the 1987 Corps of Engineers Wetlands Delineation Manual ("the 1987 Manual") and the Regional Supplement.

For wetlands, information in the Study should include information such as the size of the wetland in the study area, the total area of the wetland(s), vegetation, sources of hydrology, and the area of any likely direct or indirect impacts. If impacts are planned or likely, an analysis of the wetland's functions and values should be considered in the Study and a mitigation plan that compensates for lost or reduced functions and values of wetlands and/or streams will likely be needed.

The Study would benefit from a discussion of the likely temporary and permanent impacts to biological, physical, and chemical characteristics of aquatic ecosystems. Potential direct or indirect effects, including impacts to wetland or stream hydrology from the construction of the facility, road construction, or installation of outfalls or utilities should be evaluated.

The Study should outline specific measures to protect surface waters, including erosion and sedimentation control practices during construction, and post-construction management and treatment of stormwater. As part of this analysis, it would be helpful to discuss how the proposed stormwater management facilities protect water quality by preventing pollutants from entering surface waters and how they prevent or reduce runoff that contributes to flooding.

Sustainability, Low Impact Development, and Green Infrastructure

EPA encourages and promotes principles of sustainable design, which considers and incorporates factors such as energy management, resource use, and waste prevention in the site and building design to improve building performance and the health and comfort of building occupants while reducing negative environmental impacts. We recommend that a suite of options to limit environmental impacts and enhance building efficiency be evaluated.

Please consider recommendations such as those included in the LEED (Leadership in Energy and Environmental Design) Green Building Rating System. LEED is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. For more information, please review information from the U.S. Green Building Council at: <http://www.usgbc.org/leed>.

Section 502 of the Clean Water Act defines green infrastructure as "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters." We recommend evaluating opportunities to incorporate green infrastructure in site design to reduce runoff volume and improve water quality. For example, use of pervious pavement options for sidewalk areas could reduce runoff. A number of stormwater best management practices (BMPs) may also provide co-benefits. For example, tree pits or trenches along parking areas can provide shade and stormwater retention. Rain gardens, bioswales, planter boxes, and other vegetation-based stormwater BMPs can provide aesthetic enhancement as well as water quality protection. If native species are used, these BMPs can also provide foraging habitat for pollinators.

The proposed facility is expected to be 426,722 square feet in size on 3 contiguous floors and will include 2600 parking spaces. Given the size of the building and its associated parking, we recommend full consideration of opportunities to minimize the construction of impervious areas associated with the facility, including the roof, parking, sidewalks, and roads. Structured parking, including an adjacent or attached parking garage could not only reduce the footprint of the parking area, but provide improved access for the physically disabled as spaces can be located in proximity to elevators into the building.

Use of the roof area to collect and store water, installation of solar panels, and/or installation of green roof areas can potentially enhance the facility while reducing impacts on local utilities and operational costs. Water collection and storage from the roof can be used to reduce runoff and facility water consumption (e.g. the water can be used to water landscaping plants or flush toilets). Installation of solar panels could generate energy for the facility, reducing dependency on local utilities and long-term energy costs. Green roof installations not only reduce stormwater runoff but can also provide a garden-type amenity for patients and employees.

In summary, EPA recommends the incorporation of green infrastructure practices and low impact development (LID) design features where possible for building design, parking, paving, landscaping, and stormwater management. Guidance and resources can be found at the following sites:

- <https://19january2017snapshot.epa.gov/sites/production/files/2015-09/documents/eisa-438.pdf>
- www.epa.gov/greeninfrastructure
- www.epa.gov/nps/lid
- www.epa.gov/smartgrowth
- <http://www.bmpdatabase.org>

Wildlife and Biological Resources

We suggest evaluation of the habitat function and value of existing resources on properties studied be discussed in the NEPA document. Depending on the site selected, impacts to wildlife could potentially include vegetation clearing and/or maintenance, habitat fragmentation, noise, bird mortality from window strikes, lighting, spread of invasive species, or other concerns. To reduce biological impacts and to preserve other ecological functions such as stormwater retention and flood storage, we recommend selecting a site where impacts to streams, wetlands, mature trees, or other sensitive or rare resources can be avoided.

Impacts to species, including state and federally-listed species of special concern, should be evaluated in consultation with appropriate federal and state agencies. We recommend that consultation be documented in the Study.

Utilities

The Study would benefit from a discussion of the utilities that will be required for the Project (electric, water, sewer, etc.), whether existing infrastructure has sufficient capacity, and what needs may be met by onsite facilities.

Hazardous Wastes

We recommend that the Study describe known hazardous materials located within the study area. If necessary, the potential impacts from any remediation and a detailed plan for disposal should be discussed.

Environmental Justice

We recommend that an assessment be conducted to identify whether areas of potential environmental justice (EJ) concern are present and may be disproportionately impacted by Project activities. This identification should inform appropriate outreach to affected communities to assure that communication regarding project development reaches citizens in an appropriate way and feedback from the affected communities is fully considered.

Methodologies are discussed by several agencies including CEQ. EPA's environmental justice screening tool, EJSCREEN, can be utilized to provide such information. It can be accessed at: <https://www.epa.gov/ejscreen>. EJSCREEN provides demographic information on the census block group level. A census block group is a geographical unit used by the United States Census Bureau (Bureau) and is the smallest geographical unit for which the Bureau publishes sample data. An assessment of this level can address the question as to whether low-income and/or minority communities may be disproportionately impacted by the activities described in the Study. Specifically, consideration should be given to the block group(s) which contain the communities most impacted by the Project activities.

Additionally, please consider referring to "Promising Practices for EJ Methodologies in NEPA Reviews": <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>.

Socioeconomic Impacts

The Study should include a discussion of the community and socioeconomic impacts of the Project, including the number of people, employees and/or jobs impacted as a result of the Project and address the decrease or increase of people, employees, jobs in relation to its effect on tax base, local housing, job markets, schools, utilities, businesses, property values, etc.

Traffic and Transportation

The Study should address traffic and transportation, including an evaluation of the impacts associated with construction and expected conditions for the completed project. Impacts on the local communities from a potential increase in traffic should be fully evaluated. We suggest the Study discuss existing public transportation and evaluate opportunities for providing or enhancing public transit access.

Noise, Lighting, and Other Community Impacts

Impacts to nearby residences or sensitive receptors should be fully evaluated from the construction and operation of the facility. The results of any noise studies or analyses in the Project area should be summarized in the Study, including noise caused by construction and during the operation of the facility. Lighting impacts on nearby residences should also be evaluated.

We would encourage ongoing community engagement and involvement to address concerns that may arise from the proposal. We suggest developing an outreach and communication plan to reach affected community members.

Secondary and Cumulative Effects

The discussion of cumulative effects should include a detailed narrative that clearly describes the incremental impact of the Project when added to other past, present, and reasonably foreseeable future impacts. Potential impacts could include not only other projects in the vicinity, but also associated road upgrades, utility installation or expansion, and impacts from future expansion of the facility. The temporal scope of the assessment should specify an adequate time frame prior to the Project and into the future.

The assessment of impacts should also include secondary and ancillary effects, such as potential secondary growth, construction haul roads, changes to traffic patterns during construction, etc.

From: Troy Andersen <troy_andersen@fws.gov>
Sent: Monday, December 02, 2019 1:11 PM
To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>
Subject: RE: [EXTERNAL] Veterans Affairs- Notice of Stakeholder Meeting for the Proposed Outpatient Clinic in the Fredericksburg Area

Mr. Elliott:

No one from the U.S. Fish and Wildlife Service will be attending on Thursday. The Virginia Field Office utilizes an online project review process. This online project review process is intended for use by landowners, applicants, consultants, agency personnel, and any other individual or entity requiring U.S. Fish and Wildlife Service review or approval of their project within the Commonwealth of Virginia. The attached letter provides an overview of the process as well as a link to the process website. If you have additional questions regarding the process, don't hesitate to contact me.

Thanks,
Troy

Troy Signature_small



Troy Andersen
Assistant Field Office Supervisor – Endangered Species
Virginia Field Office
6669 Short Lane
Gloucester, VA 23061
804-824-2428

From: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>

Sent: Thursday, November 28, 2019 7:36 AM

To: megan.blum@dot.gov; shauna.haas@dot.gov; Daniel.Koenig@dot.gov; Felicia.James@dot.gov; John.Simkins@dot.gov; Marcie.Parker@VDOT.virginia.gov; fredericksburginfo@vdot.virginia.gov; troy_andersen@fws.gov; rudnick.barbara@epa.gov; millsaps@gwregion.org; enelson@fredericksburgva.gov

Cc: Ethier, Timothy (CFM) <Timothy.Ethier@va.gov>; MacRae, Scott (CFM) <Scott.MacRae@va.gov>; Stockstill, Brandilyne (Brandi) <Brandilyne.Stockstill@va.gov>; Gill, Garland (CFM) <Garland.Gill@va.gov>

Subject: [EXTERNAL] Veterans Affairs- Notice of Stakeholder Meeting for the Proposed Outpatient Clinic in the Fredericksburg Area



DEPARTMENT OF VETERANS AFFAIRS

**Office of Construction & Facilities Management
Washington DC 20420**

Date: November 26, 2019

Notice: Valued Stakeholders

Subject: Notice of Stakeholder Meeting for the Proposed Outpatient Clinic in the Fredericksburg Area

The U.S. Department of Veterans Affairs (VA), Office of Construction & Facilities Management is proposing a long-term, fully serviced lease for construction and operation of an approximate 426,722-square-foot Outpatient Clinic (OPC) in the Fredericksburg, Virginia area (see area of consideration in map below).

As part of the decision-making process, VA will undertake activities to comply with the National Environmental Policy Act (NEPA). VA is seeking input on issues to be addressed during the NEPA process, including environmental concerns. Concurrently, VA is seeking input to support future consultation under Section 106 of the National Historic Preservation Act regarding potential effects to historic properties. VA will also be consulting with the Virginia Department of Historic Resources and other consulting parties to identify historic properties that may potentially be affected by the undertaking, and to seek ways to avoid, minimize, or mitigate potential adverse effects.

NEPA requires that a Federal agency provide the public with an opportunity to participate in the process of analyzing the impact of Federal actions on the human environment. The purpose of this letter is to notify members of the community and other stakeholders of an opportunity to assist the VA in identifying issues, including environmental concerns that may occur as a result of the proposed

Federal action.

VA is therefore requesting your presence at an agency scoping meeting to be held on Thursday, December 5th, 2019. The VA will present information on the proposed project and you will have an opportunity to ask questions and submit comments. The location, time, and date are presented below:

WHEN: Thursday, December 5th, 2019, from 10 am to 12 pm

WHERE: Country Inn & Suites, 656 Warrenton Road, Fredericksburg, VA 22401

An additional meeting is being held from 1 pm to 3pm on December 5th at the same location for those unable to attend the 10 am meeting.

A public scoping comment period will be open through **Tuesday, December 31, 2019**. During this time, agencies are encouraged to provide written comments on the proposed action and identify potential issues or concerns for consideration in the NEPA process and NHPA Section 106 consultation. Comments received during the scoping period will be considered in the NEPA compliance process.

Comments may be submitted by email or mail as follows:

Email to Glenn Elliott (glenn.elliott@va.gov) using the subject line "Fredericksburg HCC Scoping".

Mail to (postmarked by **December 31, 2019**):

Glenn Elliott

VA Office of Construction & Facilities Management (003C2)

425 I (Eye) Street NW

Washington DC 20001

If you have any questions, please contact Glenn Elliott at (202) 632-5879.

AREA OF CONSIDERATION:



Glenn Elliott Senior PP/M
Director of Environmental Programs
Construction and Facilities Management Office
425 "I" Street NW
Washington, DC 20001
Office – 202 632-5879
Mobile – 202 360-1243



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

October 30, 2015



Greetings:

Due to increased workload and refinement of our priorities in Virginia, this office will no longer provide individual responses to requests for environmental reviews. However, we want to ensure that U.S. Fish and Wildlife Service trust resources continue to be conserved. When that is not possible, we want to ensure that impacts to these important natural resources are minimized and appropriate permits are applied for and received. We have developed a website that provides the steps and information necessary to allow any individual or entity requiring review/approval of their project to complete a review and come to the appropriate conclusion. This site can be accessed at: <http://www.fws.gov/northeast/virginiafield/endangered/projectreviews.html>.

The website is frequently updated to provide new species/trust resource information and methods to review projects. Refer to the website for each project review to ensure that current information and methods are utilized.

If you have any questions about project reviews or need assistance, please contact Troy Andersen of this office at (804) 824-2428 or troy_andersen@fws.gov.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services



**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1096**

July 16, 2020

Northern Virginia Regulatory Section
NAO-2020-0911 (Rappahannock River)

DEPARTMENT OF VETERANS AFFAIRS
Attn. Mr. Glenn Elliott
Construction & Facilities Management
425 I Street, NW
Washington DC 20001

Dear Mr. Elliott:

This letter is in response to the May 21, 2020 request regarding a Veteran's health care center located within the city of Fredericksburg, Virginia or Spotsylvania County, Virginia. The proposed work may possibly impact Waters of the US (WOUS), such as wetlands and streams and should be identified on the site. Avoidance of impacts to the aquatic environment, including wetlands, should be an important consideration as you develop the project. We recommended alternatives evaluated for avoidance and minimization for streams and/or wetland impacts if located within the project area.

Options for compensating for unavoidable impacts to wetlands and other aquatic resources should be an early consideration. Wetland impacts are typically mitigated at 2:1 for forested, 1.5:1 for scrub/shrub, and 1:1 for emergent. Typically, we require stream mitigation for unavoidable stream impacts to greater than 300 linear feet of stream at a crossing. However, we also consider the cumulative impacts to streams from a given project, and may require mitigation for shorter lengths of stream if there are many impacts in close proximity, or if there are multiple impacts to the same stream and/or its direct tributaries.

Under Section 106 of the National Historic Preservation Act, the Corps is required to provide the Virginia Department of Historic Resources an opportunity to comment on the effects of our undertaking (permitting) on historic properties if applicable to your project.

In addition, the Corps has responsibilities under Section 7 of the Federal Endangered Species Act to determine whether any federally listed endangered and/or threatened species in our action area. If no Department of the Army is required and federally endangered and/or threatened species are present, you will need to consult with the US Fish and Wildlife Service prior to any work.

According to 36 CFR 800.2(a)(2):

“...If more than one Federal agency is involved in an undertaking, some or all [of] the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.”

Pursuant to the above provision, the Department of Veteran Affairs (DVA) is hereby designated as the lead federal agency to fulfill the collective Federal responsibilities under Section 106 for the following undertaking, which DVA has determined will have an adverse effect on historic resources:

Veteran Affairs Clinic located within the City of Fredericksburg or County of Spotsylvania, Virginia

The Corps authorizes DVA to conduct Section 106 coordination on its behalf. Any Memorandum of Agreement prepared by DVA under 36 CFR 800.6 should include the following clause in the introductory text:

“WHEREAS, pursuant to Section 10 and/or Section 404 of the Clean Water Act, a Department of the Army permit will likely be required from the Corps of Engineers for this project, and the Corps has designated DVA as the lead federal agency to fulfill federal responsibilities under Section 106;

Should you have any questions, you may contact Regena Bronson at 757-201-7828 or regena.d.bronson@usace.army.mil.

Sincerely,

Tucker Smith
Chief, Northern Virginia
Regulatory Section



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

December 3, 2019

(804) 698-4000
1-800-592-5482

Glenn Elliott (glenn.elliott@va.gov)
VA Office of Construction & Facilities Management (003C2)
425 I (Eye) Street NW
Washington DC 20001

RE: Scoping Request – Fredericksburg HCC Scoping

Dear Mr. Elliot:

This letter is in response to the scoping request for the above-referenced project.

As you may know, the Department of Environmental Quality, through its Office of Environmental Impact Review (DEQ-OEIR), is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. Similarly, DEQ-OEIR coordinates Virginia's review of federal consistency documents prepared pursuant to the Coastal Zone Management Act which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area must be consistent with the enforceable policies Virginia Coastal Zone Management (CZM) Program.

DOCUMENT SUBMISSIONS

In order to ensure an effective coordinated review of the NEPA document and federal consistency documentation, notification of the NEPA document and federal consistency documentation should be sent directly to OEIR. We request that you submit one electronic to eir@deq.virginia.gov (25 MB maximum) or make the documents available for download at a website, file transfer protocol (ftp) site or the VITA LFT file share system (Requires an "invitation" for access. An invitation request should be sent to eir@deq.virginia.gov). We request that the review of these two documents be done concurrently, if possible.

The NEPA document and the federal consistency documentation (if applicable) should include U.S. Geological Survey topographic maps as part of their information. We strongly encourage you to issue shape files with the NEPA document. In addition, project details should be adequately described for the benefit of the reviewers.

ENVIRONMENTAL REVIEW UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT: PROJECT SCOPING AND AGENCY INVOLVEMENT

As you may know, NEPA (PL 91-190, 1969) and its implementing regulations (Title 40, *Code of Federal Regulations*, Parts 1500-1508) requires a draft and final Environmental Impact Statement (EIS) for federal activities or undertakings that are federally licensed or federally funded which will or may give rise to significant impacts upon the human environment. An EIS carries more stringent public participation requirements than an Environmental Assessment (EA) and provides more time and detail for comments and public decision-making. The possibility that an EIS may be required for the proposed project should not be overlooked in your planning for this project. Accordingly, we refer to “NEPA document” in the remainder of this letter.

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document. Accordingly, we are providing notice of your scoping request to several state agencies and those localities and Planning District Commissions, including but not limited to:

Department of Environmental Quality:

- DEQ Regional Office*
- Air Division*
- Office of Wetlands and Stream Protection*
- Office of Local Government Programs*
- Division of Land Protection and Revitalization
- Office of Stormwater Management*

Department of Conservation and Recreation

Department of Health*

Department of Agriculture and Consumer Services

Department of Game and Inland Fisheries*

Virginia Marine Resources Commission*

Department of Historic Resources

Department of Mines, Minerals, and Energy

Department of Forestry

Department of Transportation

Note: The agencies noted with a star (*) administer one or more of the enforceable policies of the Virginia CZM Program.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, and its implementing regulations in Title 15, *Code of Federal Regulations*, Part 930, federal activities, including permits, licenses, and federally funded projects, located in Virginia’s Coastal Management Zone or those that can have reasonably foreseeable effects on Virginia’s coastal uses or coastal resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia CZM Program.

Additional information on the Virginia’s review for federal consistency documents can be found online at
<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>

DATA BASE ASSISTANCE

Below is a list of databases that may assist you in the preparation of a NEPA document:

- DEQ Online Database: Virginia Environmental Geographic Information Systems

Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx

- DEQ Virginia Coastal Geospatial and Educational Mapping System (GEMS)

Virginia's coastal resource data and maps; coastal laws and policies; facts on coastal resource values; and direct links to collaborating agencies responsible for current data:

- <http://128.172.160.131/gems2/>

- MARCO Mid-Atlantic Ocean Data Portal

The Mid-Atlantic Ocean Data Portal is a publicly available online toolkit and resource center that consolidates available data and enables users to visualize and analyze ocean resources and human use information such as fishing grounds, recreational areas, shipping lanes, habitat areas, and energy sites, among others.

<http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>

- DHR Data Sharing System.

Survey records in the DHR inventory:

- www.dhr.virginia.gov/archives/data_sharing_sys.htm

- DCR Natural Heritage Search

Produces lists of resources that occur in specific counties, watersheds or physiographic regions:

- www.dcr.virginia.gov/natural_heritage/dbsearchtool.shtml

- DGIF Fish and Wildlife Information Service

Information about Virginia's Wildlife resources:

- <http://vafwis.org/fwis/>

- Total Maximum Daily Loads Approved Reports

- <https://www.deq.virginia.gov/programs/water/waterqualityinformationtmdls/tmdl/tmdldevelopment/approvedtmdlreports.aspx>

- Virginia Outdoors Foundation: Identify VOF-protected land

- <http://vof.maps.arcgis.com/home/index.html>
- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems

Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
 - www.epa.gov/superfund/sites/cursites/index.htm
- EPA RCRAInfo Search

Information on hazardous waste facilities:
 - www.epa.gov/enviro/facts/rcrainfo/search.html
- EPA Envirofacts Database

EPA Environmental Information, including EPA-Regulated Facilities and Toxics Release Inventory Reports:
 - www.epa.gov/enviro/index.html
- EPA NEPAassist Database

Facilitates the environmental review process and project planning:
<http://nepaassisttool.epa.gov/nepaassist/entry.aspx>

If you have questions about the environmental review process and/or the federal consistency review process, please feel free to contact me (telephone (804) 698-4204 or e-mail bettina.rayfield@deq.virginia.gov).

I hope this information is helpful to you.

Sincerely,



Bettina Rayfield, Program Manager
Environmental Impact Review and Long-Range Priorities

Matthew J. Strickler
Secretary of Natural Resources

Clyde E. Cristman
Director



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz
*Deputy Director of
Administration and Finance*

Russell W. Baxter
*Deputy Director of
Dam Safety & Floodplain
Management and Soil & Water
Conservation*

Thomas L. Smith
Deputy Director of Operations

December 26, 2019

Glenn Elliott
Department of Veteran Affairs
425 I Street NW
Washington, VA 20001

Re: Proposed Outpatient Clinic in Fredericksburg Area Scoping

Dear Mr. Elliott:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources within the project boundary including a 100ft buffer. DCR recommends re-coordination once a specific project location has been determined.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Should you have any questions or concerns, please contact me at 804-225-2429. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Tyler Meader".

Tyler Meader
Natural Heritage Locality Liaison

From: Warren, Arlene <arlene.warren@vdh.virginia.gov>
Sent: Thursday, December 12, 2019 11:37 AM
To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>
Cc: rr Environmental Impact Review <eir@deq.virginia.gov>
Subject: [EXTERNAL] Re: NEW SCOPING: Fredericksburg HCC Scoping
Project Name: Fredericksburg HCC Scoping

Project #: N/A

UPC #: N/A

Location: **Fredericksburg Area**

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to the **approximate proximity to public drinking water sources** (groundwater wells, springs and surface water intakes) of Fredericksburg VA. Potential impacts to public water distribution systems or sanitary sewage collection systems **must be verified by the local utility.**

The following public groundwater wells are approximately located within a 1 mile radius of the project site (wells **that appear to be within** 1,000 foot radius are formatted in **bold**):

PWS ID Number	City/County	System Name	Facility Name
6177175	SPOTSYLVANIA	HAZELWILD FARM EDUCATIONAL FOUNDATION	DRILLED WELL
6177105	SPOTSYLVANIA	GLENWOOD MOBILE HOME PARK	BORED WELL 3
6177105	SPOTSYLVANIA	GLENWOOD MOBILE HOME PARK	BORED WELL 2
6179250	SPOTSYLVANIA	DUFF MCDUFF GREEN MEMORIAL PARK	DRILLED WELL
6179450	SPOTSYLVANIA	MARIAN MANOR	DRILLED WELL
6179500	STAFFORD	HIDDEN LANE MHP	DRILLED WELL
6099410	KING GEORGE	PEACE LUTHERAN CHURCH_PRESCHOOL	WELL 1

The following surface water intakes **appear to be** located within a 5 mile radius of the project site:

PWS ID Number	System Name	Facility Name
6177300	SPOTSYLVANIA COUNTY UTILITIES	RAPPAHANNOCK RIVER INTAKE
6177300	SPOTSYLVANIA COUNTY UTILITIES	MOTTS RUN RESERVOIR (ALTERNATE INTAKE)
6179100	STAFFORD COUNTY UTILITIES	LAKE MOONEY RESERVOIR INTAKE
6179100	STAFFORD COUNTY UTILITIES	RAPPAHANNOCK RIVER TRANSFER INTAKE
6177300	SPOTSYLVANIA COUNTY UTILITIES	NI RIVER RESERVOIR INTAKE
6179100	STAFFORD COUNTY UTILITIES	AQUIA CREEK

The project **appears to be** within the watershed of the following public surface water sources

(facilities where the project falls within 5 miles of the intake **and** is within the intake's watershed are formatted in **bold**):

PWS ID Number	System Name	Facility Name
6177300	SPOTSYLVANIA COUNTY UTILITIES	MOTTS RUN RESERVOIR (ALTERNATE INTAKE)
6177300	SPOTSYLVANIA COUNTY UTILITIES	RAPPAHANNOCK RIVER INTAKE

Best Management Practices should be employed, including Erosion & Sedimentation Controls and Spill Prevention Controls & Countermeasures on the project site.

Well(s) within a 1,000 foot radius from project site should be field marked and protected from accidental damage during construction.

Materials should be managed while on site and during transport to prevent impacts to nearby surface water.

Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.

Best Regards,

Arlene Fields Warren

GIS Program Support Technician

Office of Drinking Water

Virginia Department of Health

109 Governor Street

Richmond, VA 23219

(804) 864-7781

On Tue, Dec 3, 2019 at 3:19 PM Fulcher, Valerie <valerie.fulcher@deg.virginia.gov> wrote:

**Good afternoon—attached is a request for scoping comments on the following:
Proposed Outpatient Clinic in the Fredericksburg Area**

If you choose to make comments, please send them directly to the project sponsor (Glenn.Elliott@va.gov; use the subject line “Fredericksburg HCC Scoping”), and copy the DEQ Office of Environmental Impact Review: eir@deg.virginia.gov. We will coordinate a review when the environmental document is completed.

DEQ-OEIR's scoping response is also attached.

If you have any questions regarding this request, please email our office at eir@deg.virginia.gov.

Valerie

--

Valerie A. Fulcher, CAP, OM, Environmental Program Specialist

Department of Environmental Quality

Environmental Enhancement - Office of Environmental Impact Review

1111 East Main Street

Richmond, VA 23219

[804/698-4330](tel:8046984330)

[804/698-4319](tel:8046984319) (Fax)

email: Valerie.Fulcher@deq.virginia.gov

<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx>

For program updates and public notices please subscribe to Constant Contact:
<https://lp.constantcontact.com/su/MVcCump/EIR>

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

From: Tom Rumora <TRumora@spotsylvania.va.us>

Sent: Tuesday, December 10, 2019 4:17 PM

To: Gill, Garland (CFM) <Garland.Gill@va.gov>; Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>; Vanderhye, Steven L. <Steven.Vanderhye@va.gov>

Subject: [EXTERNAL] Spotsylvania data

Garland / Glenn / Steven -

See attached examples of potential relevance to socio-economic and other research.

We have much more and updated information that can be provided to make your process as efficient and thorough as possible.

Bless you, Brethren ...

Tom Rumora

Note: I will be retiring to Ocala FL at Christmas time.

Please update your contacts accordingly, and forward all communications to:

Debbie Sanders, Interim Director

Spotsylvania County Dept of Economic Development

9019 Old Battlefield Blvd, 3rd Floor, Spotsylvania VA 22553

Ofc 540-507-7202 8:00-4:30 Mon-Fri

dsanders@spotsylvania.va.us

Web www.spotsylvania.org

This email is confidential and may be legally privileged. If you have received it in error, please notify the sender immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purpose, or disclose its content to any other person. To do so could violate state and federal privacy laws. Please contact Jennifer Scott at 540.507.7210 or email jlscott@spotsylvania.va.us if you need assistance.



DEPARTMENT OF VETERANS AFFAIRS
Construction & Facilities Management
425 I Street, NW
Washington DC 20001

Date: May 21, 2020

Notice: Valued Stakeholders

Subject: Updated NEPA Scoping: Proposed Fredericksburg VA Health Care Center

The U.S. Department of Veterans Affairs (VA), Office of Construction & Facilities Management, is proposing to award a long-term, fully serviced lease for construction and operation of a three or four-story health care center (HCC) in the Fredericksburg, Virginia area (Proposed Action). The proposed HCC would consolidate, enhance and expand primary care, mental health, and specialty care services currently provided at the two undersized Fredericksburg VA clinics (130 Executive Center Parkway and 10401 Spotsylvania Avenue) and would reduce the workload at the overcrowded Richmond VA Medical Center. The proposed HCC would also facilitate collaboration and sharing of services with the Department of Defense. The HCC would be constructed by a developer on a build-to-suit basis and leased to VA for up to 20 years.

The HCC would be approximately 426,722 square feet and the site would include approximately 2,600 parking spaces. VA is considering two sites for the Proposed Action:

- **Gateway Site:** The Gateway Site is located along the eastern side of Interstate 95, between Cowan Boulevard and Plank Road, in the City of Fredericksburg. The Gateway Site is identified by the City of Fredericksburg as part of Parcel IDs 7769-94-7825 and 7779-03-1528. The site includes approximately 35 acres of undeveloped woodlands with a small clearing in the southeastern corner associated with the Former Great Oaks County Day School. The site was primarily farmland in the 1960s and 1970s with limited undeveloped woodlands along the eastern and northern boundaries, and has been gradually reforested since the 1980s. Two development plans (offers) are being considered for the Gateway Site. One plan includes a new three-story HCC building and surface parking. The second plan includes a new four-story HCC building, a two-story parking garage, and surface parking. Site access would be provided by three drives from the planned Gateway Boulevard extension, which would be located along the eastern site boundary.
- **Hood Site:** The Hood Site is located along the eastern side of Interstate 95, south of Hood Drive, and east of Jefferson Davis Highway (US Route 1) in an unincorporated area of Spotsylvania County. The Hood Site is identified by Spotsylvania County as Parcel IDs 35-A-113, 36-A-10, and 35-A-114. The site includes approximately 49 acres and is mostly undeveloped, grassy land with small areas of trees and a pond. The site includes a small parcel with a house (4708 Hood Drive) that was built in the early 1950s and small parcel with a vacant gasoline station/convenience store (5313 Jefferson Davis Highway) that was built in the early 1970s. The Hood Site was mostly unimproved farmland with a farmstead in the northeastern portion from at least 1942 to the 1970s. With the exception of the north-central portion, the site gradually became reforested starting in the 1970s. The majority of the wooded area in the western portion of the site was removed by 2005. The site was cleared of most of its vegetation between 2005 and 2009 and the southern portion of the site was used for sand quarrying during the late 2000s and early 2010s. The majority of the site has gradually become revegetated with grass and shrubs since the early 2010s. The proposed development for the Hood Site includes a new four-story HCC building and surface parking. Site access would be provided by a main access drive from US Route 1, with secondary access drives from Hood Drive and US Route 1.

The locations of the Sites are shown in **Attachments 1A – 1E**.

As part of the decision-making process, VA is conducting a National Environmental Policy Act (NEPA) Environmental Assessment (EA) to evaluate the environmental, cultural, and socioeconomic issues associated with the Proposed Action.

Information Request: Information your agency can provide on any of the following environmental issue areas (at or in the vicinity of the proposed Sites) would be appreciated. Examples of such information include, but are not limited to:

- Potential environmental concerns or issues;
- Surface and groundwater resources, including streams, wetlands, floodplains, open water features, wells, and local aquifers;
- Federally or state listed threatened or endangered species, or any species proposed for such listing, or critical habitat for such species that may occur within a one-mile radius around the proposed Sites;
- Parks, nature preserves, conservation areas, designated wild or scenic rivers, migratory bird habitats, or special wildlife issues;
- Natural resource issues;
- Soils and geologic data, including lists of hydric soils;
- Prime and unique farmland;
- Traffic, noise, or socioeconomic concerns;
- Records of site investigations, remediation agreements/orders, and related correspondence;
- Air quality concerns; and
- Additional environmental, cultural, land use, or socioeconomic information or concerns your agency may have with regard to the referenced Sites.

Data that you make available will be used to scope the NEPA analysis and will provide valuable and necessary input into the EA process. Your office, local citizens, groups, and public agencies, among others, will have opportunity to review and comment on the information and alternatives addressed in the EA.

VA will also be consulting with the Virginia Department Historical Resources, Native American Tribes, and other consulting parties to identify historic properties that may potentially be affected by the undertaking, and to seek ways to avoid, minimize, or mitigate potential adverse effects.

We look forward to and welcome your participation in this process. **Please respond by June 15, 2020** to enable us to complete this scoping phase of the project within the scheduled timeframe.

Please send your response via e-mail to:

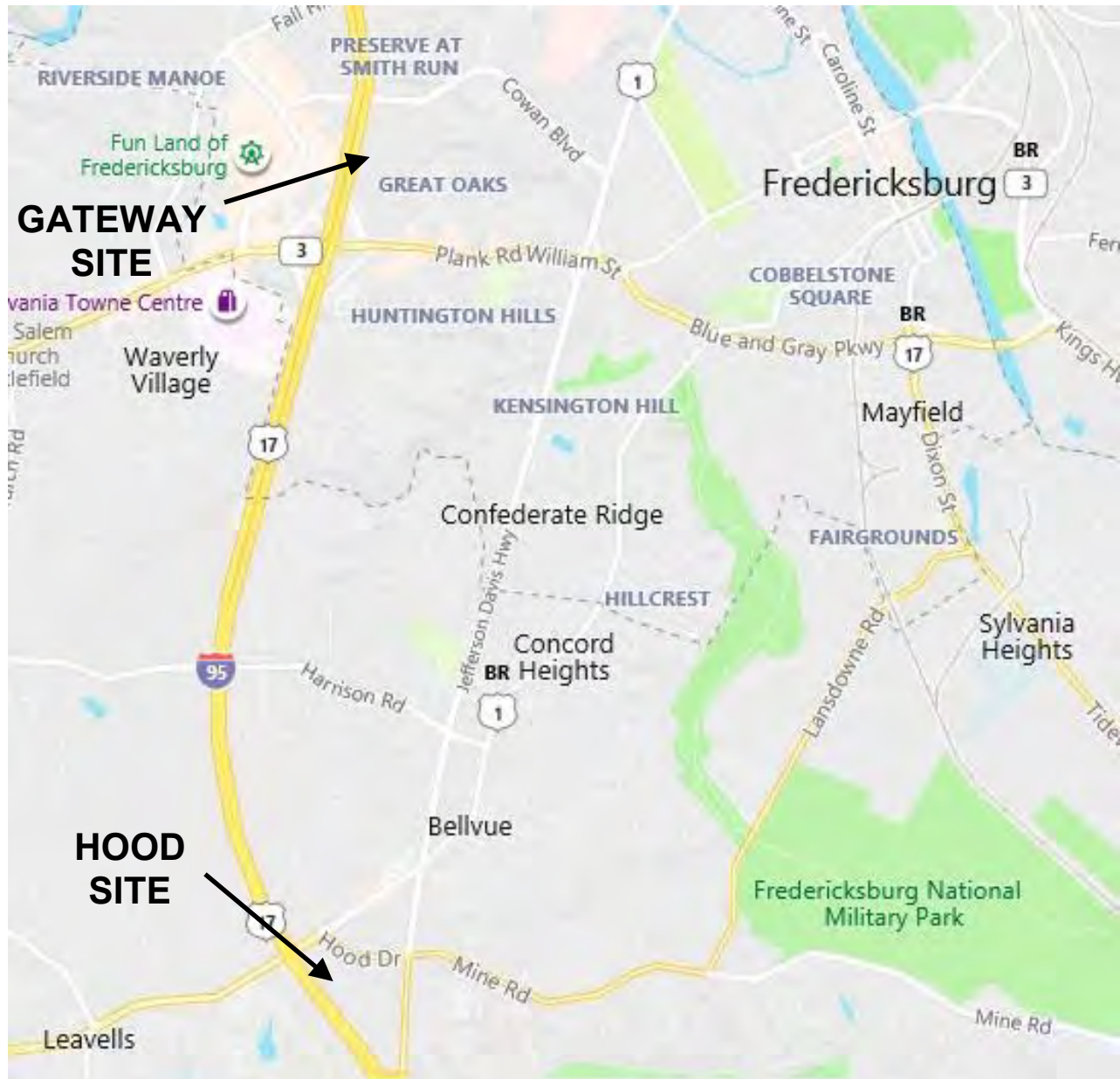
Glenn Elliott
VA Office of Construction & Facilities Management
glenn.elliott@va.gov

Please put “Fredericksburg HCC NEPA Scoping” in the subject line.

If you have any questions, please contact Glenn Elliott at (202) 632-5879.

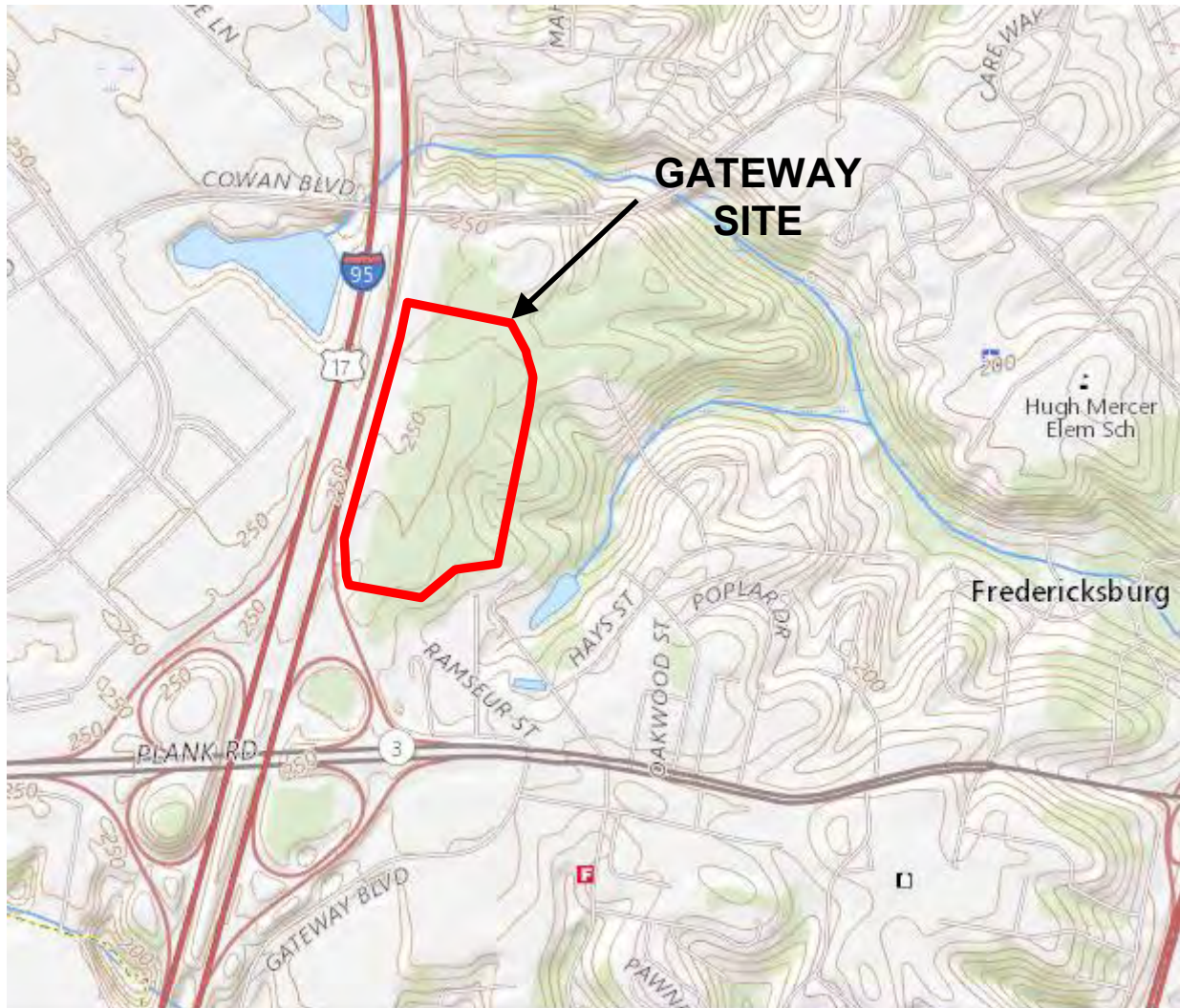
ATTACHMENT 1A

SITES LOCATION MAP PROPOSED FREDERICKSBURG HCC CITY OF FREDERICKSBURG (GATEWAY SITE) AND SPOTSYLVANIA COUNTY (HOOD SITE), VIRGINIA



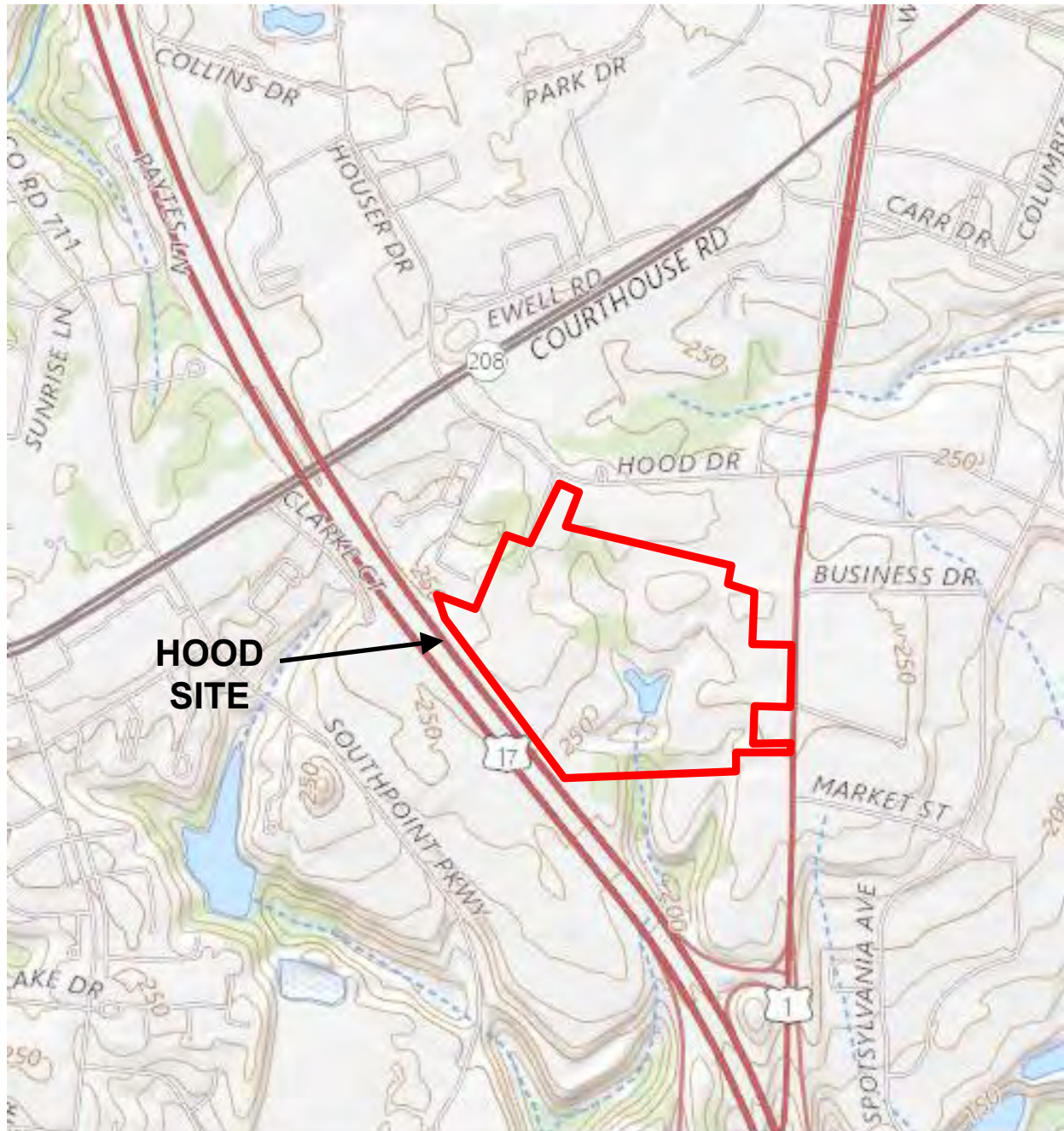
ATTACHMENT 1B

**GATEWAY SITE TOPOGRAPHIC LOCATION MAP
PROPOSED FREDERICKSBURG HCC
CITY OF FREDERICKSBURG, VIRGINIA**



ATTACHMENT 1C

**HOOD SITE TOPOGRAPHIC LOCATION MAP
PROPOSED FREDERICKSBURG HCC
SPOTSYLVANIA COUNTY, VIRGINIA**



ATTACHMENT 1D

**GATEWAY SITE AERIAL MAP (2017)
PROPOSED FREDERICKSBURG HCC
CITY OF FREDERICKSBURG, VIRGINIA**



ATTACHMENT 1E

**HOOD SITE AERIAL MAP (2017)
PROPOSED FREDERICKSBURG HCC
SPOTSYLVANIA COUNTY, VIRGINIA**



From: Warren, Arlene <arlene.warren@vdh.virginia.gov>
Sent: Wednesday, June 17, 2020 3:22 PM -
To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov> -
Cc: rr Environmental Impact Review <eir@deq.virginia.gov> -
Subject: [EXTERNAL] Re: NEW SCOPING: Fredericksburg HCC NEPA Scoping -

Project Name: NEW SCOPING: Fredericksburg HCC NEPA

Project #: N/A

UPC #: N/A

Location: City of Fredericksburg

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to **public drinking water sources** (groundwater wells, springs, and surface water intakes). Potential impacts on public water distribution systems or sanitary sewage collection systems **must be verified by the local utility.**

GATEWAY SITE:

There are no public groundwater wells within a 1-mile radius of the project site.

