



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

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Alanna J. Keller, P.E.  
Deputy Secretary of Transportation  
Deputy Commissioner of Highways

Jimmy Wriston, P. E.  
Secretary of Transportation  
Commissioner of Highways

January 2, 2024

Ms. Susan Pierce, Deputy State  
Historic Preservation Officer  
Division of Culture and History  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Ms. Pierce:

State Project: X316-H-125.16  
Federal Project: NHPP-0484(117)  
FR#: 91-246-MULTI-397  
Corridor H - Wardensville to VA State Line  
Hardy County

This letter serves to request an updated effects finding for the Appalachian Highway Corridor H: Wardensville to Virginia State Line project located in Hardy County, West Virginia from your office. As you likely recall, this project previously received findings of Adverse Effect in 1999, 2003, and 2019. While the project's design has been refined, its location (both horizontally and vertically) has not changed in any meaningful way (see Figure 1, below). Because of this, we recognize that the finding of Adverse Effect is unlikely to change based on project engineering refinements. With this letter, we seek your concurrence that the overall project finding remains an Adverse Effect.

*History of Effects Determinations:*

The Federal Highway Administration (FHWA) issued its Amended Record of Decision (AROD) for this project in 2003. The AROD indicated that effect evaluations were completed for all the National Register of Historic Places (NRHP)-eligible historic properties and that the overall finding for the project was Adverse Effect (Correspondence 1: May 5, 2003). The Adverse Effect finding was based partially on a 1999 *Criteria of Effect Evaluation for Cultural Resources* report and subsequent correspondence from your office and the Advisory Council on Historic Preservation (ACHP). From the latter, comments indicated there would be adverse effects to "virtually all historic resources in Section 3," including the Wardensville Main Street Historic District and the Carpenters Avenue Historic District (Correspondence 2: March 5, 1999 and Correspondence 3: November 8, 1999).

Following the AROD, the West Virginia Division of Highways (WVDOH) began revising pertinent environmental studies, collaborating with resource agencies, and refining the roadway design. A *Historic Architectural Resource Survey and Determination of Eligibility*

*Addendum Report* was prepared in 2018 and was followed by a *Cultural Resources Avoidance Feasibility Analysis and Criteria of Effects Determinations* report in 2019. In return, the WVSHPO sent a response letter concurring with the report’s finding of Adverse Effect and requested additional consideration of “alternatives of modifications to the proposed project to avoid, minimize, or mitigate the adverse effects it will have to historic properties” among other concerns (Correspondence 4: April 26, 2019). The WVDOH responded to the WVSHPO’s comments shortly thereafter, in which it concluded, “there are no additional alternatives or modifications to the proposed project to evaluate that would avoid, minimize, or mitigate the adverse effects the project will have to historic properties” (Correspondence 5: June 5, 2019). The WVSHPO was satisfied with the responses, and replied, “It is our opinion that the West Virginia Division of Highways (WVDOH) has made a good-faith effort to avoid and/or minimize the adverse effects resulting from this proposed project by analyzing numerous alternative routes and construction techniques,” but indicated that additional information and mitigation measures may be warranted (Correspondence 6: June 12, 2019).

In July 2023, the WVDOH submitted to your office an *Updated Historic Resources Survey Report* prepared by Michael Baker International, Inc. (Michael Baker). The report included a reassessment of prior survey efforts and identified and evaluated previously unidentified historic-age resources. The report identified the following resources as eligible for listing in the National Register of Historic Places (NRHP). Your office concurred with the report’s findings in a letter dated August 2023.