The following surface water intakes are located within a 5 mile radius of the project site:

PWS ID Number	System Name	Facility Name
6177300	SPOTSYLVANIA COUNTY UTILITIES	RAPPAHANNOCK RIVER INTAKE
6177300	SPOTSYLVANIA COUNTY UTILITIES	MOTTS RUN RESERVOIR (ALTERNATE INTAKE)
6179100	STAFFORD COUNTY UTILITIES	LAKE MOONEY RESERVOIR INTAKE
6179100	STAFFORD COUNTY UTILITIES	RAPPAHANNOCK RIVER TRANSFER INTAKE

The project is not within the watershed of any public surface water intakes.

HOOD SITE:

There are no public groundwater wells within a 1-mile radius of the project site.

The following surface water intakes are located within a 5 mile radius of the project site: -

PWS ID Number	System Name	Facility Name
6177300	SPOTSYLVANIA COUNTY UTILITIES	RAPPAHANNOCK RIVER INTAKE
6177300	SPOTSYLVANIA COUNTY UTILITIES	MOTTS RUN RESERVOIR (ALTERNATE INTAKE)
6177300	SPOTSYLVANIA COUNTY UTILITIES	NI RIVER RESERVOIR INTAKE

The project is not within the watershed of any public surface water intakes.

Best Management Practices should be employed, including Erosion & Sedimentation Controls and Spill Prevention Controls & Countermeasures on the project site.

Materials should be managed while on-site and during transport to prevent impacts to nearby surface water.

Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.

Best Regards,

Arlene Fields Warren

GIS Program Support Technician

Office of Drinking Water

Virginia Department of Health

109 Governor Street

Richmond, VA 23219

(804) 864-7781

On Mon, Jun 8, 2020 at 3:45 PM Fulcher, Valerie <valerie.fulcher@deq.virginia.gov> wrote:
Good afternoon—attached is a request for scoping comments on the following:

Proposed Fredericksburg VA Health Care Center-Two Sites

A scoping request for this 426,722 sq. ft. project was sent to reviewers in December 2019. This request is for scoping comments on two proposed sites for the facility: the Gateway Site and the Hood Site. Please put “Fredericksburg HCC NEPA Scoping” in the subject line.

If you choose to make comments, please send them directly to the project sponsor (glenn.elliott@va.gov) and copy the DEQ Office of Environmental Impact Review: eir@deq.virginia.gov. We will coordinate a review when the environmental document is completed.

DEQ-OEIR’s scoping response is also attached.

If you have any questions regarding this request, please email our office at eir@deq.virginia.gov.

Valerie

--

Valerie A. Fulcher, CAP, OM, Environmental Program Specialist

Department of Environmental Quality

Environmental Enhancement - Office of Environmental Impact Review

1111 East Main Street

Richmond, VA 23219

804/698-4330

804/698-4319 (Fax)

email: Valerie.Fulcher@deq.virginia.gov

<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx>

For program updates and public notices please subscribe to Constant Contact: <https://lp.constantcontact.com/su/MVcCump/EIR>



COMMONWEALTH of VIRGINIA

Department of Forestry

900 Natural Resources Drive, Suite 800 • Charlottesville, Virginia 22903
(434) 977-6555 • Fax: (434) 296-2369 • www.dof.virginia.gov

June 2, 2020

Glenn Elliott
Department of Veterans Affairs
Construction & Facilities Management
425 I Street, NW
Washington DC 20001

Dear Mr. Elliott:

Recently, I received your request to assess two properties in the Fredericksburg area that are currently proposed sites for VA Health Care Centers. I appreciate the opportunity to weigh in on the potential impacts to these sites. Here is my report:

Gateway Site:

This property lies along the east side of I-95, just south of Cowan Boulevard and north of Plank Road. It is currently fully forested, with the exception of a small clearing at the north end of the property (just off of Cowan Boulevard) that is beginning to revert back to a forested condition (this field is outside of the proposed HCC site). The forests here are comprised of two stands:

- 1.) Loblolly pine (*Pinus taeda*). It's estimated that this stand was established by artificial means (by planting seedlings) 50 to 60 years ago. Historic aerial images suggest that a portion of this stand has experienced some mortality prior to 2005. In response to the increased sunlight reaching the forest floor (as a result of the tree mortality), considerable new growth has begun. This area is primarily an upland site. Due to the density at which the pines were planted, a partial harvest (specifically, a thinning) should have occurred when they were 18 to 20 years old, in order to keep them healthy. Now that they have surpassed that age without the benefit of the partial harvest, the stand has become over-stocked and stressed. A thinning now is not advised. It is recommended that the area be clearcut harvested, prior to any structures being erected on the site. In the meantime, it is imperative to protect this area from forest fire. See notes below for more information on this stand.
- 2.) Mixed pine and hardwood. The remainder of this property is a mix of pines and hardwoods, which is very common throughout Virginia. The site is comprised of both upland and bottomland soils, which is reflected in the species found growing here. The species on this site include: Virginia pine (*Pinus virginiana*), loblolly pine, white oak (*Quercus alba*), southern red oak (*Quercus falcata*), northern red oak (*Quercus rubra*), willow oak (*Quercus phellos*), hickory (*Carya* spp.), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), sycamore (*Platanus occidentalis*), beech (*Fagus grandifolia*). This forest appears healthy, although there is some mortality in some of the pines found within this stand. This is a healthy and normal progression, and does not cause any concern.

Discussion: This property was once likely cleared for agriculture, and then reverted to forestland. While it is a healthy forest, it is not especially unique or rare. It contains a great deal of diversity in the variety of tree species found growing here. It currently benefits a wide variety of game and non-game wildlife species.

It is recommended to have a forester or arborist assess the remaining forest, once the development of this property is complete. The goal is to develop a written plan on how to manage this forest going forward. The management of this forest will depend on how large it is (after the development is complete), its proximity to buildings and utilities, and its shape (whether its intact or fragmented) and its intended use. If a sufficient amount of forested acreage remains after development, this forest could be an important asset to the visitors, employees and veterans using this facility. Should space allow, a walking path through the forest would benefit anyone who uses it. It would also provide habitat for a number of non-game wildlife species, such as songbirds and pollinators. Note: The planted loblolly pine is something of an exception: due to the age of this stand, and the short-live nature of loblolly pine, for safety reasons, these trees should be removed by clear-cut harvesting. It is recommended, however, to leave no more than 3 to 5 stems standing, and cut so that they are at least 20' tall, but no taller than 40'. These snags are left for wildlife purposes, and will act as cavity and nesting habitat for a number of species. It is imperative to leave snags in strategic locations, so that they will not impact visitors to the forest. A variety of native hardwood and evergreen trees should be replanted as soon as possible.

A forested buffer along I-95 will help with noise abatement, as well as help block the interstate from view, and even help a small amount toward air quality. It is recommended to plan for as wide of a buffer as possible. It is imperative to use native trees and shrubs when planting buffers. Also, taking care to plant each tree and shrub properly, using the 'right tree in the right place' will alleviate many issues in the future.

Currently, this site has Tree of Heaven (*Ailanthus altissima*) and Japanese Stiltgrass (*Microstegium vimineum*); both are invasive species that should be controlled. Other invasives may appear at a later date- it is important to monitor the site regularly for invasive species.

Hood Site:

The Hood Site lies between Rt. 1 and Courthouse Road, just south of Hood Drive, in Spotsylvania County, Virginia. The area surrounding this site is heavily developed. The timber was harvested from this site in 2005, with only a small strip of trees along the interstate, and a few 'islands' of trees scattered throughout the property. A considerable amount of site work has been done since the timber harvest. Two ephemeral streams on the property drain into a small pond. The soils found here are heavily compacted, and there is now primarily grass covering the site.

Due to the location of this property, it is subject to high level of noise from I-95, Rt. 1 as well as from the surrounding businesses. The property currently has Tree of Heaven (*Ailanthus altissima*) and autumn olive (*Elaeagnus umbellata*)- both invasive species that should be controlled. As mentioned above, other invasives may appear at a later date- it is important to monitor the site regularly for invasive species.

As with the Gateway Site above, there is nothing unique or rare concerning this site. Again, forests can play an important role in the development of this site- to assist with abating noise from the nearby highways, and to give a visual buffer. In this case, however, the disturbed soils should be addressed in the areas to be reforested, prior to planting. Quality soils will allow the trees planted to be healthier, grow faster and live longer.

For both sites, there are a number of local volunteer groups who would likely be willing to assist with tree planting projects, once a plan has been developed. These same groups may also be willing to maintain, prune and remove invasives from these sites.

Both sites have the potential to impact large numbers of individuals. Trees play an important role in the aesthetics of a property. Also, many studies indicate that access to, or a simple view of a natural scene can help medical patients, more so than patients who do not have access to such views. Having healthy forests takes planning and commitment, but will benefit many individuals for years to come.

Feel free to contact me with further questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Thomas Snoddy". The signature is written in a cursive style with a horizontal line above the first name.

Thomas A. Snoddy

Forester

Virginia Department of Forestry

138 Courthouse Lane

Bowling Green, VA 22427-9335

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Dam Safety & Floodplain
Management and Soil & Water
Conservation*

Thomas L. Smith
Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: June 15, 2020
TO: Glenn Elliott, The VA
FROM: Roberta Rhur, Environmental Impact Review Coordinator
SUBJECT: DCR 20-006, SCOPING VETERATNS HOSPITAL - 2 SITES

Office of Land Conservation

Please be aware that DCR holds an easement with Central Virginia Battlefields Trust (CVBT) for the 11.2-acre conservation easement immediately to the east of the Gateway Site. However, we do not anticipate that this project will negatively affect this easement.

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Gateway Site

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

In addition, the proposed project will fragment an Ecological Core C5 as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>), one of a suite of tools in Virginia ConservationVision that identify and prioritize lands for conservation and protection.

Ecological Cores are areas of unfragmented natural cover with at least 100 acres of interior that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Cores also provide benefits in terms of open space, recreation, water quality (including drinking water protection and erosion prevention), and air quality

of these functions. The cores are ranked from C1 to C5 (C5 being the least ecologically relevant) using many prioritization criteria, such as the proportions of sensitive habitats of natural heritage resources they

Fragmentation occurs when a large, contiguous block of natural cover is dissected by development, and other forms of permanent conversion, into one or more smaller patches. Habitat fragmentation results in biogeographic changes that disrupt species interactions and ecosystem processes, reducing biodiversity and by weedy species.

Therefore minimizing fragmentation is a key mitigation measure that will reduce deleterious effects and preserve the natural patterns and connectivity of habitats that are key components of biodiversity. DCR recommends efforts to minimize edge in remaining fragments, retain natural corridors that allow movement between fragments and designing the intervening landscape to minimize its hostility to native wildlife (natural cover versus lawns). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: <http://vanhde.org/content/map>.

Hood Site

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Division of Dam Safety and Floodplain Management

Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (Shaded X Zone).

All development within a Special Flood Hazard Area (SFHA), as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.

State Agency Projects Only

[Executive Order 45](#), signed by Governor Northam and effective on November 15, 2019, establishes mandatory standards for development of state-owned properties in Flood-Prone Areas, which include Special Flood Hazard Areas, Shaded X Zones, and the Sea Level Rise Inundation Area. These standards shall apply to all state agencies.

1. Development in Special Flood Hazard Areas and Shaded X Zones
 - A. All development, including buildings, on state-owned property shall comply with the locally-adopted floodplain management ordinance of the community in which the state-owned property is located and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
 - B. If any state-owned property is located in a community that does not participate in the NFIP, all development, including buildings, on such state-owned property shall comply with the NFIP requirements as defined in 44 CFR §§ 60.3, 60.4, and 60.5 and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
 - (1) These projects shall be submitted to the Department of General Services (DGS), for review and approval.
 - (2) DGS shall not approve any project until the State NFIP Coordinator has reviewed and approved the application for NFIP compliance.
 - (3) DGS shall provide a written determination on project requests to the applicant and the State NFIP Coordinator. The State NFIP Coordinator shall maintain all documentation associated with the project in perpetuity.
 - C. No new state-owned buildings, or buildings constructed on state-owned property, shall be constructed, reconstructed, purchased, or acquired by the Commonwealth within a Special Flood Hazard Area or Shaded X Zone in any community unless a variance is granted by the Director of DGS, as outlined in this Order.

The following definitions are from Executive Order 45:

Development for NFIP purposes is defined in 44 CFR § 59.1 as “Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”

The Special Flood Hazard Area may also be referred to as the 1% annual chance floodplain or the 100-year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study. This includes the following flood zones: A, AO, AH, AE, A99, AR, AR/AE, AR/AO, AR/AH, AR/A, VO, VE, or V.

The Shaded X Zone may also be referred to as the 0.2% annual chance floodplain or the 500- year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study.

The Sea Level Rise Inundation Area referenced in this Order shall be mapped based on the National Oceanic and Atmospheric Administration Intermediate-High scenario curve for 2100, last updated in 2017, and is intended to denote the maximum inland boundary of anticipated sea level rise.

“State agency” shall mean all entities in the executive branch, including agencies, offices, authorities, commissions, departments, and all institutions of higher education.

“Reconstructed” means a building that has been substantially damaged or substantially improved, as defined by the NFIP and the Virginia Uniform Statewide Building Code.

Federal Agency Projects Only

Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management. -

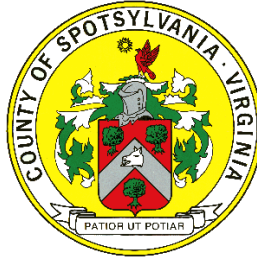
DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must reach out to the local floodplain administrator for an official floodplain determination and comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS):
www.dcr.virginia.gov/vfris

To find community NFIP participation and local floodplain administrator contact information, use DCR's Local Floodplain Management Directory: www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

Board of Supervisors
DEBORAH H. FRAZIER
BARRY K. JETT
KEVIN W. MARSHALL
TIMOTHY J. MCLAUGHLIN
DAVID ROSS
GARY F. SKINNER
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June 12, 2020

Glenn Elliott, Director of Environmental Programs
VA Office of Construction & Facilities Management
Department of Veteran Affairs

Via email: glenn.elliott@va.gov

RE: Fredericksburg HCC NEPA Scoping – Hood Site

Dear Mr. Elliott:

Spotsylvania County appreciates the opportunity to provide information relevant to the National Environmental Policy Act (NEPA) Environmental Assessment (EA) related to environmental, cultural, and socioeconomic issues for the Hood Site. The Hood Site is approximately 49 acres located in Spotsylvania County between I-95 and US Route 1, just north of Exit 126 and includes three parcels of land further described below.

- TM Parcel 35-A-113 fronts Hood Drive and US Route 1, is approximately 47.4 acres and is currently undeveloped. Formerly it was a farm and a gravel quarry.
- TM Parcel 36-A-10 fronts US Route 1, is approximately 0.95 acres and contains a former convenience store and gasoline station.
- TM Parcel 35-A-114 fronts Hood Drive, is approximately 0.44 acres and contains a ca. 1948 house.

The Hood Site is centrally located within the County's designated Primary Development area that is intended growth and development in a variety of suburban, semi-urban, and urban scale densities. Roughly 17% of the County land area is within the limits of the Primary Development area. The Hood Site is accessed by Hood Drive on the north and US Route 1 on the east. Public water and sewer is available to the site.

I-95 Exit 126 is an important gateway to Spotsylvania County and the Hood Site is within a designated Opportunity Zone (Census Tract 51177020305). The County has experienced interest in new investment in the area, resulting in redevelopment of aged sites subject to modern development standards that consider landscape improvements, storm water management, accommodation of bicycle and pedestrian frontage improvements, and design / aesthetic improvements. Recent examples include the development of a Royal Farms Gas Station and

Convenience Store at the corner of US Route 1 and Hood Drive, and an expected Chick-fil-A at the corner of US Route 1 and Market Street (Site Plan ST19-0054 now under review).

Surface and Groundwater Resources

The Hood Site is not known to contain any rivers, Resource Protection Areas (RPAs), Special Flood Hazard Areas, and the site is not within a Dam Break Inundation Zone. The site lies within the E20 Rappahannock River / Massaponax Creek Watershed and the RA-L Rappahannock River-Massaponax Creek-Muddy Creek-Hazel Run-Motts Run-Claiborne Run Subwatershed.

A May 13, 2020 study by Flickinger Geoservices Group, Ltd. concludes that any ponds potentially identified in any registry “were created by the excavation of material within a pre-colonial hydrologically eroded ground feature. There is no intermittent flow off of the property served by this feature. There is no associated Ordinary High Water Mark and, there is no tributary by definition 3(iii) above serving this property. Thus there are no federally regulated Waters on the subject site”.

Environmental Concerns/Issues

TM Parcel 36-A-10 contains a former convenience store and gasoline station. In August of 2015, a permit was issued by the County for removal of three 6,000 gal. and one 10,000 gal. underground tanks. In 2016, the Virginia Department of Environmental Quality issued a Case Closed letter for the property (PC#2016-3051). Additional information is available in the Phase I Environment Site Assessment of Parcel Numbers 35-A-113, 35-A-114, and 36-A-10, Jefferson Davis Highway, Fredericksburg, Virginia 22408, ATC Project No. NPCMD19003, prepared by ATC Group Services, LLC.

Threatened and Endangered Species

The Massaponax Creek Subwatershed of the Lower Rappahannock River Watershed is a known habitat for the Small Whorled Pogonia. There are no known findings of this plant on the Hood Site.

Parks, Nature Preserves, Conservation Areas/ Natural Resource Issues

There are no public parks within 1 mile of the Hood Site. On site, there are no known conservation areas or natural resource concerns.

Soils

The following soils are identified as present on the property in the USDA Web Soil Survey (WSS) (www.websoilsurvey.nrcs.usda.gov):

- 36B - Savannah sandy loam, 2 to 7 percent slopes
- 31C2 - Mattaponi sandy clay loam, 7 to 15 percent slopes, eroded
- 17C - Dystrochrepts-Udults complex, sloping
- 17D - Dystrochrepts-Udults complex, moderately steep
- 17E - Dystrochrepts-Udults complex, steep
- 45B - Udorthents-Udifluvents complex, gently sloping
- 46 - Urban land-Udults complex, smoothed
- 24 - Goldsboro sandy loam

Prime and Unique Farmland

The Hood Site is largely Commercially zoned, it has been quarried in the past, and is in a growth area for the County. Its location is not conducive to farm use.

Traffic, Air Quality, and Transportation

The Hood Site is located in close proximity to the confluence of a number of major transportation routes including I-95, US Route 1, Route 208 (Courthouse Road), and the US Route 17 corridor from Interstate exit 126 and providing access to the Virginia Railway Express Spotsylvania Station. All the aforementioned Interstate and US Routes are part of Corridors of Statewide Significance (CoSS), including the Coastal Corridor (US Route 17) and Washington to North Carolina Corridor (I-95, Route 1, Virginia Railway Express, CSX National Gateway Corridor).

A number of transportation projects are being studied or are proposed near the Hood Site. Along I-95, a feasibility analysis is underway for collector-distributor lanes to Exit 126. Additional Transportation improvements planned proximate to this site include improving Hood Drive to 4-lane divided, intersection enhancements at Hood Drive and Route 208, intersection improvements at US Route 1 and Market Street, and revitalization of US Route 1 north of Market Street that would include streetscape improvements, such as sidewalks, landscaping, and signage.

The provision of transportation alternatives is beneficial to the transportation system for enhanced accessibility, including disadvantaged populations, as well as air quality. Provision of transportation alternatives are supported in the County's Comprehensive Plan and expanded upon in the new draft (adoption anticipated in 2020). Per the adopted Comprehensive Plan Transportation Policy 3 states "promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network". Sub strategies identified reference employing transportation demand management, design and construction of bike/pedestrian facilities, transportation facilities that consider the needs of persons with disabilities and an aging population, and coordination with regional transit providers. Access to bicycle and pedestrian infrastructure, Fredericksburg Regional (FRED) transit, privately and operated elderly or disabled-persons transit services are all encouraged with increased emphasis in the draft Comprehensive Plan.

Historic Resources

The following resources were reviewed to determine if there are any known historic resources on the Hood Site:

- Virginia Department of Historic Resources VCRIS database – Found an architectural survey of the ca. 1948 house on TM Parcel 35-A-114 (DHR # 88-5304) determined Not Eligible for the National Register of Historic Places.
- Historic Architectural Survey of Spotsylvania County prepared by Traceries, 1996 – No findings.
- A Wealth of Hidden Resources: An Archaeological Assessment of Spotsylvania County, Virginia, 2007 – No findings.
- Handbook of Historic Sites in Spotsylvania County, Virginia, 1987 – No findings.

- Spotsylvania County Cemetery Inventory (on-going) – No findings.
- A Study of Spotsylvania County Civil War Battlefield Site prepared by the National Park Service, 1993 – No findings.
- Spotsylvania County Zoning Map and Ordinance – No locally designated historic districts or properties.

Please feel free to contact me at (540) 507-7425 or wparrish@spotsylvania.va.us with any questions or for additional information.

Sincerely,

A handwritten signature in blue ink that reads "Wanda Parrish". The signature is written in a cursive, flowing style.

Wanda Parrish, AICP
Assistant County Administrator



**DEPARTMENT OF VETERANS AFFAIRS
Central Virginia VA Health Care System
1201 Broad Rock Boulevard
Richmond, VA 23249**

July 16, 2020

Julie Langan
State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

**RE: U.S. Department of Veterans Affairs Central Virginia VA Health Care System
Lease, Construction, and Operation of a Health Care Center in the greater
Fredericksburg area, Virginia (DHR # 2019-0123)**

Ms. Langan,

The U.S. Department of Veterans Affairs (VA) Central Virginia VA Health Care System is seeking a parcel of land for the construction and operation of a new health care center (HCC) in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of clinic and ancillary space, and just over 2600 parking spaces. VA invites you to consult on this undertaking and is submitting information to your office in compliance with the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 – Protection of Historic Properties (collectively referred to as "Section 106").

VA is evaluating two alternative sites for the new facility: the Hood parcel in Spotsylvania County (bounded by I-95 to the west, Hood Drive to the north, Route 1 to the east, and a motel to the south) (Appendix A, Figure 1); and the Gateway parcel in Fredericksburg (bounded by I-95 on the west, commercial buildings located on the north side of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010) (Appendix A, Figure 2). VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking. We welcome your comments on all these consultative steps.

Consulting Parties

VA is inviting the following parties to participate in consultation for the HCC and is submitting project information to them, concurrent with the transmission of this package:

- Advisory Council on Historic Preservation
- Fredericksburg, VA Community Planning & Building
- Spotsylvania Department of Planning and Zoning
- Catawba Indian Nation
- Delaware Nation of Oklahoma
- Pamunkey Indian Tribe
- National Park Service Fredericksburg & Spotsylvania National Military Park
- American Battlefield Trust, Fredericksburg Area Museum
- Fredericksburg Area Museum
- Historic Fredericksburg Foundation, Inc.
- Rappahannock Valley Civil War Round Table
- Spotsylvania Historical Society
- Central Virginia Battlefields Trust
- Preservation Virginia

VA is seeking input from the public through outreach to these entities, as well as distributing draft NEPA documentation and soliciting public comments on the project from July 12, 2020 through August 11, 2020. This outreach includes a public meeting to be held on July 29, 2020, wherein the Section 106 consultation efforts will be reviewed, and public comments on the undertaking and Section 106 steps will be solicited.

Area of Potential Effects

VA is evaluating two offered parcels for the HCC in Fredericksburg: Gateway, (1500 Gateway Boulevard), an 88-acre parcel located northeast of the intersection of Gateway Boulevard and Plank Road; and Hood, a 50-acre parcel located north of the intersection of I-95 and U.S. Route 1. Therefore, VA has determined the APE for this project to be a 0.5-mile radius around the Gateway parcel (Appendix A, Figure 2), and an area bounded by I-95 on the west, the convergence of I-95 and Route 1 to the south, the south side of Courthouse Road to the north, and both sides of Route 1/Jefferson Davis Highway to the east around the Hood parcel (Appendix A, Figure 1). VA has determined that this APE is sufficient to encompass the areas where the proposed undertaking may directly or indirectly cause alterations in the character or use of historic properties.

Identification of Historic Properties

Historic property identification efforts have been undertaken for both sites, with summaries provided below and reports enclosed. Any needed additional identification efforts will not occur until after a site is selected.

Gateway Parcel

VA contracted with the ERG/Row 10 team to conduct background research on the Gateway Parcel as a follow-up report to McCloskey and Gonzalez (DHR# 2019-0123, 2018), to reassess the site pursuant to Section 106. This report includes the entirety of the 88-acre parcel; however, VA is only considering the lease and development of a 35-acre parcel located south of Cowen Boulevard and just east of I-95. Several historic properties were identified. Below is a summary of the study of both the built resource and archaeological properties that might be affected by the undertaking, and the proposed process for phased identification, evaluation, finding of effect, and resolution of effect, in accordance with 36 CFR § 800.4(b)(2), 800.5(a)(3), and 800.14(b). The complete Phase 1A is attached hereto (Appendix B).

Architectural Results

The ERG/Row 10 team identified 12 architectural resources in the APE (Table 1). Of these, one Civil War Battlefield (Chancellorsville, 088-5180) is listed in the National Register of Historic Properties (NRHP). Three other Civil War Battlefields (088-5181, 111-5295, 111-5296) have not been evaluated, but DHR asserts they may possess the qualities of significance for listing in the NRHP. These three unevaluated battlefields are identified in DHR's records as architectural resources, because each of these resources, which cover large geographic areas, has at least one architectural element that contributes to its significance. However, the portions of these three battlefields that are located in the APE do not include any architectural features. The remaining 8 resources are all residential buildings, and all previously have been determined by DHR to be ineligible for the NRHP. VA recommends no changes to these determinations.

Table 1 Previously Identified Architectural Resources in the Gateway APE

DHR Number	Property Name	Description	Eligibility Status	Historic Property
088-5180; 111-0147- 0073	Chancellorsville Battlefield, State Route (SR) 3, 17, 610, 616 & 655 (Study Area)	Civil War battle of April-May 1863	DHR Staff: Eligible (2000); NRHP Nomination (2015)	Yes
088-5181	Bank's Ford/Salem Church Battlefield, SR 3 (Core Area)	Civil War battle of May 4, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5295	Battle of Fredericksburg I/ Battle site, Fredericksburg vicinity (Study Area)	Civil War battle of Dec. 12-13, 1862	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5296	Battle of Fredericksburg II, Fredericksburg vicinity (Study Area)	Civil War battle of May 3, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5447	Dr. David William, Jr. & Margaret Tucker House, 1109 Mahone Street	Ca. 1955	DHR Staff: Not Eligible (2020)	No
111-5279	House, Plank Road (SR 3)	No Longer Extant	No Longer Extant; Not Eligible (2014)	No

111-5286	House, 2210 Hays Street	Ca. 1950 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5287	House, 2208 Hays Street	Ca. 1962 Ranch dwelling	DHR Staff: Not Eligible (2009)	No
111-5288	House, 2206 Hays Street	Ca. 1946 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5289	Commercial Building, SR 3	Converted ca. 1925 bungalow	DHR Staff: Not Eligible (2009)	No
111-5445	House, 2207 Hays Street	Ca. 1950	DHR Staff: Not Eligible (2020)	No
111-5446	House, 2205 Hays Street	Ca. 1956	DHR Staff: Not Eligible (2020)	No

Archaeological Results

The attached Gateway study did not include any archaeological fieldwork as the parcel was comprehensively surveyed in 2018. Background research identified 11 previously identified sites in the Gateway portion of the APE (Table 2). Of these, one has been destroyed, 7 were determined not eligible, one has not been evaluated for NRHP eligibility, but may demonstrate research potential if evaluated, and two possess research potential. VA has determined these last two sites, Sites 44SP0783 and 44SP0784, to be eligible for the NRHP under Criterion D; DHR has concurred with this determination.¹

VA intends to complete phased identification and evaluation of effects if this site is selected pursuant to a programmatic agreement, in accordance with 36 CFR § 800.4(b)(2) and 800.5(a)(3) (Appendix D).

Table 2 Previously Identified Archaeological Properties in the Gateway APE

DHR Number	Site Type	Period	Eligibility Status	Historic Property
44SP661	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth	DHR Staff: Not Eligible (2015)	No
44SP663	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and	DHR Staff: Not Eligible (2015)	No

¹ Via teleconference, May 21, 2020.

		Growth, World War I to World War II, The New Dominion, Post-Cold War		
44SP0301	Trash Scatter	No longer extant	DHR Staff: Destroyed (2015)	No
44SP0783	Camp	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0784	Camp (possible artillery position)	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0300	Lithic Quarry	Pre-Contact	DHR Staff: Not Eligible	No
44SP0520	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0522	Camp	19th Century: 3rd quarter	DHR Staff: Potentially Eligible	More Study Needed
44SP0525	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0530	Camp	Prehistoric/Unknown, 19th Century: 2nd half, 20th Century: 1st quarter	DHR Staff: Not Eligible	No
44SP0532	Camp	Prehistoric/Unknown	DHR Staff: Not Eligible	No

Hood Parcel

VA contracted with the ERG/Row 10 team to conduct background research on the entire 50-acre Hood parcel as a follow-up study to the Blandino and Tawney report (DHR# 2020-XXXX, 2020), to reassess the site pursuant to Section 106. No historic properties were identified. Below is a summary of the study of both the built resource and archaeological properties that might be affected by the undertaking; a Phase 1B Architectural Survey and Archaeological Management Summary report are attached hereto (Appendix C).

Architectural Results

A total of 24 previously identified architectural resources are located in the Hood APE (Table 3). All of these but one has been evaluated by DHR staff as not eligible. The other DHR resource, #088-5555, is a modest residence located at 10807 Courthouse Road. It was surveyed in May 2020 by Dovetail Cultural Resources Group (Butler 2020), who recommended

the house as not eligible under Criteria A, B, or C. VA has determined that this building is not eligible. DHR has not yet concurred on this determination.

Table 3 Previously Surveyed Architectural Resources in the Hood APE

DHR_ID	Property Addresses	Property Names	Evaluation Status	Historic Property
088-5290	10745 Courthouse Road, Route 208	Emrock and Kilduff Law Offices (Current), House, 10745 Courthouse Road (Historic/Location)	DHR Staff: Not Eligible (2009)	No
088-5291	Courthouse Road, Off of, Route 208	Office, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5292	Courthouse Road, Off of, Route 208	House, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5293	4900 Hood Drive	Commercial Building, 4900 Hood Drive (Function/Location), DocTech Service, Inc. (Current)	DHR Staff: Not Eligible (2009)	No
088-5294	4804 Hood Drive	Hood Drive Veterinary Clinic, 4804 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5295	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5296	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5297	303 Wilcox Street	House, 303 Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5298	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5299	McGowan Drive	Commercial Building, McGowan Drive (Function/Location), Kitchen Krafters Inc, (Current)	DHR Staff: Not Eligible (2009)	No
088-5300	McGowan Drive	House, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5301	McGowan Drive	Duplex, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5302	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5303	4800 Hood Drive	House, 4800 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5304	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No

088-5305	4709 Hood Drive	House, 4709 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5306	4705 Hood Drive	House, 4705 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5307	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5324	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5325	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5326	Courthouse Road	Commercial Building, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)	No
088-5330	5323 Jefferson Davis Highway - Alt Route 1	MJ Tires Express Service Station	DHR Staff: Not Eligible (2020)	No
088-5331	5311 Jefferson Davis Highway	Citgo Service Station	DHR Staff: Not Eligible (2009)	No
088-5555	10807 Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: N/A (Surveyed in May 2020)	No

New Architectural Resources Identified During the Current Project

In addition to the 24 previously recorded historic resources, the ERG/Row 10 team identified two new resources in the APE that are at least 50 years old during its Phase 1B field survey (Table 4).

Table 4 New Architectural Resources Identified in the Hood APE During Survey

DHR_ID	Property Addresses	Property Names	Evaluation Status	Historic Property
088-5556	301 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible	No
088-5557	307 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible	No

Neither property on McGowan Drive is recommended as individually eligible under Criterion A or B, since they do not appear to be associated with broad patterns of history or significant persons important on the regional, state, or national level. They also are not recommended eligible under Criterion C due to their lack of distinction in design, and Criterion D is not applicable to these properties. Additionally, there is no apparent district to which these resources could contribute, as the Musselman

Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

None of the 26 total architectural resources in the Hood APE possess the qualities of significance for inclusion in the NRHP, either as individual resources, nor as elements of a historic district.

Archaeological Results

No archaeological sites were listed the Virginia Cultural Resource Information System (V-CRIS) for the Hood parcel APE. However, Blandino and Tawney (2020) identified a potential domestic site from conducting background research. Located in the eastern portion of the parcel, they state “One archaeological feature was noted within the project area. A small copse of secondary growth vegetation in the northeastern portion of the parcel conceals a low concrete foundation.” This area was not assigned a site number, nor did it have a site form; however, the ERG/Row 10 team revisited this area during survey.

As a result of this survey, the ERG/Row 10 identified four archaeological sites, containing 45 artifacts. These include field sites 1-4. Field Site 1 is a prehistoric scatter located along transect Q to the north of US 17/I-95. Field Site 2 is a historic artifact scatter located along transect X at the north central portion of the tract. Field Site 3 is a prehistoric scatter located along transects C and D to the east of Field Site 2. Finally, Field Site 4 is a historic residential site that appears to date to the mid-twentieth century. The site contains a concrete house foundation and artifact scatter. None of the identified and recorded archaeological resources are eligible for the NRHP. A Phase 1B Architectural Survey and Archaeological Management Summary report are attached hereto (Appendix C).

Table 5 Previously Identified Archaeological Site in the Hood APE

DHR Number	Site Type	Period	Evaluation Status	Historic Property
N/A	Historic	Mid-20 th Century	Not Eligible	No

VA does not intend to undertake any additional identification efforts if this site is selected.

Finding of Effects

If the Hood parcel is selected, VA finds there will be no historic properties affected by the undertaking. If the Gateway parcel is selected, VA will use a phased approach for the further identification of historic properties and assessment of effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Therefore, VA proposes to execute a Programmatic Agreement (PA), per 36 CFR § 800.14 (b), with your office, the Advisory Council on

Historic Preservation (if they choose to participate), and any other consulting parties that would assume responsibilities under the agreement.

Attached for your review is a draft procedural PA (See Appendix D), outlining the future steps VA proposes to take in order to further identify and evaluate historic properties in the APE, to determine the effects on historic properties, and to avoid, minimize, and/or mitigate any identified adverse effects of the project. VA finds the PA consistent with the recommendation made by your office during the May 21, 2020 teleconference, as a method to achieve VA's timeline and comply with the NHPA. VA seeks to execute this document by August 25, 2020.

VA looks forward to your comments on: the list of invited consulting parties; the APEs; the identified historic properties; the finding of effects for the Hood parcel; and the phased plan for further identification, evaluation, and determination of effects for the Gateway parcel delineated in the draft PA. We welcome your comments on all of these consultation steps. We appreciate your help with this important undertaking and look forward to a productive consultation with your office.

If you have any questions please contact Mr. Garland Gill Jr., who is the Project Manager for this undertaking and can be reached at Garland.Gill@va.gov or 202-578-7562.

Sincerely,

J. Ronald Johnson, FACHE
Director, Central Virginia VA Health Care System

Cc: Angela McArdle, VA Liaison, Advisory Council on Historic Preservation

Enclosures

Appendix A: Area of Potential Effects

Appendix B: Phase 1A Architectural and Archaeological Study of the Gateway Project Area for a Possible Location of the Proposed VA Fredericksburg Health Care Center, Fredericksburg, Virginia

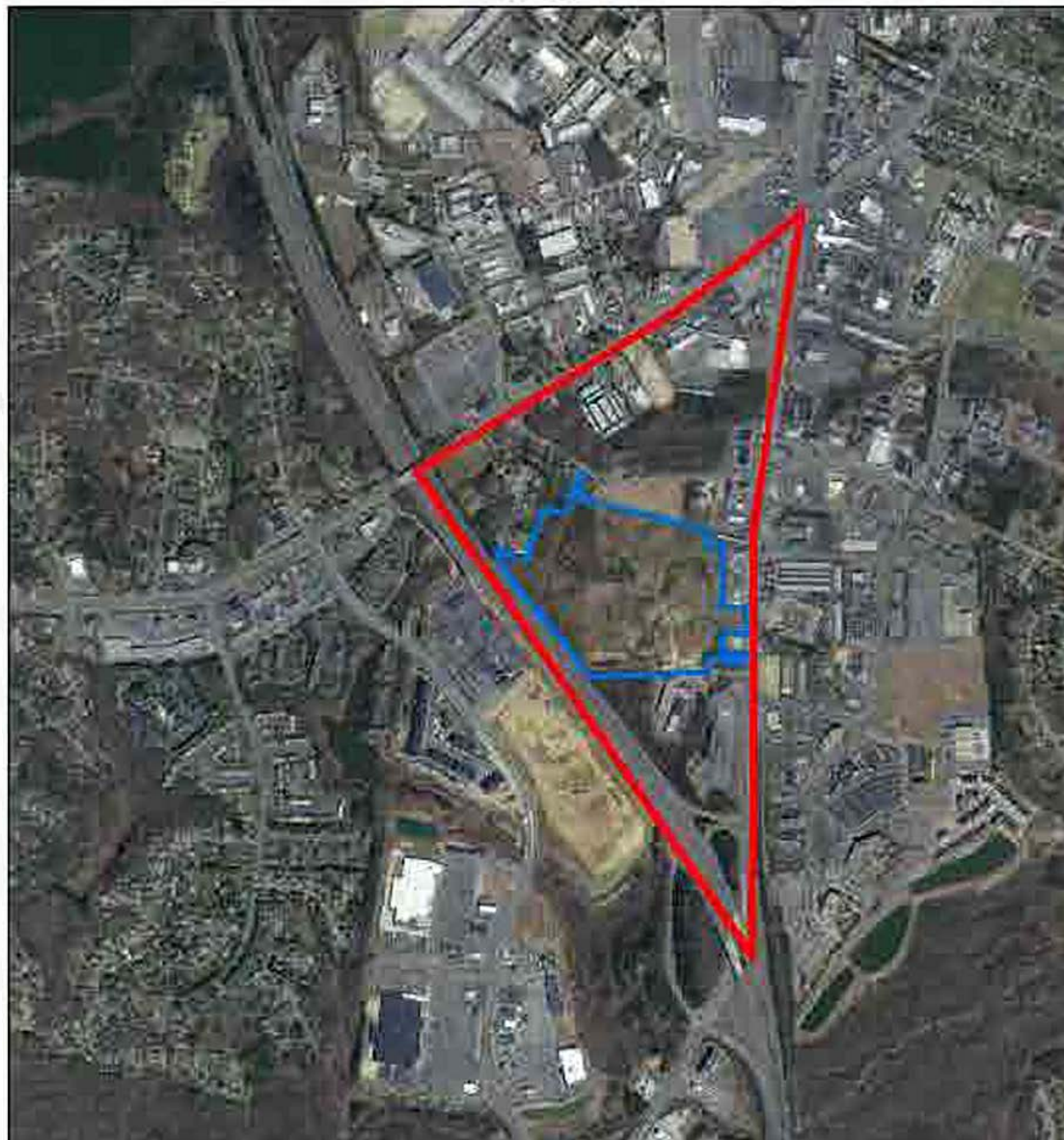
Appendix C: Phase 1B Architectural Survey and Archaeological Management Summary of the Hood Drive [or Carnegie] Project Area for a *possible location* of the Proposed VA Fredericksburg Health Care Center, Spotsylvania County, Virginia

Appendix D: Draft Programmatic Agreement

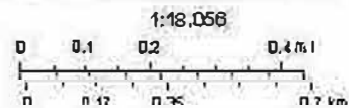
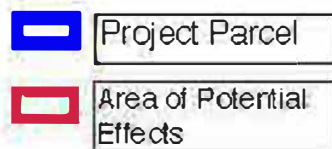
Appendix A: Area of Potential Effects

Figure 1 Hood Parcel and APE

Hood Parcel project area Aerial

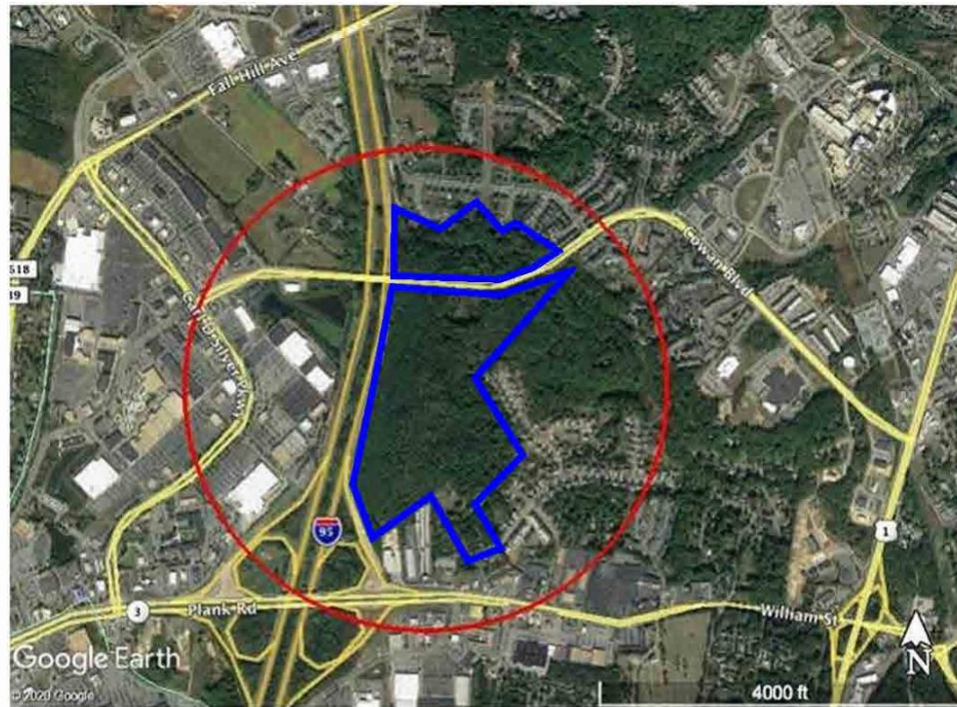



July 6, 2020




July 6, 2020

Figure 2 Area of Potential Effects encircline the Gateway Parcel



 Area of Potential Effects

 Gateway Project Parcel

Appendix B:
Management Summary
Architectural and Archaeological Survey
Of the Gateway Parcel Project Area
for *a possible location* of the
Proposed VA Fredericksburg Health Care Center,
Fredericksburg, Virginia



*Management Summary of Architectural and
Archaeological Resources
for the Gateway Project Area for a Possible
Location of the Proposed VA Fredericksburg
Health Care Center, Fredericksburg, Virginia*

*Environmental
Research Group /
Row 10 Historic
Preservation Solutions*

July 2020

Executive Summary

The U.S. Department of Veterans Affairs (VA) is seeking a parcel of land for the construction and operation of a new health care facility in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of clinic and ancillary space, and just over 2600 parking spaces. There are two separate parcels in the Fredericksburg area that are under consideration for this project: an 88-acre parcel addressed at 1500 Gateway Boulevard (the Gateway parcel), and a 50-acre site located at the intersection of Route 1 and Hood Drive (the Hood parcel).¹ This report presents the results of the cultural resources background study for the Gateway parcel in partial compliance with VA's obligations under the National Historic Preservation Act of 1966 (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 (collectively referred to as "Section 106"). It is a follow-up report to McCloskey and Gonzalez (DHR# 2019-0123, 2019), to reassess the project now that there is a federal nexus.

The Gateway parcel Area of Potential Effects (APE) is the limits of the site plus any area that could have a visual or other indirect adverse effects to any properties eligible for the National Register of Historic Places (NRHP). Virginia Department of Historic Resources (DHR) guidance recommends that any architectural resource that was last surveyed and formally evaluated by DHR staff in the past five years need not be revisited (DHR, 2017). For the current project, there are 12 built resources inside the APE that are at least 50 years old and have been previously surveyed; all have been evaluated to be not eligible by DHR in the past 24 months. No new architectural resources have been identified within the APE. Therefore, VA has determined that there are no above-ground historic properties in the APE.

In addition to built resources, background research identified two historic-era archaeological sites on the project parcel. Sites 44SP0783 and 44SP0784 have the potential to yield significant information about Civil War activity in the area. As such, VA has determined both sites eligible for NRHP listing under Criteria A and D. DHR has concurred with these determinations.²

VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking.

¹ The Hood parcel report will be submitted separately.

² Phone consultation, May 21, 2020, among DHR, ERG, TTL, and Row10.

Project Description

The U.S. Department of Veterans Affairs (VA) is seeking a parcel of land for the construction and operation of a new health care facility in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of clinic and ancillary space, and just over 2600 parking spaces. There are two separate parcels in the Fredericksburg area that are under consideration for this project: an 88-acre parcel addressed at 1500 Gateway Boulevard (the Gateway parcel), and a 50-acre site located at the intersection of Route 1 and Hood Drive (the Hood parcel). This report presents the results of the cultural resources background study for the Gateway parcel.

Row 10 Historic Preservation Solutions, LLC (Row 10) is pleased to have this opportunity to assist TTL Associates, Environmental Research Group (ERG), and the VA with this important project. The National Historic Preservation Act of 1966, as amended (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties both individually and cumulatively. This follow-up report to McCloskey and Gonzalez (DHR# 2019-0123, 2019) is designed to reassess the project now that there is a federal undertaking, and has been developed specifically to assist VA in conducting its Section 106 effort for the proposed acquisition of approximately 88-acre site in Fredericksburg County, VA. The current report consists of Section 106 consultation, including: initiating consultation, defining the undertaking and the Area of Potential Effects (APE), identifying a preliminary list of consulting parties, identifying the known historic properties in the APE, and proposing a phased approach to identify additional historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). VA has determined that it is appropriate to develop a PA in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking. A draft PA is attached hereto.

VA is considering two different proposals for constructing a health care center on the Gateway property. Both proposals include the identical geographic property (Figure 1, 2, and 3). VA intends to lease a property, and have the lessor construct and operate a new health care facility in the greater area of Fredericksburg, Virginia (undertaking). The lease will be operated by the lessor on behalf of the VA for a minimum of 15 years.

Both offers for the Gateway parcel proposed construction only on a 32- to 35-acre portion of the site, along Interstate 95 (I-95) on the western parcel border and south of Cowan Boulevard. Neither offer will exceed 4-stories. The health care center will be surrounded by surface parking in one proposal, and by a 2-story parking structure in the alternate offer. Both proposals include extensive landscaping, construction of access roads, and traffic reconfigurations.

Area of Potential Effects

The Area of Potential Effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic

properties. The recommended APE for the proposed 88-acre site is suitable for direct and indirect effects related to the acquisition, construction, and operation of the property. The APE for this project is the limits of the site plus any area that could have a visual or other indirect adverse effects to any properties eligible for the NRHP. For the construction of this health care center, VA has defined the APE for direct effects to be all those areas where construction will cause ground disturbance (including road, utilities, and ancillary infrastructure). A radius of 0.50 miles from the new facility will address potential indirect effects (visual, auditory, setting, etc.) to historic properties in the area. The APE for the undertaking is, therefore, a 0.5-mile radius around the 88-acre parcel. Large commercial transportation corridors, including I-95 and Plank Road also form natural boundaries for this project; however, in an abundance of caution, VA has defined the APE to be 0.5 miles from the proposed new facility. For this project parcel, the APE consists of an area bounded by Central Park Shopping Center on the west, an unnamed strip mall located just south of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010 (Figure 4).

I-95 and Plank Road, adjacent to the Gateway parcel, are large highways. I-95, the main north-south artery on the East Coast, has 8 lanes and a median in the area adjacent to the Gateway parcel. Along on the west side of I-95 opposite the Gateway site is a shopping plaza, which includes several large box stores, constructed between 1994-2002. Plank Road to the south is a 6-lane divided highway with a median. It is also host to a commercial shopping district. On the north side of the highway, closest to the project parcel, there are a number of residential structures, all captured in the APE. However, between those structures and the highway are a line of commercial buildings—storage facilities, hotels, chain restaurants, storefront office buildings—none of which approach 50 years of age. On the south side of the road, farthest to the project parcel, there are a number of commercial buildings, none approaching 50 years of age. These include a Pep Boys, several large chain restaurants, a Home Depot, and a Wawa gas station. To the north, the APE cuts through an early-2000s planned development called the Preserve at Smith Run. This development consists of single-family homes constructed between 2000-2015 (<https://gis.fredericksburgva.gov/>, accessed 7/2/2020). To the east, the APE cuts through an apartment development called the Residences at Belmont, built ca.1987 (<https://gis.fredericksburgva.gov/>, accessed 7/2/2020). The southeast quadrant of the APE includes houses from the Great Oaks subdivision, built in the early 2000s (<https://gis.fredericksburgva.gov/>, accessed 7/2/2020).

Methodology

Prior to conducting survey fieldwork, The ERG/Row 10 team conducted background research to identify existing resources, properties listed in the NRHP or VHL, properties over 50 years of age. This research included identification and evaluation of historic cartographic information; historic aerial photography; National Park Service listings of the NRHP; including National Historic Landmarks; secondary sources on the history of Fredericksburg; Fredericksburg City ACCESSGIS property, ownership, and tax records; local historic district and/or landmark listings; and the DHR records on historic properties that have been previously identified.

For architectural field survey, identification efforts for this report included limited pedestrian survey and windshield survey of areas adjacent to the parcel. Because the project area had been surveyed so recently, the primary task in the field was to check for any anomalies, and to ensure that all buildings previously identified were still extant.

Consulting Parties

The Gateway project is likely to be of interest to a number of different history, Civil War, and Native American groups. In particular, the National Park Service Fredericksburg & Spotsylvania National Military Park, who are “tasked with telling a complex set of stories on a constantly changing landscape...(t)he daily lives of people...(t)he hopes and devastation wrought by war, followed by decades of restoration and remembrance...(s)stories of community and family...(s)stories of grief, bravery, and freedom” will be an important partner in this consultation (<https://www.nps.gov/frsp/index.htm>, accessed 7/3/2020). Additionally, groups dedicated to the history of Fredericksburg and preservation of Fredericksburg Civil War battlefields are likely to have keen interest in this consultation. Of course, the presence of prehistoric and/or contact era artifacts in the vicinity make it likely that federally recognized Native American Tribes also will participate.

Table 1 Potential Consulting Parties

Virginia State Historic Preservation Office (Department of Historic Resources)
Advisory Council on Historic Preservation
Catawba Indian Nation
Delaware Nation of Oklahoma
Pamunkey Indian Tribe
National Park Service Fredericksburg & Spotsylvania National Military Park
Spotsylvania Department of Planning and Zoning
American Battlefield Trust, Fredericksburg Area Museum
Fredericksburg Area Museum
Fredericksburg, VA Community Planning & Building
Historic Fredericksburg Foundation, Inc.
Rappahannock Valley Civil War Round Table
Spotsylvania Historical Society
Central Virginia Battlefields Trust
Preservation Virginia

Identification of Historic Properties

The ERG/Row 10 team conducted a records and literature search of DHR files via the Virginia Cultural Resource Information System (VCRIS) for built resources. No NHL-listed

are identified on the Gateway parcel; however, 12 architectural resources and five archaeological resources are located within the APE.

Historic Buildings and/or Districts

In June 2020, an architectural historian who exceeds the *Professional Qualification Standards* established by the Secretary of Interior conducted a survey and historic research regarding the Gateway parcel and APE to identify properties that are more than fifty years of age and that retain sufficient integrity to warrant listing in the NRHP. There are no historic districts located within the APE, and no buildings are extant on the 88-acre parcel, the area of direct effects. All of the buildings within the APE to the north and the east have been constructed within the last thirty years, and do not meet the criteria for inclusion in the NRHP. Buildings on the western side of I-95 consist exclusively of commercial big-box stores. A few architectural resources in the APE to the south of the project parcel are 50 years of age or older.

Table 2 Previously Surveyed Architectural Resources in the Area of Direct Effects

DHR Number	Property Name	Description	Eligibility Status	Historic Property
088-5180; 111-0147-0073	Chancellorsville Battlefield, State Route (SR) 3, 17, 610, 616 & 655 (Study Area)	Civil War battle of April-May 1863	DHR Staff: Eligible (2000); NRHP Nomination (2015)	Yes
088-5181	Bank's Ford/Salem Church Battlefield, SR 3 (Core Area)	Civil War battle of May 4, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5295	Battle of Fredericksburg I/ Battle site, Fredericksburg vicinity (Study Area)	Civil War battle of Dec. 12-13, 1862	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5296	Battle of Fredericksburg II, Fredericksburg vicinity (Study Area)	Civil War battle of May 3, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5447	Dr. David William, Jr. & Margaret Tucker House, 1109 Mahone Street	Ca. 1955	DHR Staff: Not Eligible (2020)	No

Table 3 Previously Recorded Architectural Resources Within the Area of Indirect Effects.

DHR Number				
111-5279	House, Plank Road (SR 3)	No Longer Extant	No Longer Extant; Not Eligible (2014)	No
111-5286	House, 2210 Hays	Ca. 1950	DHR Staff: Not	No

	Street	Minimal Traditional dwelling	Eligible (2009)	
111-5287	House, 2208 Hays Street	Ca. 1962 Ranch dwelling	DHR Staff: Not Eligible (2009)	No
111-5288	House, 2206 Hays Street	Ca. 1946 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5289	Commercial Building, SR 3	Converted ca. 1925 bungalow	DHR Staff: Not Eligible (2009)	No
111-5445	House, 2207 Hays Street	Ca. 1950	DHR Staff: Not Eligible (2020)	No
111-5446	House, 2205 Hays Street	Ca. 1956	DHR Staff: Not Eligible (2020)	No

The ERG/Row 10 team identified 12 previously surveyed and evaluated architectural resources within the APE. Of these, one Civil War Battlefield (Chancellorsville, 088-5180) is listed in the National Register of Historic Properties (NRHP). Three other Civil War Battlefields (088-5181, 111-5295, 111-5296) have not been evaluated; VA recommends additional work to determine the eligibility of these resources. These three unevaluated battlefields are identified in DHR's records as architectural resources, because each of these resources, which cover large geographic areas, has at least one architectural element that contributes to its significance (See Figures 5-7). However, the portions of these three battlefields that are located in the APE do not include any architectural features. It is possible that additional work will identify other elements to these battlefields; because VA will not finalize a design until after a site is the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify any additional historic properties pursuant to 36 CFR § 800.4(b)(2). The remaining 8 resources are all residential buildings, and all previously have been determined by DHR to be ineligible for the NRHP. VA recommends no changes to these determinations (See Figure 8).

Historic Landscapes and/or Objects

No historic landscapes or objects were identified on the proposed parcel or in the recommended APE. However, this background study did not include an historic landscape study. Pedestrian and windshield survey of the APE did not identify any historic objects.

Archaeological Resources

In addition to the architectural resources in the APE there are eleven previously surveyed archaeological sites in the APE. Of these, six are in the APE, but outside the area of direct effects. These sites were described in more detail in McCloskey and Gonzalez (2018), but are listed here for reference (See Table 4).

Table 4 Previously Surveyed Archaeological Sites in the APE, but outside the area of direct effects

DHR Number	Site Type	Period	Eligibility Status	Historic Property
44SP0300	Lithic Quarry	Pre-Contact	DHR Staff: Not Eligible	No
44SP0520	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0522	Camp	19th Century: 3rd quarter	DHR Staff: Potentially Eligible	More Study Needed
44SP0525	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0530	Camp	Prehistoric/Unknown, 19th Century: 2nd half, 20th Century: 1st quarter	DHR Staff: Not Eligible	No
44SP0532	Camp	Prehistoric/Unknown	DHR Staff: Not Eligible	No

In the area of direct effects, there are five previously recorded archaeological sites (Table 5). In 2015, McCormick Taylor identified two artifact scatters during survey for a Rappahannock River Crossing project, identified as sites 44SP0661 and 44SP0663. DHR concluded that neither site possessed the qualities of significance for inclusion in the NRHP; no alteration of the current determinations is recommended at this time. In 1999, the Louis Berger Group identified a trash scatter in the northern end of the Gateway parcel, above Cowen Road (Fernandez and Pendleton 1999). It was assessed as not eligible by DHR, and by 2015, the site area was demolished.

Table 5 Previously Identified Archaeological Sites in the Area of Direct Effects

DHR Number	Site Type	Period	Eligibility Status	Historic Property
44SP661	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth	DHR Staff: Not Eligible (2015)	No
44SP663	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction	DHR Staff: Not Eligible (2015)	No

		and Growth, World War I to World War II, The New Dominion, Post- Cold War		
44SP0301	Trash Scatter	No longer extant	DHR Staff: Destroyed (2015)	No
44SP0783	Camp	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0784	Camp	Civil War	DHR Staff: Eligible (2020)	Yes

The final two previously surveyed sites, 44SP0783 and 44SP0784, are the remains of Civil War camps inside the area of direct effects. In 2017, the Dovetail Cultural Resource Group (Dovetail) completed a Phase I cultural resources survey of the proposed Gateway parcel. In February 2018, Dovetail presented their findings in a report submitted to the DHR (McCloskey and Gonzalez 2018). Dovetail's archaeological fieldwork consisted of a pedestrian survey of the entire 88-acre parcel, the excavation of 758 shovel test pits (STP), and metal detector survey across the project area. The recovery of 125 artifacts resulted in the identification of two archaeological sites dating to the Civil War: Sites 44SP0783 and 44SP0784. The recovered artifacts are temporarily housed at Dovetail's Fredericksburg office; however, they remain the property of the landowner.

Site 44SP0783 occupies an area of approximately 9.5 acres on the eastern portion of the site. The archaeological site falls in the area of direct effects in in both proposals for the Gateway property. Site 44SP0783 was identified via the location of 83 metal detector hits, producing 98 artifacts. Additionally, in four of the metal detector hits, a sharp transition into an ashy, heat-altered soil was encountered below topsoil. The artifacts and soils suggest that the site represent the remains of a Civil War encampment, with the heat-altered soils representing "fire boxes" that are often found adjacent to huts in Civil War winter encampments. Specific military materials recovered include bullets, a nipple protector for an Enfield rifle, rivets, a small door to a portable stove, and many cut nails likely representative of the troop's winter cabins.

Review of Civil War Sites Advisory Commission (CWSAC) 2002 maps and Virginia Department of Historic Resources (DHR) files indicate that the project area is within the study area of a number of Civil War Battlefields, including Chancellorsville (088-5180), The First and Second Battles of Fredericksburg (111-5295 and 111-5296), and Salem Church (088-5181). In addition to the CWSAC maps, review of additional Civil War maps in conjunction with known archaeological resources in the area, indicate that troops under the command of Confederate General Anderson were encamped in the area during the Winter of 1862 to 1863, and that the Gateway property was likewise potentially near a portion of the location of the Hays/Hoke-Grant Engagement (see Figures 9 and 10).

In addition, some deeply buried metal munitions likely represent an artillery position associated with the Hays/Hoke-Grant and the Hays/Hoke-Neill engagement of the Battle of Chancellorsville in May 1863. The depth of artifact recovery coupled with the presence of the buried, ashy, heat-altered soil layer indicate the site retains physical integrity.

Site 44SP0784 occupies an area of approximately 0.4 acres and was identified via the location of nine metal detector hits, producing 21 artifacts, many of which are military related. The site falls outside both of the proposals for development within the Gateway property, and thus outside the area of direct effects. The 21 artifacts recovered, including percussion caps appropriate to Civil War era firearms, and melted lead, appear to be representative of a short-term Civil War occupation, possibly a picket or sentry post related to nearby site 44SP0783.

Given the relatively large quantity of artifacts recovered from metal detector survey, as well as the presence of apparent subsurface features, site 44SP0783 has the potential to yield information about both the materials and organization of Confederate encampments, and because of the presence of impacted canister shot, possibly help verify mapped artillery positions in the vicinity of the project area. **As such, VA has determined that site 44SP0783 is eligible for the NRHP listing under Criteria A and D.**

Given the relatively dense concentration of artifacts from a limited number of metal detector hits, it is possible that that occupation, even if brief, may be well preserved, and that therefore further excavation has the potential to yield significant information about Civil War activity in the area. **As such, VA has determined site 44SP0784 eligible for NRHP listing under Criteria A and D.**

Traditional Cultural Resources

No Traditional Cultural Properties (TCP) were identified on the proposed acquisition parcel or in the recommended Area of Potential Effect. However, this report did not include an ethnographic study or consultation with Native Americans or other unique groups to identify TCPs.

Determination of Effects

During the course of conducting background research and limited desktop and reconnaissance survey, The ERG/Row 10 team identified 12 architectural resources and five archaeological sources. One battlefield (088-5180/111-0147-0073) and two archaeological resources (44SP0783 and 44SP0784) have been determined eligible for listing or are listed in the NRHP. All three of these resources relate directly to the Civil War, likely the Battle of Fredericksburg.

This study did not include archaeological field work, but the archaeological work that has been done indicates the presence of intact archaeological deposits. Because VA will not finalize a design until after a site is selected and a lease awarded, the full range

of effects on historic properties cannot be determined at this time. VA will use a phased approach to assess adverse effects, pursuant to 36 CFR § 800.5(a)(3). VA has determined that it is appropriate to develop a PA in accordance with 36 CFR § 800.14(b), in order to phase the assessment of effects. A draft PA for phased identification and application of the criteria of adverse effect is attached hereto (Appendix A).

References Cited

American Battlefield Protection Program (ABPP)

2009 Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields: Commonwealth of Virginia. U. S. Department of the Interior, National Park Service, Washington, D.C.

Bigelow 1910

1910 *The Campaign of Chancellorsville: A Strategic and Tactical Study*. Yale University Press, New Haven, Connecticut.

Clarke, Sarah

2009 *Phase II/Intensive Survey of Graves House (111-5285) on behalf of VDOT HOT Lanes South project in the City of Fredericksburg, Spotsylvania County, and Stafford County along the I-95 corridor*. VDOT Project No.: 0095-966-109, P101 (UPC 70850). VDHR File No.: 2007-0006. Copy on file at the Department of Historic Resources, Richmond, Virginia.

Esri

2018 World Topo. Electronic document,
<http://services.arcgisonline.com/arcgis/services>, accessed December 2018.

2019 World Topo. Electronic document,
<http://services.arcgisonline.com/arcgis/services>, accessed January 2019.

Fernandez-Sardina, Ricardo and Pendleton, Philip

1999 *An Archaeological Resource Survey for the Proposed Cowan Boulevard Improvement Project, Spotsylvania Co. Va.* Submitted to the Virginia Department of Transportation by Louis Berger and Associates, Inc. Richmond, Va.

Fredericksburg GIS

2020 FredGIS. Fredericksburg, VA Online Property Database. Electronic document, <https://www.fredericksburgva.gov/515/Geographic-Information-System-GIS>, accessed June 2020.

McCloskey, Kevin, and Kerry González

2018 *Phase I Archaeological Survey of the Hylton Project Area, City of Fredericksburg, Virginia*. Dovetail Cultural Resource Group, Fredericksburg, Virginia.

National Historic Preservation Act

1966 54 U.S.C. §§ 300101-307108, (rev. 2016). Online document, <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>, accessed June 2020.

National Park Service

2020 Fredericksburg and Spotsylvania National Military Park Website. Online document. <https://www.nps.gov/frsp/index.htm>. Accessed June 2020.

Snedden, Robert Knox.

[to 1865, 1862] *Plan of the Battle of Fredericksburg, Virginia*. Map. <https://www.loc.gov/item/gvhs01.vhs00124/>. Accessed June 2020.

Sweeten, Lena, and Meghan Hesse

2009 *Management Summary for the Phase I Architectural Survey for the I-95 HOT Lanes (South), Stafford and Spotsylvania Counties and the City of Fredericksburg, Virginia*, DHR#2007-006. Gray & Pape. Copy on file at the Department of Historic Resources, Richmond, Virginia.

United States Geological Service [USGS]

1992 7.5-Minute Digital Raster Mosaic of Fredericksburg, VA. Available online at <http://services.arcgisonline.com/arcgis/services>, accessed June 2020.

Virginia Department of Historic Resources (DHR), Virginia Cultural Resources Information

2014 System (V-CRIS). Virginia Department of Historic Resources Architectural Survey Forms: Chancellorsville Battlefield (111-5180), Bank's Ford/Salem Church Battlefield (111-5181), Battle of Fredericksburg I (111-5295), and Battle of Fredericksburg II (111-5926). Electronic document, <https://vcris.dhr.virginia.gov>, accessed June 2020.

2017 *Guidelines for Conducting Historic Resource Surveys in Virginia*. DHR, Richmond, Virginia. October 2011, Revised September 2017. Electronic document, https://www.dhr.virginia.gov/pdf_files/SurveyManual_2017.pdf, accessed June 2020.

FIGURES

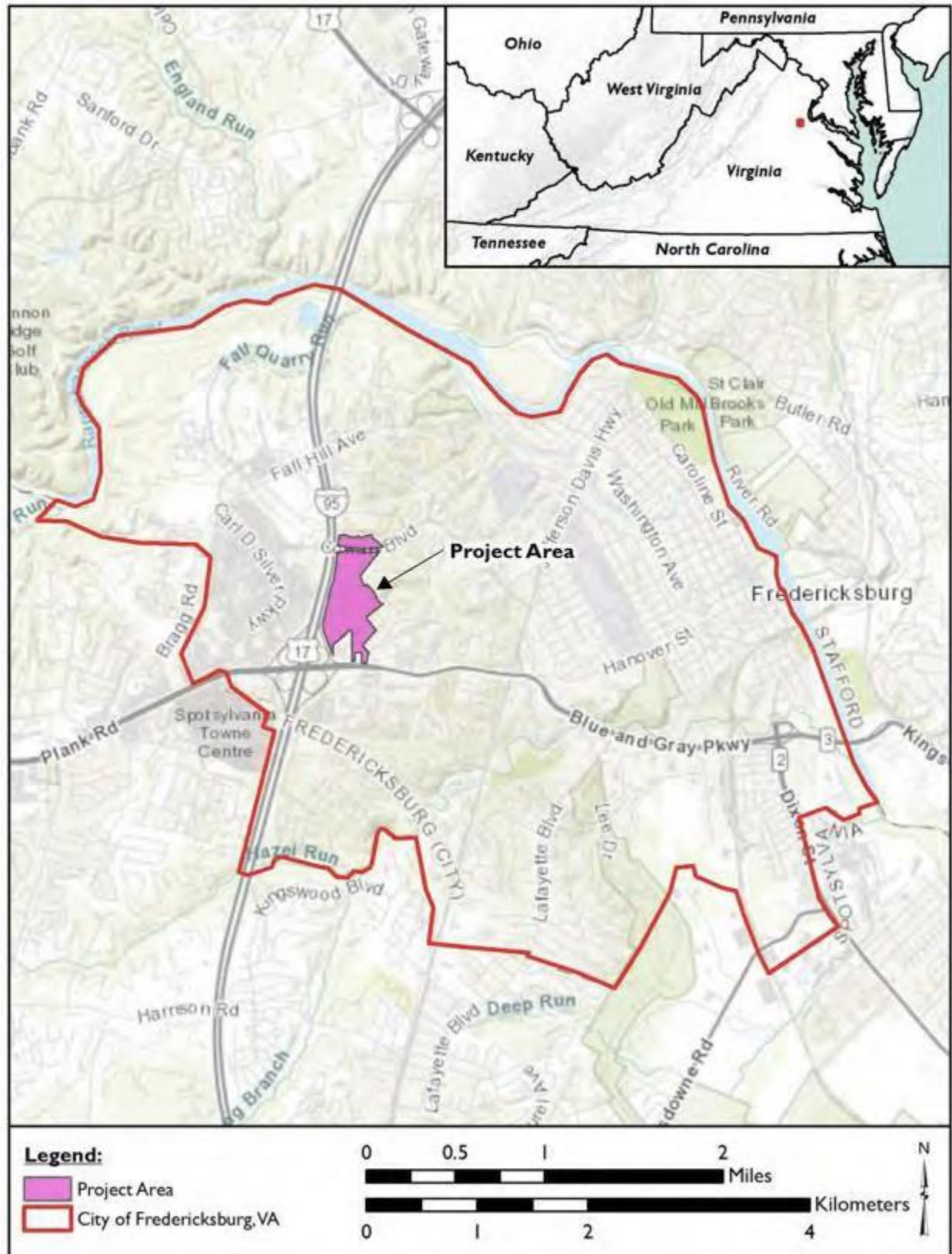


Figure 1 Location of Project Area (McCloskey and Gonzalez 2018).



Figure 2 Project Area on Modern Aerial Photograph (McCloskey and Gonzalez 2018).

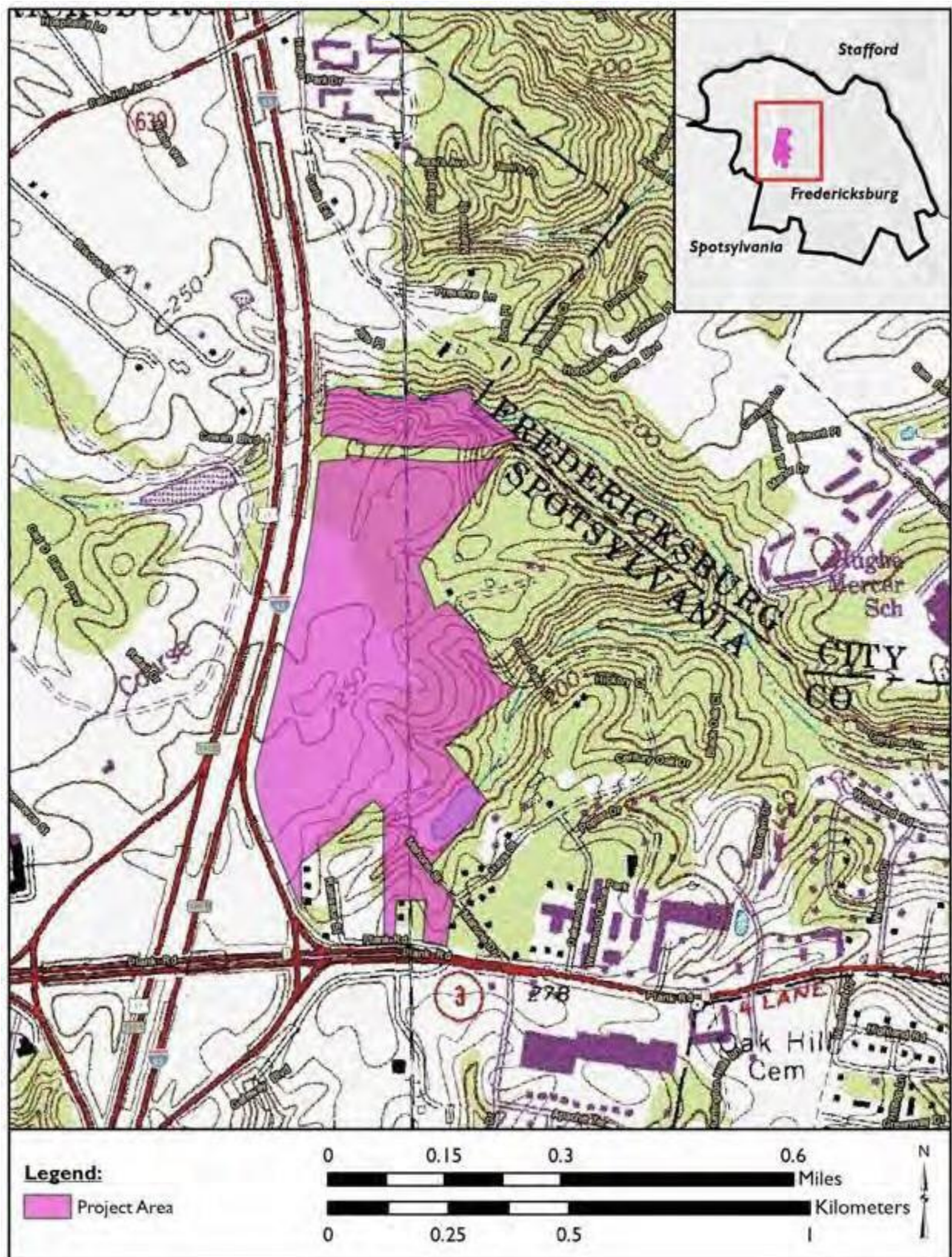


Figure 3 Project Area on the 7.5-Minute Digital Raster Mosaic of Fredericksburg, VA (United States Geological Service [USGS], 1992) (from McCloskey and Gonzalez 2018).

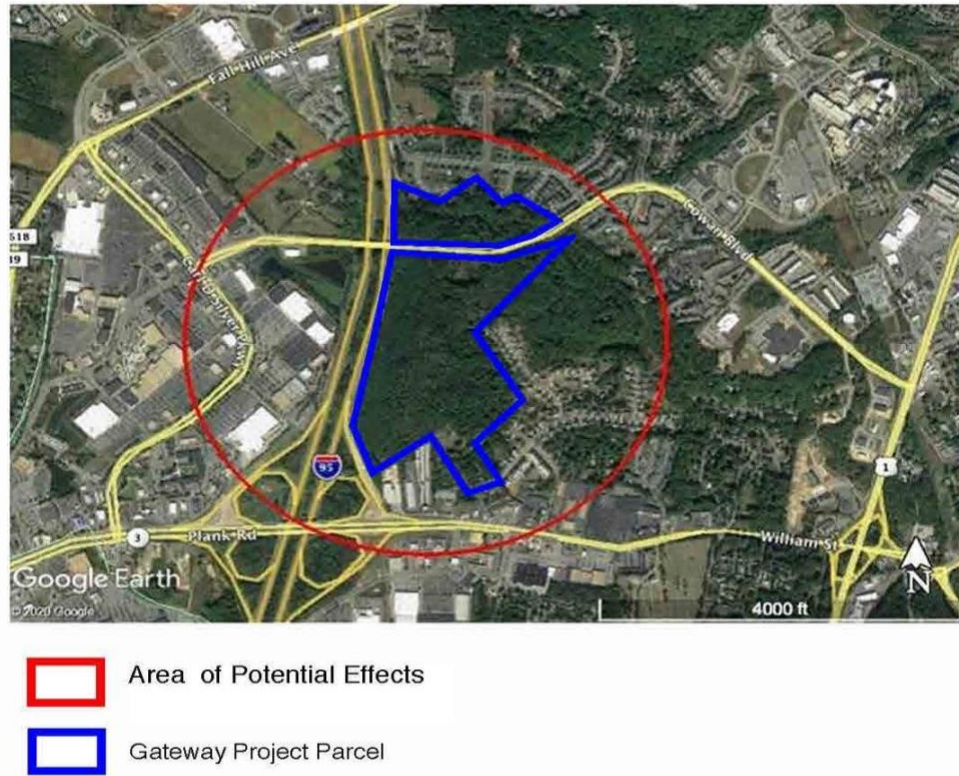


Figure 4 Area of Potential Effects (APE) Encircling the Project Area.

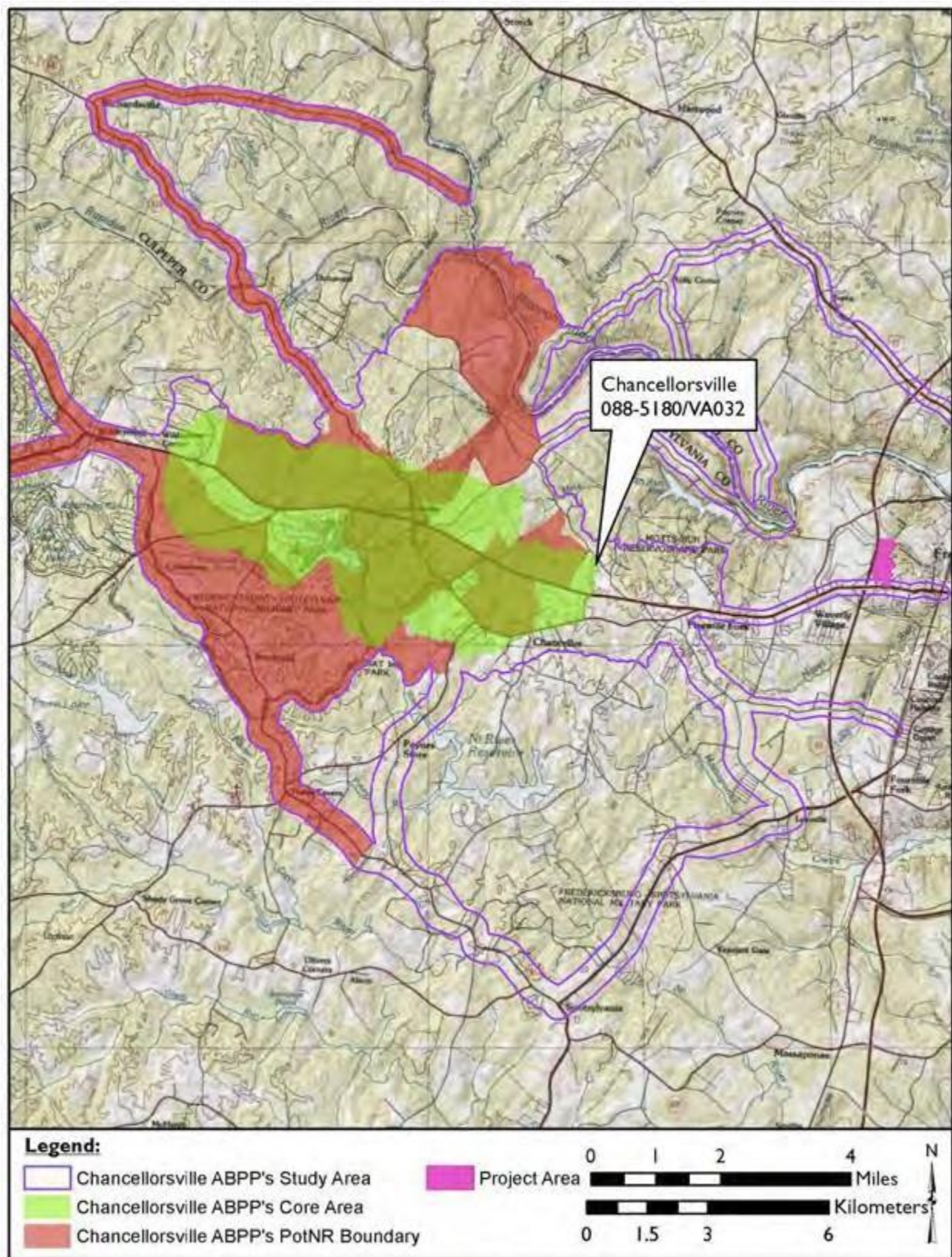


Figure 5 Chancellorsville Core Area, NR Boundary, and Study Area (McCloskey and Gonzalez 2018).

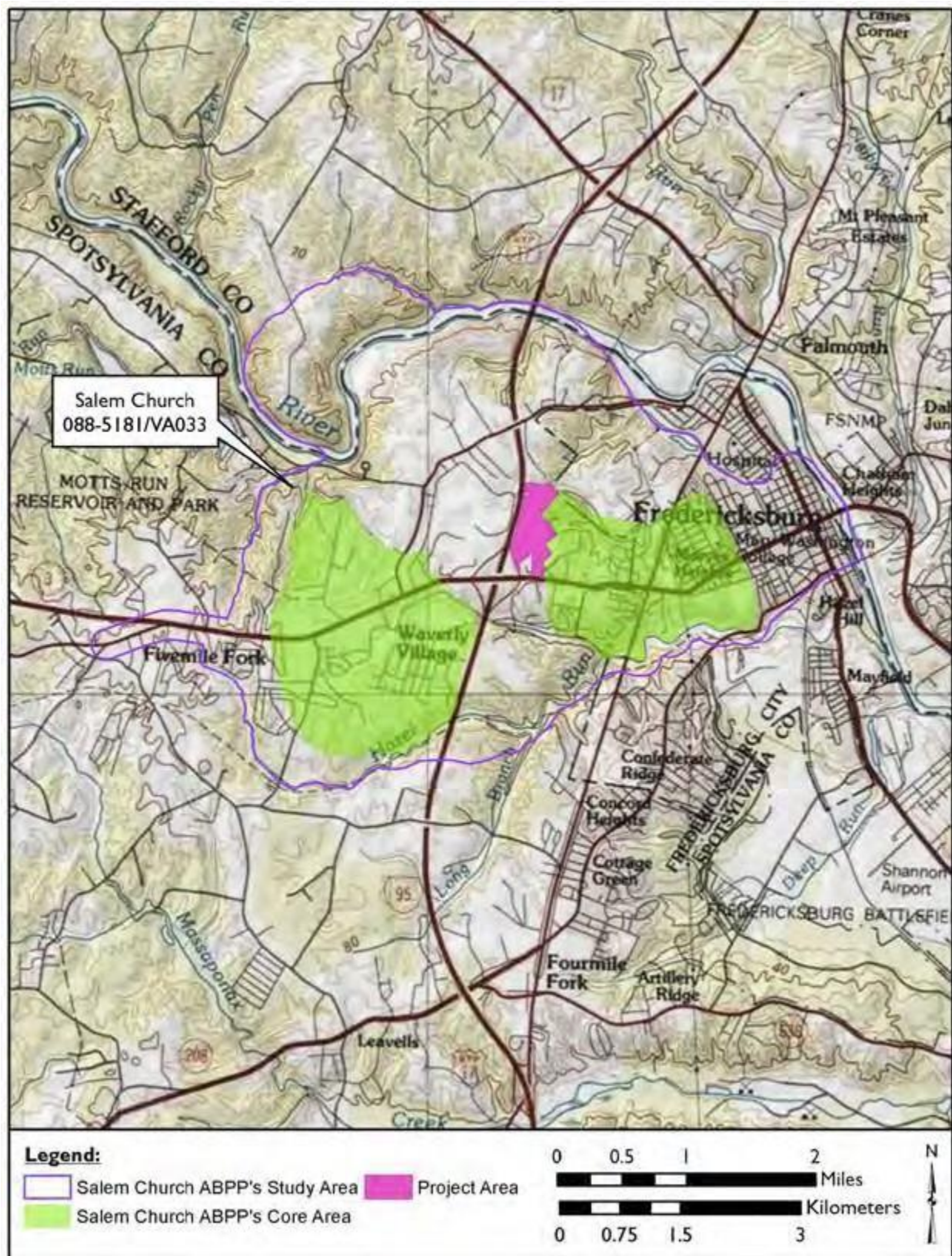


Figure 6 Salem Church American Battlefield Protection Program Core and Study Areas (McCloskey and Gonzalez 2018).