<b>WVHPI#</b>	<b>Internal ID</b>	<b>Resource Name</b>	<b>Status</b>
<b>HY-0042</b>	<b>36-03</b>	<b>Funkhouser-Earls House (former Funkhouser-Hawkins House)</b>	<b>Determined Eligible</b>
<b>HY-0050-0002</b>	<b>38-10</b>	<b>Cornwell Dyer House</b>	<b>Determined Eligible</b>
<b>HY-0317</b>	<b>39-07</b>	<b>Hott House Property</b>	<b>Determined Eligible</b>
<b>HY-0464</b>	<b>37-35</b>	<b>Pearl Wilson House</b>	<b>Determined Eligible</b>
<b>HY-0527</b>	<b>37-34</b>	<b>Tharp-Orndorff House (former Francis Godlove House)</b>	<b>Determined Eligible</b>
	<b>36-01</b>	<b>J. Allen Hawkins Community Park Includes former Valentine-Switzer House</b>	<b>Determined Eligible</b>
	<b>37-40</b>	<b>Wardensville Main Street Historic District</b>	<b>Determined Eligible</b>
	<b>003-06</b>	<b>Carpenters Avenue Historic District</b>	<b>Determined Eligible</b>

**To re-iterate, our request is that you re-affirm your previous decision that the Wardensville to the Virginia State Line project will have an Adverse Effect on all historic resources within the project's APE.**

**Should you require additional information, contact Randy Epperly of our NEPA Compliance and Permitting Section at (304) 414-6439.**

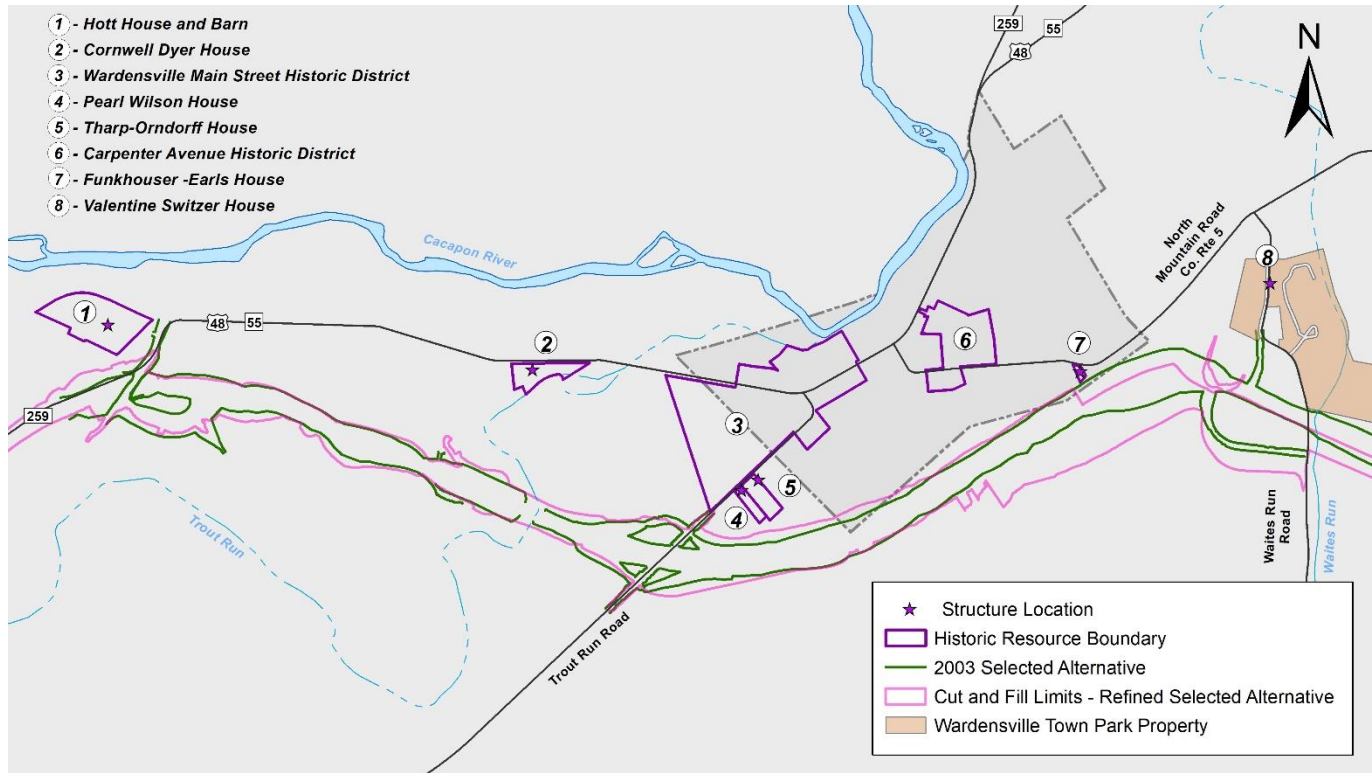
**Very truly yours,**

**Travis E. Long, Director  
Technical Support Division**

**TEL:e**

**Attachments**

**bcc: DSN(RE)**



**Figure 1.** Map showing the changes in the project's cut and fill limits as they relate to NRHP-eligible historic properties.

**RECORD OF DECISION (ROD)  
FEDERAL HIGHWAY ADMINISTRATION**

**CORRIDOR H**

Elkins, WV to Virginia State Line  
Randolph, Tucker, Grant and Hardy Counties  
FHWA-WV-EIS-92-01-F  
Federal Project APD-0484(059)  
State Project X142-H-38.99 C-2

**AMENDMENT #8: WARDENSVILLE TO WV/VA Stateline  
Hardy County, WV**

**I. BACKGROUND**

On August 2, 1996, the Federal Highway Administration (FHWA) issued a Record of Decision (ROD) for the 100-mile section of Appalachian Corridor H between Elkins, West Virginia, and the West Virginia/Virginia state line. The August 1996 ROD was based on a Final Environmental Impact Statement (FEIS) that was approved by FHWA in April 1996. The ROD approved the selection of the Preferred Alternative identified in the FEIS, which consisted of a four-lane divided highway with partial control of access from Elkins to the Virginia state line.

The approval of the Preferred Alternative in the ROD was conditioned upon completion of the remaining historic resource studies under Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act. The ROD required these remaining studies to be carried out in accordance with a Section 106 Programmatic Agreement for the Corridor H project, which allowed the studies to be completed on a section-by-section basis following issuance of the ROD.

In September 1996, a lawsuit was filed challenging the approval of the Preferred Alternative in the ROD. In October 1997, the U.S. District Court for the District of Columbia dismissed the lawsuit. The plaintiffs appealed that decision to the U.S. Court of Appeals for the District of Columbia Circuit. The plaintiffs requested an injunction prohibiting further work on Corridor H while the appeal was pending, but the District Court denied that injunction.

In August, September, and October 1998, WVDOT awarded a total of nine contracts for the construction of approximately 9.5 miles of Corridor H, between Elkins and Kerens. In November 1998, the Court of Appeals issued an injunction that allowed work to continue under three of those construction contracts (approximately 3.5 miles) but required work to cease under the other six contracts (approximately 6 miles) and prohibited any further work on Corridor H while the lawsuit was pending.

In February 1999, the Court of Appeals issued an opinion in the case. The Court of Appeals held that the procedures established in the August 1996 ROD for completing

the review of historic resources did not comply with Section 4(f). Because of that ruling, the Court of Appeals ordered FHWA and WVDOT not to proceed further with construction of Corridor H until the Section 4(f) approval process had been completed.

In March 1999, the FHWA and WVDOT requested permission from the Court of Appeals to continue constructing the portion of Corridor H known as the Northern Elkins Bypass. The plaintiffs in the Corridor H lawsuit supported this request. In April 1999, the Court of Appeals issued an order clarifying that FHWA and WVDOT could proceed with the construction of the Northern Elkins Bypass while the remaining historic resource reviews for the remainder of Corridor H were completed. Based on that decision, the FHWA issued "Amendment #1" to the Corridor H ROD on April 26, 1999. The Amended ROD authorized construction to continue on the Northern Elkins Bypass.