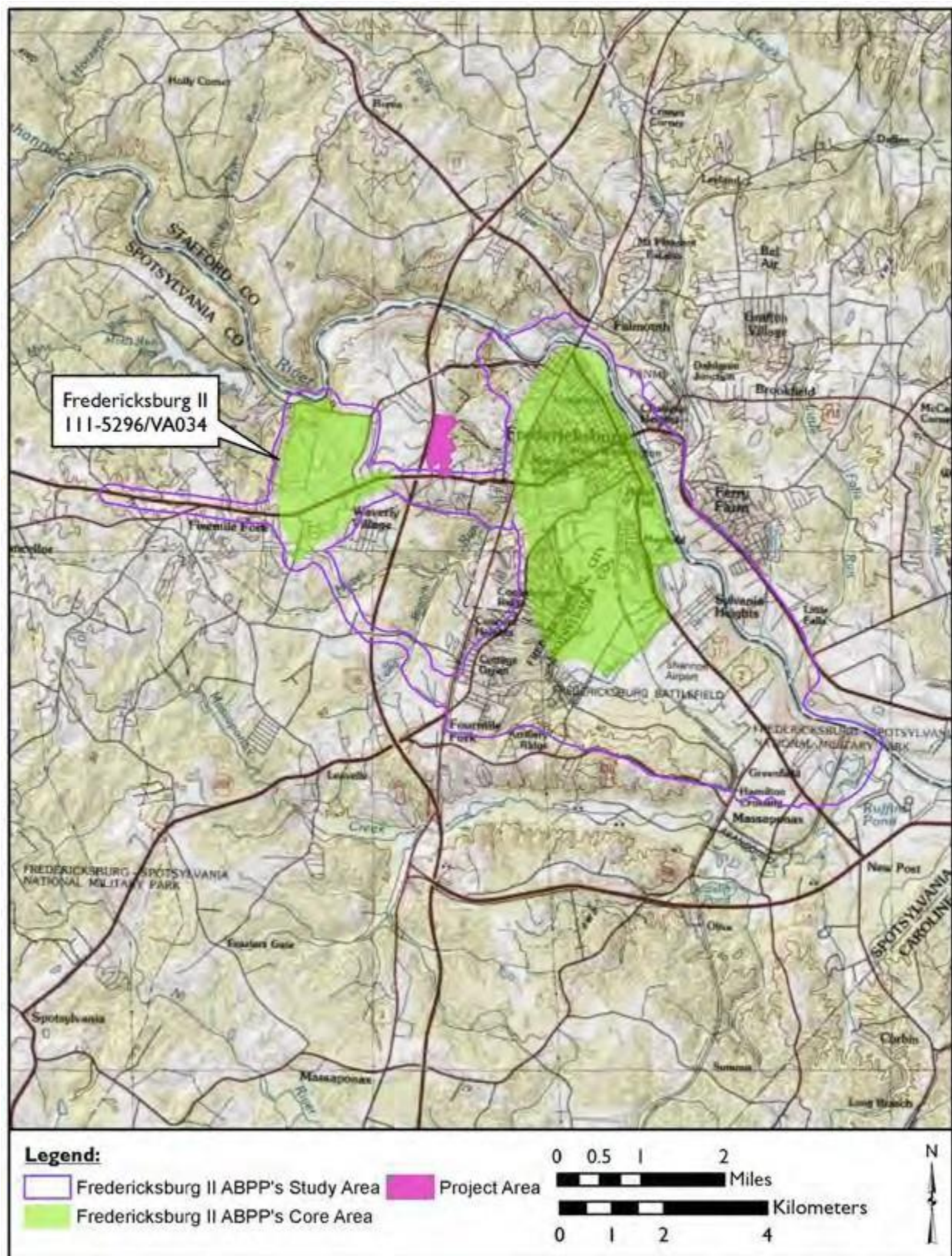


Figure 7 Battle of Fredericksburg II American Battlefield Protection Program Core and Study Areas (McCloskey and Gonzalez 2018).



Figure 8 Architectural Resources Within the APE (McCloskey and Gonzalez 2018).

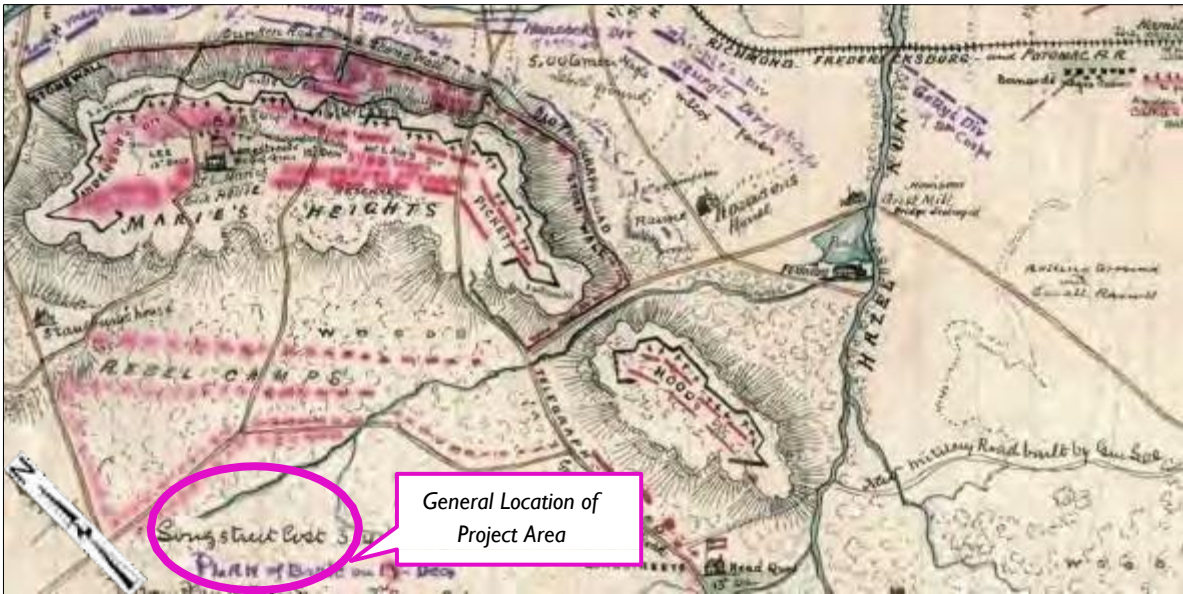


Figure 9 Plan of the Battle of Fredericksburg, Decr. 12–13th (Sneden 1862). Map not to scale.

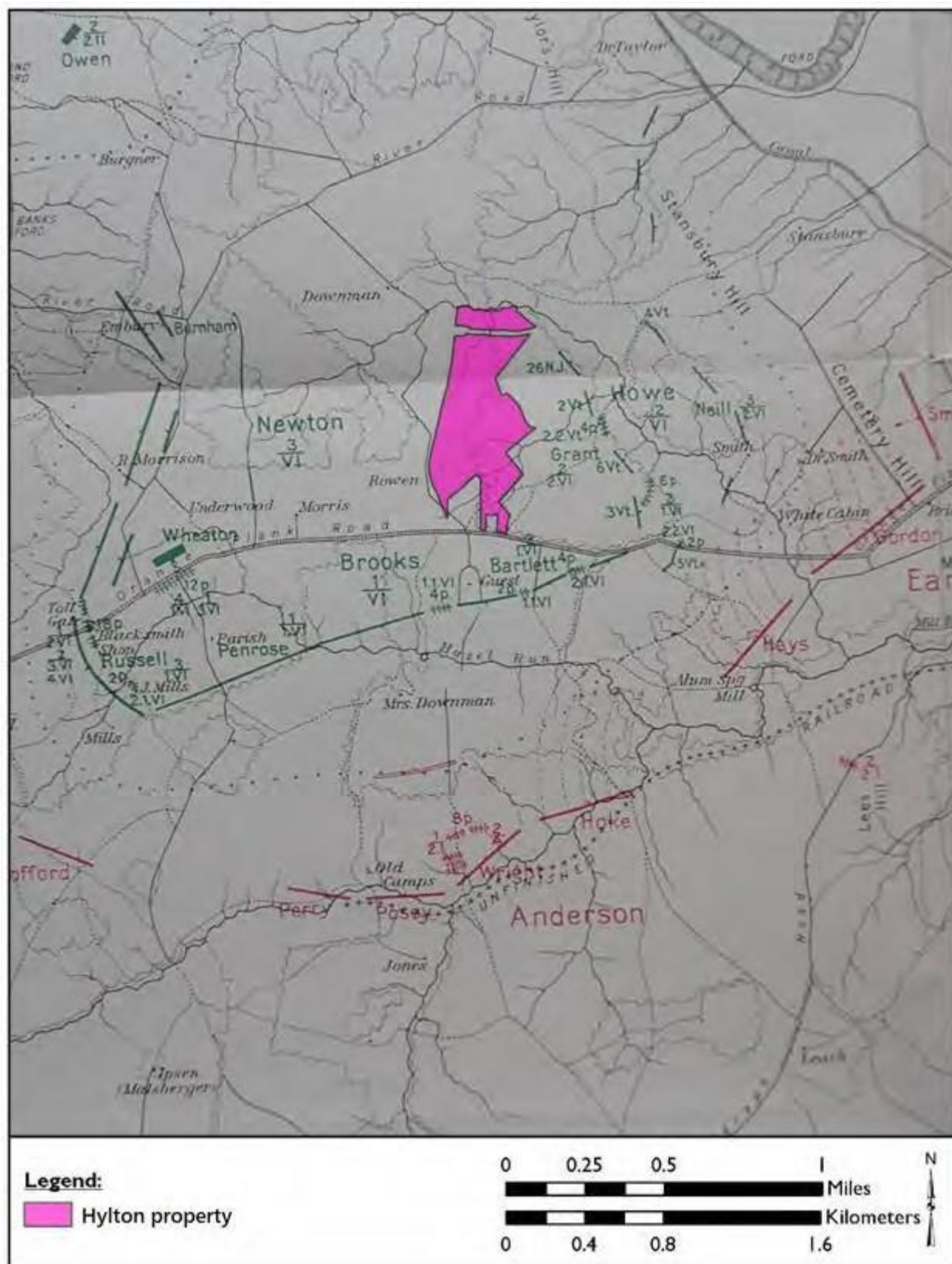


Figure 10 Known troop movements in proximity to the Gateway property (Bigelow 1910).

Figures 11 and 12 contain confidential archaeological site and developer preliminary site plan information. These figures, included in the report submitted to the Virginia SHPO, have been removed from the NEPA EA appendices.



*Phase IB Architectural Survey of the Hood Drive
Project Area for a Possible Location of the Proposed
VA Fredericksburg Health Care Center, Spotsylvania
County, Virginia*

*Row 10 Historic Preservation
Solutions/Environmental Research Group*

July 2020

Executive Summary

The U.S. Department of Veterans Affairs (VA) is seeking a parcel of land for the construction and operation of a new healthcare facility in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of clinic and ancillary space, and just over 2600 parking spaces. There are two separate parcels in Fredericksburg County that are under consideration for this project: an 88-acre parcel addressed at 1500 Gateway Boulevard (Gateway parcel), and a 50-acre site located at the intersection of Route 1 and Hood Drive (Hood parcel). This report presents the results of the cultural resources background study for the Hood parcel in partial compliance with VA's obligations under the National Historic Preservation Act of 1966 (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 (collectively referred to as "Section 106")¹. It is a follow-up report to Blandino and Tawney (DHR# 2020-XXXX, 2020), to reassess the project now that there is a federal nexus.

The Hood parcel area was the subject of a 2020 Phase 1A study by Dovetail Cultural Resources Group (Blandino and Tawney). This work is the supplemental fieldwork and reporting to complete the Phase 1 study. The Hood parcel Area of Potential Effects (APE) is the limits of the site plus any area that could have a visual or other indirect adverse effect to any properties eligible for the National Register of Historic Places (NRHP). Virginia Department of Historic Resources (DHR) guidance recommends that any architectural resource that was last surveyed and formally evaluated by DHR staff in the past five years need not be revisited (DHR, 2017). For the current project, there are 26 built resources inside the APE that are at least 50 years and older. Of these, 24 have been surveyed previously. Half of the previously surveyed architectural resources were evaluated within the past 5 years, and were not revisited as part of this survey effort. However, 12 of them have not been surveyed since 2009, and were resurveyed as part of the current effort, and are included here. Additionally, two resources that are at least 50 years old that have not been surveyed were identified; they are presented here, as well. None of the architectural resources are eligible for inclusion in the National Register of Historic Places (NRHP).

Background research indicates that there are no archaeological sites on the project parcel. Environmental Research Group and their subcontractors, Dovetail Cultural Resources Group, identified that roughly half of the Hood parcel had been recently disturbed and, in consultation with DHR, agreed that portion of the project did not require archaeological identification efforts. The remaining 26-acre portion of the Hood parcel was systematically examined by shovel-testing at 50-foot intervals. As a result of this survey, ERG identified four archaeological sites, containing 45 artifacts as a result of the survey. These include field sites 1-4. Field Site 1 is a prehistoric scatter located along transect Q to the north of US 17/I-95. Field Site 2 is a historic artifact scatter located along transect X at the north central portion of the tract. Field Site 3 is a prehistoric scatter located along transects C and D to the east of Field Site 2. Finally, Field Site 4 is a historic residential site that appears to date to the mid-twentieth century. The site contains a concrete house foundation and artifact scatter. None of the identified and recorded archaeological resources are eligible for the NRHP. A full report on this field effort is expected to be submitted in July 2020.

¹ The Gateway parcel is being submitted separately, under a different cover.

Accordingly, since the undertaking will not affect historic resources in the Hood parcel, ERG finds there will be no historic properties affected by the undertaking at Hood Drive and US Route 1. No further identification work is recommended for this alternative.

Project Description

Row 10 Historic Preservation Solutions, LLC (Row 10) is pleased to have this opportunity to assist TTL Associates, ERG, and the VA with this important project. The National Historic Preservation Act of 1966, as amended (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties both individually and cumulatively. This Initial Cultural Resource Impact Prediction is developed specifically to assist VA in conducting its due diligence effort and identify any significant issues related to cultural resources in the proposed acquisition of approximately 50-acre site in Spotsylvania County, VA, just south of the city of Fredericksburg. The current report consists of Section 106 consultation, including: initiation of consultation, defining the undertaking and the Area of Potential Effects (APE), identifying a preliminary list of consulting parties, identifying the historic properties in the APE, determining the effect of the undertaking on historic properties, and proposing a programmatic agreement to resolve those effects.

The Hood parcel is located just north of where Interstate 95 (I-95) and Route 1 (also referred to as Jefferson Davis Highway) intersect; the northern boundary is Hood Drive. VA intends to lease a property, and have the lessor construct and operate a new healthcare facility in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of clinic and ancillary space, and 2600 parking spaces. The lease will be operated by the lessor for the VA for a minimum of 15 years.

The offer for the Hood parcel proposes construction on the entire 50-acre site. The health care clinic is proposed to measure 4-stories, stepping back for each story. The health care clinic will be surrounded by surface parking. The proposal includes extensive landscaping, construction of access roads, and traffic reconfigurations.

Area of Potential Effect

The area of potential effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The recommended APE of the boundaries of the selected site is suitable for direct and indirect effects related to the acquisition, construction, and operation of the property. For the construction of this health care clinic, VA has defined the APE of the areas where construction will cause ground disturbance (including road, utilities, and ancillary infrastructure) as suitable for direct effects to historic properties. A radius of 0.50 miles around the new facility would be sufficient to address potential indirect effects to historic properties in the area; however, this APE incorporates large transportation corridors, including I-95, Route 1, and Courthouse Road, which are natural boundaries to any indirect effects that might result from the project. There are large commercial properties located along these arteries, which, in addition to the boundary of the roads themselves, shield a potential 4-story health care clinic from an extended viewshed. For this area, the APE consists of an area bounded by I-95 on the west, the convergence of I-95 and Route 1 to the south; the south side of Courthouse Road to the north, and both sides of Route 1 to the east (Route 1 has 6 lanes, separated by a turning lane (Figure 1).

Figure 1 **Hood Project Area and Area of Potential Effects**



Along Courthouse Road, there is a strip mall, a large storage facility, and a 2-story commercial prefabricated building that houses the Fredericksburg SPCA that abut the forested area that shields the Hood parcel; the residential buildings on the south side of Courthouse Road, and south of Courthouse, along Hood Drive, Wilcox Street, and McGowan Drive are all include in the APE. I-95 and Route 1, adjacent to the Hood parcel, are large highways. I-95, the main north-south artery on the East Coast, has 6 lanes and a median in the area adjacent to the Hood parcel. Route 1 to the south and east is a 4 lane divided highway. It is host to a commercial shopping corridor, which includes hotels, chain restaurants, and strip malls. On the west side of the highway, closest to the project parcel, there are a number of commercial gas stations dating approximately 50 years old, while the east side of Route 1 includes a number of 50-year old hotels, all captured in the APE. The north border of the APE is just below where SR 208/Courthouse Road and Route 1 meet, and includes a number of modern commercial buildings along Route 1 (Rite Aid, Advance Auto Parts, McDonald's, Used Car Lot, Harley-Davidson Retail Lot, Grease Monkey Oil Change), as well as some along the south side of Courthouse Road, including Dairy Queen, a car wash, auto repair store, gas station, retail plumbing store, and strip mall.

Methodology

The purpose of a Phase I architectural survey is to record resources that are 50 years of age or older and/or are of exceptional merit, regardless of age, within the APE and to provide a preliminary assessment of their eligibility for listing in the NRHP, either individually or as part of a historic district. All work is completed in accordance with *Guidelines for Conducting Historic Resources Survey in Virginia* (VDHR 2017).

Prior to conducting survey fieldwork, Row 10/ERG architectural historians conducted background research to identify existing resources, properties listed on the NRHP, and properties over 50 years of age. This research included identification and evaluation of historic cartographic information; historic aerial photography; National Park Service listings of the NRHP; including National Historic Landmarks; secondary sources on the history of Fredericksburg; Spotsylvania County property information (<https://www.spotsylvania.va.us/505/2020-Assessment-Search>), ownership, and tax records; and local historic district and/or landmark listings. The Virginia Cultural Resource Information System (V-CRIS) housed at DHR is consulted to identify previously recorded resources and investigations within a one-mile radius of the project area. If readily available online, local land records and historic maps and aerials are then reviewed to identify other potentially historic resources that have not been previously recorded. A preliminary survey list is prepared based on initial background research and will include resources previously surveyed more than five years ago per DHR guidelines to document alterations and reassess significance given added age and the potential for evolving context. This information, in turn, informs the determination of the appropriate APE.

During fieldwork, field crew members digitally photograph buildings from a public right-of-way unless a private property owner is present and requests that the resource not be included in the survey. If express permission to access is granted by the owner of a private property, more photographs may be taken of rear elevations and outbuildings. A photolog, location, and notes regarding each resource's appearance, including materials, form, style, condition, and integrity, are collected on a GPS-enabled device.

Following fieldwork, secondary sources collected during background research are used to place the survey within the appropriate environmental and cultural contexts. The significance of each recorded resource on either the local, state, or national level is evaluated using these contexts. All recorded resources are subject to a preliminary assessment of eligibility for the NRHP, using the four criteria codified in 36 CFR Part 60:

- A. Association with events that have made a significant contribution to the broad patterns of our history; or
- B. Association with the lives of significant persons in or past; or
- C. Representative of a type, period, or method of construction, or that represent the work of a master; or
- D. Have yielded or may be likely to yield information important in history or prehistory.

For buildings in the area of indirect effects, Criterion D usually is not considered.

Survey forms are prepared in V-CRIS following field work. The form includes a description of each resource and NRHP eligibility recommendation and is accompanied by photographs and a site plan identifying primary and secondary resources and the location and limits of the property.

For field survey, we limited identification efforts to pedestrian survey and windshield survey of areas adjacent to the parcel. This included ensuring that all buildings previously identified but not surveyed in the past 5 years were still extant, and that their eligibility status had not changed.

Consulting Parties

The Hood parcel is likely to be of interest to a number of different history, Civil War, and Native American groups because of its geographic location. Because of the proximity of the Fredericksburg Civil War battlefields, the National Park Service Fredericksburg & Spotsylvania National Military Park could be an important partner in this consultation, if any Civil War sites are identified. Additionally, groups dedicated to the history of Fredericksburg and preservation of Fredericksburg Civil War battlefields are likely to have keen interest in this consultation. Of course, the presence of prehistoric and/or contact era artifacts in the vicinity make it likely that federally recognized Native American Tribes also will participate.

Table 1 Potential Consulting Parties

Virginia State Historic Preservation Office (Department of Historic Resources)
Advisory Council on Historic Preservation
National Park Service Fredericksburg & Spotsylvania National Military Park
American Battlefield Trust, Fredericksburg Area Museum
Fredericksburg Area Museum
Fredericksburg, VA Community Planning & Building
Spotsylvania Department of Planning and Zoning
Historic Fredericksburg Foundation, Inc.

Rappahannock Valley Civil War Round Table
Spotsylvania Historical Society
Central Virginia Battlefields Trust
Preservation Virginia
Catawba Indian Nation
Delaware Nation of Oklahoma

Background Research and Survey

Row 10 conducted a records and literature search of DHR files via the Virginia Cultural Resource Information System (VCRIS) for built and archaeological resources. No NHL-listed are identified in the APE; however, 26 architectural resources and four archaeological resource were located within the APE. As was noted in Blandino and Tawney (2020), there were several architectural studies done in this area, including: Lena Sweeten and Meghan Hesse, Phase I Architectural Survey for the I-95 HOT Lanes (South), Stafford and Spotsylvania Counties and the City of Fredericksburg, Virginia (Gray & Pape, 2009); Laura Purvis, Architectural Historian, and Lydia Ginter, Architectural Historian, Reconnaissance Level Architectural Resources Survey Update Associated with Route 1/Market Street Improvements (Cultural Resource Analysts, Inc., March 2020); and Melissa Butler, Phase I Architectural Survey of Route 208 Improvements at the Hood Drive Intersection, Spotsylvania County, Virginia: Management Summary (Dovetail Cultural Resource Group, May, 2020). Those surveys resulted in the recordation of 24 buildings in the APE.

Historic Buildings and/or Districts

In June 2020, Anna Maas, an architectural historian who exceeds the *Professional Qualification Standards* established by the Secretary of Interior conducted a survey of the Hood parcel and APE to identify properties that are more than fifty years of age and that retain sufficient integrity to warrant listing in the NRHP. There are no historic districts located within the APE, and no buildings are extant on the 50-acre parcel. There are 26 buildings within the APE that are at least 50 years old, primarily to the north and the east of the project parcel. I-95 is a large barrier, and it forms the western barrier of the APE. On the north side of the APE, Courthouse Road marks the boundary, with commercial strip mall, large storage facility, and a 2-story Fredericksburg SPCA that mask the project parcel. Along the east side of the APE, Route 1 is a commercial artery that hosts an array of car-related businesses, such as motels, gas stations, and chain restaurants. A few of these architectural resources in the APE along Route 1 are 50 years of age or older.

All Previously Surveyed Architectural Resources in the Area of Potential Effects

A total of 24 previously identified architectural resources are located in the APE (Table 2). All of these but one have been evaluated by DHR staff as not eligible. The other DHR resource, #088-5555, is a modest residence located at 10807 Courthouse Road. It was surveyed in May 2020 by Dovetail Cultural Resources Group, who recommended the house as not eligible under Criteria A, B, and C; DHR has not yet evaluated the building's eligibility.

Table 2 Previously Surveyed Architectural Resources in the Area of Potential Effects

DHR_ID	Property Addresses	Property Names	Evaluation Status
088-5290	10745 Courthouse Road, Route 208	Emrock and Kilduff Law Offices (Current), House, 10745 Courthouse Road (Historic/Location)	DHR Staff: Not Eligible (2009)
088-5291	Courthouse Road, Off of, Route 208	Office, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5292	Courthouse Road, Off of, Route 208	House, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5293	4900 Hood Drive	Commercial Building, 4900 Hood Drive (Function/Location), DocTech Service, Inc. (Current)	DHR Staff: Not Eligible (2009)
088-5294	4804 Hood Drive	Hood Drive Veterinary Clinic, 4804 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5295	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5296	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5297	303 Wilcox Street	House, 303 Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5298	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5299	McGowan Drive	Commercial Building, McGowan Drive (Function/Location), Kitchen Krafters Inc, (Current)	DHR Staff: Not Eligible (2009)
088-5300	McGowan Drive	House, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5301	McGowan Drive	Duplex, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5302	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5303	4800 Hood Drive	House, 4800 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5304	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5305	4709 Hood Drive	House, 4709 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5306	4705 Hood Drive	House, 4705 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5307	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5324	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)

088-5325	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5326	Courthouse Road	Commercial Building, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5330	5323 Jefferson Davis Highway - Alt Route 1	MJ Tires Express Service Station	DHR Staff: Not Eligible (2020)
088-5331	5311 Jefferson Davis Highway	Citgo Service Station	DHR Staff: Not Eligible (2009)
088-5555	10807 Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: N/A (Surveyed in May 2020)

Previously Surveyed Architectural Resources in the Area of Potential Effects Not Revisited for the Current Project

Twelve of the 24 buildings in the APE that have been previously surveyed were revisited within the past year (Table 3). DHR guidance recommends that any architectural resource that was last surveyed and formally evaluated by DHR staff in the past five years need not be revisited (DHR, 2017). The buildings in Table 3 were not revisited during the current project.

Table 3 Previously Surveyed Architectural Resources in the Area of Potential Effects Not Revisited for the Current Project

DHR_ID	Property Addresses	Property Names	Evaluation Status
088-5290	10745 Courthouse Road, Route 208	Emrock and Kilduff Law Offices (Current), House, 10745 Courthouse Road (Historic/Location)	DHR Staff: Not Eligible (2009)
088-5291	Courthouse Road, Off of, Route 208	Office, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5292	Courthouse Road, Off of, Route 208	House, Off of Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5293	4900 Hood Drive	Commercial Building, 4900 Hood Drive (Function/Location), DocTech Service, Inc. (Current)	DHR Staff: Not Eligible (2009)
088-5294	4804 Hood Drive	Hood Drive Veterinary Clinic, 4804 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5302	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5303	4800 Hood Drive	House, 4800 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5304	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5305	4709 Hood Drive	House, 4709 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)

088-5306	4705 Hood Drive	House, 4705 Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5330	5323 Jefferson Davis Highway - Alt Route 1	MJ Tires Express Service Station	DHR Staff: Not Eligible (2020)
088-5555	10807 Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: N/A (Surveyed in May 2020)

Previously Recorded Resources Revisited During the Current Survey

Twelve resources previously surveyed in 2009 and two resources previously unidentified were recorded during fieldwork conducted on June 19, 2020. These resources were revisited in accordance with DHR guidance. The approximate construction date of multiple resources has been updated since the 2009 survey based on historic topographic maps and aerial photography. Table 4 is a list of the buildings previously surveyed, that were revisited for the current survey. In all 12 cases, the circumstances of the initial (2009) evaluation remained the same. Consequently, Row 10/ERG recommend that all 12 resources continue to be evaluated as not eligible under Criteria A, B, and C; the buildings were not evaluated under Criterion D, as they are not in the area of direct effects.

Table 4 Previously Recorded Resources Revisited During the Current Survey

DHR_ID	Property Addresses	Property Names	Evaluation Status
088-5295	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5296	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5297	303 Wilcox Street	House, 303 Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5298	Wilcox Street	House, Wilcox Street (Function/Location)	DHR Staff: Not Eligible (2009)
088-5299	McGowan Drive	Commercial Building, McGowan Drive (Function/Location), Kitchen Krafters Inc, (Current)	DHR Staff: Not Eligible (2009)
088-5300	McGowan Drive	House, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5301	McGowan Drive	Duplex, McGowan Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5307	Hood Drive	House, Hood Drive (Function/Location)	DHR Staff: Not Eligible (2009)
088-5324	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5325	Courthouse Road	House, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5326	Courthouse Road	Commercial Building, Courthouse Road (Function/Location)	DHR Staff: Not Eligible (2009)
088-5331	5311 Jefferson Davis Highway	Citgo Service Station	DHR Staff: Not Eligible (2009)

Previously Surveyed

House, 302 Wilcox Street (DHR No. 088-5295)

The property at 302 Wilcox Street is located on the northwest side of the road near its end and is surrounded by an undeveloped wooded lot to the southeast, a circa 1960 house to the northeast, an undeveloped open lot to the northwest, and a circa 1990 house to the southwest. Interstate 95 is approximately 200 feet to the west. The property includes a circa 1960 house, gravel driveway on the southwest side of the house, and circa 1990 outbuilding in the rear yard. Landscaping is minimal with a grass lawn and mature trees along the northeast parcel boundary.

The circa 1960, one-story, Minimal Traditional house has a concrete block foundation, wood frame with vinyl siding, low-pitched, side-gabled roof with asphalt shingles, and an interior chimney on the northwest slope. The fenestration of the façade (southeast elevation) consists of an original, two-over-two, horizontal-pane window on the southwest end; paneled door with two small panes; coupled windows with one replacement one-over-one, featuring faux muntins to appear four-over-four, and one original two-over-two; and one replacement one-over-one on the northeast end. The door is accessed by three poured concrete steps and a stoop covered by a shed roofed hood extended from the main roof. Railings and hood supports are simple wrought iron. The southwest elevation contains two replacement one-over-one windows and a louvered, attic vent. The other side and rear elevations were not visible.

The circa 2010, one-story outbuilding appears to have a concrete slab foundation, wood frame structure, vinyl siding, and side-gabled roof with asphalt shingle roof. The southeast elevation has a single flush door on the northeast end. The southwest elevation has a one-over-one vinyl window. The other sides were not visible.

Originally surveyed in 2009, 302 Wilcox Street was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 2 Resource 088-5295, 302 Wilcox Street Front Elevation, (view facing west)



House, 205 Wilcox Street (DHR No. 088-5296)

The property at 205 Wilcox Street is located on the northwest side of the road near its end and is surrounded by an undeveloped wooded lot to the southeast, a commercial property caddy corner to the east, circa 1960 houses to the northeast and southwest, and an undeveloped open lot to the northwest. Interstate 95 is approximately 300 feet to the west. The property includes a circa 1960 house and unpaved driveway leading to a circa 2010 garage on the northeast side of the house. Local land records indicate there are two small outbuildings on the rear fence line, but these were not visible due to densely planted mature trees in the rear yard. Landscaping in the front yard is minimal with a grass lawn and two mature trees, which frame the house.

The circa 1960, one-story, four-bay, Minimal Traditional house has a concrete block foundation, frame structure, aluminum siding and formed stone veneer, and side-gabled roof with asphalt shingles. The first bay is aluminum siding with an original two-over-two, horizontal-pane window; the second is recessed with formed stone veneer, an original window, replacement vinyl panel door with fan light and concrete stoop; the third is formed stone veneer with an original casement window of four horizontal panes flanked by four square panes; and the fourth is recessed with aluminum side and original, two-over-two window. The southwest elevation contains two, one-over-one windows.

The circa 2010, one-story, one-bay garage is frame with vinyl siding, asphalt shingle roof, and one overhead garage door.

Originally surveyed in 2009, 205 Wilcox Street was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 3 **Resource #088-5296, 205 Wilcox Street Front Elevation (view looking northwest)**



House, 203 Wilcox Street (DHR No. 088-5297)

The property at 203 Wilcox Street is located on the northwest side of the road and is surrounded by a commercial property to the east, circa 1960 houses to the northeast and southwest, and an undeveloped open lot to the northwest. The property includes a circa 1960 house and unpaved driveway leading to an attached garage on the northeast side of the house. Landscaping includes grass lawn and mature trees.

The circa 1960, one-story, four-bay, Minimal Traditional house has a concrete block foundation, frame structure, aluminum siding, and cross-gabled roof with asphalt shingles. The façade (southeast elevation) contains an original two-over-two, horizontal-pane, metal window within the cross gable; a smaller original window of the same composition; an original paneled door with diamond-pane lights; an original casement window with four horizontal panes flanked by four square panes; and a more recent overhead garage door. All windows, including on the side elevations, retain metal awnings. Accessed by concrete steps and stoop, the front door and garage door are shielded by integral shed hoods. The porch hood is supported by square wood posts; the rails appear to be replacement. The attached garage very likely was originally an open air carport like its neighbor.

A circa 1940 front-gabled shed with wooden siding was observed in 2009 but appears to be no longer extant.

Originally surveyed in 2009, 203 Wilcox Street was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 4 Resource #088-5297, 203 Wilcox Street Front Elevation (view looking northwest)



House, 201 Wilcox Street (DHR No. 088-5298)

The property at 201 Wilcox Street is located on the northwest side of the road and is surrounded by a commercial property to the east, circa 1960 houses to the northeast and southwest, and an undeveloped open lot to the northwest. The property includes a circa 1960 house and unpaved driveway leading to a circa 2010 garage on the southwest side of the house. Local land records indicate there is one small outbuilding in the rear yard, which is not visible due to the garage. Landscaping in the front yard includes a grass lawn, mature tree, two large boxwoods obscuring the front porch, and chain link fence.

The circa 1960, one-story, four-bay, Minimal Traditional house has a concrete block foundation, frame structure, varied exterior treatment, and side-gabled roof with asphalt shingles. The first bay is vinyl siding with an original two-over-two, horizontal-pane window; the second is recessed with brick veneer, an original window and flush door with three small stepped window panes; the third is brick veneer with an original casement window or four horizontal panes flanked by four square panes; and the fourth is an open-air carport integrated under the main roof and supported by three wood posts on the northeast end. The side elevation within the carport is vinyl and contains a paneled door, brick chimney, and window. The southwest side elevation contains two original windows.

The circa 2010, one-story, one-bay garage is frame with vinyl siding, asphalt shingle roof, and one overhead garage door.

Originally surveyed in 2009, 201 Wilcox Street was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 5 Resource #088-5298, 201 Wilcox Street Front Elevation (view looking west)



Commercial Building, 198 Wilcox Street (DHR No. 088-5299)

Currently occupied by Kitchen Krafters, the property at 198 Wilcox Street covers the whole rectangular block between Wilcox Street and McGowan Drive. The entire lot is paved with the commercial building located in the north corner and shipping containers located on the southwest end of the block.

The circa 1960 concrete block, vernacular Modern building, has a concrete foundation, concrete block structure, and flat roof. The northeast and southwest elevations both contain one oversized, overhead, metal garage door each to create a drive through. The northwest elevation is four bays with a central exterior chimney flanked by two, replacement casement windows on either side. The southeast elevation contains a replacement paneled door, three tinted casement windows, and a one-story, one-bay, concrete block, shed-roofed addition. It contains one-over-one windows, two casement windows, a blocked window, and separate entrance.

Originally surveyed in 2009, 198 Wilcox Street was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 6 Resource #088-5299, 198 Wilcox Street Oblique (view looking northeast)



Duplex, 209 McGowan Drive (DHR No. 088-5300)

The property at 209 McGowan Drive is located on the southeast side of the road and is surrounded by a commercial property to the west, circa 1960 duplex to the northeast, circa 1960 house to the southwest, and an undeveloped wooded lot to the southeast. The property includes a circa 1960 duplex, paved driveway southwest corner of the lot, and concrete walkway with steps and iron rails perpendicular to the building on the sloped lot. Landscaping is minimal with a few mature trees around the house.

The circa 1960, one-story, Minimal Traditional duplex has a concrete block foundation, wood frame structure, vinyl siding, and a side-gabled roof with asphalt shingles, and interior brick chimney. The façade (northeast elevation) is symmetrical and contains two replacement, vinyl paneled doors with fan lights flanked by a six-over-six, faux pane window and one, smaller, one-over-one window on each side. The doors are reached by five steps to a concrete stoop and sheltered by a metal awning supported by scrolled wrought iron supports. Two, replacement, one-over-one windows are located on each side elevation.

Originally surveyed in 2009, 209 McGowan Drive was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 7 Resource #088-5300, 209 McGowan Drive Front Elevation (view looking southeast)



Duplex, 207 McGowan Drive (DHR No. 088-5301)

The property at 207 McGowan Drive is located on the southeast side of the road and is surrounded by a commercial property to the west, wooded lot to the northeast, circa 1960 duplex to the southwest, and a wooded area to the southeast. The property includes a circa 1960 duplex, paved driveway northwest corner of the lot, concrete block retaining wall, and concrete stairs and walkway running parallel with the building on the sloped lot. Landscaping is minimal with a few mature trees.

The circa 1960, one-story, Minimal Traditional duplex has a concrete block foundation, wood frame structure, asbestos shingle siding, and a side-gabled roof with asphalt shingles, and two brick, interior ridge chimneys. The original portion of the façade (northeast elevation) is symmetrical and contains two, vinyl, paneled replacement doors with fan lights flanked by a one-over-one window and one, smaller, one-over-one window on each side. The doors are reached by five steps to a concrete stoop, to which a two-bay, wooden deck and three-bay, shed-roofed porch cover has been added. A two-story addition has a concrete block structure and side-gabled roof, which is seamless with the one-story duplex roof, because it was built into a slope. The addition contains two garages on the lower level and three, one-over-one windows on the main level.

Originally surveyed in 2009, 207 McGowan Drive was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 8 **Resource #088-5301, 207 McGowan Drive Front Elevation (view looking east)**



House, 4703 Hood Drive (DHR No. 088-5307)

Surveyed and determined not eligible in 2009, all historic buildings at this location have since been destroyed. Domestic landscaping of mature ornamental trees remains intact.

Figure 9 **Resource #088-5307, 4703 Hood Drive Lot, Not Extant (view looking northeast)**



House, 10827 Courthouse Road (DHR No. 088-5324)

Surveyed and determined not eligible in 2009, all historic buildings at this location have since been destroyed.

Figure 10 **Resource #088-5324, 10827 Courthouse Road, Not Extant (view looking southeast)**



House, 10823 Courthouse Road (DHR No. 088-5325)

Surveyed and determined not eligible in 2009, all historic buildings at this location have since been destroyed. This property is now a large gated parking lot.

Figure 11 Resource 088-5325, 10823 Courthouse Road, Not Extant (view looking southeast)



Commercial Building, 10821 Courthouse Road (DHR No. 088-5326)

Currently occupied by S&K Remodeling, the property at 10821 Courthouse Road is located on the southeast side of a major transportation corridor, consisting of four traveling lanes and a grass median. It is surrounded by very recent development, including a large, paved parking lot to the east, warehouses to the south, and strip malls to the west and north. The property includes a circa 1930 historic house now used as a commercial building, gravel parking lot on the southwest side accessed by Amanda Lane, and circa 2010 outbuilding in the southeast rear yard.

The circa 1930, one-and-a-half-story, Craftsman building has a concrete block foundation, frame structure, vinyl siding, and a front-gabled, asphalt shingle roof. All windows and doors appear to be original. The northwest elevation or façade is symmetrical and has door with wood panels and three vertical panes; coupled three-over-one windows flank the door. A single three-over-one window is located on the second floor. The full-length front porch has a brick pier foundation, tongue-and-groove floor, four Doric columns, simple railing, and a hipped roof. The southwest elevation contains three-pane casement windows at the basement level; two, three-over-one windows, a small, three-part picture window, and another coupled, three-over-one window in a rear one-story, one-bay, hipped roof wing. The northeast elevation is nearly the same but does not contain a picture window.

Two frame outbuildings, a garage on the southwest side and a shed on the northeast side both with gable roofs and vinyl siding, have been added to the rear yard since 2009.

Originally surveyed in 2009, 10821 Courthouse Road was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state,

or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute due to recent redevelopment of this transportation corridor. No further work is recommended.

Figure 12 Resource # 088-5326, 10821 Courthouse Road, Oblique (view looking southeast)



Service Station, 5311 Jefferson Davis Highway (DHR No. 088-5331)

Currently occupied by BP and Chubby's Engine Repair, the property at 5311 Jefferson Davis Highway is located on the west side of a major historic transportation corridor, U.S. 1, which consists of four travel lanes and a center turn lane. To the north, south, and east, it is surrounded by a mixture of mid-century roadside development in poor-to-ruinous condition as well as redeveloped commercial properties, such as hotels and storage facilities. To the west is a very large undeveloped property between it and Interstate 95. The property includes a circa 1955 service station situated at a diagonal to the road, an adjacent circa 1970 office parallel to the road, paved fueling area, unpaved car storage area to the west, two fuel pump islands, canopy, gas signage, and tall utility poles.