Following the decision by the Court of Appeals, the parties to the Corridor H lawsuit agreed to enter into voluntary mediation as part of the U.S. District Court Mediation Program. The mediation process resulted in a settlement agreement, which was approved by the U.S. District Court in February 2000. Under the settlement agreement, the remainder of Corridor H in West Virginia has been divided into nine separate projects: Elkins-to-Kerens, Kerens-to-Parsons, Parsons-to-Davis, Davis-to-Bismarck, Bismarck-to-Forman, Moorefield-to-Baker, Baker-to-Wardensville, and Wardensville-to-Virginia-Line. The settlement agreement calls for a separate Amended ROD to be issued for each project, once the required studies for that project have been completed.

Since the court approved the settlement agreement, the FHWA has issued six Amended RODs for Corridor H:

- the Amended ROD for the Elkins-to-Kerens Project ("Amendment #2");
- the Amended ROD for the Moorefield-to-Baker Project ("Amendment #3");
- the Amended ROD for the Baker-to-Wardensville Project ("Amendment #4");
- the Amended ROD for the Davis-to Bismarck Project ("Amendment #5");
- the Amended ROD for the Bismarck-to-Forman Project ("Amendment #6);
- the Amended ROD from Forman to Moorefield ("Amendment #7").

This document – Amended ROD #8 – will be the seventh Amended ROD issued pursuant to the Settlement Agreement.

## **II. PROPOSED ACTION**

The western terminus of this project is located near the Town of Wardensville on County Route 23/12, 0.2 miles south of WV 55/259 and the eastern terminus is located on WV 55, at a point approximately 100 feet west of the WV/VA state line. The proposed project would provide enhanced system linkage for various trip purposes in the region; namely, travel to and from work, recreational travel, and goods movement. It will provide direct and improved linkage among the major roadways in the region, namely, WV 55, WV 259N, CR 23/12, and CR 23/10. It will also allow through traffic to avoid passing through downtown Wardensville and the possible time delays and congestion associated with that traffic.

The completion of the Wardensville to the WVVA Stateline Project will further advance WVDOT's objective of completing Corridor H as a continuous four-lane highway from I-79 to the West Virginia/Virginia state line. The Wardensville to the WVVA Stateline Project, however, also will serve a useful transportation purpose on its own, and therefore, can be approved as a separate project consistent with the principles in 23 CFR 771.111(f). This finding is based on the following factors:

1. The western terminus of this project is located near the Town of Wardensville on County Route 23/12, 0.2 miles south of WV 55/259 and the eastern terminus is located on WV 55, at a point approximately 100 feet west of the WVVA state line. The existing travel distance of seven miles takes an average trip time of 11 minutes. The highway has unpaved and narrow gravel shoulders. Approximately 2/3 of its distance is comprised of signed no-passing zones. The Wardensville-to-WVVA State Line project would provide a four-lane divided facility without these deficiencies, and would reduce the trip time to 6 minutes.
2. The existing ADT on WV 55 between Wardensville and the WVVA State Line varies from 2,150 to 4,600 vehicles per day. This translates to the roadway operating at LOS "C" in Sections 1 and 2; and LOS "D" in Section 3. LOS "C" is generally considered acceptable by WVDOT in rural areas. Once a roadway worsens from LOS "C," the WVDOT evaluates some action to improve the situation. Using the WVU Growth Model, 2013 and 2021 No-Build ADT's for WV 55 were derived. The 2013 No-Build projection lists two of the three sections operating at LOS "D" or worse, and by 2021 the entire corridor would be operating under unacceptable levels of service.
3. Approximately 445 heavy vehicles (including buses, RV's, medium and heavy trucks) traverse sections of WV 55 roadways through the project area daily. The majority of these heavy vehicles are medium and heavy trucks. The new facility would remove the majority of truck traffic from the existing facilities and route it to a new four-lane facility with partial control of access would improve level of service and safety in the region.
4. The Wardensville-to-WVVA State Line Section of Corridor H is projected to have a 27 percent lower accident rate, a 33 percent lower injury rate, and a 43 percent lower fatality rate than the corresponding section of WV 55. Even with increased travel on the facility due to induced growth and diverted trips, the lower accident rate on Corridor H would reduce the total number of accidents, injuries, and fatalities in the study corridor.
5. This Project would provide an approximately 5.5 mile long highway segment free from congestion, multiple driveways, and many geometric deficiencies associated with the existing route. Deficiencies in the existing route include:

- 43% of the route has steep 9% grades
  - Over 170 driveways creating conflict between local and through traffic
  - 10 to 11 foot lane-widths with little (less than 2') or no paved shoulder
  - 75% of length signed as no passing zones
6. The completion of this project would not limit the consideration of alternatives for other sections of Corridor H or for other reasonably foreseeable transportation improvements.

Based on all of the factors cited above, the FHWA has concluded that the approval of the Wardensville to the WVVA State-Line Project is consistent with the regulatory principles set forth in 23 CFR 771.111(f).

### III. ENVIRONMENTAL AND CULTURAL RESOURCE ISSUES

The FHWA has determined that all studies and findings required for approval of the Wardensville to the WVVA State-Line Project have been completed and are supported by appropriate documentation in the project file. These include:

#### NEPA Compliance.

1996 FEIS. The impacts of the Wardensville to the WVVA State-Line Project were documented in the April 1996 FEIS for Corridor H. In consultation with WVDOT, the FHWA has determined that no new information or changed circumstances exist that would require supplementation of the FEIS. Therefore, all studies required for this Project under the National Environmental Policy Act have been completed.

**Section 7 Consultation.** At the signing of the August 1996 ROD, no further Section 7 consultation was required for Rare, Threatened, or Endangered Species for Corridor H. Surveys were completed for the Cheat Mountain Salamander and Running Buffalo Clover in the areas of potential habitat within the Corridor H project area for the ASDEIS. No potential habitat existed for the Running Buffalo Clover or the Cheat Mountain Salamander within the Wardensville to the WVVA Stateline project area. The results of these surveys are summarized in the FEIS (pages III-155-156).

Following the August 1996 ROD, the United States Fish and Wildlife Service (USFWS) requested additional consultation with FHWA regarding the potential impacts of Corridor H on the Indiana bat (*Myotis sodalis*), a federally listed endangered species. In response, FHWA and WVDOT prepared a Biological Assessment that evaluated the project's impact on bat summer roosting and swarming habitat as well as the project's potential to cause an incidental take of individual bats. Based on the small amount of habitat to be removed and following measures to reduce the risk for an incidental take, the Biological Assessment concluded that Corridor H as a whole is not likely to



adversely affect the Indiana bat. The measures for reducing the potential for incidental take of the species were detailed in the Biological Assessment. These measures include conducting mist net surveys to detect the presence or probable absence of the Indiana bat, or removal of summer potential roost trees during time of bat hibernation. The USFWS concurred with the conclusion of the Biological Assessment in a letter dated June 21, 1999; after which, the WVDOH opted to conduct mist net surveys for the Wardensville to the WVVA Stateline project. These surveys were completed between June to August, 2001. No Indiana bats were captured during the surveys. The mist net survey report concludes that the construction of the Wardensville to the WVVA Stateline Project would not likely result in an incidental take of the species and that the project is not likely to adversely affect the Indiana bat. The USFWS concurrence in the finding that construction of the Wardensville to the WVVA Stateline project is unlikely to adversely affect the Indiana bat, by letter dated November 9, 2001 concluded the required ESA Section 7 consultation process for the Wardensville to the WVVA Stateline Project.

### **Section 106 Consultation**

#### Architectural/Historic Districts

Eligibility Evaluations. There are nine eligible historic resources located in this section of the project: Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, and Evans House. Archaeological investigations conducted along and within the proposed route have been completed.

Effect Evaluations. Effect evaluations were completed for all of the eligible historic sites in the Wardensville to the WVVA Stateline Project, consistent with the consultation process required under the Section 106 Programmatic Agreement for Corridor H. The effect evaluations resulted in a finding by the Advisory Council on Historic Preservation (ACHP) that the Wardensville to the WVVA Stateline Project would have an adverse effect on the Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, and Evans House.

Mitigation Plans. In accordance with the Section 106 Programmatic Agreement for Corridor H, a Mitigation Plan was prepared for the those historic resources (see above) that the ACHP found to be adversely affected. The Mitigation Plan has been approved by FHWA, WVDOH, the WVDCH (SHPO), and the ACHP. The approval of the Mitigation Plan for the Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, and Evans House completed the Section 106 process for the Wardensville to the WVVA Stateline Project.

**Archaeological**

No National Register eligible archaeological sites were identified.

**Section 4(f) Approval.**

**Historic Sites (Architectural/Historic Districts)**

Direct Use. The Wardensville to the WVVA Stateline Project will not directly use land from any Section 4(f)-protected resource including National Register eligible historic sites (i.e., Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, and Evans House).

Indirect (Constructive) Use.

Because the ACHP determined that the project would adversely effect the Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, and Evans House, an analysis was conducted in accordance with 23 CFR 771.135(p)(6) to determine whether the project would constructively use that historic site. Based on this analysis, the FHWA has determined that the adverse effects of the project will not constitute a constructive use of Funkhouser-Earls House, Carpenters Avenue Historic District, Wardensville Main Street Historic District, Wilson House, Heltzel House, Cornwell Dyer House, Tharp-Orndorff House, James Mathias House I, or Evans House sites.

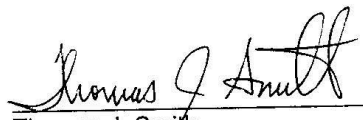
**Historic Sites (Archaeological)**

No National Register eligible archaeological sites were identified.

**IV. DECISION**

For the reasons identified in this Amended Record of Decision, the Federal Highway Administration has decided to approve the Wardensville to the WVVA Stateline Project of Corridor H as a separate transportation project.

May 5, 2003  
Date

  
\_\_\_\_\_  
Thomas J. Smith  
Division Administrator

MAR. -08' 99 (MON) 13:44  
03/08/99 11:22

ROADWAY DESIGN  
DIVISION OF CULTURE AND HISTORY

TEL: 1 304 558 1334 P. 002



**WEST VIRGINIA DIVISION OF  
CULTURE AND HISTORY**

March 5, 1999

James Sothen  
Division of Highways  
Building 5, Room 109  
Capitol Complex  
Charleston, WV 25305

RE: Criteria of Effects Evaluation, Corridor H, Section 3  
FR# 91-246-MULTI

Dear Mr. Sothen,

Our office received for review the report prepared by Michael Baker, Jr. Inc. for the assessment of effects for historic resources located within Section 3 of the proposed Appalachian Corridor H. As you know, a site visit was conducted on February 11 with staff from our offices and the Advisory Council on Historic Preservation. On February 24, 1999 my office received a copy of the Corridor H Alternatives letter to the Federal Highway Administration dated February 19, 1999. Included was an evaluation conducted by their consultant, Lardner/Klein Landscape Architects. The following comments reflect our analysis of these reports and are provided as required by the Corridor H programmatic agreement and Section 106 of the National Historic Preservation Act of 1966, as amended.