The circa 1955, one-story, Moderne service station has a slab foundation, concrete block structure, and a flat roof. The northeast elevation contains two parts: a single story with three plate glass windows over an apron and wood door with large single light beneath a deep, overhanging eave; and taller section without eaves to accommodate two oversized garage doors. The northwest elevation features a six-over-three casement window. The southeast elevation has two flush metal doors to the bathrooms and three plate glass windows with an air conditioning window unit overhead. A full-height, shed-roofed addition to the garage portion on the southwest side of the building is concrete block and has no windows.

Occupied by Four Mile Fork New and Used Tire Center, the circa 1970 office has a frame structure, vinyl siding, shed roof, and two 15-pane vinyl doors and two-pane sliding window. The door towards the center has shed roof metal awning.

Originally surveyed in 2009, 5311 Jefferson Davis Highway was recommended not eligible for the NRHP under Criteria A or B, because archival research provided no evidence of association with significant local, state, or national trends or significant persons. It was also recommended as not eligible under Criterion C, because it was not a distinctive example of a building type or architectural style. The property was also recommended not eligible under Criterion D, which is usually only applied to archaeological sites that have the potential to yield information important to prehistory and history. DHR staff concurred that the property was not eligible for the NRHP in 2009. Because the property was last surveyed over five years ago, the site was revisited in June 2020. There are no changes of note to the character of the property, therefore, it is recommended that it remains not eligible under all criteria. Additionally, there is no apparent district to which this resource could contribute due to recent redevelopment of this transportation corridor. No further work is recommended.

Figure 13 **Resource # 088-5331, 5311 Jefferson Davis Highway, Oblique (view looking northwest)**



New Architectural Resources Identified During the Current Project

In addition to the 24 previously recorded historic resources, Row 10/ERG Phase 1B field survey identified two new resources in the APE that are at least 50 years old.

Table 5 New Architectural Resources Identified During Survey

DHR_ID	Property Addresses	Property Names	Eligibility Recommendation
N/A	301 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible
N/A	307 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible

House, 301 McGowan Drive (DHR No. 088-5556)

The property at 301 McGowan Drive is located on the southeast side of the road and is surrounded by a commercial property caddy corner to the north, a circa 1960 duplex to the northeast, undeveloped wooded lots to the northwest and southeast, and a large side yard to the south. Interstate 95 is approximately 500 feet south. The immediate side yard contains a small wooden footbridge over a low area between the main lot and open lot to the southwest owned by the same family. The property includes a circa 1960 house, perpendicular stepped walkway on the gently sloped lot, and stepped, concrete-block retaining wall next to a paved driveway on the southwest end of the house leading to an attached garage. A gazebo is located in the immediate back yard and two sheds along the rear fence line. The front yard contains ornamental bushes, tree, and lilies, while the remainder of the property is lawn.

The circa 1960, one-story house has a brick veneer, likely over concrete block foundation and structure, and a side-gabled roof with asphalt shingles. The fenestration on the façade consists of a replacement one-over-one window with decorative shutters; a replacement one-over-one window and paneled door within a small integral porch; a large, single pane casement flanked by two narrower diamond pane windows; and a replacement, one-over-one window with decorative shutters over a basement-level, overhead, metal garage door. The front door is accessed by more recent steps and stoops made of wood decking. The northeast and southwest side elevations both have two replacement one-over-one windows with decorative shutters, while the latter also has a small, louvred attic vent and two basement level, two-pane, casement windows.

In the immediate backyard, there is a square, three-bay gazebo with concrete piers, wood floor and frame, screened sides, and pyramidal roof with asphalt shingles and exposed rafter tails. On the fence line, there is a large frame, shed-roofed shed with vinyl siding and two, horizontal board double doors on the northwest elevation. The foundation and roof treatment are not visible. On this rear line, there is a small, front-gabled shed with vinyl siding and flush door.

The property at 301 McGowan Drive is recommended as not eligible individually under Criterion A or B, because it does not appear to be associated with broad patterns of history or significant persons important on the regional, state, or national level. It is not recommended under Criterion C due to its lack of distinction in design, and Criterion D is not applicable to this property. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 14 301 McGowan Drive Front Elevation, Newly Surveyed (view looking east)



Commercial Building, 307 McGowan Drive (DHR No. 088-5557)

Currently occupied by D&M Electrical Services, the property at 307 McGowan Drive is located on the southeast side of the road at its end and is surrounded by a wide yard and circa 1960 house to the northeast, undeveloped wooded lots to the northwest and southeast, and wooded buffer and Interstate 95 to the southwest. The property includes a circa 1960 commercial building with a circa 2003 wing, circa 1960 commercial garage, large paved parking lot on the south side, shipping containers, and four open air pole barns on the southeast corner. The landscaping includes mature ornamental bushes in front of the façade, parallel concrete walk to the parking lot, a large manicured lawn with lit metal flagpole, and a few scattered ornamental and fruiting trees.

The circa 1960, Minimal Traditional portion of the commercial building has a brick veneer, likely over concrete block foundation and structure, and cross-gabled roof with asphalt shingles and horizontal metal siding and square spotlights in the gable ends. The original façade (northwest elevation) fenestration has been heavily altered and consists of a large, square casement window of tinted, plate glass beneath the front, cross gable; four floor-to-ceiling, tinted plate glass windows, which enclose the original recessed porch and obscure its formed stone veneer and windows; and a large, rectangular casement window of tinted, plate glass. A tinted, plate glass front door is on the southwest elevation of the protruding cross-gable and is accessed by a wide concrete stoop. Likely original, a lower, one-bay, side-gabled wing to the northeast also contains a tinted casement window. To it is attached a circa 2003 stepped back hyphen and larger, two-bay, side-gabled wing with the same material treatment as the original portion. Side elevations also contain tinted casement windows.

Located caddy corner to the main building to the southeast, the garage has a concrete slab foundation, concrete block structure, brick veneer, and front gable roof with metal in the gable end and asphalt shingles. The northeast elevation includes a single, tinted glass door and a large, overhead garage door. Four large open-air, front-gabled, metal poles barns are located in the southeast corner of the parking lot and are obscured by shipping containers.

The commercial property at 307 McGowan Drive is recommended as not eligible individually under Criterion A or B, because it does not appear to be associated with broad patterns of history or significant persons important on the regional, state, or national level. It is not recommended under Criterion C due to its lack of distinction in design, and Criterion D is not applicable to this property. Additionally, there is no apparent district to which this resource could contribute, as the Musselman Subdivision was not an early development that contributed to broad patterns of history when platted in the late 1950s or early 1960s; was not developed by or for persons of transcendent significance; and is not an exceptional development type. No further work is recommended.

Figure 15 **307 McGowan Drive, Front Elevation, Newly Surveyed (view looking east)**



Table 6 Architectural Resources Surveyed in the APE

DHR_ID	Property Addresses	Property Names	Eligibility Recommendation
088-5295	Wilcox Street	House, Wilcox Street (Function/Location)	Not Eligible
088-5296	Wilcox Street	House, Wilcox Street (Function/Location)	Not Eligible
088-5297	303 Wilcox Street	House, 303 Wilcox Street (Function/Location)	Not Eligible
088-5298	Wilcox Street	House, Wilcox Street (Function/Location)	Not Eligible
088-5299	McGowan Drive	Commercial Building, McGowan Drive (Function/Location), Kitchen Krafters Inc, (Current)	Not Eligible
088-5300	McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible
088-5301	McGowan Drive	Duplex, McGowan Drive (Function/Location)	Not Eligible
088-5307	Hood Drive	House, Hood Drive (Function/Location)	Not Eligible

088-5324	Courthouse Road	House, Courthouse Road (Function/Location)	Destroyed
088-5325	Courthouse Road	House, Courthouse Road (Function/Location)	Destroyed
088-5326	Courthouse Road	Commercial Building, Courthouse Road (Function/Location)	Not Eligible
088-5331	5311 Jefferson Davis Highway	Citgo Service Station	Not Eligible
N/A	301 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible
N/A	307 McGowan Drive	House, McGowan Drive (Function/Location)	Not Eligible

Historic Landscapes and/or Objects

No historic landscapes or objects were identified on the proposed acquisition parcel or in the recommended APE. However, this background study did not include an historic landscape study. Pedestrian and windshield survey of the APE did not identify any historic objects.

Traditional Cultural Properties

No Traditional Cultural Properties (TCP) were identified on the proposed acquisition parcel or in the recommended Area of Potential Effect. However, this report did not include an ethnographic study or consultation with Native Americans or other unique groups to identify TCPs.

Archaeological Resources

No archaeological sites were listed the Virginia Cultural Resource Information System (V-CRIS) for the Hood parcel APE. However, Blandino and Tawney (2020) identified a potential domestic site from conducting background research. Located in the eastern portion of the parcel, they noted “One archaeological feature was noted within the project area. A small copse of secondary growth vegetation in the northeastern portion of the parcel conceals a low concrete foundation.” This area was not assigned a site number, nor did it have a site form; however, the ERG team revisited this area during survey.

Table 6 Previously Identified Archaeological Site in the APE

DHR Number	Site Type	Period	Eligibility Status
N/A	Historic	Mid-20 th Century	Not Evaluated

Traditional Cultural Resources

No Traditional Cultural Properties (TCP) were identified on the proposed acquisition parcel or in the recommended Area of Potential Effects. However, this ICRIP did not include an ethnographic study or consultation with Native Americans or other unique groups to identify TCPs.

Determination of Effects

During the course of conducting background research and Phase 1B survey, Row 10/ERG identified 26 architectural resources and 4 archaeological sites. None of these resources have been determined eligible for listing in the NRHP. Row 10/ERG recommends that all these resources be considered not eligible.

The Hood parcel is one of two parcels under consideration for the current undertaking, the selection of a site, construction, and operation of a new VA Health Care Clinic. If the Hood parcel is selected, Row10 finds there will be no historic properties affected by the undertaking. Within the APE... No further work is recommended for this alternative of the undertaking.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

WHEREAS, the Central Virginia VA Health Care System (CVHCS) of the U.S. Department of Veterans Affairs (VA) proposes to lease and operate a new health care center (HCC) totaling over 426,000 square feet of space and at least 2,600 parking spaces in greater Fredericksburg area Virginia (undertaking); and

WHEREAS, VA has determined the undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), as amended, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800 – Protection of Historic Properties, (collectively referred to here as “Section 106”); and

WHEREAS, VA has consulted with the State Historic Preservation Officer (SHPO), which in Virginia is the Department of Historic Resources (DHR); and

WHEREAS, VA invited the following Federally recognized tribes (Tribes) that might attach religious and cultural significance to historic properties in the city of Fredericksburg and in Spotsylvania County, pursuant to 36 CFR § 800.2(c)(2), to participate in consultation: the Catawba Indian Nation, the Pamunkey Indian Tribe, and the Delaware Nation of Oklahoma, and they did/did not elect to participate; and

WHEREAS, VA invited the Fredericksburg, Virginia Community Planning & Building Department; the Spotsylvania County Department of Planning and Zoning; the National Park Service Fredericksburg & Spotsylvania National Military Park; the American Battlefield Trust; the Fredericksburg Area Museum; the Historic Fredericksburg Foundation, Inc.; the Rappahannock Valley Civil War Round Table; the Spotsylvania Historical Society; the Central Virginia Battlefields Trust; and Preservation Virginia to participate in consultation, pursuant to 36 CFR § 800.2(c)(3) and (5), and they did/did not elect to participate; and

WHEREAS, VA provided the public with information about the undertaking and sought comment and input, pursuant to 36 CFR § 800.2(d), through National Environmental Policy Act (NEPA) compliance efforts, including a comment period from July 12 through August 11, 2020 and a public meeting on July 29, 2020, and no(delete if comments are received) public comments related to cultural resources were received; and

WHEREAS, VA, in consultation with the SHPO, has determined the Area of Potential Effects (APE) to include both sites being considered for the new HCC, encompassing all construction activity areas and any buildings potentially affected indirectly by the undertaking, as depicted on the map in Attachment A, pursuant to 36 CFR § 800.4(a)(1); this includes the Hood parcel, Spotsylvania County, Fredericksburg, bounded by I-95 to the west, Hood Drive to the north, Route 1/Jefferson Davis Highway to the east, and the I-95 northbound onramp from Route 1 to the south; and the Gateway parcel, 1500 Gateway Boulevard, Fredericksburg, bounded by I-95 on the west, Plank Road to the south, Preserve Lane to the north, and a line a line to the east incorporating part of several subdivisions built between the late 1980s and 2010; and

WHEREAS, VA, in consultation with the SHPO, has identified and SHPO has concurred on the following historic properties within the APE, pursuant to 36 CFR § 800.4:

Hood parcel – no historic properties,

Gateway parcel – three historic properties: one National Register of Historic Places (NRHP) listed Civil War Battlefields and two historic-era archaeological sites, 44SP0783 and 44SP0784, eligible under Criteria A and D, and additional subsurface historic properties may be present; and

WHEREAS, VA has solicited layout proposals for the new HCC on the offered parcels but will not finalize a design until after a site is selected and lease awarded and therefore the full range of effects on historic properties cannot be fully determined at this time; and

WHEREAS, VA will use a phased approach to identification of historic properties and assessment of adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3); and

WHEREAS, VA has determined that it is appropriate to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

WHEREAS, VA has invited the Advisory Council on Historic Preservation (ACHP) of its intent to develop a PA, pursuant to 36 CFR § 800.6(a)(1)(i)(C), and the ACHP has/has not chosen to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, VA, the SHPO, and ACHP agree that undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

I. APPLICABILITY

- a. VA is responsible for ensuring implementation of the stipulations in this PA associated with the undertaking, including those actions undertaken by private developers.
- b. The Anti-Deficiency Act, 31 U.S.C. 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.

II. GENERAL

- a. Parties shall send and accept official notices, comments, requests for additional information and/or documentation, and all other communications required by this PA via email.
- b. Time designations shall be in calendar days.
- c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z) shall apply.
- d. VA shall ensure that federal or contractor staff who meet the applicable Secretary of the Interior's *Professional Qualification Standards* for architectural history, history, archeology, architecture, and historic architecture (36 CFR § 61), participate in the review and implementation required as part of this PA.

III. SITE SELECTION

- a. If VA selects the Hood parcel for the HCC, no further consultation is required.
- b. If VA selects the Gateway parcel for the HCC, VA shall re-engage in consultation as described in Stipulation IV below.

103 IV. CONTINUATION of CONSULTATION

104 a. Identification of Historic Properties

105 VA, in consultation with the SHPO, will complete the identification of historic properties
106 within the Gateway parcel consistent with 36 CFR § 800.4(b) and Virginia “Guidelines
107 for Conducting Historic Resources Survey in Virginia” (DHR, 2017).

108 b. Assessment of Adverse Effects

109 VA, in consultation with the SHPO, will apply the criteria of effect consistent with 36 CFR §
110 800.5(a), to determine whether the undertaking will have an adverse effect on historic properties.

111 i. If VA finds, and the SHPO does not object, that there will be no adverse effect,
112 no further consultation is required.

113 ii. If VA finds there will be an adverse effect, it will consult further to resolve the
114 adverse effect.

115 c. Resolution of Adverse Effects

116 VA, in consultation with the SHPO, will seek measures to avoid and/or minimize any
117 identified adverse effects consistent with 36 CFR § 800.6. If avoidance of the adverse
118 effects is not possible, VA will seek to execute a Memorandum of Agreement (MOA),
119 pursuant to 36 CFR § 800.6(b). For archeological resources, the MOA will outline steps
120 to be taken for data recovery, consistent with the ACHP’s “Recommended Approach for
121 Consultation on Recovery of Significant Information from Archeological Sites,” (ACHP,
122 1999) and the DHR’s “Guidelines for Conducting Historic Resources Survey in Virginia”
123 (DHR, 2017), to include:

124 i. design of and consultation on a data recovery plan; solicitation of public input;
125 curation of artifacts; final reporting that is responsive to professional standards,
126 including the Department of the Interior’s *Format Standards for Final Reports of*
127 *Data Recovery Programs* (42 FR 5377-79) and the DHR “Guidelines for
128 Conducting Historic Resources Survey in Virginia” (DHR, 2017).

129 V. EXECUTION and DURATION

130 a. This PA shall be executed in counterparts, with a separate page for each Signatory. VA
131 shall file a complete copy of the executed PA, including all signatory pages and
132 Attachments, with the ACHP and distribute a copy to the SHPO.

133 b. This PA shall expire if its stipulations are not carried out within 5 years from the date of
134 execution, unless it is terminated prior to that date. Prior to such time, VA may consult
135 with the SHPO to reconsider the terms of the PA and amend it in accordance with
136 Stipulation VII below.

137 VI. DISPUTE RESOLUTION

138 a. Should any Signatory to this PA object in writing to the implementation of any
139 stipulation(s) of this PA, VA shall consult with that party or parties to resolve the
140 objection. If VA determines that the objection cannot be resolved, VA shall:

141 i. Forward all documentation relevant to the dispute, including VA’s proposed
142 resolution, to the ACHP. The ACHP shall provide VA with its advice on the
143 resolution of the objection within 30 days of receiving adequate documentation.
144 Prior to reaching a final decision on the dispute, shall prepare a written response
145 that takes into account any timely advice or comments regarding the dispute from
146 the ACHP and SHPO and provide them with a copy of this response. VA will
147 then proceed according to its final decision.

148 ii. If the ACHP does not provide its advice regarding the dispute within 30 days,
149 VA may make a final decision on the dispute and proceed accordingly. Prior to
150 reaching such a final decision, VA shall prepare a written response which takes
151 into account any timely comments regarding the dispute from the SHPO and provide
152 it and the ACHP with a copy of such written response with its final decision.

- b. VA's responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.
- c. Should a member of the public object in writing to VA regarding the manner in which the measures stipulated in this PA are being implemented, VA shall notify the SHPO and consider the views of the member(s) of the public making such objection in accordance with 36 CFR § 800.2(d)

VII. AMENDMENTS

- a. Any Signatory to this PA may propose that it be amended, whereupon the Signatories shall consult to consider such an amendment.
- b. Any amendment will be agreed to in writing by all Signatories and will be effective on the date a copy with all signatures is filed with the ACHP.

VIII. TERMINATION

- a. If VA determines that it cannot implement the terms of this PA, or if the SHPO determines that PA is not being properly implemented, either party may propose to the other party that the PA be terminated.
- b. The party proposing termination shall so notify the other Signatories to this PA explaining the reasons for termination and affording at least 30 days to consult and seek an alternative to termination.
- c. Should such consultation fail, and the PA is terminated, VA shall either consult to develop a new agreement, in accordance 36 CFR § 800.6, or request the comments of the ACHP, under 36 CFR § 800.7(a).

EXECUTION AND IMPLEMENTATION of this PA and implementation of its terms evidence that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

SIGNATORY:

U.S. Department of Veterans Affairs Central Virginia Health Care System

J. Ronald Johnson, FACHE
Director

Date

PROGRAMMATIC AGREEMENT

AMONG

**THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;**

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND

THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER

REGARDING

**A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

SIGNATORY:

Virginia Department of Historic Resources

Julie Langan

DHR Director & State Historic Preservation Officer

Date

PROGRAMMATIC AGREEMENT

AMONG

**THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;**

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND

THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER

REGARDING

A NEW HEALTH CARE CENTER

GREATER FREDERICKSBURG, VIRGINIA

SIGNATORY:

Advisory Council on Historic Preservation

John M. Fowler

Executive Director

Date

DRAFT

From: Holma, Marc <marc.holma@dhr.virginia.gov>

Sent: Tuesday, August 18, 2020 10:32 AM

To: Gill, Garland (CFM) <Garland.Gill@va.gov>

Cc: Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov>; Abreu, Hector M. <Hector.Abreu@va.gov>; Katy Coyle <katy@row10hps.com>; Vanderhye, Steven L. <Steven.Vanderhye@va.gov>

Subject: Re: [EXTERNAL] Re: U.S. Department of Veterans Affairs Central Virginia VA Health Care System Lease, Construction, and Operation of a Health Care Center in the greater Fredericksburg area, Virginia (DHR # 2019-0123)

Attached please find DHR's comments on the draft PA.

Sincerely,
Marc Holma

On Mon, Aug 10, 2020 at 11:17 AM Gill, Garland (CFM) <Garland.Gill@va.gov> wrote:

Good Morning Mr. Holma,

Please see the attached. A hard copy and disc will be sent to you as well.

Respectfully,

Garland Gill Jr.

Senior Realty Specialist, Lease Execution

U. S. Department of Veterans Affairs

425 I St., NW, Washington, DC 20001

(202) 578-7562 VA mobile

From: Holma, Marc <marc.holma@dhr.virginia.gov>

Sent: Monday, August 10, 2020 9:14 AM

To: Gill, Garland (CFM) <Garland.Gill@va.gov>

Subject: [EXTERNAL] Re: U.S. Department of Veterans Affairs Central Virginia VA Health Care System Lease, Construction, and Operation of a Health Care Center in the greater Fredericksburg area, Virginia (DHR # 2019-0123)

Dear Mr. Garland:

I was forwarded your email by my director, Julie Langan. Please note that I am the contact person at DHR for all VA projects and any future correspondence on this undertaking should be addressed to me. Also, per our survey guidelines we require one (1) bound archival hard copy and one (1) electronic on disc of all cultural resources reports. Please send these USPS or overnight delivery to our Richmond office to my attention. Your email mentioned that VA submitted a draft PA for this undertaking. Unfortunately, I never received this document. Please provide a Word version of this draft PA via email for my review.

Sincerely,

Marc Holma

On Fri, Aug 7, 2020 at 3:40 PM Langan, Julie <julie.langan@dhr.virginia.gov> wrote:

----- Forwarded message -----

From: Gill, Garland (CFM) <Garland.Gill@va.gov>

Date: Fri, Aug 7, 2020, 3:30 PM

Subject: U.S. Department of Veterans Affairs Central Virginia VA Health Care System Lease, Construction, and Operation of a Health Care Center in the greater Fredericksburg area, Virginia (DHR # 2019-0123)

To: JULIE.LANGAN@DHR.VIRGINIA.GOV <JULIE.LANGAN@dhr.virginia.gov>

Cc: roger.kirchen@dhr.virginia.gov <roger.kirchen@dhr.virginia.gov>, Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov>, Abreu, Hector M. <Hector.Abreu@va.gov>, katy@row10hps.com <katy@row10hps.com>

Dear Ms. Langan,

In our correspondence dated July 16, 2020, VA indicated that we were evaluating two separate sites for a new Health Care Center in the greater Fredericksburg area. Attached please find the archaeological report for the Hood site. With the July 16, 2020 correspondence, VA submitted a draft procedural programmatic agreement for a phased approach to the identification of historic properties and the assessment of adverse effects, pursuant to 36 CFR § 800.4(b)(2) and

800.5(a)(3). We look forward to continuing our consultation with your office. Thank you for your attention to this matter.

Respectfully,

Garland Gill Jr.

Senior Realty Specialist, Lease Execution

U. S. Department of Veterans Affairs

425 I St., NW, Washington, DC 20001

(202) 578-7562 VA mobile

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Marc Holma

Architectural Historian

Division of Review and Compliance

(804) 482-6090

marc.holma@dhr.virginia.gov

--

Marc Holma

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(804) 482-6090

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**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

WHEREAS, the Central Virginia Veterans Affairs Health Care System (CVHCS) of the U.S. Department of Veterans Affairs (VA) proposes to lease and operate a new health care center (HCC) totaling over 426,000 square feet of space and at least 2,600 parking spaces in greater Fredericksburg area Virginia (undertaking); and

Commented [VP1]: Isn't construction also a part of the undertaking?

WHEREAS, VA has determined the undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), as amended, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800 – Protection of Historic Properties, (collectively referred to here as “Section 106”); and

WHEREAS, VA has solicited layout proposals for the new HCC on the offered parcels but will not finalize a design until after a site is selected and lease awarded and therefore the full range of effects on historic properties cannot be fully determined at this time; and

Commented [VP2]: Need to identify and brief describe the two parcels under consideration.

WHEREAS, VA will use a phased approach to identification of historic properties and assessment of adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3); and

WHEREAS, VA has determined that it is appropriate to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.4(b), including 800.4(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

WHEREAS, VA has consulted with the State Historic Preservation Officer (SHPO), which in Virginia is the Department of Historic Resources (DHR); and

WHEREAS, VA, in consultation with the SHPO, has determined the Area of Potential Effects (APE) to include both sites being considered for the new HCC, encompassing all construction activity areas and any buildings potentially affected indirectly by the undertaking, as depicted on the map in Attachment A, pursuant to 36 CFR § 800.4(a)(1); this includes the Hood parcel, Spotsylvania County, Fredericksburg, bounded by I-95 to the west, Hood Drive to the north, Route 1/Jefferson Davis Highway to the east, and the I-95 northbound onramp from Route 1 to the south; and the Gateway parcel, 1500 Gateway Boulevard, Fredericksburg, bounded by I-95 on the west, Plank Road to the south, Preserve Lane to the north, and a line a line to the east incorporating part of several subdivisions built between the late 1980s and 2010; and

Commented [VP3]: The description of the parcels is better included in an earlier Whereas clause when discussing why a PA is appropriate (see new Third Whereas clause).

WHEREAS, VA, in consultation with the SHPO and other consulting parties, has identified and SHPO has concurred on the following historic properties within the APE, pursuant to 36 CFR § 800.4:

Commented [VP4]: Moved up from below.

Hood parcel – no historic properties.

Commented [VP5]: If other consulting parties are participating

Gateway parcel – three historic properties: one National Register of Historic Places (NRHP) listed Civil War Battlefields and two historic-era archaeological sites, 44SP0783 and 44SP0784, eligible under Criteria A and D, and additional subsurface historic properties may be present; and

Commented [VP6]: Provide names of cultural resource reports submitted to DHR for our review associated with this undertaking.

52 **WHEREAS**, VA has invited the Advisory Council on Historic Preservation (ACHP) of its intent to develop a
53 PA, pursuant to 36 CFR § 800.6(a)(1)(i)(C), and the ACHP has/has not chosen to participate in the
54 consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

55
56 **WHEREAS**, VA invited the following Federally recognized tribes (Tribes) that might attach religious and
57 cultural significance to historic properties in the city of Fredericksburg and in Spotsylvania County,
58 pursuant to 36 CFR § 800.2(c)(2), to participate in consultation: the Catawba Indian Nation, the
59 Pamunkey Indian Tribe, and the Delaware Nation of Oklahoma, and they did/did not elect to participate;
60 and

61
62 **WHEREAS**, VA invited the Fredericksburg, Virginia Community Planning & Building Department; the
63 Spotsylvania County Department of Planning and Zoning to participate in consultation, pursuant to 36
64 CFR § 800.2(c)(3), and they did/did not elect to participate; and

65
66 **WHEREAS**, VA invited the National Park Service Fredericksburg & Spotsylvania National Military
67 Park; the American Battlefield Trust; the Fredericksburg Area Museum; the Historic Fredericksburg
68 Foundation, Inc.; the Rappahannock Valley Civil War Round Table; the Spotsylvania Historical Society;
69 the Central Virginia Battlefields Trust; and Preservation Virginia to participate in consultation, pursuant
70 to 36 CFR § 800.2(c)(~~53~~) and (~~5~~), and they did/did not elect to participate; and

71
72 **WHEREAS**, VA provided the public with information about the undertaking and sought comment and
73 input, pursuant to 36 CFR § 800.2(d), through National Environmental Policy Act (NEPA) compliance
74 efforts, including a comment period from July 12 through August 11, 2020 and a public meeting on July
75 29, 2020, and ~~no~~ (delete if comments are received) public comments related to cultural resources were
76 received; and

77
78 **WHEREAS**, VA, in consultation with the SHPO, ~~has determined the Area of Potential Effects (APE) to~~
79 ~~include both sites being considered for the new HCC, encompassing all construction activity areas and~~
80 ~~any buildings potentially affected indirectly by the undertaking, as depicted on the map in Attachment A,~~
81 ~~pursuant to 36 CFR § 800.4(a)(1); this includes the Hood parcel, Spotsylvania County, Fredericksburg,~~
82 ~~bounded by I-95 to the west, Hood Drive to the north, Route 1/Jefferson Davis Highway to the east, and~~
83 ~~the I-95 northbound onramp from Route 1 to the north; and the Gateway parcel, 1500 Gateway~~
84 ~~Boulevard, Fredericksburg, bounded by I-95 on the west, Plank Road to the south, Preserve Lane to the~~
85 ~~north, and a line a line to the east incorporating part of several subdivisions built between the late 1980s~~
86 ~~and 2010; and~~

87
88 **WHEREAS**, VA, in consultation with the SHPO, ~~has identified and SHPO has concurred on the~~
89 ~~following historic properties within the APE, pursuant to 36 CFR § 800.4:~~
90 ~~Hood parcel — no historic properties;~~
91 ~~Gateway parcel — three historic properties: one National Register of Historic Places (NRHP)~~
92 ~~listed Civil War battlefields and two historic era archaeological sites, 44SP0782 and 44SP0784,~~
93 ~~eligible under criteria A and D, and additional subsurface historic properties may be present; and~~

94
95 **WHEREAS**, VA has solicited layout proposals for the new HCC on the offered parcels but will not
96 finalize a design until after a site is selected and lease awarded and therefore the full range of effects on
97 historic properties cannot be fully determined at this time; and

98
99 **WHEREAS**, VA will use a phased approach to identification of historic properties and assessment of
100 adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3); and

102 ~~WHEREAS, VA has determined that it is appropriate to develop a programmatic agreement (PA) in~~
103 ~~accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used~~
104 ~~when effects on historic properties cannot be fully determined prior to approval of an undertaking; and~~
105

106 ~~WHEREAS, VA has invited the Advisory Council on Historic Preservation (ACHP) of its intent to~~
107 ~~develop a PA, pursuant to 36 CFR § 800.6(a)(1)(i)(C), and the ACHP has not chosen to participate in~~
108 ~~the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and~~
109

110 NOW, THEREFORE, VA, the SHPO, and ACHP agree that undertaking shall be implemented in
111 accordance with the following stipulations in order to take into account the effects of the undertaking on
112 historic properties.

Commented [VP8]: If participating. If not, remove.

STIPULATIONS

I. APPLICABILITY

- a. VA is responsible for ensuring implementation of the stipulations in this PA associated with the undertaking, including those actions undertaken by private developers.
- b. The Anti-Deficiency Act, 31 U.S.C. 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.

II. GENERAL

- a. Parties shall send and accept official notices, comments, requests for additional information and/or documentation, and all other communications required by this PA via email.
- b. Time designations shall be in calendar days.
- c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z) shall apply.
- d. VA shall ensure that federal or contractor staff who meet the applicable Secretary of the Interior's *Professional Qualification Standards* (36 CFR § 61), ~~for~~ in the appropriate discipline (e.g. architectural history, history, archeology, architecture, ~~and or~~ historic architecture) (36 CFR § 61), participate in the review and implementation required as part of this PA.

Commented [VP9]: Due to the way materials for review are processed and archived in our office DHR requires additional information and/or documents for our consideration to be provided hard copy via USPS or overnight delivery.

III. SITE SELECTION

- a. If VA selects the Hood parcel for the HCC, no further consultation is required.
- b. If VA selects the Gateway parcel for the HCC, VA shall ~~re-engage in consultation~~ consult with the SHPO, ACHP, and other consulting parties as described in Stipulation IV below.

Commented [VP10]: If participating. This comment is also applicable for other references to the participation of ACHP and other consulting parties found below.

IV. CONTINUATION OF CONSULTATION

- a. Identification of Historic Properties
VA, in consultation with the SHPO, ACHP, and other consulting parties will complete the identification of historic properties within the Gateway parcel consistent with 36 CFR § 800.4(b) and Virginia "Guidelines for Conducting Historic Resources Survey in Virginia" (DHR September, 2017).
- b. Assessment of Adverse Effects
VA, in consultation with the SHPO, ACHP, and other consulting parties will apply the criteria of effect consistent with 36 CFR § 800.5(a), to determine whether the undertaking will have an adverse effect on historic properties.
 - i. If VA finds, and the SHPO or ACHP does not object, that there will be no adverse effect, no further consultation is required.

ii. If VA finds there will be an adverse effect, it will consult further with the SHPO, ACHP, and other consulting parties to resolve the adverse effect.

c. Resolution of Adverse Effects

VA, in consultation with the SHPO, ACHP, and other consulting parties will seek measures to avoid and/or minimize any identified adverse effects consistent with 36 CFR § 800.6. If avoidance of the adverse effects is not possible, VA will seek to execute a Memorandum of Agreement (MOA), pursuant to 36 CFR § 800.6(b). For archeological resources, the MOA will outline steps to be taken for data recovery, consistent with the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites," (ACHP, 1999) and the DHR's "Guidelines for Conducting Historic Resources Survey in Virginia" (DHR, 2017), to include, but not limited to:

- i. design of and consultation on a data recovery plan;
- ii. solicitation of public input;
- iii. curation of artifacts;
- iv. final reporting that is responsive to professional standards, including the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377-79) and the DHR "Guidelines for Conducting Historic Resources Survey in Virginia" (DHR, September 2017).

V. EXECUTION and DURATION

- a. This PA shall be executed in counterparts, with a separate page for each Signatory. VA shall file a complete copy of the executed PA, including all signatory pages and Attachments, with the ACHP and distribute a copy to the SHPO and other consulting parties.
- b. This PA shall expire if its stipulations are not carried out within five (5) years from the date of execution, unless it is terminated prior to that date. Six (6) months pPrior to such time, VA may consult with the SHPO and ACHP to reconsider the terms of the PA and amend it in accordance with Stipulation VII-IX below.

VI. POST-REVIEW DISCOVERIES

- a. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities associated with the undertaking, VA shall require the contractor to halt immediately all work involving subsurface disturbance in the area of the resource and in the surrounding areas where additional subsurface remains can reasonably be expected to occur. Work in all other areas of the Project may continue.
- b. VA shall notify the SHPO, ACHP, and other consulting parties within two (2) working days of the discovery. In the case of prehistoric or historic Native American sites, VA shall also notify the appropriate state-recognized tribe and any federally recognized tribes with an interest in the area within two (2) working days of the discovery.
- c. VA shall ensure that an archaeologist meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource. VA shall then forward to the SHPO, ACHP, other consulting parties, and appropriate state recognized tribes, and any federally recognized tribes with an interest in the area, an assessment of the NRHP eligibility of the resource (36 CFR Part 60.4) and proposed treatment actions to resolve or avoid any adverse effects on historic properties. The SHPO, ACHP, other consulting parties, and appropriate state recognized tribes, and any federally recognized tribes with an interest in the area shall respond within five (5) working days of receipt of VA's assessment of NRHP eligibility of the resource and proposed action plan. VA shall take into account the recommendations of the SHPO, ACHP, other consulting parties, and appropriate state recognized tribes and the federally recognized tribes regarding NRHP eligibility of the resource and the proposed action plan then carry out the appropriate actions.

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d. VA shall ensure that ground disturbing work within the affected area does not proceed until the appropriate consultation and any other applicable processes are completed.

VII. TREATMENT OF HUMAN REMAINS

a. VA shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. In the unlikely event that human remains and/or associated funerary objects are encountered during the implementation of this PA, VA shall immediately halt all work in the area and contact the appropriate authorities. If the remains appear to be Native American in origin any such remains and/or funerary objects shall be treated in accordance with the Native American Graves Protection and Repatriation Act (25 USC 3001, "NAGPRA") and its implementing regulations, 43 CFR § 10.

b. If the remains are determined not to be of Native American origin, VA shall consult with the SHPO, ACHP, and other appropriate consulting parties. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO, ACHP, and other appropriate consulting parties for consultation:

- i. The name of the property or archaeological site and the specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
- ii. Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice (to be published in a newspaper having general circulation in the area for a minimum of four weeks prior to recovery) must be submitted.
- iii. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
- iv. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
- v. An expected timetable for excavation, osteological analysis, preparation of final report and final disposition of remains.
- vi. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
- vii. If a disposition other than reburial is proposed, a statement of justification.

c. VA shall treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (23 Feb 07).

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VIII. DISPUTE RESOLUTION

- a. Should any ~~Signatory party~~ to this PA object in writing to the implementation of any stipulation(s) of this PA, VA shall ~~notify the other signatories of the objection and~~ consult with that party or parties to resolve the objection. If VA determines that the objection cannot be resolved, VA shall:
- i. Forward all documentation relevant to the dispute, including VA's proposed resolution, to the ACHP. The ACHP shall provide VA with its advice on the resolution of the objection within ~~thirty (30)~~ days of receiving adequate documentation. Prior to reaching a final decision on the dispute, shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO and provide them with a copy of this response. VA will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within ~~thirty (30)~~ days, VA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, VA shall prepare a written response which takes into account any timely comments regarding the dispute from the SHPO and

provide it and the ACHP with a copy of such written response with its final decision.

- b. VA's responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.
- c. Should a member of the public object in writing to VA regarding the manner in which the measures stipulated in this PA are being implemented, VA shall notify the SHPO, ACHP, and other consulting parties, and consider the views of the member(s) of the public making such objection in accordance with 36 CFR § 800.2(d)

VIII.IX. AMENDMENTS

- a. Any Signatory to this PA may propose that it be amended, whereupon the Signatories shall consult to consider such an amendment.
- b. Any amendment will be agreed to in writing by all Signatories and will be effective on the date a copy with all signatures is filed with the ACHP.

VIII.X. TERMINATION

- a. If VA determines that it cannot implement the terms of this PA, or if the SHPO determines that PA is not being properly implemented, either party may propose to the other party that the PA be terminated.
- b. The party proposing termination shall so notify the other Signatories to this PA explaining the reasons for termination and affording at least thirty (30) days to consult and seek an alternative to termination.
- c. Should such consultation fail, and the PA is terminated, VA shall either consult to develop a new agreement, in accordance 36 CFR § 800.6, or request the comments of the ACHP, under 36 CFR § 800.7(a).

EXECUTION AND IMPLEMENTATION of this PA and implementation of its terms evidence that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

SIGNATORY:

U.S. Department of Veterans Affairs Central Virginia Health Care System

J. Ronald Johnson, FACHE
Director

Date

PROGRAMMATIC AGREEMENT

AMONG

THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER

REGARDING

A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA

SIGNATORY:

Virginia ~~Department of Historic Resources~~ State Historic Preservation Officer

Julie V. Langan

~~DHR~~ Director, ~~Department of Historic Resources & State Historic Preservation Officer~~

Date

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

SIGNATORY:

Advisory Council on Historic Preservation

John M. Fowler
Executive Director

Date

DRAFT

From: Holma, Marc <marc.holma@dhr.virginia.gov>

Sent: Monday, August 24, 2020 11:18 AM

To: Gill, Garland (CFM) <Garland.Gill@va.gov>

Cc: Abreu, Hector M. <Hector.Abreu@va.gov>; Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Vanderhye, Steven L. <Steven.Vanderhye@va.gov>; Katy Coyle <katy@row10hps.com>

Subject: [EXTERNAL] Re: Fredericksburg Programmatic Agreement

Dear Mr. Garland:

Attached is DHR's signed signature page for the PA.

Sincerely,
Marc Holma

On Sat, Aug 22, 2020 at 11:48 AM Gill, Garland (CFM) <Garland.Gill@va.gov> wrote:

Dear Mr. Holma,

Please find attached for your review and final approval the Fredericksburg Programmatic Agreement. There is a track changes version which addresses all your comments as well as a clean version which has been signed by the VAs Central Virginia Health Care System Director. It is my understanding that you have had conversations with Ms. Katy Coyle of Row10, who indicated your concurrence on our recommended changes to the language that "VA will work with the Lessor to ensure..." in the several post-review discovery areas given that the property will remain privately owned. I know you have also been made aware of our expedited timetable, and that VA hopes to get the PA executed no later than next Wednesday (8/26). If you have any questions please feel free to call me and thank you for all your assistance in this important project for our Veterans.

Respectfully,

Garland Gill Jr.