**Wardensville Main Street Historic District: *No Adverse Effect***

**Justification:** The highway does not directly impact the historic district; the evaluation of effect is focused on secondary effects. There are several aspects of this assessment including analysis of visual and auditory impacts and potential development. First, Wardensville is strongly defined by the corridor created by the buildings lining both sides of Main Street. It is a crossroads community, an intersection of several routes that diverge at each end of town. Structures along Main Street and peripheral construction sufficiently obstruct the view of the proposed highway from within the historic district except at its southern extreme near Trout Run Road. At this latter location, Corridor H is only 300 feet from the district's boundary and does introduce a new visual element to the view shed. The Trout Run Road portion of the district is more rural than the core downtown area. The district itself, however, will maintain its visual quality and unity.

The district will also maintain and perhaps improve the noise levels. Trucks already traveling on Main Street (existing Route 55) disturb the sense of rural quiet in the town. Corridor H Alternatives' eligibility video was edited to eliminate truck noise and their travel in front of the camera. The narrator is heard cutting off the video because of truck traffic. Construction of the highway will remove that ambient noise from the historic district. Through traffic will be eliminated, and only local traffic will

Page 2

James Sothen  
March 5, 1999

exit near the Miley house. The Baker report states that the closest receptor registered an increase of +6 dBA; a minor change by West Virginia Substantial Increase Criteria. (Although the Advisory Council questioned the reliability of the figures estimated for present noise levels for Sections 4 and 5, the Council has not provided further guidance.) In conclusion, there is an effect to the noise quality of the district, but it is not adverse.

The report underestimates the potential for new development near the Historic District associated with the construction of the four lane highway. Modern intrusions, if they occur, will detract from the district's historic feel and setting. These indirect effects, however, will be independently sponsored apart from the highway construction. The consulting party, Corridor H Alternatives, has commented that any new construction will not be controlled due to lack of zoning and planning at the county level. Ms. Bonni McKeown states that "Hardy County has no zoning to prevent or redirect this type of sprawl." Mr. Jim Klein states that "it is his professional opinion that [induced development] will occur and that Hardy County has no ability to control that induced development." The construction of the highway must not be linked to Hardy County's lack of zoning. This critical issue is not the responsibility of the Federal Highway Administration. It is beyond the scope of this review to determine impact of future construction that is dependent on multiple factors. (Hardy County or Wardensville can seek funding and technical assistance from this office to address historic preservation planning.)

**Carpenters Avenue Historic District: No Effect**

**Justification:** During the site visit on February 11, the plans were examined to determine the exact location of the alignment. The majority of the road is located behind the ridge or obscured by existing tree lines. It does leave the ridge to enter the valley, but this is at a substantial distance from the district.

Lardner/Klein report states that "this ridgeview subdivision was laid out and sited to take advantage of the view to Anderson Ridge." This assertion is not substantiated in their report. I contacted Baker staff to review this statement. Two resources were inventoried by Baker that were included in the "Ridgeview Subdivision": 37-23 and 37-24. Neither were determined eligible and are not located within the Carpenter's Avenue Historic District. This subdivision is distinct from the Carpenter's Avenue district. Deed records do not indicate that a view of the ridge was essential or considered during development of this street. The lots at the time of development did not extend across the road to protect the view. McKeever does not reference the view or attach significance. Therefore, based upon this information, it is our opinion that Klein's assertion is speculative and cannot be considered for the assessment of effect.

**Funkhouser-Earls House: No Effect**

**Justification:** The project facility will be placed in a cut on the slope of Anderson Ridge and will not be visible from the historic resource. Auditory impacts will be negligible.

Page 3

James Sothen

March 5, 1999

**Tharp-Orndorff House: No Adverse Effect**

**Justification:** The project facility will be clearly visible from the Tharp-Orndorff House. At its nearest point, the highway's centerline is approximately 840 feet from the historic resource. Additionally, the highway will be elevated on fill 25 to 50 feet above the current grade. Since the Tharp-Orndorff House is eligible under Criterion C, Corridor H will not jeopardize its National Register status.