Senior Realty Specialist, Lease Execution

U. S. Department of Veterans Affairs

425 I St., NW, Washington, DC 20001

(202) 578-7562 VA mobile

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Marc Holma
Architectural Historian
Division of Review and Compliance
(804) 482-6090
marc.holma@dhr.virginia.gov

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**PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM
AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

WHEREAS, the Central Virginia Veterans Affairs Health Care System (CVHCS) of the U.S. Department of Veterans Affairs (VA) proposes to have a developer build a new health care center (HCC) totaling over 426,000 square feet of space and at least 2,600 parking spaces in greater Fredericksburg area Virginia that VA will lease and operate (undertaking); and

WHEREAS, VA has determined the undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), as amended, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800 – Protection of Historic Properties, (collectively referred to here as “Section 106”); and

WHEREAS, VA, in consultation with the Virginia State Historic Preservation Officer (SHPO), has determined the Area of Potential Effects (APE) to include the two sites being considered for the new HCC, encompassing all construction activity areas and any buildings potentially affected indirectly by the undertaking, as depicted on the map in Attachment A, pursuant to 36 CFR § 800.4(a)(1); this includes the Hood parcel, Spotsylvania County, Fredericksburg, bounded by I-95 to the west, Hood Drive to the north, Route 1/Jefferson Davis Highway to the east, and the I-95 northbound onramp from Route 1 to the south; and the Gateway parcel, 1500 Gateway Boulevard, Fredericksburg, bounded by I-95 on the west, Plank Road to the south, Preserve Lane to the north, and a line a line to the east incorporating part of several subdivisions built between the late 1980s and 2010; and

WHEREAS, VA has solicited layout proposals for the new HCC on the two offered parcels (Hood and Gateway) but will not finalize a design until after a site is selected and lease awarded and therefore the full range of effects on historic properties cannot be fully determined at this time; and

WHEREAS, VA will use a phased approach to identification of historic properties and assessment of adverse effect, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3); and

WHEREAS, VA has determined that it is appropriate to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

WHEREAS, VA has consulted with the SHPO, which in Virginia is the Department of Historic Resources (DHR); and

WHEREAS, VA, in consultation with the SHPO and other consulting parties, has identified and SHPO has concurred on the following historic properties within the APE, pursuant to 36 CFR § 800.4: Hood parcel– no historic properties (Phase IA Cultural Resource Survey of the Hood Drive Project Area, Spotsylvania County, Virginia; Phase 1B Architectural Survey and Archaeological Management Summary of the Hood Drive Project Area for a Possible Location of the Proposed VA Fredericksburg Health Care Center, Spotsylvania County, Virginia; and Addendum: Phase IB Archaeological Survey of the Hood Drive Project Area, Spotsylvania County, Virginia),

Gateway parcel– three historic properties: one National Register of Historic Places (NRHP) listed Civil War Battlefields and two historic-era archaeological sites, 44SP0783 and 44SP0784, eligible under Criteria A and D, and additional subsurface historic properties may be present (Management Summary, Architectural and Archaeological Survey Of the Gateway Parcel Project Area for a Possible Location of the Proposed VA Fredericksburg Health Care Center, Fredericksburg, Virginia); and

WHEREAS, VA has invited the Advisory Council on Historic Preservation (ACHP) of its intent to develop a PA, pursuant to 36 CFR § 800.6(a)(1)(i)(C), and the ACHP has chosen not to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, VA invited the following Federally recognized tribes (Tribes) that might attach religious and cultural significance to historic properties in the city of Fredericksburg and in Spotsylvania County, pursuant to 36 CFR § 800.2(c)(2), to participate in consultation: the Catawba Indian Nation, the Pamunkey Indian Tribe, the Monacan Indian Nation, and the Delaware Nation of Oklahoma, and the Pamunkey Indian Tribe and the Monacan Indian Nation have elected to participate and are consulting parties; and

WHEREAS, VA invited the Fredericksburg, Virginia Community Planning & Building Department and the Spotsylvania County Department of Planning and Zoning to participate in consultation, pursuant to 36 CFR § 800.2(c)(3), and the Spotsylvania County Department of Planning and Zoning has elected to participate and is a consulting party; and

WHEREAS, VA invited the National Park Service Fredericksburg & Spotsylvania National Military Park; the American Battlefield Trust; the Fredericksburg Area Museum; the Historic Fredericksburg Foundation, Inc.; the Rappahannock Valley Civil War Round Table; the Spotsylvania Historical Society; the Central Virginia Battlefields Trust; and Preservation Virginia to participate in consultation, pursuant to 36 CFR § 800.2(c)(5), and the American Battlefield Trust has elected to participate and is a consulting party; and

WHEREAS, VA provided the public with information about the undertaking and sought comment and input, pursuant to 36 CFR § 800.2(d), through National Environmental Policy Act (NEPA) compliance efforts, including a comment period from July 12 through August 11, 2020 and a public meeting on July 29, 2020, and no public comments related to cultural resources were received; and

NOW, THEREFORE, VA and the SHPO agree that undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

I. APPLICABILITY

- a. VA is responsible for ensuring implementation of the stipulations in this PA associated with the undertaking, including those actions undertaken by private developers.
- b. The Anti-Deficiency Act, 31 U.S.C. 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.

101 II. GENERAL

- 102 a. Parties shall send and accept official notices, comments, requests for additional information
103 and/or documentation, and all other communications required by this PA via email, as
104 well as hard copies by mail to the SHPO.
105 b. Time designations shall be in calendar days.
106 c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z)
107 shall apply.
108 d. VA shall ensure that Federal, Lessor or Contractor staff who meet the applicable Secretary
109 of the Interior's *Professional Qualification Standards* (36 CFR § 61), in the appropriate
110 discipline (e.g. architectural history, history, archaeology, architecture, or historic
111 architecture) participate in the review and implementation required as part of this PA.

112 III. SITE SELECTION

- 113 a. If VA selects the Hood parcel for the HCC, no further consultation is required.
114 b. If VA selects the Gateway parcel for the HCC, VA shall consult with the SHPO and
115 other consulting parties as described in Stipulation IV below.

116 IV. CONTINUATION of CONSULTATION

- 117 a. Identification of Historic Properties
118 VA, in consultation with the SHPO and other consulting parties, will complete the
119 identification of historic properties within the Gateway parcel consistent with 36 CFR §
120 800.4(b) and Virginia "Guidelines for Conducting Historic Resources Survey in
121 Virginia" (September 2017).
122 b. Assessment of Adverse Effects
123 VA, in consultation with the SHPO and other consulting parties, will apply the criteria of
124 effect consistent with 36 CFR § 800.5(a), to determine whether the undertaking will have an
125 adverse effect on historic properties.
126 i. If VA finds, and the SHPO does not object, that there will be no adverse effect,
127 no further consultation is required.
128 ii. If VA finds there will be an adverse effect, it will consult further with the SHPO
129 and other consulting parties to resolve the adverse effect.
130 c. Resolution of Adverse Effects
131 VA, in consultation with the SHPO and other consulting parties, will seek measures to
132 avoid and/or minimize any identified adverse effect consistent with 36 CFR § 800.6. If
133 avoidance of the adverse effect is not possible, VA will seek to execute a Memorandum
134 of Agreement (MOA), pursuant to 36 CFR § 800.6(b). For archaeological resources, the
135 MOA will outline steps to be taken for data recovery, consistent with the ACHP's
136 "Recommended Approach for Consultation on Recovery of Significant Information from
137 Archaeological Sites," (ACHP, 1999) and the DHR's "Guidelines for Conducting
138 Historic Resources Survey in Virginia" (September 2017), to include, but not limited to:
139 i. design of and consultation on a data recovery plan;
140 ii. solicitation of public input;
141 iii. curation of artifacts;
142 iv. final reporting that is responsive to professional standards, including the
143 Department of the Interior's *Format Standards for Final Reports of Data
144 Recovery Programs* (42 FR 5377-79) and the DHR's "Guidelines for Conducting
145 Historic Resources Survey in Virginia" (September 2017).

146 V. EXECUTION and DURATION

- 147 a. This PA shall be executed in counterparts, with a separate page for each Signatory. VA
148 shall file a complete copy of the executed PA, including all signatory pages and Attachments,
149 with the ACHP and distribute a copy to the SHPO and other consulting parties.
150 b. This PA shall expire if its stipulations are not carried out within five (5) years from the
151 date of execution, unless it is terminated prior to that date. Six (6) months prior to such

time, VA may consult with the SHPO to reconsider the terms of the PA and amend it in accordance with Stipulation IX below.

VI. POST-REVIEW DISCOVERIES

- a. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities associated with the undertaking, VA shall work with the Lessor to halt immediately all work involving subsurface disturbance in the area of the resource and in the surrounding areas where additional subsurface remains can reasonably be expected to occur. Work in all other areas of the undertaking may continue.
- b. VA shall notify the SHPO and other consulting parties within two (2) working days of the discovery. In the case of prehistoric or historic Native American sites, VA shall also notify the appropriate state-recognized tribe and any federally recognized tribes with an interest in the area within two (2) working days of the discovery.
- c. VA shall work with the Lessor to ensure that an archaeologist meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource. VA shall then forward to the SHPO other consulting parties, and appropriate state recognized tribes, and any federally recognized tribes with an interest in the area if a prehistoric or historic Native American site, an assessment of the NRHP eligibility of the resource (36 CFR Part 60.4) and proposed treatment actions to resolve or avoid any adverse effects on historic properties. The SHPO, other consulting parties, and appropriate state recognized tribes, and any federally recognized tribes with an interest in the area shall respond within five (5) working days of receipt of VA's assessment of NRHP eligibility of the resource and proposed action plan. VA shall take into account the recommendations of the SHPO, other consulting parties, and appropriate state recognized tribes and federally recognized tribes regarding NRHP eligibility of the resource and the proposed action plan when carrying out the actions.
- d. VA shall work with the Lessor to ensure that ground disturbing work within the affected area does not proceed until the appropriate consultation and any other applicable processes are completed.

VII. TREATMENT OF HUMAN REMAINS

- a. VA shall work with the Lessor to make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. In the unlikely event that human remains and/or associated funerary objects are encountered during the implementation of this PA, VA shall work with the Lessor to immediately halt all work in the area and contact the appropriate authorities. If the remains appear to be Native American in origin any such remains and/or funerary objects shall be treated in accordance with the Virginia Antiquities Act (§ 10.1-2300 Code of Virginia). VA will work with the Lessor to obtain a Permit Required for the Archaeological Excavation of Human Remains (§ 10.1-2305) from the DHR Director for archaeological recovery of all human skeletal remains and associated artifacts from any unmarked grave, regardless of the age of the burial or archaeological site or ownership of the property.
- b. If the remains are determined not to be of Native American origin, also in keeping with the Virginia Antiquities Act (Code of Virginia Chapter 23 § 10.1-2305), VA will work with the Lessor to obtain a permit for the archaeological excavation of human remains, as well as require the Lessor to retain the services of a preservation architect and archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for Historic Architecture as well as the Secretary of the Interior's Professional Qualifications Standards for Archaeology respectively. VA shall work with the Lessor to consult with the SHPO and other consulting parties. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO and other consulting parties for consultation:

- i. The name of the property or archaeological site and the specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
- ii. Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice (to be published in a newspaper having general circulation in the area for a minimum of four (4) weeks prior to recovery) must be submitted.
- iii. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
- iv. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
- v. An expected timetable for excavation, osteological analysis, preparation of final report and final disposition of remains.
- vi. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
- vii. If a disposition other than reburial is proposed, a statement of justification.
- c. VA shall work with the Lessor to treat all human remains in a manner consistent with ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 2007).

VIII. DISPUTE RESOLUTION

- a. Should any party to this PA object in writing to the implementation of any stipulation(s) of this PA, VA shall notify the SHPO of the objection and consult with that party or parties to resolve the objection. If VA determines that the objection cannot be resolved, VA shall:
 - i. Forward all documentation relevant to the dispute, including VA's proposed resolution, to the ACHP. The ACHP shall provide VA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, VA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO and provide them with a copy of this response. VA will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within thirty (30) days, VA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, VA shall prepare a written response which takes into account any timely comments regarding the dispute from the SHPO and provide it and the ACHP with a copy of such written response with its final decision.
- b. VA's responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.
- c. Should a member of the public object in writing to VA regarding the manner in which the measures stipulated in this PA are being implemented, VA shall notify the SHPO, ACHP, and other consulting parties, and consider the views of the member(s) of the public making such objection in accordance with 36 CFR § 800.2(d).

IX. AMENDMENTS

- a. Either Signatory to this PA may propose that it be amended, whereupon the Signatories shall consult to consider such an amendment.
- b. Any amendment will be agreed to in writing by both Signatories and will be effective on the date a copy with all signatures is filed with the ACHP.

X. TERMINATION

- a. If VA determines that it cannot implement the terms of this PA, or if the SHPO determines that PA is not being properly implemented, either party may propose to the other party that the PA be terminated.

- b. The party proposing termination shall so notify the other Signatory to this PA explaining the reasons for termination and affording at least thirty (30) days to consult and seek an alternative to termination.
- c. Should such consultation fail, and the PA is terminated, VA shall either consult to develop a new agreement, in accordance 36 CFR § 800.6, or request the comments of the ACHP, under 36 CFR § 800.7(a).

EXECUTION AND IMPLEMENTATION of this PA and implementation of its terms evidence that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM
AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA**

SIGNATORY:

U.S. Department of Veterans Affairs Central Virginia Health Care System

James W. Dudley 107852 Digitally signed by James W. Dudley 107852
Date: 2020.08.21 16:06:41 -04'00'


J. Ronald Johnson, FACHE
Director

Date

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, CENTRAL VIRGINIA VA HEALTH CARE SYSTEM
AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
A NEW HEALTH CARE CENTER
GREATER FREDERICKSBURG, VIRGINIA

SIGNATORY:

Virginia State Historic Preservation Officer


Julie V. Langan

Director, Department of Historic Resources


Date

The following Section 106 Consultation letter was sent to the following recipients:

- Advisory Council on Historic Preservation
- Fredericksburg, VA Community Planning & Building
- Spotsylvania Department of Planning and Zoning
- National Park Service Fredericksburg & Spotsylvania National Military Park
- American Battlefield Trust
- Fredericksburg Area Museum
- Historic Fredericksburg Foundation, Inc.
- Rappahannock Valley Civil War Round Table
- Spotsylvania Historical Society
- Central Virginia Battlefields Trust
- Preservation Virginia



DEPARTMENT OF VETERANS AFFAIRS
Central Virginia VA Health Care System
1201 Broad Rock Boulevard !
Richmond, VA 23249 !

James Lighthizer
President
American Battlefield Trust
1156 15th Street NW, Suite 900
Washington, DC 20005

July 16, 2020

**RE: U.S. Department of Veterans Affairs Central Virginia VA Health Care System
Lease, Construction, and Operation of a Health Care Center in the greater
Fredericksburg area, Virginia**

Dear President Lighthizer:

In order to fulfill its mission to provide the best possible health care to American Veterans and their families, the U.S. Department of Veterans Affairs (VA) Central Virginia VA Health Care System is seeking a parcel of land for the construction and operation of a new health care center (HCC) in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of new clinic and ancillary space, and just over 2600 parking spaces. VA invites you to consult on this undertaking and is submitting information to your organization in compliance with the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 – Protection of Historic Properties (collectively referred to as "Section 106").

VA is evaluating two alternative sites for the new facility: the Hood parcel in Spotsylvania County (bounded by I-95 to the west, Hood Drive to the north, Route 1 to the east, and a motel to the south) (Appendix A, Figure 1); and the Gateway parcel in Fredericksburg (bounded by I-95 on the west, commercial buildings located on the north side of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010) (Appendix A, Figure 2). VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking.

Area of Potential Effects

VA is evaluating two offered parcels for the HCC in Fredericksburg: Gateway, (1500 Gateway Boulevard), an 88-acre parcel located northeast of the intersection of Gateway

Boulevard and Plank Road; and Hood, a 50-acre parcel located north of the intersection of I-95 and U.S. Route 1. Therefore, VA has determined the APE for this project to be a 0.5-mile radius around the Gateway parcel (Appendix A, Figure 2), and an area bounded by I-95 on the west, the convergence of I-95 and Route 1 to the south, the south side of Courthouse Road to the north, and both sides of Route 1/Jefferson Davis Highway to the east around the Hood parcel (Appendix A, Figure 1).

Identification of Historic Properties

Historic property¹ identification efforts have been undertaken for both sites, with summaries provided below. Any needed additional identification efforts will not occur until after a site is selected.

Gateway Parcel

Results

VA has identified one Civil War Battlefield (Chancellorsville, 088-5180) is listed in the National Register of Historic Properties (NRHP), two sites, Sites 44SP0783 and 44SP0784, to be eligible for the NRHP under Criterion D; DHR has concurred with this determination.² Additionally, VA has identified three Civil War battlefields in the APE that require more study to evaluate their eligibility for the NRHP: Bank's Ford/Salem Church Battlefield, SR 3; Battle of Fredericksburg I/ Battle site, Fredericksburg vicinity; and Battle of Fredericksburg II, Fredericksburg vicinity.

VA intends to complete phased identification and evaluation of effects if this site is selected.

Hood Parcel

VA identified no historic properties within the Hood parcel.

Finding of Effects

If the Hood parcel is selected, VA finds there will be no historic properties affected by the undertaking as no historic properties are within the APE. If the Gateway parcel is selected, VA will use a phased approach for the further identification of historic properties and assessment of effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Therefore, VA is pursuing a Programmatic Agreement (PA), per 36 CFR § 800.14 (b), with the Virginia State Historic Preservation Office, and any other party that would assume responsibilities under the agreement.

This letter serves as an invitation to your organization to participate in consultation regarding this undertaking. Please respond to this letter not later than July 30, 2020 to acknowledge your interest in participating in this process as a Consulting Party. If you are interested in participating, please also comment on the identified historic properties within

¹ For Section 106 reviews, historic properties are defined as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

² Via teleconference, May 21, 2020.

the APEs, the finding of effects for the Hood parcel, and the plan to phase identification of additional historic properties and to assess adverse effects to those properties in the Gateway parcel through the implementation of a PA

We thank you for your organization's support of VA. If you have any questions about this project, please contact the VA Project Manager at Garland.Gill@va.gov, 202-578-7562.

Sincerely,

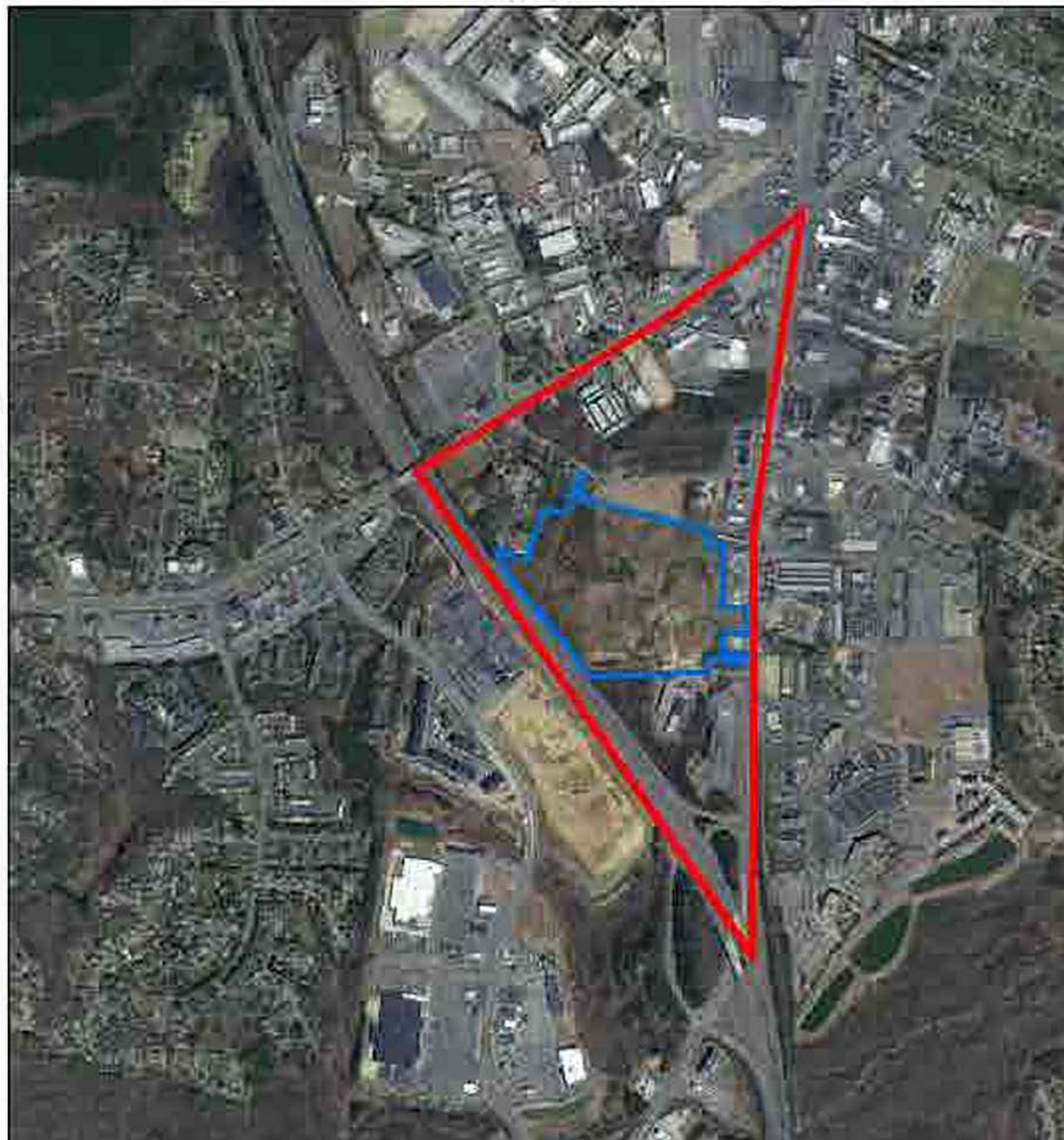
J. Ronald Johnson, FACHE
Director, Central Virginia VA Health Care System

Enclosures: APE

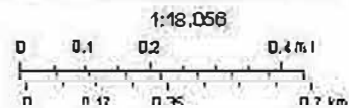
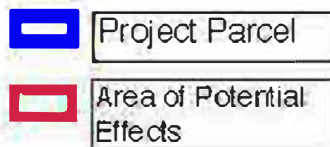
Appendix A: Area of Potential Effects

Figure 1 Hood Parcel and APE

Hood Parcel project area Aerial

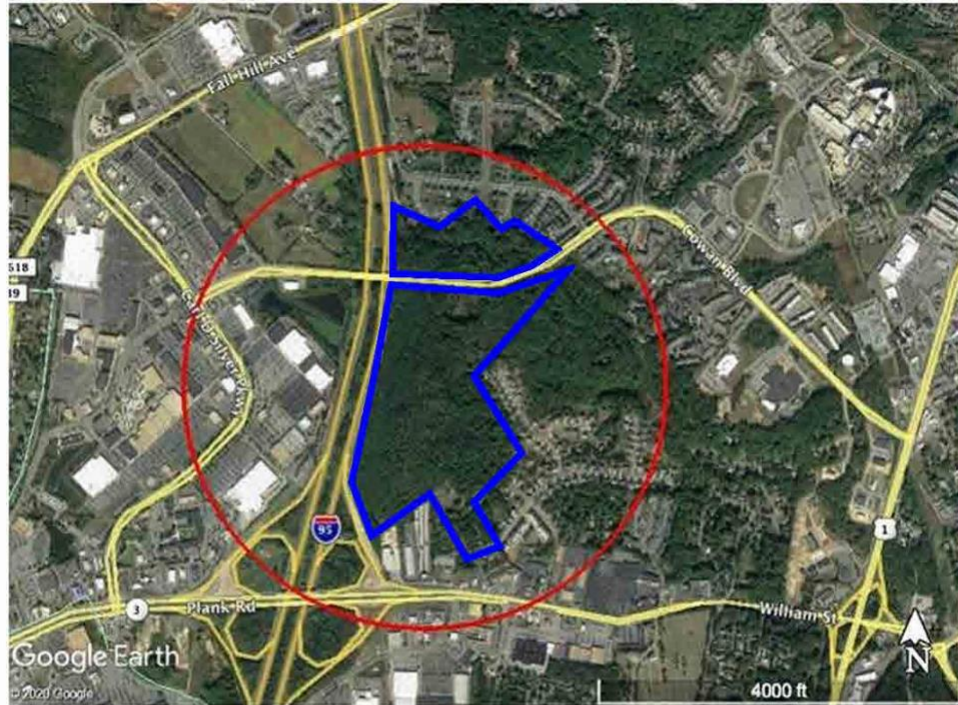



July 6, 2020




July 6, 2020

Figure 2 Area of Potential Effects encircline the Gateway Parcel



 Area of Potential Effects

 Gateway Project Parcel



July 30, 2020

James Ronald Johnson
Director
Central Virginia VA Health Care System
Department of Veterans Affairs
1201 Broad Rock Blvd.
Richmond, VA 23249

Ref: *Proposed Construction and Operation of New Health Care Center
Fredericksburg, Spotsylvania County, Virginia*

Dear Mr. Johnson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Virginia State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Angela McArdle at 202 517-0221 or via e-mail at amcardle@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

From: John S <jsapanara7891@gmail.com>

Sent: Monday, August 3, 2020 10:29 AM

To: Gill, Garland (CFM) <Garland.Gill@va.gov>

Subject: [EXTERNAL] Re: U.S. Department of Veterans Affairs Central Virginia VA Health Care System - Fredericksburg OPC

Dear Mr. Gill - Below is a response to the letter dated July 16, 2020, that was forwarded from your office. It was mailed last week to Director Johnson.

Sincerely, John Sapanara, Rappahannock Valley Civil War Round Table
July 30, 2020

J. Ronald Johnson, FACHE

Director, Central Virginia VA Health Care System

1201 Broad Rock Boulevard

Richmond VA 23249

Dear Director Johnson,

RE: Your letter dated July 16, 2020 to Rappahannock Valley Civil War Round Table (RVCWRT) re Health Care Center in the greater Fredericksburg area

Thank you for inviting the RVCWRT to participate in consultation regarding your site selection. We applaud your willingness to identify and assess any adverse effects to historical properties as your plans progress.

Unfortunately, due to the ongoing pandemic and competing commitments, our organization is unable to devote the time and manpower necessary to effectively fulfill an advisory role. The RVCWRT must politely decline your invitation and defer to other entities with more resources, expertise and regulatory authority.

Thank you for extending this invitation and for the detailed descriptions of the parcels involved in your selection process.

Sincerely,

John Sapanara
President, RVCWRT
PO Box 7632
Fredericksburg VA 22404

On Thu, Jul 16, 2020 at 8:57 PM Gill, Garland (CFM) <Garland.Gill@va.gov> wrote:

Greetings President Sapanara,

I hope this letter finds you well.

Respectfully,

Garland Gill Jr.

Senior Realty Specialist, Lease Execution

U. S. Department of Veterans Affairs

425 I St., NW, Washington, DC 20001

(202) 578-7562 VA mobile

APPENDIX C - NATIVE AMERICAN TRIBE CORRESPONDENCE



**DEPARTMENT OF VETERANS AFFAIRS
Central Virginia VA Health Care System
1201 Broad Rock Boulevard !
Richmond, VA 23249 !**

**Bill Harris
Chief
Catawba Indian Nation
996 Avenue of the Nations
Rock Hill, SC 29730
Via Email: bill.harris@catawbaindian.net**

July 16, 2020

**RE: U.S. Department of Veterans Affairs Central Virginia VA Health Care System
Lease, Construction, and Operation of a Health Care Center in the greater
Fredericksburg area, Virginia (DHR # 2019-0123)**

Dear Chief Harris:

In order to fulfill its mission to provide the best possible health care to American Veterans and their families, the U.S. Department of Veterans Affairs (VA) Central Virginia VA Health Care System is seeking a parcel of land for the construction and operation of a new health care center (HCC) in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of new clinic and ancillary space, and just over 2600 parking spaces. VA invites the Catawba Indian Nation to consult on this undertaking and is submitting information to the Tribe in compliance with the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 – Protection of Historic Properties (collectively referred to as "Section 106").

VA is evaluating two alternative sites for the new facility: the Hood parcel in Spotsylvania County (bounded by I-95 to the west, Hood Drive to the north, Route 1 to the east, and a motel to the south) (Appendix A, Figure 1); and the Gateway parcel in Fredericksburg (bounded by I-95 on the west, commercial buildings located on the north side of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010) (Appendix A, Figure 2). VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking.

Area of Potential Effects

VA is evaluating two offered parcels for the HCC in Fredericksburg: Gateway, (1500 Gateway Boulevard), an 88-acre parcel located northeast of the intersection of Gateway Boulevard and Plank Road; and Hood, a 50-acre parcel located north of the intersection of I-95 and U.S. Route 1. Therefore, VA has determined the APE for this project to be a 0.5-mile radius around the Gateway parcel (Appendix A, Figure 2), and an area bounded by I-95 on the west, the convergence of I-95 and Route 1 to the south, the south side of Courthouse Road to the north, and both sides of Route 1/Jefferson Davis Highway to the east around the Hood parcel (Appendix A, Figure 1).

Gateway Parcel

Architectural Results

VA has identified 12 architectural resources in the APE (Table 1). Of these, one Civil War Battlefield (Chancellorsville, 088-5180) is listed in the National Register of Historic Properties (NRHP). Three other Civil War Battlefields (088-5181, 111-5295, 111-5296) have not been evaluated, but they may possess the qualities of significance for listing in the NRHP.

Table 1 Previously Identified Architectural Resources in the Gateway APE

DHR Number	Property Name	Description	Eligibility Status	Historic Property
088-5180; 111-0147-0073	Chancellorsville Battlefield, State Route (SR) 3, 17, 610, 616 & 655 (Study Area)	Civil War battle of April-May 1863	DHR Staff: Eligible (2000); NRHP Nomination (2015)	Yes
088-5181	Bank's Ford/Salem Church Battlefield, SR 3 (Core Area)	Civil War battle of May 4, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5295	Battle of Fredericksburg I/ Battle site, Fredericksburg vicinity (Study Area)	Civil War battle of Dec. 12-13, 1862	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5296	Battle of Fredericksburg II, Fredericksburg vicinity (Study Area)	Civil War battle of May 3, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5447	Dr. David William, Jr. & Margaret Tucker House, 1109 Mahone Street	Ca. 1955	DHR Staff: Not Eligible (2020)	No
111-5279	House, Plank Road (SR 3)	No Longer Extant	No Longer Extant; Not Eligible (2014)	No
111-5286	House, 2210 Hays Street	Ca. 1950 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5287	House, 2208 Hays Street	Ca. 1962 Ranch dwelling	DHR Staff: Not Eligible (2009)	No

111-5288	House, 2206 Hays Street	Ca. 1946 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5289	Commercial Building, SR 3	Converted ca. 1925 bungalow	DHR Staff: Not Eligible (2009)	No
111-5445	House, 2207 Hays Street	Ca. 1950	DHR Staff: Not Eligible (2020)	No
111-5446	House, 2205 Hays Street	Ca. 1956	DHR Staff: Not Eligible (2020)	No

Archaeological Results

VA has identified 11 previously identified sites in the Gateway portion of the APE (Table 2). Of these, one has been destroyed, 7 were determined not eligible, one has not been evaluated for NRHP eligibility, but may demonstrate research potential if evaluated, and two possess research potential. VA has determined these last two sites, Sites 44SP0783 and 44SP0784, to be eligible for the NRHP under Criterion D; DHR has concurred with this determination.¹

VA intends to complete phased identification and evaluation of effects if this site is selected, and intends to execute a programmatic agreement in accordance with 36 CFR § 800.4(b)(2) and 800.5(a)(3) to conduct phased identification and assessment of effects. A draft programmatic agreement is included with this submission for your review and comment.

Table 2 Previously Identified Archaeological Properties in the Gateway APE

DHR Number	Site Type	Period	Eligibility Status	Historic Property
44SP661	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth	DHR Staff: Not Eligible (2015)	No
44SP663	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth, World War I to World War II, The New Dominion, Post-Cold War	DHR Staff: Not Eligible (2015)	No
44SP0301	Trash Scatter	No longer extant	DHR Staff: Destroyed (2015)	No

¹ Via teleconference, May 21, 2020.

44SP0783	Camp	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0784	Camp (possible artillery position)	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0300	Lithic Quarry	Pre-Contact	DHR Staff: Not Eligible	No
44SP0520	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0522	Camp	19th Century: 3rd quarter	DHR Staff: Potentially Eligible	More Study Needed
44SP0525	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0530	Camp	Prehistoric/Unknown, 19th Century: 2nd half, 20th Century: 1st quarter	DHR Staff: Not Eligible	No
44SP0532	Camp	Prehistoric/Unknown	DHR Staff: Not Eligible	No

Hood Parcel

Architectural Results

A total of 24 previously identified architectural resources are located in the Hood APE (Table 3). All of these but one has been evaluated by DHR staff as not eligible. The other DHR resource, #088-5555, is a modest residence located at 10807 Courthouse Road. VA has determined that this building is not eligible. DHR has not yet concurred on this determination. In addition to the 24 previously recorded historic resources, VA identified two new resources in the APE that are at least 50 years old during its Phase 1B field survey. VA has determined that neither property is eligible for the NRHP. None of the 26 total architectural resources in the Hood APE possess the qualities of significance for inclusion in the NRHP, either as individual resources, nor as elements of a historic district.

Archaeological Results

No archaeological sites were listed the Virginia Cultural Resource Information System (V-CRIS) for the Hood parcel APE. During field survey of the Hood parcel, VA identified four archaeological sites, containing 45 artifacts as a result of the survey. These include field sites 1-4. Field Site 1 is a prehistoric scatter located along transect Q to the north of US 17/I-95. Field Site 2 is a historic artifact scatter located along transect X at the north central portion of the tract. Field Site 3 is a prehistoric scatter located along transects C and D to the east of Field Site 2. Finally, Field Site 4 is a historic residential site that appears to date to the mid-twentieth century. The site contains a concrete house foundation and artifact scatter. None of the identified and recorded archaeological resources are eligible for the NRHP.

Finding of Effects

If the Hood parcel is selected, VA finds there will be no historic properties affected by the undertaking. If the Gateway parcel is selected, VA will use a phased approach for the further identification of historic properties and assessment of effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Therefore, VA proposes to execute a Programmatic Agreement (PA), per 36 CFR § 800.14 (b), with the Virginia State Historic Preservation Office, and any other consulting parties that would assume responsibilities under the agreement.

This letter serves as an invitation to the Tribe to participate in consultation regarding this undertaking. Please respond to this letter not later than July 30, 2020 to acknowledge your interest in participating in this process as a Consulting Party. If you are interested in participating, please also comment on the identified historic properties including archaeological resources within the APE, the finding of effects for the Hood parcel, and the draft PA to phase identification of additional historic properties and to assess adverse effects to those properties on the Gateway parcel.

We thank the Tribe for its support of this VA project. If you have any questions about this project, please contact the VA Project Manager Mr. Garland Gill Jr. at Garland.Gill@va.gov, or 202-578-7562.

Sincerely,

J. Ronald Johnson, FACHE
Director, Central Virginia VA Health Care System

Enclosures:

Appendix A, Area of Potential Effects

Appendix B, Phase 1A Architectural and Archaeological Survey of the Gateway Parcel
Project Area for a Possible Location of the Proposed VA Fredericksburg Health
Care Center, Fredericksburg, Virginia

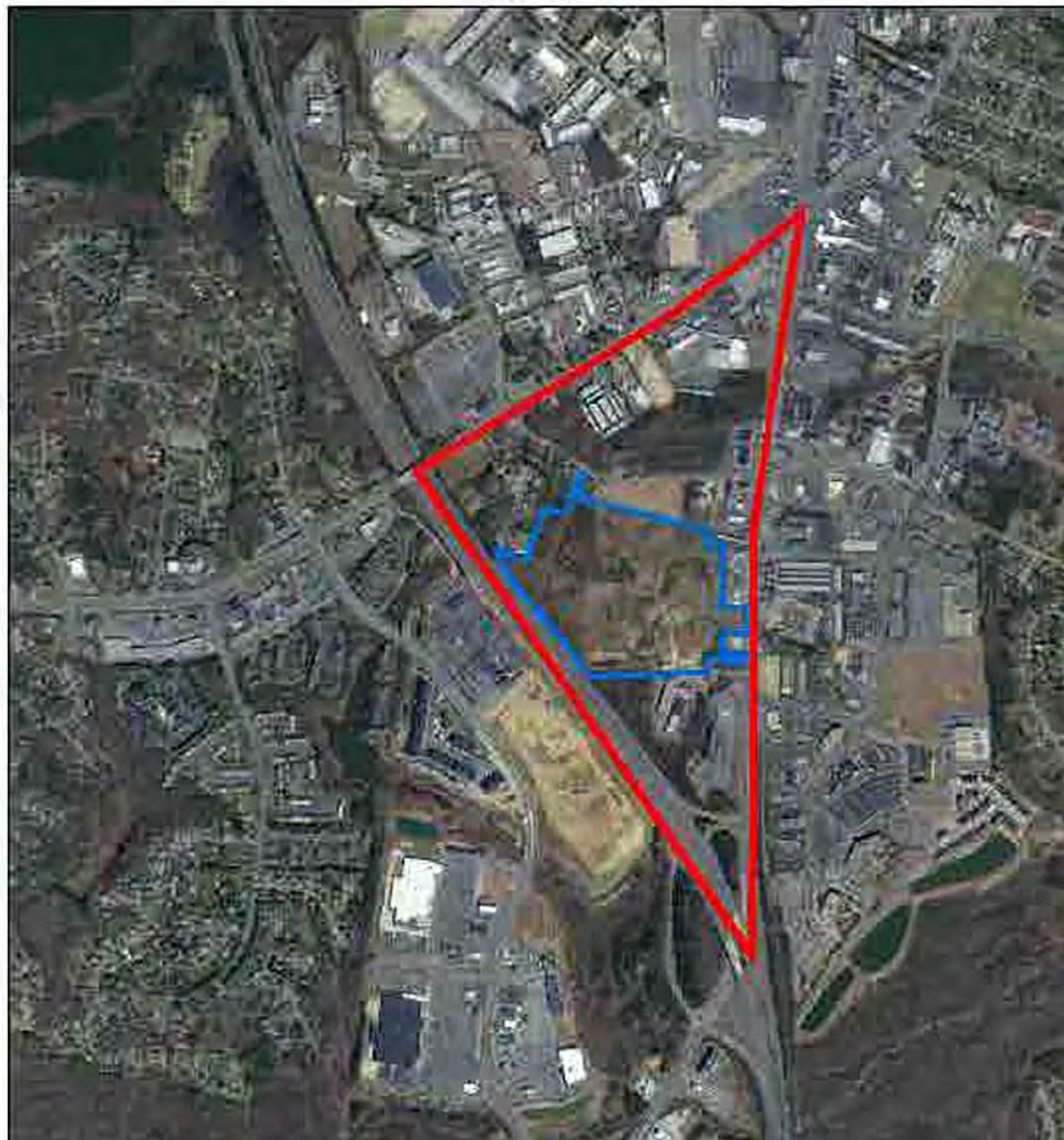
Appendix C, Phase IB Architectural Survey of the Hood Drive Project Area for a
Possible Location of the Proposed VA Fredericksburg Health Care Center,
Spotsylvania County, Virginia

Appendix D, Draft Programmatic Agreement

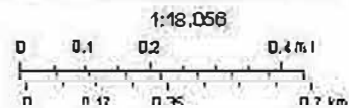
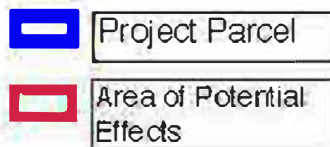
Appendix A: Area of Potential Effects

Figure 1 Hood Parcel and APE

Hood Parcel project area Aerial




July 6, 2020




Map by [illegible]

Figure 2 Area of Potential Effects encircline the Gateway Parcel



 Area of Potential Effects

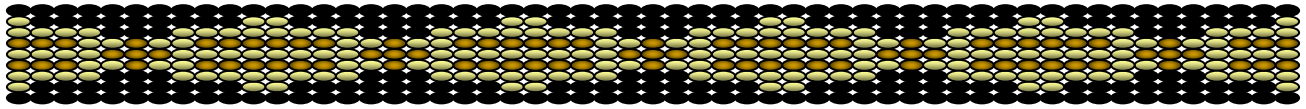
 Gateway Project Parcel

**Appendix B:
Management Summary
Architectural and Archaeological Survey
Of the Gateway Parcel Project Area
for *a possible location* of the
Proposed VA Fredericksburg Health Care Center,
Fredericksburg, Virginia**

Appendix C

Phase 1B Architectural Survey and Archaeological
Management Summary of the Hood Drive [or Carnegie]
Project Area for *a possible location of* the Proposed VA
Fredericksburg Health Care Center, Spotsylvania County,
Virginia

Appendix D
Draft Programmatic Agreement



Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791

August 18, 2020

Attention: Garland Gill Jr.
Department of Veterans Affairs
1201 Broad Rock Boulevard
Richmond, VA 23249

Re. THPO #	TCNS #	Project Description
2020-197-6		Health Care Center in the greater Fredericksburg area DHR # 2019-0123

Dear Mr. Gill,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



**DEPARTMENT OF VETERANS AFFAIRS
Central Virginia VA Health Care System
1201 Broad Rock Boulevard !
Richmond, VA 23249 !**

**Robert Gray
Chief
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086
Via Email: robert.gray@pamunkey.org**

July 16, 2020

**RE: U.S. Department of Veterans Affairs Central Virginia VA Health Care System
Lease, Construction, and Operation of a Health Care Center in the greater
Fredericksburg area, Virginia (DHR # 2019-0123)**

Dear Chief Gray:

In order to fulfill its mission to provide the best possible health care to American Veterans and their families, the U.S. Department of Veterans Affairs (VA) Central Virginia VA Health Care System is seeking a parcel of land for the construction and operation of a new health care center (HCC) in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of new clinic and ancillary space, and just over 2600 parking spaces. VA invites the Pamunkey Indian Tribe to consult on this undertaking and is submitting information to the Tribe in compliance with the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 – Protection of Historic Properties (collectively referred to as "Section 106").

VA is evaluating two alternative sites for the new facility: the Hood parcel in Spotsylvania County (bounded by I-95 to the west, Hood Drive to the north, Route 1 to the east, and a motel to the south) (Appendix A, Figure 1); and the Gateway parcel in Fredericksburg (bounded by I-95 on the west, commercial buildings located on the north side of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010) (Appendix A, Figure 2). VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking.

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Gateway Parcel

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VA intends to complete phased identification and evaluation of effects if this site is selected, and intends to execute a programmatic agreement in accordance with 36 CFR § 800.4(b)(2) and 800.5(a)(3) to conduct phased identification and assessment of effects. A draft programmatic agreement is included with this submission for your review and comment.

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Hood Parcel

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This letter serves as an invitation to the Tribe to participate in consultation regarding this undertaking. Please respond to this letter not later than July 30, 2020 to acknowledge your interest in participating in this process as a Consulting Party. If you are interested in participating, please also comment on the identified historic properties including archaeological resources within the APE, the finding of effects for the Hood parcel, and the draft PA to phase identification of additional historic properties and to assess adverse effects to those properties on the Gateway parcel.

We thank the Tribe for its support of this VA project. If you have any questions about this project, please contact the VA Project Manager Mr. Garland Gill Jr. at Garland.Gill@va.gov, or 202-578-7562.

Sincerely,

J. Ronald Johnson, FACHE
Director, Central Virginia VA Health Care System

Enclosures:

Appendix A, Area of Potential Effects

Appendix B, Phase 1A Architectural and Archaeological Survey of the Gateway Parcel
Project Area for a Possible Location of the Proposed VA Fredericksburg Health
Care Center, Fredericksburg, Virginia

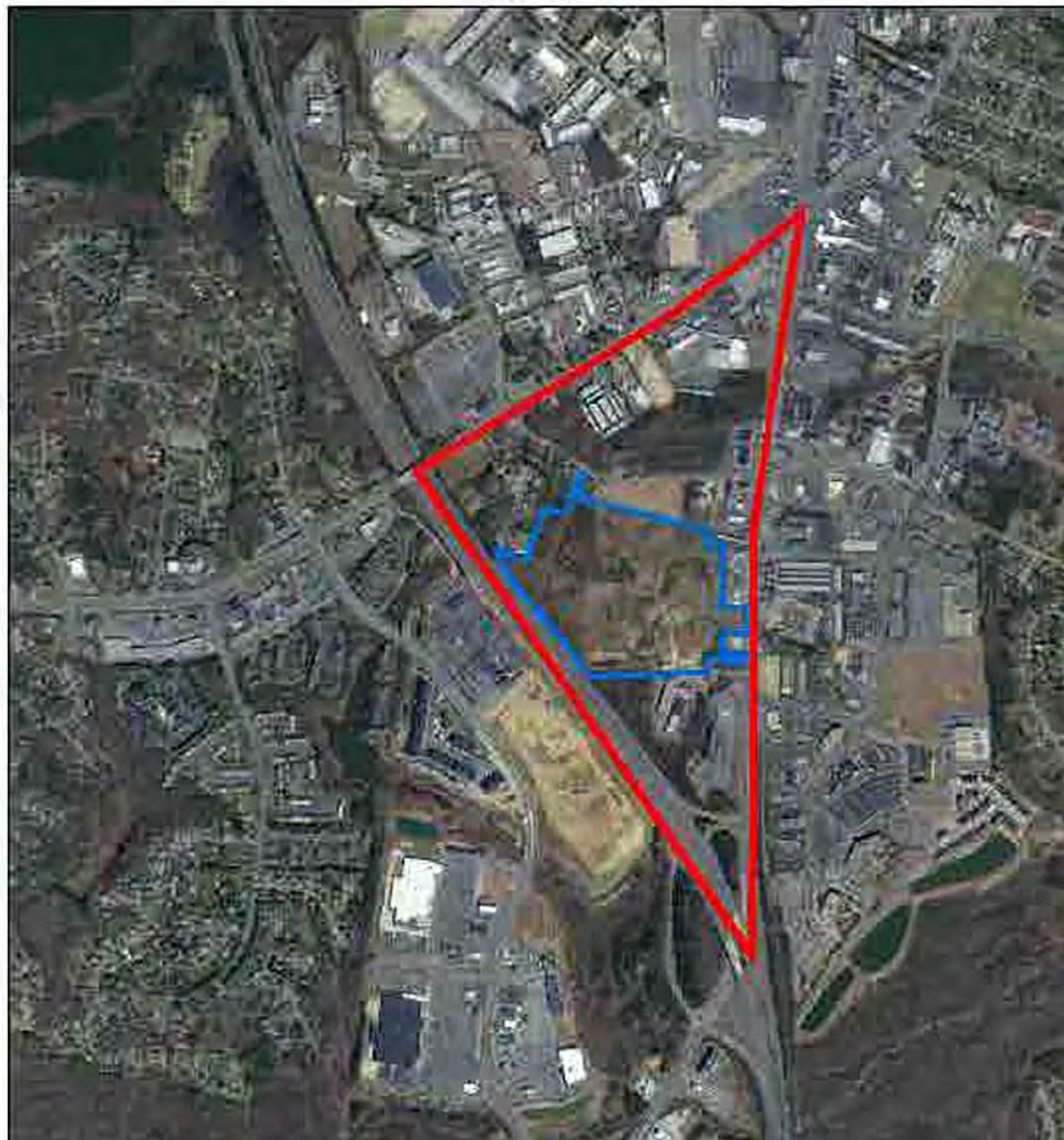
Appendix C, Phase IB Architectural Survey of the Hood Drive Project Area for a
Possible Location of the Proposed VA Fredericksburg Health Care Center,
Spotsylvania County, Virginia

Appendix D, Draft Programmatic Agreement



Appendix A: Area of Potential Effects

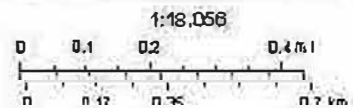
Figure 1 Hood Parcel and APE

Hood Parcel project area Aerial



July 6, 2020


-  Project Parcel
-  Area of Potential Effects




Prepared by: [illegible]
[illegible]

Figure 2 Area of Potential Effects encircline the Gateway Parcel



 Area of Potential Effects

 Gateway Project Parcel

Appendix B:
Management Summary
Architectural and Archaeological Survey
Of the Gateway Parcel Project Area
for *a possible location* of the
Proposed VA Fredericksburg Health Care Center,
Fredericksburg, Virginia

Appendix C

Phase 1B Architectural Survey and Archaeological
Management Summary of the Hood Drive [or Carnegie]
Project Area for *a possible location of* the Proposed VA
Fredericksburg Health Care Center, Spotsylvania County,
Virginia

Appendix D
Draft Programmatic Agreement



PAMUNKEY INDIAN TRIBE

Terry Clouthier
Cultural Resource
Director

TRIBAL GOVERNMENT
Tribal Office

1054 Pocahontas Trail
King William, VA 23086

(804) 843-2109
FAX (866) 422-3387

THPO File Number: 2020-514

Date: 07/27/2020

Glenn Elliot
Environmental Program Office (003C2)
Office of Construction & Facilities Management
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

RE: Fredericksburg HCC Draft EA

Dear Mr. Elliot,

Thank you for contacting the Pamunkey Indian Tribe regarding the Fredericksburg Hospital Care Center (HCC) - Draft Environmental Assessment (EA). My office offers the following comments regarding the EA.

We would like to remain consulting parties for the remainder of this undertaking.

My office would like to review the June, 2020 Environmental Research Group report to ensure that none of the sites found are sites of significance to the Tribe and to provide comments if they are. Please provide this information electronically if at all possible.

Thank you for considering our cultural heritage in your decision-making process.

If you have any questions feel free to email me at terry.clouthier@pamunkey.org.

Sincerely,



DEPARTMENT OF VETERANS AFFAIRS
Central Virginia VA Health Care System
1201 Broad Rock Boulevard !
Richmond, VA 23249 !

Kimberly Penrod
Director of Cultural Resources & Section 106
Delaware Nation Oklahoma
PO Box 825
Anadarko, OK 73005
Via Email: kpennrod@delawarenation.com

July 16, 2020

**RE: U.S. Department of Veterans Affairs Central Virginia VA Health Care System
Lease, Construction, and Operation of a Health Care Center in the greater
Fredericksburg area, Virginia (DHR # 2019-0123)**

Dear Director Penrod:

In order to fulfill its mission to provide the best possible health care to American Veterans and their families, the U.S. Department of Veterans Affairs (VA) Central Virginia VA Health Care System is seeking a parcel of land for the construction and operation of a new health care center (HCC) in the greater area of Fredericksburg, Virginia (undertaking). The facility is anticipated to include approximately 427,000 sf of new clinic and ancillary space, and just over 2600 parking spaces. VA invites the Delaware Nation Oklahoma to consult on this undertaking and is submitting information to the Tribe in compliance with the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 300101 et seq.), specifically 54 U.S.C. § 306108 and its implementing regulations codified in 36 CFR Part 800 – Protection of Historic Properties (collectively referred to as "Section 106").

VA is evaluating two alternative sites for the new facility: the Hood parcel in Spotsylvania County (bounded by I-95 to the west, Hood Drive to the north, Route 1 to the east, and a motel to the south) (Appendix A, Figure 1); and the Gateway parcel in Fredericksburg (bounded by I-95 on the west, commercial buildings located on the north side of Plank Road to the south, all of the buildings fronting Preserve Lane to the north, and a line to the east incorporating part of several subdivisions built between the late 1980s and 2010) (Appendix A, Figure 2). VA will not finalize a design until after a site is selected and a lease awarded, so the full range of effects on historic properties cannot be determined at this time. VA will use a phased approach to identify historic properties and assess adverse effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Further, VA has determined that it is appropriate to develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking.

Area of Potential Effects

VA is evaluating two offered parcels for the HCC in Fredericksburg: Gateway, (1500 Gateway Boulevard), an 88-acre parcel located northeast of the intersection of Gateway Boulevard and Plank Road; and Hood, a 50-acre parcel located north of the intersection of I-95 and U.S. Route 1. Therefore, VA has determined the APE for this project to be a 0.5-mile radius around the Gateway parcel (Appendix A, Figure 2), and an area bounded by I-95 on the west, the convergence of I-95 and Route 1 to the south, the south side of Courthouse Road to the north, and both sides of Route 1/Jefferson Davis Highway to the east around the Hood parcel (Appendix A, Figure 1).

Gateway Parcel

Architectural Results

VA has identified 12 architectural resources in the APE (Table 1). Of these, one Civil War Battlefield (Chancellorsville, 088-5180) is listed in the National Register of Historic Properties (NRHP). Three other Civil War Battlefields (088-5181, 111-5295, 111-5296) have not been evaluated, but they may possess the qualities of significance for listing in the NRHP.

Table 1 Previously Identified Architectural Resources in the Gateway APE

DHR Number	Property Name	Description	Eligibility Status	Historic Property
088-5180; 111-0147-0073	Chancellorsville Battlefield, State Route (SR) 3, 17, 610, 616 & 655 (Study Area)	Civil War battle of April-May 1863	DHR Staff: Eligible (2000); NRHP Nomination (2015)	Yes
088-5181	Bank's Ford/Salem Church Battlefield, SR 3 (Core Area)	Civil War battle of May 4, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5295	Battle of Fredericksburg I/ Battle site, Fredericksburg vicinity (Study Area)	Civil War battle of Dec. 12-13, 1862	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5296	Battle of Fredericksburg II, Fredericksburg vicinity (Study Area)	Civil War battle of May 3, 1863	DHR Staff: Potentially Eligible (2020)	More Study Needed
111-5447	Dr. David William, Jr. & Margaret Tucker House, 1109 Mahone Street	Ca. 1955	DHR Staff: Not Eligible (2020)	No
111-5279	House, Plank Road (SR 3)	No Longer Extant	No Longer Extant; Not Eligible (2014)	No
111-5286	House, 2210 Hays Street	Ca. 1950 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5287	House, 2208 Hays Street	Ca. 1962 Ranch dwelling	DHR Staff: Not Eligible (2009)	No

111-5288	House, 2206 Hays Street	Ca. 1946 Minimal Traditional dwelling	DHR Staff: Not Eligible (2009)	No
111-5289	Commercial Building, SR 3	Converted ca. 1925 bungalow	DHR Staff: Not Eligible (2009)	No
111-5445	House, 2207 Hays Street	Ca. 1950	DHR Staff: Not Eligible (2020)	No
111-5446	House, 2205 Hays Street	Ca. 1956	DHR Staff: Not Eligible (2020)	No

Archaeological Results

VA has identified 11 previously identified sites in the Gateway portion of the APE (Table 2). Of these, one has been destroyed, 7 were determined not eligible, one has not been evaluated for NRHP eligibility, but may demonstrate research potential if evaluated, and two possess research potential. VA has determined these last two sites, Sites 44SP0783 and 44SP0784, to be eligible for the NRHP under Criterion D; DHR has concurred with this determination.¹

VA intends to complete phased identification and evaluation of effects if this site is selected, and intends to execute a programmatic agreement in accordance with 36 CFR § 800.4(b)(2) and 800.5(a)(3) to conduct phased identification and assessment of effects. A draft programmatic agreement is included with this submission for your review and comment.

Table 2 Previously Identified Archaeological Properties in the Gateway APE

DHR Number	Site Type	Period	Eligibility Status	Historic Property
44SP661	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth	DHR Staff: Not Eligible (2015)	No
44SP663	Artifact scatter, lithic scatter	Pre-Contact, Early National Period, Antebellum Period, Civil War, Reconstruction and Growth, World War I to World War II, The New Dominion, Post-Cold War	DHR Staff: Not Eligible (2015)	No
44SP0301	Trash Scatter	No longer extant	DHR Staff: Destroyed (2015)	No

¹ Via teleconference, May 21, 2020.

44SP0783	Camp	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0784	Camp (possible artillery position)	Civil War	DHR Staff: Eligible (2020)	Yes
44SP0300	Lithic Quarry	Pre-Contact	DHR Staff: Not Eligible	No
44SP0520	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0522	Camp	19th Century: 3rd quarter	DHR Staff: Potentially Eligible	More Study Needed
44SP0525	Camp	Prehistoric/Unknown, 19th Century	DHR Staff: Not Eligible	No
44SP0530	Camp	Prehistoric/Unknown, 19th Century: 2nd half, 20th Century: 1st quarter	DHR Staff: Not Eligible	No
44SP0532	Camp	Prehistoric/Unknown	DHR Staff: Not Eligible	No

Hood Parcel

Architectural Results

A total of 24 previously identified architectural resources are located in the Hood APE (Table 3). All of these but one has been evaluated by DHR staff as not eligible. The other DHR resource, #088-5555, is a modest residence located at 10807 Courthouse Road. VA has determined that this building is not eligible. DHR has not yet concurred on this determination. In addition to the 24 previously recorded historic resources, VA identified two new resources in the APE that are at least 50 years old during its Phase 1B field survey. VA has determined that neither property is eligible for the NRHP. None of the 26 total architectural resources in the Hood APE possess the qualities of significance for inclusion in the NRHP, either as individual resources, nor as elements of a historic district.

Archaeological Results

No archaeological sites were listed the Virginia Cultural Resource Information System (V-CRIS) for the Hood parcel APE. During field survey of the Hood parcel, VA identified four archaeological sites, containing 45 artifacts as a result of the survey. These include field sites 1-4. Field Site 1 is a prehistoric scatter located along transect Q to the north of US 17/I-95. Field Site 2 is a historic artifact scatter located along transect X at the north central portion of the tract. Field Site 3 is a prehistoric scatter located along transects C and D to the east of Field Site 2. Finally, Field Site 4 is a historic residential site that appears to date to the mid-twentieth century. The site contains a concrete house foundation and artifact scatter. None of the identified and recorded archaeological resources are eligible for the NRHP.

Finding of Effects

If the Hood parcel is selected, VA finds there will be no historic properties affected by the undertaking. If the Gateway parcel is selected, VA will use a phased approach for the further identification of historic properties and assessment of effects, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3). Therefore, VA proposes to execute a Programmatic Agreement (PA), per 36 CFR § 800.14 (b), with the Virginia State Historic Preservation Office, and any other consulting parties that would assume responsibilities under the agreement.

This letter serves as an invitation to the Tribe to participate in consultation regarding this undertaking. Please respond to this letter not later than July 30, 2020 to acknowledge your interest in participating in this process as a Consulting Party. If you are interested in participating, please also comment on the identified historic properties including archaeological resources within the APE, the finding of effects for the Hood parcel, and the draft PA to phase identification of additional historic properties and to assess adverse effects to those properties on the Gateway parcel.

We thank the Tribe for its support of this VA project. If you have any questions about this project, please contact the VA Project Manager Mr. Garland Gill Jr. at Garland.Gill@va.gov, or 202-578-7562.

Sincerely,

J. Ronald Johnson, FACHE
Director, Central Virginia VA Health Care System

Enclosures:

Appendix A, Area of Potential Effects

Appendix B, Phase 1A Architectural and Archaeological Survey of the Gateway Parcel
Project Area for a Possible Location of the Proposed VA Fredericksburg Health
Care Center, Fredericksburg, Virginia

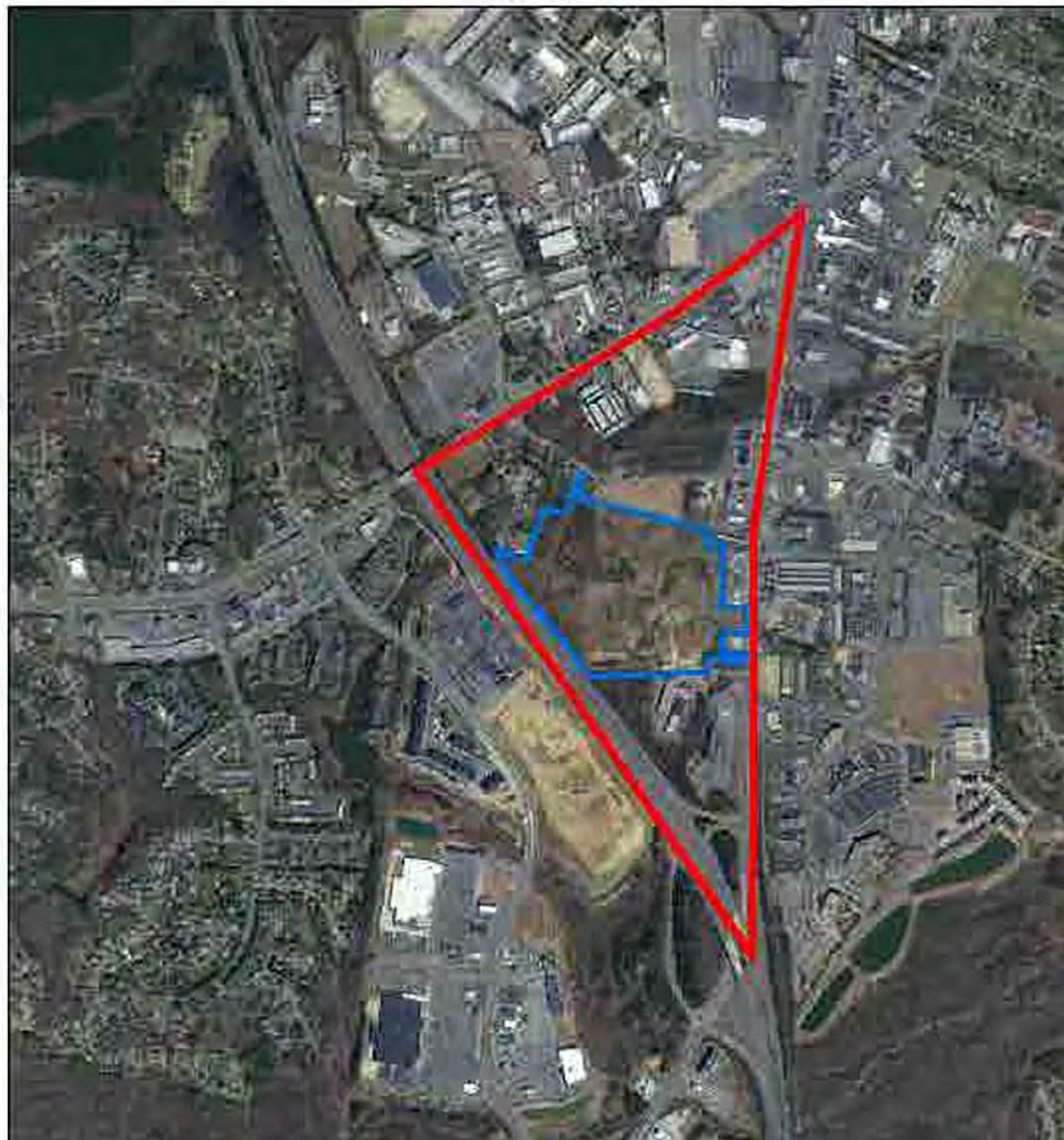
Appendix C, Phase IB Architectural Survey of the Hood Drive Project Area for a
Possible Location of the Proposed VA Fredericksburg Health Care Center,
Spotsylvania County, Virginia

Appendix D, Draft Programmatic Agreement



Appendix A: Area of Potential Effects

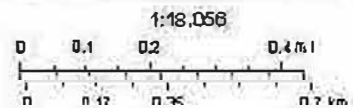
Figure 1 Hood Parcel and APE

Hood Parcel project area Aerial



July 6, 2020


-  Project Parcel
-  Area of Potential Effects




Prepared by: [Signature]

Figure 2 Area of Potential Effects encircline the Gateway Parcel



 Area of Potential Effects

 Gateway Project Parcel

**Appendix B:
Management Summary
Architectural and Archaeological Survey
Of the Gateway Parcel Project Area
for *a possible location* of the
Proposed VA Fredericksburg Health Care Center,
Fredericksburg, Virginia**

Appendix C

Phase 1B Architectural Survey and Archaeological
Management Summary of the Hood Drive [or Carnegie]
Project Area for *a possible location of* the Proposed VA
Fredericksburg Health Care Center, Spotsylvania County,
Virginia

Appendix D
Draft Programmatic Agreement



MONACAN INDIAN NATION

7/22/2020

Glenn Elliott
VA Office of Construction & Facilities Management
glenn.elliott@va.gov

RE: Request for Consulting Party Status on Proposed Fredericksburg VA Health Care Center
(Fredericksburg, VA)

Dear Sir/Madam,

Thank you for contacting us regarding the proposed project in Fredericksburg, VA.

The Monacan Indian Nation is a federally recognized sovereign tribe, headquartered on Bear Mountain in Amherst County. Citizens of the Nation are descended from Virginia and North Carolina Eastern Siouan cultural and linguistic groups, and our ancestral territory includes Virginia west of the fall line of the rivers, sections of southeastern West Virginia, and portions of northern North Carolina. At this time, the active Monacan consultation areas include:

Virginia: Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Culpepper, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Goochland, Grayson, Greene, Halifax, Henry, Highland, Lee, Loudoun, Louisa, Madison, Mecklenburg, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe Counties, and all contiguous cities.

West Virginia: Greenbrier, Mercer, Monroe, Pendleton, Pocahontas, and Summers Counties.

North Carolina: Alamance, Caswell, Granville, Orange, Person, Rockingham, Vance, and Warren Counties.

At this time, the Nation does not wish to actively participate in this consultation project, because:

X	This project is outside our ancestral territory
	The project's impacts are anticipated to be minimal
	The project is more closely related to _____, which should be contacted to participate in consultation
	The tribal office does not currently have the capacity to participate in this project
	Other:



MONACAN INDIAN NATION

However, the Nation requests to be contacted if:

- Sites associated with native history may be impacted by this project;
- Adverse effects associated with this project are identified;
- Human remains are encountered during this project;
- Unanticipated native cultural remains are encountered during this project;
- Other tribes consulting on this project cease consultation; or
- The project size or scope becomes larger or more potentially destructive than currently described.

Please do not make any assumptions about future consultation interests based on this decision, as priorities and information may change. We request that you send any future consultation communications in electronic form to TribalOffice@MonacanNation.com AND hard copy to PO Box 960, Amherst, VA 24521. We appreciate your outreach to the Monacan Indian Nation and look forward to working with you in the future.

Respectfully,

A handwritten signature in black ink, which appears to read "Kenneth Branham".

Chief Kenneth Branham
Monacan Indian Nation

APPENDIX D – IPaC REPORTS AND USFWS CONSULTATION



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032
<http://www.fws.gov/northeast/virginiafield/>

In Reply Refer To:
Consultation Code: 05E2VA00-2020-SLI-2238
Event Code: 05E2VA00-2020-E-12680
Project Name: Fredericksburg HCC - Gateway sites

June 24, 2020

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Consultation Code: 05E2VA00-2020-SLI-2238

Event Code: 05E2VA00-2020-E-12680

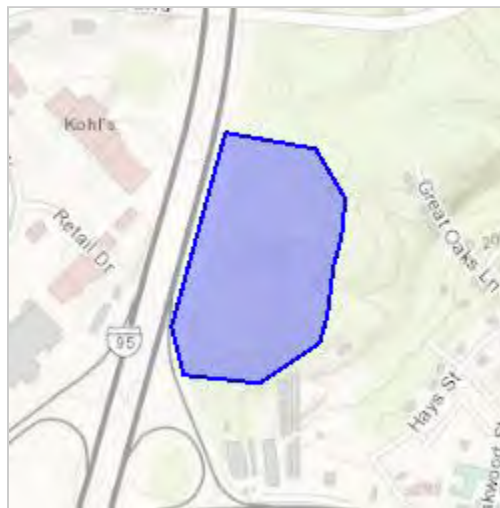
Project Name: Fredericksburg HCC - Gateway sites

Project Type: DEVELOPMENT

Project Description: Construct and operate an approximately 426,722-square-foot outpatient Health Care Center in the Fredericksburg, Virginia area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.30127021135658N77.50131001930964W>



Counties: Fredericksburg, VA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Clams

NAME	STATUS
Yellow Lance <i>Elliptio lanceolata</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4511	Threatened

Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.



United States Department of the Interior

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<http://www.fws.gov/northeast/virginiafield/>



In Reply Refer To:

June 24, 2020

Consultation Code: 05E2VA00-2020-SLI-2261

Event Code: 05E2VA00-2020-E-12692

Project Name: Fredericksburg HCC - [REDACTED] Hood Drive

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Consultation Code: 05E2VA00-2020-SLI-2261

Event Code: 05E2VA00-2020-E-12692

Project Name: Fredericksburg HCC - [REDACTED] Hood Drive

Project Type: DEVELOPMENT

Project Description: Construct and operate a four-story 426,000-GSF outpatient health care center with 2,612 surface parking spaces. The 47.8-acre site is a vacant field with one residence.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.24733533845134N77.50308548491103W>



Counties: Spotsylvania, VA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Yellow Lance <i>Elliptio lanceolata</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4511	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.



United States Department of the Interior

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<http://www.fws.gov/northeast/virginiafield/>



In Reply Refer To:

February 27, 2020

Consultation Code: 05E2VA00-2020-TA-2261

Event Code: 05E2VA00-2020-E-06233

Project Name: Fredericksburg HCC - [REDACTED] Hood Drive

Subject: Verification letter for the 'Fredericksburg HCC - [REDACTED] Hood Drive' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Christine Modovsky:

The U.S. Fish and Wildlife Service (Service) received on February 27, 2020 your effects determination for the 'Fredericksburg HCC - [REDACTED] Hood Drive' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Yellow Lance, *Elliptio lanceolata* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Fredericksburg HCC - [REDACTED] Hood Drive

2. Description

The following description was provided for the project 'Fredericksburg HCC - [REDACTED] Hood Drive':

Construct and operate a four-story 426,000-GSF outpatient health care center with 2,612 surface parking spaces. The 47.8-acre site is a vacant field with one residence.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.247171045357106N77.5028678679442W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

4

2. If known, estimated acres of forest conversion from April 1 to October 31

4

3. If known, estimated acres of forest conversion from June 1 to July 31

4

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

APPENDIX E – COASTAL ZONE CONSISTENCY DETERMINATION INFORMATION

FEDERAL CONSISTENCY
DETERMINATION
OF THE PROPOSED
VA HEALTH CARE CENTER
FREDERICKSBURG, VIRGINIA



U.S. DEPARTMENT OF VETERANS AFFAIRS

425 I STREET, NW
WASHINGTON, DC 20001

PREPARED BY:

TTL Associates, Inc.

July 9, 2020

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1. INTRODUCTION

1.1 Introduction

The federal Coastal Zone Management Act (CZMA) was enacted to encourage coastal states to develop management programs to balance the competing demands of growth and development with the protection of coastal resources. The Commonwealth of Virginia administers the Virginia Coastal Zone Management Program through the Virginia Department of Environmental Quality (VDEQ). Pursuant to the CZMA, Virginia has defined its coastal zone boundaries and developed policies to be utilized to evaluate proposed projects within the designated coastal zone, as set forth in the Virginia Coastal Zone Management Program regulations. The City of Fredericksburg and Spotsylvania County are located within the designated Virginia Coastal Management Area and are subject to the Virginia Coastal Zone Management Program regulations.

The CZMA requires federal actions that have reasonably foreseeable effects on any land or water use or natural resources within a designated coastal zone to be consistent with the enforceable policies of the coastal state's approved Coastal Zone Management Program. All federal development projects proposed in a state's designated coastal zone are, by statute, deemed to have coastal effects and require the federal agency to prepare a consistency determination.

This document provides the Commonwealth of Virginia with the U.S. Department of Veterans Affairs' (VA's) Consistency Determination under CZMA section 307(c)(2) and 15 CFR Part 930, subpart C, for the establishment of a VA Health Care Center (HCC) in the Fredericksburg, Virginia area. The information in this Consistency Determination is provided pursuant to 15 CFR §930.39.

This Consistency Determination has been prepared in conjunction with VA's preparation of a National Environmental Policy Act (NEPA) Draft Environmental Assessment (EA) for the proposed HCC. References to additional information within the Draft EA that support this Consistency Determination are provided, where applicable.

1.2 Proposed Action

VA's Proposed Action is to establish an approximately 426,722-square-foot, three- or four-story HCC with approximately 2,600 surface parking spaces in the Fredericksburg, Virginia area. Two undersized leased Fredericksburg area VA clinics would be replaced by the new facility. The proposed HCC would also provide approximately 30,000 square feet of clinical space for the Department of Defense.

VA would select a developer to construct the HCC on a build-to-suit basis and then lease the facility to VA for up to 20 years. The developer (lessor) would be responsible to design and construct the facility in compliance with VA design requirements and applicable federal, state, and local regulations. VA contract design requirements ensure sustainable development by requiring the HCC development meet a minimum rating of two Green Globes for new construction and sustainable interiors and the buildings earn an Energy Star label. The facility would be staffed by VA, with facility management and maintenance provided by the lessor.

VA anticipates construction of the proposed HCC would begin in 2021 and the new facility would open in 2024 or 2025. The new HCC would provide primary care, mental health, and specialty care outpatient services to the area's Veterans. Outpatient health care services currently provided the undersized and overcrowded Fredericksburg VA Clinic (130 Executive Center Parkway) and the Fredericksburg 2 VA

Clinic (10401 Spotsylvania Avenue) would be relocated and consolidated at the new HCC. VA would no longer lease or operate these facilities once the proposed HCC is open and the existing leases expire.

Additional information regarding the purpose of and need for the Proposed Action is provided in Section 1.3 of the Draft EA.

1.3 Alternatives and Site Descriptions

VA received three viable offers for development on two sites (Gateway Site and Hood Drive Site) on which to establish the proposed HCC. VA is considering three Action Alternatives - the implementation of the Proposed Action at the Gateway Site (Gateway Site A or Gateway Site B) or the Hood Drive Site - and the No Action Alternative.

Action Alternatives

- **Gateway Site:** The Gateway Site consists of approximately 35 acres of land within the proposed 1500 Gateway Boulevard Development. The Gateway Site is located along the eastern side of Interstate 95, between Cowan Boulevard and Plank Road, and west of the proposed Gateway Boulevard extension in the City of Fredericksburg. The Gateway Site is identified by the City of Fredericksburg as part of Parcel Numbers 7769-94-7825 and 7779-03-1528. The site is mostly undeveloped woodlands. The site was primarily farmland in the 1960s and 1970s with limited undeveloped woodlands along the eastern and northern boundaries, and has been gradually reforested since the 1980s. Two development plans (offers) are being considered for the Gateway Site (Gateway Site A and B).

Alternative A: Gateway Site A – The Gateway Site A Alternative consists of approximately 35 acres. The HCC development would include a three-story HCC building located near the center of the site and approximately 2,600 surface parking spaces located north, east, and south of the HCC building. Site access would be provided by three drives from the proposed Gateway Boulevard extension.

Alternative B: Gateway Site B – The Gateway Site B Alternative consists of approximately 33 acres. The HCC development would include a four-story HCC building located near the center of the site, a two-story parking garage north of the HCC building, and surface parking spaces located north, east, and south of the building. A total of approximately 2,600 parking spaces would be provided. Site access would be provided by three drives from the proposed Gateway Boulevard extension.

- **Hood Drive Site:** The Hood Drive Site consists of approximately 49 acres of land located along the eastern side of Interstate 95, south of Hood Drive, and east of U.S. Route 1 (also referred to as Jefferson Davis Highway) in an unincorporated area of Spotsylvania County. The Hood Drive Site is identified by Spotsylvania County as Parcel Numbers 35-A-113, 35-A-114, and 36-A-10. The site is mostly undeveloped, grassy land with small areas of shrubs/trees and a pond. The site includes a small parcel with a house (4708 Hood Drive) that was built in the early 1950s and a small parcel with a vacant gasoline station/convenience store (5313 U.S. Route 1) that was built in the early 1970s. The Hood Drive Site was mostly unimproved farmland with a farmstead in the northeastern portion from at least 1942 to the 1970s. With the exception of the north-central portion, the site gradually became reforested starting in the 1970s and was heavily wooded by 2003. The site was cleared of most of its vegetation between 2005 and 2006 in anticipation of commercial development. Earthwork for the commercial development began in late 2008 and ceased prior to completion in 2009. During that time, the southern portion of the site was heavily

disturbed and graded. Since 2009, the majority of the site has gradually become revegetated with grass and shrubs.

Alternative C: Hood Drive Site – The Hood Drive Site Alternative would consist of a four-story HCC building located near the center of the site and approximately 2,600 surface parking spaces located north, east, south, and west of the HCC building. A stormwater management pond would be located near the southern site boundary. Site access would be provided by two drives from U.S. Route 1 and one drive from Hood Drive. The main access drive would be from U.S. Route 1.

The general locations of the two considered sites are shown on Draft EA Figure 1-1. Topographic maps and aerial photographs of the sites are provided on Draft EA Figures 2-1 and 2-2 (Gateway Site) and Figures 2-3 and 2-4 (Hood Drive Site).

No detailed design plans for the proposed HCC are currently available as this project would be executed as a build-to-suit lease. The developer (lessor) would be responsible to design and construct the facility, in compliance with VA design requirements and applicable federal, state, and local regulations.

2. COMPLIANCE WITH VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM POLICIES

The following sections identify the enforceable and advisory policies of the Virginia Coastal Zone Management Program and describe the anticipated effects of the Proposed Action on these policies.

2.1 Enforceable Policies

2.1.1 Fisheries Management

The Fisheries Management Program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities. This program is administered by the Marine Resources Commission (MRC) (Virginia Code §28.2-200 through §28.2-713) and the Department of Game and Inland Fisheries (DGIF) (Virginia Code §29.1-100 through §29.1-570).

The State Tributyltin (TBT) Regulatory Program has been added to the Fisheries Management Program. The use of TBT in boat paint constitutes a serious threat to important marine animal species. The TBT program monitors boating activities and boat painting activities to ensure compliance with TBT regulations promulgated pursuant to the amendment. The MRC, DGIF, and Virginia Department of Agriculture and Consumer Services share enforcement responsibilities (Virginia Code §3.1-249.59 through §3.1-249.62).

The Action Alternative sites are located in an inland area, not proximal to finfish or shellfish habitat; the Proposed Action would have no effect on finfish or shellfish. The Proposed Action would not involve boating activities or boat painting activities.

The Proposed Action would be consistent with the Fisheries Management and TBT Regulatory Program rules.

2.1.2 Subaqueous Land Management

The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the VDEQ Water Division. The program is administered by the VMRC (Virginia Code §28.2-1200 through §28.2-1213). Title 28.2 Fisheries and Habitat of the Tidal Waters Chapter 12 Submerged Lands pertains to the beds of bays, rivers, creeks and shores of the sea owned by the Commonwealth of Virginia. VMRC regulates tidal waters and non-tidal navigable streams, which includes perennial streams with a drainage basin greater than 5 square miles or a mean flow of 5 cubic feet per second.

The Action Alternative sites are not located in or adjacent to tidal areas, and do not contain perennial streams or state-owned bottomlands. The Proposed Action would not include activities within state-owned bottomlands.

The Proposed Action would be consistent with the Subaqueous Land Management rules.

2.1.3 Wetlands Management

The purpose of the wetlands management program is to preserve tidal wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands preservation. The tidal wetlands program is administered by the VMRC (Virginia Code §28.2-1301 through §28.2-1320). The Virginia Water Protection Permit (VWP) program administered by the VDEQ and VMRC includes protection of wetlands (both tidal and non-tidal). This program is authorized by Virginia Code § 62.1-44.15.5 and the Water Quality Certification requirements of §401 of the Clean Water Act of 1972.

Gateway Site

A wetlands investigation completed in October 2018 for the 88-acre 1500 Gateway Boulevard Development area that includes the 35-acre Gateway Site identified a small palustrine forested wetland in the southeast portion of the Gateway Site. The small wetland is the origin of an intermittent stream that continues offsite to unnamed tributaries of Smith Run, east of the site.

The Gateway Site wetland and other wetlands identified east of the site within the 88-acre 1500 Gateway Boulevard Development area received a Jurisdictional Determination (JD) from the USACE in December 2018 and were determined to be Waters of the U.S. (WOTUS). A USACE/VDEQ/VRMC joint permit application for taking or filling these wetlands, including the small wetland on the Gateway Site, was submitted by Hylton Venture, LLC (current owner of the 88-acre area) in April 2020 to USACE/VDEQ for the proposed 88-acre development.

If the Gateway Site is selected for the proposed HCC, Hylton Venture, LLC and/or the developer of the VA HCC would obtain the required USACE/VDEQ/VRMC permits and would implement the permit-required mitigation measures.

Hood Drive Site

The Hood Drive Site generally slopes from north to south, with a natural drainage in the south-central part of the site that was dammed in the late 1950s, forming a pond that remains today. Two ephemeral

drainage channels (remnants of the original natural drainage) form on the site and drain from the northeast and northwest to the pond.

In 2006, a wetlands delineation was conducted for a proposed commercial center development of the Hood Drive Site. The delineation identified 0.92 acres of wetlands at the site, consisting of approximately 0.74 acres of open water (the 1950s farm pond) and the 0.18 acres of palustrine forested wetland around the perimeter of the pond. On June 16, 2006, USACE Norfolk District Office conducted a JD at the Hood Drive Site and concluded the identified wetlands were isolated and not jurisdictional WOTUS.

In 2006, the commercial center developer applied for a VWP General Permit from VDEQ for the wetland impacts associated with the planned commercial development. The development plans included the installation of an approximately 3.6-acre, east-west oriented, stormwater management pond south of the 1950s farm pond. The southern portion of the farm pond was to be incorporated into the proposed stormwater management pond. VDEQ issued the VWP General Permit on September 27, 2006 and, in 2013, granted an extension of the permit to September 26, 2020.

Earthwork for the commercial center development began in late 2008 and ceased prior to completion in early 2009. The rectangular stormwater management pond was partially completed south of the 1950s pond during the 2008-2009 earthwork. The 1950s pond now discharges to the rectangular pond and an outlet structure installed in the rectangular pond directs surface water to an unnamed, modified intermittent stream that flows southwest from the Hood Drive Site, under Interstate 95, via a culvert, and to the south towards Massaponax Creek.

In May and June 2020, TTL Associates, Inc. completed a wetland determination/delineation for the Hood Drive Site on behalf of VA. TTL identified six wetland areas on the site, including the 1950s pond and the rectangular pond in the southern portion of the site, the natural drainage channels to the northeast and northwest of the 1950s pond, and two small areas near the northwestern and southwestern corners of the site that appear to be associated with stormwater management features.

Based on the length of time since the 2006 USACE JD and the changed hydrology of the Hood Drive Site since the 2006 JD, a request for jurisdictional determination was submitted to the USACE Norfolk District Office for the wetlands identified on the Hood Drive Site. If USACE concludes that the Hood Drive Site wetlands are WOTUS, and the Hood Drive Site is selected for the proposed HCC, the developer would file a USACE/VDEQ/VRMC joint permit application for the taking or filling of these wetlands. If the wetlands are determined to be isolated, the developer would file an application for a new VWP General Permit from VDEQ for the proposed HCC development. The developer would obtain the required permits and implement the permit-required mitigation measures.

The Proposed Action would be consistent with the Wetlands Management rules. All required permits would be obtained, and all permit requirements would be implemented, including mitigation measures.

Additional information regarding wetlands at the Action Alternative sites is provided in Section 3.10 of the Draft EA.

2.1.4 Dunes Management

Dune protection is carried out pursuant to the Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or alteration of primary dunes. This program is administered by the MRC (Virginia Code §28.2-1400 through §28.2-1420).

The Action Alternative sites are not located in an area with sand dunes. The Proposed Action would not destroy or alter any dunes.

The Proposed Action would be consistent with the Dunes Management rules.

2.1.5 Non-point Source Pollution Control

Virginia's Erosion and Sediment Control Law requires land-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. Erosion and Sediment Control (ESC) regulations specify the minimum standards that must be followed on all regulated activities including: criteria, techniques and policies. Most land-disturbing activities on privately owned lands must be covered by ESC plans that have been approved by localities. This program is administered by the VDEQ Office of Stormwater Management and delegated to local units of government.

The City of Fredericksburg and Spotsylvania County maintain ESC ordinances that require land-disturbing activities to have a Land Disturbing Permit, including an Erosion and Sediment Control Plan (ESCP) approved by the City/County. The developer would prepare, have approved, and implement an ESCP for the selected site. Best management practices would be implemented to control erosion and off-site discharges of sediment-laden runoff, per the ESCP.

The City of Fredericksburg and Spotsylvania County maintain stormwater management ordinances and are designated Virginia Stormwater Management Program Authorities. The developer would prepare, have approved, and implement a Stormwater Management Plan for construction activities at the selected site.

Once construction is complete, no long-term erosion and sedimentation impacts would be anticipated from the Proposed Action. Stormwater from the proposed HCC development would be conveyed to appropriately designed and permitted stormwater management systems.

The Proposed Action would be consistent with the Non-Point Source Pollution Control rules. All required ESC and stormwater management permits would be obtained for the selected site, and all permit requirements would be implemented.

Additional information regarding erosion and sediment control and stormwater management at the Action Alternative sites is provided in Sections 3.5 and 3.6 of the Draft EA.

2.1.6 Point Source Pollution Control

The point source program is administered by the State Water Control Board pursuant to Virginia Code §62.1-44.15. Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System (NPDES) permit program established pursuant to §402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System (VPDES) permit program. The Water Quality Certification requirements of §401 of the Clean Water Act of 1972 is administered under the VWP Program.

The developer for the selected site would register for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) from the City of Fredericksburg or Spotsylvania County, as applicable. The City of Fredericksburg and Spotsylvania County are designated Virginia Stormwater Management Program Authorities. As part of the VPDES permit requirements, a

site-specific Stormwater Pollution Prevention Plan (SWPPP) would be developed, approved, and implemented.

Part 401 Water Quality Certification would be obtained for wetlands impacts through the VWP program.

The Proposed Action would be consistent with the Point Source Pollution Control rules. The required VPDES permit and VWP permit would be obtained for the selected site, and all permit requirements would be implemented.

2.1.7 Shoreline Sanitation

The purpose of this program is to regulate the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth. This program is administered by the Department of Health (Virginia Code §32.1-164 through §32.1-165).

The Action Alternative site areas are serviced by municipal sanitary sewer systems. The proposed HCC would be connected to the municipal sanitary system and would not require installation or use of septic tanks.

The Proposed Action would be consistent with the Shoreline Sanitation rules.

2.1.8 Air Pollution Control

The program implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). This program is administered by the State Air Pollution Control Board (Virginia Code §10.1-1300 through 10.1-1320).

The City of Fredericksburg and Spotsylvania County are currently designated as areas in full attainment of the NAAQS. The Action Alternative sites are not located in areas subject to Virginia's SIP.

The Proposed Action would be consistent with the Air Pollution Control program rules.

2.1.9 Coastal Lands Management [Chesapeake Bay Preservation Act (Bay Act)]

Coastal Lands Management is a state-local cooperative program administered by the VDCR's Division of Stormwater Management – Local Implementation and 88 localities in Tidewater Virginia, established pursuant to the Chesapeake Bay Preservation Act; Virginia Code §§ 10.1-2100 through 10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations; Virginia Administrative code 9 VAC10-20-10 et seq. The Bay Act program is designed to improve water quality in the Chesapeake Bay and other waters of the Commonwealth by requiring the use of effective land management and land use planning. At the heart of the Bay Act is the concept that land can be used and developed to minimize negative impacts on water quality.

Resource Protection Areas (RPAs) consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters. RPAs includes tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and such other lands considered by the local government necessary to protect the quality of state waters. A buffer area, not less than 100 feet in width, is designated

adjacent to and landward of the components listed above and along both sides of any water body with perennial flow. A locality is not required to designate a RPA adjacent to a daylighted stream. However, a locality that elects not to designate a RPA adjacent to a daylighted stream shall use a water quality assessment to ensure that proposed development on properties adjacent to the daylighted stream do not result in the degradation of the stream.

Resource Management Areas (RMAs) include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA. RMAs are contiguous to the entire inland boundary of the RPA. The following land categories are considered for inclusion in the RMA and, where mapping resources indicate the presence of these land types contiguous to the RPA, should be included in designations of RMAs including: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; and such other lands considered by the local government necessary to protect the quality of state waters.

The Action Alternative sites are not located in or adjacent to designated RPAs or RMAs.

The Proposed Action would be consistent with the Coastal Lands Management rules.

2.2 Advisory Policies for Geographic Areas of Particular Concern

Although not required for the purposes of consistency, in accordance with 15 CFR §930.39(c), the federal agency should consider the following advisory policies (recommendations).

2.2.1 Coastal Natural Resource Areas

These areas are vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. Such areas receive special attention from the Commonwealth because of their conservation, recreational, ecological, and aesthetic values. These areas are worthy of special consideration in any planning or resources management process and include the following resources: wetlands; aquatic spawning, nursery, and feeding grounds; coastal primary sand dunes; barrier islands; significant wildlife habitat areas; public recreation areas; sand and gravel resources; and underwater historic sites.

The Action Alternative sites are not located in areas immediately inland of the shoreline; therefore, the Proposed Action would be consistent with the Coastal Natural Resource Areas policies.

2.2.2 Coastal Natural Hazard Areas

This policy covers areas vulnerable to continuing and severe erosion and areas susceptible to potential damage from wind, tidal, and storm related events including flooding. New buildings and other structures should be designed and sited to minimize the potential for property damage due to storms or shoreline erosion. The areas of concern include: highly erodible areas and coastal high hazard areas, including flood plains.

The Action Alternative sites are not located in highly erodible areas, coastal high hazard areas, or flood plains.

2.2.3 Waterfront Development Areas

These areas are vital to the Commonwealth because of the limited number of areas suitable for waterfront activities. The areas of concern include: commercial ports; commercial fishing piers; and community waterfronts.

The Action Alternative sites are not located along the waterfront; therefore, the Proposed Action would be consistent with the Waterfront Development Areas policies.

3. CONCLUSIONS

Based upon the information, data, and analysis, included in this Consistency Determination and the associated NEPA EA, VA finds that the implementation of the Proposed Action at either of the Action Alternative sites would be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Pursuant to 15 CFR Section 930.41, the Virginia Coastal Zone Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR section 930.41(b). Virginia's concurrence will be presumed if its response is not received by VA on the 60th day from receipt of this determination. The State's response should be sent to:

Glenn Elliott
Environmental Program Director
Construction & Facilities Management
U.S. Department of Veterans Affairs
425 I Street NW
Washington DC 20001
glenn.elliott@va.gov

APPENDIX F – PUBLIC NOTICES AND COMMENTS



U.S. DEPARTMENT OF VETERANS AFFAIRS OFFICE OF CONSTRUCTION & FACILITIES MANAGEMENT

NOTICE OF SCOPING AND PUBLIC INVOLVEMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT AND SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A HEALTH CARE CENTER FREDERICKSBURG, VIRGINIA

The U.S. Department of Veterans Affairs (VA) Office of Construction & Facilities Management will hold a public scoping meeting to share information and invite comments on the proposed long-term lease for construction and operation of an approximately 426,722-square-foot outpatient Health Care Center in the Fredericksburg, Virginia area.

In accordance with the National Environmental Policy Act (NEPA), VA is seeking the public's input on issues to be addressed during the NEPA process, including alternatives and environmental concerns. Concurrently, VA is seeking input to support consultation under Section 106 of the National Historic Preservation Act regarding potential effects to historic properties.

The scoping meeting will present information on the proposed project and the public will have an opportunity to ask questions and submit comments. The location, time, and date are presented below:

WHEN: Monday, December 9th, 2019, from 6:30 p.m. to 8:30 p.m.

WHERE: Hilton Garden Inn, 1060 Hospitality Lane, Fredericksburg, VA 224001

A public scoping period is open through December 31, 2019. During this time, the public is invited to submit comments on the proposed action and identify potential issues or concerns for consideration in the NEPA process and NHPA Section 106 consultation. Comments may be submitted by email or mail as follows:

Email to Glenn Elliott (glenn.elliott@va.gov) using the subject line "Fredericksburg HCC Scoping".

Mail to (postmarked by **December 31, 2019**):

Glenn Elliott
VA Office of Construction & Facilities Management (003C2)
425 I (Eye) Street NW
Washington DC 20001

If including your address, phone number, e-mail address, or other personally identifiable information in your comment, please be aware that your entire comment – including your personal identifiable information – may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

The Free Lance-Star

Advertising Affidavit

THE FREE LANCE-STAR
1340 Central Park Blvd
Suite 100
Fredericksburg, Va 22401

Account Number

6073680

STANTEC CONSULTING SERVICES, INC.
Attn: PANOPTIC PRESERVATION
150 RIVERSIDE PARKWAY, #301
FREDERICKSBURG, VA 22406

Date

December 02, 2019

Date	Category	Description	Ad Size	Total Cost
12/02/2019	Any-Main-FLS	Scoping Notice Fredericksburg	2 x 7.00 IN	767.20

Proof of Publication

I hereby certify that the attached notice was published in
The Free Lance-Star, a newspaper published daily in
Fredericksburg, Va. on the following date(s);

11/26, 12/02/2019

____ Listed additionally on-line @ Fredericksburg.com

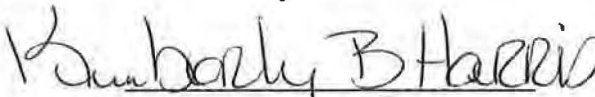
Newspaper reference: 0001032420



Publisher, Supervisor or Accounting Assistant

Sworn to and subscribed before me this

2nd Day of December 2019




Notary Public

Kimberly B. Harris
NOTARY PUBLIC
Commonwealth of Virginia
Notary Registration Number 356753
Commission Expires January 31, 2021

State of Virginia
County/City _____

My Commission expires _____

Ad Content Is EPS
Creator: Mactive Distributor
Title: 0001032420-01.pdf
CreationDate: 2019-11-25 14:52:29 -0500
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 **NOTICE OF SCOPING AND PUBLIC INVOLVEMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT AND SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A HEALTH CARE CENTER FREDERICKSBURG, VIRGINIA**

The U.S. Department of Veterans Affairs (VA) Office of Construction & Facilities Management will hold a public scoping meeting to share information and invite comments on the proposed long-term lease for construction and operation of an approximately 426,522-square-foot proposed Health Care Center in the Fredericksburg, Virginia area.

In accordance with the National Environmental Policy Act (NEPA), VA is seeking the public's input on issues to be addressed during the NEPA process, including alternatives and environmental concerns. Concurrently, VA is seeking input to support evaluation under Section 106 of the National Historic Preservation Act (NHPA) regarding potential effects to historic properties.

The scoping meeting will present information on the proposed project and the public will have an opportunity to ask questions and submit comments. The location, time, and date are presented below:

WHEN: Monday, December 16th, 2019,
from 8:30 p.m. to 9:30 p.m.

WHERE: Hilton Garden Inn, 1909 Hospitality Lane,
Fredericksburg, VA 22401

A public scoping period is open through December 31, 2019. During this time, the public is invited to submit comments on the proposed action and identify potential issues or concerns for consideration in the NEPA process and NHPA Section 106 consultation. Comments may be submitted by email or mail, as follows:

Email to Glenn Elliot (glenn.elliott@va.gov) using the subject line "Fredericksburg HCC Scoping".

Mail to (postmarked by December 31, 2019):
Glenn Elliot
VA Office of Construction & Facilities Management (00002)
425 L (Eye) Street NW
Washington DC 20001

If including your address, phone number, email address, or other personally identifiable information in your comments, please be aware that your entire comment – including your personal identifiable information – may be made publicly available at any time. While you may ask us to keep comments confidential, we cannot guarantee that we will be able to do so.

**U.S. DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF CONSTRUCTION & FACILITIES
MANAGEMENT**

Ad Sizing Information:
EPS: 2 Col x 7.0000" (3.22" x 7.00")
AD: 2 Col x 7.0000" (3.22" x 7.00")

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT

U.S. DEPARTMENT OF VETERANS AFFAIRS

Proposed Health Care Center Fredericksburg, Virginia

The U.S. Department of Veterans Affairs (VA) announces the availability of a Draft Environmental Assessment (EA) for public review and comment. The Draft EA evaluates the potential environmental effects of constructing and operating a health care center in the Fredericksburg, Virginia area. VA is considering three alternatives for the proposed facility. Two alternative site plans are evaluated for the Gateway Site in the City of Fredericksburg, located along the eastern side of Interstate 95, between Cowan Boulevard and Plank Road, west of the proposed Gateway Boulevard extension. The third alternative is the Hood Drive Site in Spotsylvania County, located along the eastern side of Interstate 95, south of Hood Drive, east of U.S. Route 1.

VA prepared the Draft EA in accordance with the National Environmental Policy Act and regulations implementing the Act. Comments will be addressed in the Final EA, after which VA intends to issue a Finding of No Significant Impact. The public comment period ends on August 11, 2020.

The Draft EA is available for review online at:

https://www.richmond.va.gov/pressreleases/FredericksburgHCC_EA.asp

A virtual public meeting regarding the Draft EA will be held on July 29, 2020, at 6 pm (EDT). A link to the meeting will be placed at the website above prior to the meeting.

Please email comments by August 11, 2020, to Glenn Elliott (glenn.elliott@va.gov), using the subject line "Fredericksburg HCC Draft EA". If you have any questions or are unable to submit your comments by email, please contact Glenn Elliott at (202) 632-5879.

The Free Lance-Star

Advertising Affidavit

THE FREE LANCE-STAR
1340 Central Park Blvd
Suite 100
Fredericksburg, Va 22401

Account Number

6085089

TTL ASSOCIATES, INC
C/O: Paul Jackson
44265 PLYMOUTH OAKS BLVD
PLYMOUTH, MI 48170

Date

July 15, 2020

Date	Category	Description	Ad Size	Total Cost
07/15/2020	Legal Notices	NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL ASSESSM	2 x 37 L	797.20

Proof of Publication

I hereby certify that the attached notice was published in
The Free Lance-Star, a newspaper published daily in
Fredericksburg, Va. on the following date(s);

07/12, 07/15/2020

____ Listed additionally on-line @ Fredericksburg.com

Newspaper reference: 0001112024



Publisher, Supervisor or Accounting Assistant

Sworn to and subscribed before me this

15th Day of July 2020



Notary Public

State of Virginia
County/City



Notary Public

My Commission expires Sharon B Carsten
NOTARY PUBLIC
Commonwealth of Virginia
Notary Registration Number 329549
Commission Expires July 31 2021

**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL ASSESSMENT
U.S. DEPARTMENT OF
VETERANS AFFAIRS**

**Proposed Health Care Center
Fredericksburg, Virginia**

The U.S. Department of Veterans Affairs (VA) announces the availability of a Draft Environmental Assessment (EA) for public review and comment. The Draft EA evaluates the potential environmental effects of constructing and operating a health care center in the Fredericksburg, Virginia area. VA is considering three alternatives for the proposed facility. Two alternative site plans are evaluated for the Gateway Site in the City of Fredericksburg, located along the eastern side of Interstate 95, between Cowan Boulevard and Plank Road, west of the proposed Gateway Boulevard extension. The third alternative is the Hood Drive Site in Spotsylvania County, located along the eastern side of Interstate 95, south of Hood Drive, east of U.S. Route 1.

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Please email comments by August 11, 2020, to Glenn Elliott (glenn.elliott@va.gov), using the subject line "Fredericksburg HCC Draft EA". If you have any questions or are unable to submit your comments by email, please contact Glenn Elliott at (202) 632-5879.

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

From: Cindy Shelton <CindyShelton@staffordcountyva.gov>

Sent: Tuesday, July 14, 2020 7:38 AM

To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>

Subject: [EXTERNAL] VA Clinic

Mr. Elliott,

I have no dog in this fight over the location and consolidation of the VA clinics but wonder at the consideration of Fredricksburg. The growth in the area and support of the community do not compare to Spotsylvania who has made numerous visionary decisions that provide less congestion and expansion-whereas Fredricksburg is landlocked.

As a veteran myself, I desire less stress in my commutes and tend to skip Fredricksburg for most things. Why would you send us there?

Please do not let economic development salesmen blind you to our need of less stress.

Cindy Shelton

From: Kevin Marshall <KMarshall@spotsylvania.va.us>
Sent: Thursday, July 30, 2020 11:05 AM
To: Elliott, Glenn (CFM)
Cc: Debbie Sanders; Modovsky, Christine M. (CFM); Rustom R. Khouri III
Subject: RE: [EXTERNAL]: RE: Comments for the draft VA environmental Assessment
Attachments: va review.docx; VA Response Ltr 7-17-2020.doc

Glenn,

The above VA review attachment is a word document I put together highlighting the issues. The other attachment is the zoning response letter from staff. Please let me know if you have any questions.

Thanks,

Kevin W. Marshall | Business Development Manager
Spotsylvania County Department of Economic Development and Tourism
9019 Old Battlefield, Suite 310
Spotsylvania, VA 22553
Direct: 540-507-7205
Main: 540-507-7210

This email and any attachments are confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purpose, or disclose its content to any other person. To do so could violate state and federal privacy laws. Please contact Jennifer Scott at 540.507.7210 or email jiscott@spotsylvania.va.us if you need assistance.

From: Elliott, Glenn (CFM) [mailto:Glenn.Elliott@va.gov]
Sent: Thursday, July 30, 2020 10:19 AM
To: Kevin Marshall <KMarshall@spotsylvania.va.us>
Cc: Debbie Sanders <DSanders@spotsylvania.va.us>; Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov>; Rustom R. Khouri III <rkhour3@Carnegiecorp.com>
Subject: [EXTERNAL]: RE: Comments for the draft VA environmental Assessment

Kevin,
Your email seems to be missing one attachment. What came through was only the titled VA review. The letter documents an attachment.
Thank you,

Glenn

From: Kevin Marshall <KMarshall@spotsylvania.va.us>
Sent: Wednesday, July 29, 2020 11:53 AM
To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>
Cc: Debbie Sanders <DSanders@spotsylvania.va.us>; Rustom R. Khouri III <rkhour3@Carnegiecorp.com>
Subject: [EXTERNAL] Comments for the draft VA environmental Assessment

Mr. Elliott,

I hope this email finds you well. My name is Kevin Marshall, I am the Business Development Manager for Spotsylvania Economic Development. I have attached a document to this email that points out several issues that I found while reviewing the information about the sites. I would be more than happy to discuss them with you in more detail if you would like. I hope this information will help. If you have any questions please feel free to contact me.

Thanks,

Kevin W. Marshall | Business Development Manager

Spotsylvania County Department of Economic Development and Tourism

9019 Old Battlefield, Suite 310

Spotsylvania, VA 22553

Direct: 540-507-7205

Main: 540-507-7210

This email and any attachments are confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purpose, or disclose its content to any other person. To do so could violate state and federal privacy laws. Please contact Jennifer Scott at 540.507.7210 or email jlscott@spotsylvania.va.us if you need assistance.

--

This email was Malware checked by Sophos <http://www.sophos.com>

Comments from the Draft Environmental Assessment of the proposed VA Health Care Center

Executive Summary

--- Page ii and iii states that the Richmond site is overcrowded and the new site will help reduce the overcrowding issue, This makes the Spotsylvania site more attractive due to its location being closer to Richmond.

--- Page iii There is no access to the Gateway site. No funding has been allocated to this road project. There is a smart scale application being prepared by the City of Fredericksburg, this funding would be years away and not meet the time line for this project. There is also a chance that the funding would not be approved, Smart Scale funding is for Highway Improvements (Widening, operational improvements, access management, Intelligent Transportation Systems, Technology operational improvements), not to create development.

--- Page iv The wording for the Hood dr. site states that the Southern portion of the site was heavily disturbed and graded. The site was graded and a storm water pond started in preparation for site development. The wording needs to reflect that site preparation, was done to facilitate development.

--- Page iv and v The Gateway site has a known large civil war encampment totaling over 8 known acres, that could take a very long time to mitigate. The potential for several historic artifacts of significant historical value could be present. The site was a winter encampment for Confederate General Anderson with an artillery position. During the Civil War several Confederate soldiers pass away of sickness and starvation while in winter encampments, given this information there could be unmarked graves just outside the encampment site.

--- Page v The following statement is incorrect "A TIA for the 1500 Gateway Boulevard Development identified several improvements to area roadways and intersections that would be needed to mitigate the traffic impacts from the 1500 Gateway Boulevard Development, including the proposed HCC at the Gateway site. The identified improvements are planned to be implemented by the City of Fredericksburg and/or VDOT, and have been funded for

Comments from the Draft Environmental Assessment of the proposed VA Health Care Center

implementation.” This road project is not fully funded. Fredericksburg has pledged 20 million dollars for this project and is in the process of applying for 4th round Smart Scale funding for the remaining funding from the State. Even if the funds were given to the project from the State, the timing would not meet the timeline for the VA HCC project.

--- Page Vii **Hood Drive Site** The report states that the residential zoned parcel, would have to be rezone. Spotsylvania County Zoning Administrator has made a determination and submitted a letter stating that the proposed access road would be allowed in the R-1 zoning therefore there is no need for rezoning. The letter is attached.

Assessment

--- page 14-15 Dovetail has identified 2 sites on the Gateway site that are related to Civil War activity. Dovetail has recommended that both sites be added to the National Register of historic places. Hood drive site has nothing of Historical significance.

--- Page 20 Hood drive site requires no substantial cutting or filling, other than for general site leveling and storm water detention. Gateway site would require cut and fill.

--- Page 22 3.6.2 States “However, none of the soil boring completed were located on the 35 acre Gateway site.” Why was there no testing done on the site?

--- Page 25 The information given about the long ear bat on the Gateway site claims that no habitat or roost are within 75 miles of the site. The Hood drive site is within 75 miles of the Gateway site and is within the range of the long eared bat, while the report states there is no potential habitat on the Hood drive site. The distance of 75 miles for the Gateway site needs to be reviewed that site is closer to the range of the long ear bat than 75 miles.

--- Page 30-31 The Hood Drive site does have 2 R-1 zoned parcels. The first was found to be an error made during mapping, that has been corrected to C-3. The second is the small parcel with the house off of Hood Drive. The Spotsylvania Zoning Administrator has made a determination and submitted a

Comments from the Draft Environmental Assessment of the proposed VA Health Care Center

letter stating that the proposed access road would be allowed in the R-1 zoning therefor there is no need for rezoning. The letter is attached.

--- Page 36 Commuting Patterns. There is no mention of the VRE (Virginia Railway Express) that is located within a short commute of the Hood Drive site. The distance is 6.1 miles.

--- Page 44-45 states "The 2040 Background Conditions were developed using existing traffic count data with a background growth rate of 1 to 2 percent per year. The Baker TIA included the development of the Gateway Boulevard extension between Plank Road and Cowan Boulevard, without any development within the 88-acre 1500 Gateway Boulevard Development area, as part of the 2040 background conditions. Background conditions included the following roadway network improvements:

- Extension of Gateway Boulevard from Plank Road to Cowan Boulevard and from Cowan Boulevard to Fall Hill Avenue.
- Construction of two roundabouts on the Gateway Boulevard extension between Plank Road and Cowan Boulevard to provide access for the future 1500 Gateway Boulevard Development.
- A new signalized intersection at Gateway Boulevard extension and Cowan Boulevard with new dedicated right and left turn lanes.
- A reconfigured signalized intersection at Gateway Boulevard extension and Plank Road with additional dedicated right and left turn lanes and restriping.
- Restriping the intersection of Plank Road and Altoona Drive/Mahone Street to change traffic movements through the intersection.
- Construction of an interparcel connector south of Plank Road to connect Altoona Drive with the existing Gateway Boulevard.
- Widening the northbound off-ramps from Interstate 95 to Plank Road to three right-turn lanes and realigning the northbound Interstate 95 off-ramps to the signalized intersection with the northbound on-ramps.

These roadway improvements were determined to be necessary to mitigate the traffic effects of the full 1500 Gateway Boulevard Development. These roadway improvements are planned to be implemented by the City of Fredericksburg and VDOT and have been funded for implementation, and thus were included in the background conditions. "

These improvements have not been fully funded. There is no known state funding allocated to these improvements.

--- Page 57 states "Primary and secondary access to the Gateway Site would be provided from a planned Gateway Boulevard extension between Plank Road and Cowan Boulevard. Previous traffic studies identified several improvements to area roadways and intersections that are needed to mitigate the traffic impacts from the 1500 Gateway Boulevard Development. These improvements are planned to be implemented by the City of Fredericksburg and/or VDOT, and have been funded for implementation."

These improvements have not been fully funded.

Comments from the Draft Environmental Assessment of the proposed VA Health Care Center

--- Page 58 **Utilities**: Spotsylvania County supplies it's own water and sewer. The City of Fredericksburg receives 100 percent of it's potable water supply directly from Spotsylvania County. The City of Fredericksburg also sends on average 11 percent of it's sanitary sewer to Spotsylvania County, the percentage increases during peak flow periods. Without the current agreements between Spotsylvania and Fredericksburg, The city of Fredericksburg could not provide adequate water and sewer for its residents and businesses.

--- Page 60 **Hood Drive site**: The road name Spotsylvania County Road is incorrect, the correct road name is Spotsylvania Parkway. This section also states that redevelopment has not started in the area. Redevelopment has begun, A hotel at the corner of Route 1 and Market street has been removed and plans have been submitted for a ne Chick-fil-A. Also the old Pizza Hut has been removed and replaced with a Royal Farms at the corner of Hood dr. and Route 1. A new Pizza Hut was built South of Hood dr. on Route 1, it replaced an old service station.

---Page 63 Under Land use states “ Rezoning or obtain a variance for the small residential parcel (4708 Hood Drive) to allow for the HCC access drive (Hood Drive Site). Spotsylvania County Zoning Administrator has made a determination and submitted a letter stating that the proposed access road would be allowed in the R-1 zoning therefore there is no need for rezoning. The letter is attached.

Board of Supervisors
DEBORAH H. FRAZIER
BARRY K. JETT
KEVIN W. MARSHALL
TIMOTHY J. MCLAUGHLIN
DAVID ROSS
GARY F. SKINNER
CHRIS YAKABOUSKI



Department of Planning & Zoning

B. LEON HUGHES, AICP
Director

9019 OLD BATTLEFIELD BLVD., STE 320
SPOTSYLVANIA, VA 22553
(540) 507-7434

July 17, 2020

Steven Vanderhye, Contracting Officer
U.S. Department of Veterans Affairs
425 "Eye" Street, NW, Room 6W411D
Washington, DC 20001

RE: U.S. Department of Veterans Affairs
RLP No. 36C10F18R0529
Fredericksburg Healthcare Clinic
Zoning Clarification – Hood Dr Site

Dear Mr. Vanderhye,

I would like to address statements included in the Draft Environmental Assessment of the proposed VA Health Care Center in Fredericksburg, Virginia specifically related to the zoning of the Hood Drive site. Beginning on page 30, paragraph two, the report states the property identified as 4708 Hood Drive is zoned residential (R-1) and that health care facilities are not a permitted use in the R-1 District. The report goes on to state on page 31, paragraph two, that a rezoning will be needed to the R-1 property in order to accommodate the access drive for the health care center.

The property located at 4708 Hood Drive is indeed zoned Residential 1 (R-1) as well as the adjacent 40' wide strip of property identified as portion of tax map 35-A-113. However, the R-1 zoning designation does not preclude the placement of an access road to serve the health care center. Please be advised, that neither a rezoning nor a zoning variance is required in order to construct an access road through the R-1 zoned properties to serve the health care center. If you have any questions or additional information, please do not hesitate to contact me at kpomatto@spotsylvania.va.us or 540-507-7429.

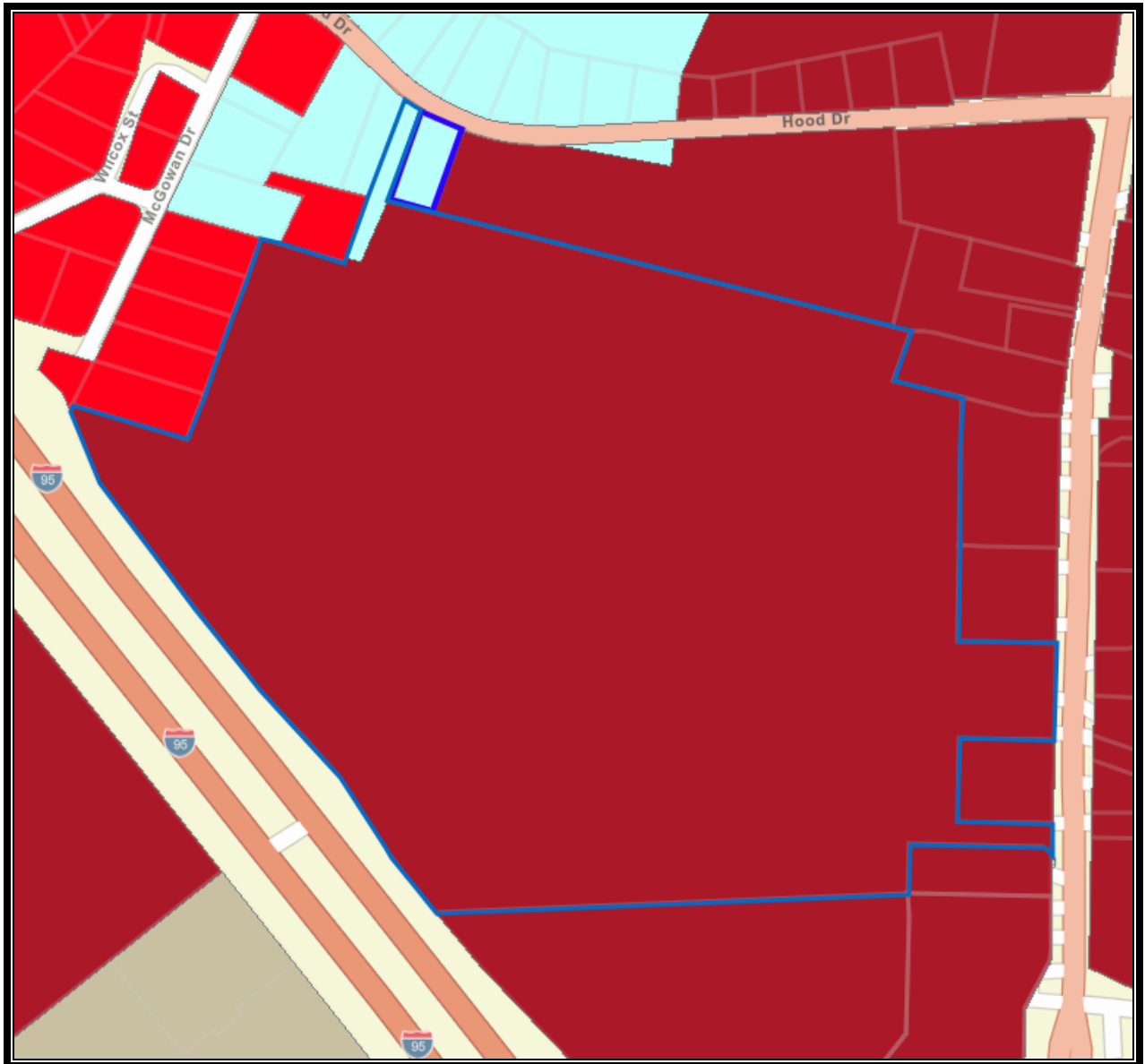
Respectfully,

Kimberly Pomatto, CZA
Zoning Administrator

cc: drk@carnegiecorp.com
patricia.restrepo@chartwellenterprises.com
garland.gill@va.gov

Enclosure: Zoning Map: TM 35-A-113 and 4708 Hood Drive

ZONING MAP: TM 35-A-113 AND 4708 HOOD DRIVE



County of Spotsylvania

Founded 1721



Board of Supervisors
DEBORAH H. FRAZIER
BARRY K. JETT
KEVIN W. MARSHALL
TIMOTHY J. MCLAUGHLIN
DAVID ROSS
GARY F. SKINNER
CHRIS YAKABOUSKI

County Administrator
ED PETROVITCH
Deputy County Administrator
MARK L. COLE
P.O BOX 99, SPOTSYLVANIA, VA 22553
Voice: (540) 507-7010
Fax: (540) 507-7019

Service, Integrity, Pride

August 10, 2020

Glenn Elliott, Director of Environmental Programs
VA Office of Construction & Facilities Management
Department of Veteran Affairs

Via email: glenn.elliott@va.gov

RE: Fredericksburg HCC NEPA Comments

Dear Mr. Elliot:

Thank you for the opportunity to provide comments on the Draft Environmental Assessment for the VA Health Care Center. Spotsylvania County offers the comments documented in the attachment to this letter.

Spotsylvania County looks forward to continuing to work cooperatively with the U.S. Department of Veterans Affairs in this process.

Sincerely,

Ed Petrovitch
County Administrator

Attachment: Spotsylvania County Comments on Draft Environmental Assessment for the VA Health Care Center – page 1 of 2

1. Page v – third paragraph states: *“A TIA for the 1500 Gateway Boulevard Development identified several improvements to area roadways and intersection that would be needed to mitigate the traffic impacts from the 1500 Gateway Boulevard Development, including the proposed HCC at the Gateway Site. The identified improvements are planned to be implemented by the City of Fredericksburg and/or VDOT, and have been funded for implementation. This comment also appears on page 45, 57, and 58 of the document.*

We would like to clarify that only a small portion of the required Gateway Blvd extension transportation improvements are fully funded under UPC 115124. This project is called the Rte 3 STARS Study and I-95 Off-Ramp improvements in the amount of \$11.5 million. The project primarily contains some intersection safety improvements along Rte 3 east of Gateway Blvd that are unrelated to the proposed Gateway Blvd Extension and will also realign the I-95 NB off-ramp to Rte 3 eastbound and create a signal so that NB off-ramp traffic can safely cross Rte 3 eastbound traffic to reach the left turn lanes for the proposed Gateway Boulevard Extension improvement between Rte 3 and Cowan Blvd. This project is currently scheduled to go to construction in FY-2028.

The rest of the approximately \$50 million in required Gateway Blvd Extension transportation improvements are unfunded. The City of Fredericksburg is planning to submit an application to the State's Smart Scale program to fund this project, but if selected, funding from that program is not likely until FY-26 or FY-27 with construction in FY-2028 or later which does not meet the requested timeframe for the planned VA Health Care Center.

2. Page 41: Sec. 3.14 Traffic, Transportation, and Parking, first sentence: Spotsylvania County Public Works Department does not regulate traffic in the vicinity of the Hood Drive Site. VDOT maintains all public roads in Spotsylvania County.
3. Page 54: Courthouse Road/Lafayette Blvd/US Rte 1 project to improve intersection safety and capacity is currently partially funded and is a Smart Scale Round 4 candidate project to be fully funded. Project is planned to be completed by 2028.
4. Page 54: I-95 Northbound Ramps/U.S. Rte 1 project is currently partially funded and is a Smart Scale Round 4 candidate project to be fully funded. Project also includes some U.S. Rte 1 SB improvement to I-95 SB. Project is planned to be completed by 2028.

Attachment: Spotsylvania County Comments on Draft Environmental Assessment for the VA Health Care Center – page 2 of 2

5. Page 54: VDOT just completed the U.S. Rte 1 Corridor Study to identify improvements for U.S Rte 1 between Hood Dr/Mine Rd and Market St. Country is working with VDOT to advance the necessary SW Quadrant roadway improvement which would also provide the North Site Driveway entrance on U.S. Rte 1. Figure 3-16 is an early concept of the SW Quadrant roadway from the VDOT Study that does not show the U.S. Rte 1 connection point in the correct location.
6. Page 57 – Last paragraph: The County is advancing projects for Courthouse Road/Lafayette Blvd/U.S., Rte 1 and the I-95 Exit 126 interchange with U.S. Rte 1 in Smart Scale Round 4 with significant leveraged funding. These improvements have been developed in cooperation with VDOT to mitigate the traffic impacts associated with regional and planned growth.



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Jewel H. Bronaugh, Ph.D.
Commissioner

August 3, 2020

Mr. Glenn Elliott
VA Office of Construction & Facilities Management
glenn.elliott@va.gov

Subject: Fredericksburg HCC Draft EA

Dear Mr. Elliott:

This is in response to your letter to this agency inviting comments concerning the draft Environmental Assessment for the proposed Fredericksburg health care center.

The Virginia Department of Agriculture and Consumer Services (VDACS) is responsible for the preservation of farmland and the protection of endangered and threatened plant and insect species. Concerning farmland preservation, § 3.2-204 of the Code of Virginia requires that in preparing reports on major state projects, each state agency shall demonstrate that it considered the impact of the projects on farm and forest lands as required in § 3.2-205 and that it adequately considered alternatives and mitigating measures. Based on the information you provided, while both sites being considered for development are classified as farmland of statewide importance, they have not been farmed for several decades and both are located in an area now identified by the U.S. Census Bureau as an "urbanized area" and are exempt from the federal Farmland Protection Policy Act. However, VDACS encourages the U.S. Department of Veteran's Affairs (VA) and any other partners involved in this project to be mindful of any actions that could result in altering the water flow within surrounding agricultural lands and, to the greatest extent possible, minimize any adverse drainage or erosion issues that may result. In addition, VDACS suggests that the VA determine whether Spotsylvania County or the City of Fredericksburg established any agricultural and forestal districts that may be impacted by this project. Should such districts exist, additional project review by the county is required pursuant to § 15.2-4313 of the Code of Virginia.

VDACS works closely with the Department of Conservation and Recreation (DCR) in determining the potential impact of proposed projects on state endangered and threatened plant and insect species. Through a Memorandum of Agreement between our agencies, DCR reviews these projects and submits comments on our behalf. If after researching its database of natural resources, critical habitats, and species locations DCR finds that a project poses a potential adverse impact on an endangered or threatened plant or insect species, the appropriate information will be referred to VDACS for further review and possible mitigation. Please note that requests of this nature should be sent to Rene Hypes at the DCR Division of Natural Heritage Project Review Program. Ms. Hypes can be reached at (804) 371-2708 or rene.hypes@dcr.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jewel H. Bronaugh".

Jewel H. Bronaugh, Ph.D.
Commissioner

From: Rob Clark
Sent: Thursday, July 16, 2020 3:57 PM
To: Moore, Daniel; Modovsky, Christine M. (CFM)
Cc: Elliott, Glenn (CFM); julia.wellman@deq.virginia.gov
Subject: RE: Fredericksburg DEQ comment re CZMA review (RPA, RMA, PFD)
Attachments: CBPA Map.pdf

Mr. Moore,

Attached is the City of Fredericksburg CBPA map. The Gateway Site is located outside of the green-shaded RMA, but is included in the RMA under the whole lot provision.

Spotsylvania County's Chesapeake Bay Preservation Ordinance defines the entire county, not designated as a RPA, as a RMA.

The Gateway Site and Hood Drive Site are both located within RMAs.

Rob

Rob Clark
Manager, Environmental Services
TTL Associates, Inc.
Direct: (734) 582-4902

From: Moore, Daniel <daniel.moore@deq.virginia.gov>
Sent: Thursday, July 16, 2020 12:11 PM
To: Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov>
Cc: Rob Clark <rclark@ttlassoc.com>; Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>; julia.wellman@deq.virginia.gov
Subject: Re: Fredericksburg DEQ comment re CZMA review (RPA, RMA, PFD)

Ms. Modosky -

Thanks for clarifying the CBPA issues related to the proposed project and that RPA lands do not exist at any of the three potential sites. In order to complete my review, I still need to know if either of the two Fredericksburg sites contains Resource Management Area (RMA) lands.

Thanks much.

Daniel Moore
Principal Environmental Planner
Department of Environmental Quality
Office of Local Government Programs
1111 E. Main Street
Richmond, VA 23219
(804) 698-4520
daniel.moore@deq.virginia.gov

On Thu, Jul 16, 2020 at 11:51 AM Modovsky, Christine M. (CFM) <Christine.Modovsky@va.gov> wrote:

Mr. Moore:

-

Thanks in advance for reviewing this project. We are providing additional information in follow-up to Ms. Wellman's email.

-

Attached for Hood Drive Site:

- Letter from Spotsylvania County in response to NEPA scoping that says there are no known RPAs at the site (surface and groundwater resources section).
- Spotsylvania County GIS mapping with RPA overlay. None depicted on or near the site.

-

Attached for Gateway Site:

- Fredericksburg GIS mapping with RPA overlay. None depicted on or near the site.
- A summary map from the site-specific PFD and RPA report for the 88-acre Hylton/1500 Gateway Boulevard Development. No perennial streams or RPAs on or immediately adjacent to the 35-acre Gateway Site.

-

Please let us know if we can assist further.

-

Chris

-

Christine Modovsky, M.S., P/PM-II

Environmental Engineer

U.S. Department of Veterans Affairs

Construction & Facilities Management

425 I Street NW

Washington DC 20001

(202) 632-5352

(202) 894-0988 (mobile)

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From: Wellman, Julia <julia.wellman@deq.virginia.gov>

Sent: Wednesday, July 15, 2020 3:07 PM

To: Elliott, Glenn (CFM) <Glenn.Elliott@va.gov>; Daniel Moore <Daniel.Moore@deq.virginia.gov>

Subject: [EXTERNAL] Fwd: NEW PROJECT DVA Virginia Health Care Center, DEQ #20-107F

-
Good afternoon Daniel,

-
This project has an extremely tight deadline per the federal agency. I am reaching out because I do not know if you have what you will need to evaluate the site under the coastal lands management enforceable policy.

-
It looks like a PFD was conducted for one of the sites, but I did not see the documentation or mapping in the EA (the FCD is in an appendix). The EA states that the county does not identify RPA on the other project site; however, I did not see this information in the EA.

-
Glenn Elliott (information below) is the VA contact for the project.

-
Daniel, Please let Glenn know if you will need additional information. He has offered his assistance since the deadline is so compressed.

-
Glenn Elliott

Director of Environmental Programs

Office of Facility Planning

Construction Facility Management Office

425 "i" Street NW

Washington DC, 20003

O-202-632-5879

C-202-360-1243

----- Forwarded message -----

From: **Fulcher, Valerie** <valerie.fulcher@deq.virginia.gov>

Date: Wed, Jul 15, 2020 at 2:55 PM

Subject: NEW PROJECT DVA Virginia Health Care Center, DEQ #20-107F

-
Good afternoon - this is a **new** OEIR review request/project:

-
Document Type: Environmental Assessment/Federal Consistency Determination

Project Sponsor: U.S. Department of Veterans Affairs

Project Title: Virginia Health Care Center

Location: Fredericksburg, Spotsylvania County

Project Number: DEQ #20-107F

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The document is available at www.deq.virginia.gov/filesshare/oeir in the DVA folder.

-
The due date for comments is **JULY 29, 2020**. You can send your comments either directly to JULIA WELLMAN by email (Julia.Wellman@deq.virginia.gov), or you can send your comments by regular interagency/U.S. mail to the Department of Environmental Quality, Office of Environmental Impact Review, P.O. Box 1105, Richmond, VA 23218.

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NOTE: The deadline is expedited due to the federal agency. The VA is considering two separate sites.

-
If you cannot meet the deadline, please notify the project coordinator prior to the comment due date. Arrangements may be made to extend the deadline for comments if possible. An agency will be considered to have no concerns if comments are not received (or contact is made) within the review period. However, it is important that agencies consistently participate in accordance with Virginia Code Section 10.1-1192.

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REVIEW INSTRUCTIONS:

A. Please review the document carefully. If the proposal has been previously reviewed (e.g. as a draft EIS or a Part 1 EIR), please consider whether your earlier comments have been adequately addressed.

-

B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency (agency stationary or email) and include the project number on all correspondence.

-

If you have any questions, please email Julia.

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Thanks!

-

Valerie

-

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Valerie A. Fulcher, CAP, OM, Environmental Program Specialist

Department of Environmental Quality

Environmental Enhancement - Office of Environmental Impact Review

1111 East Main Street

Richmond, VA 23219

804/698-4330

804/698-4319 (Fax)

email: Valerie.Fulcher@deq.virginia.gov

<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx>

For program updates and public notices please subscribe to Constant
Contact: <https://lp.constantcontact.com/su/MVcCump/EIR>

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Julia Wellman
Environmental Impact Review Coordinator

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Environmental Impact Review and Long Range Priorities Program
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Richmond, VA 23219

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Julia.Wellman@deq.virginia.gov
www.deq.virginia.gov

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Review: <https://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/DocumentSubmissions.aspx>****