**Wilson House: No Adverse Effect**

**Justification:** The reasoning for this determination is similar to that of the Tharp-Orndorff House. In this case, however, the Wilson House is even closer to the project facility at 690 feet.

**James Mathias House: Conditional No Adverse Effect**

**Justification:** Although the Division of Highways has no plans to take this structure, the proximity of the building to the access road limit the future of this building. As it is eligible according to Criterion D, we suggest that the building be recorded prior to construction. Should the building suffer deterioration from benign neglect, there will be historic documentation to record its significance. We support cordoning off the area during construction as was mentioned during our site visit.

**Heltzel House: No Effect**

**Justification:** The Heltzel House is relatively far removed from the project facility, approximately 1,800 feet from the centerline. Much of the overpass which bridges Trout Run Road will be hidden from the historic resource by a large grove of trees and topography. Additionally, the historic view from the Heltzel House has already been compromised by a modern dwelling which is located between the historic resource and the proposed highway.

**Cornwell Dyer House: No Effect**

**Justification:** The Cornwell Dyer House is approximately 1,175 feet from the highway's centerline. The Wardenville site visit revealed that the project facility will not be easily viewed from the historic resource. The historic view shed will not be impacted since the facade of the Cornwell Dyer House is oriented away from the new construction.

**Hott House: No Adverse Effect**

**Justification:** The Corridor H alignment centerline is 678 feet from the Hott House. Additionally, the highway will be elevated 40 to 50 feet above the existing grade, making it the dominant visual focus in the area. Although the Hott House is eligible only under Criterion C, it is likely that there will be a change to its setting. We suggest use of the no adverse effect finding as given for the Tharp-Orndorff and Wilson Houses.

Page 4

James Sothen  
March 5, 1999

**Evans House: No Effect**

**Justification:** The Evans House is far removed (2,200 feet) from the project facility which greatly reduces any visual impact upon this resource. Additionally, there are modern intrusions into the historic view shed between the Evans House and Corridor H.

**General Comments:**

Lardner/Klein criticizes the quality of Baker's report. It is true that the photographs of the Baker report are inadequate. However, because of familiarity with the project area through numerous site visits, they serve as reminders of the project area and are not the substance of our knowledge of the project area.

During consultation with the Division of Highways, staff pointed out that the horizontal and vertical scale used for the cross sections in the Baker report are different. The horizontal scale is 1/2" = 200 feet; the vertical scale is 1/2" = 100 feet. This affects the interpretation of the drawings; therefore, one must be careful in their evaluation.

Similarly, we must also critique the quality and presentation of the Lardner/Klein reports. The red line graphics shown on the Lardner/Klein exhibits appear misleading and are just as difficult to interpret. They do not account for the existing trees that will obscure portions of the alignment and do not represent the revegetation that will occur. It appears that in photographs 1 and 2 of Exhibit 2, the red lines are placed in different locations on the slope of the ridge thereby confusing the location of the highway.

The Lardner/Klein report departs from assessment of the historic characteristics of the cultural resources and considers aesthetic qualities of the valley and region. Anderson Ridge is most certainly scenic, but much of what is discussed relates to an aesthetic evaluation of the entire valley. Anderson Ridge has not been determined a significant factor to the historic selection of the town's site. The Advisory Council will possibly evaluate this setting beyond the defined boundary of the Wardensville historic district. Even so, it is this office's opinion that one must not consider the subjective evaluation of the scenic beauty of the valley. This consideration exceeds the authority to review impacts to historic characteristics.

Mr. Klein's background as a landscape architect prevails in his evaluation of the region. His discussion of the views focuses upon the scenic aspects and not upon the historic character of the setting. Visually sensitive management practices by the George Washington National Forest, tourist promotion of "Prime Picture Country", Lost River's use as a fishing area, and the selection of Hanging Rock as a telephone book cover are not germane.

Page 5  
James Sothen  
March 5, 1999

Much of Corridor H Alternatives concerns regarding the future of the area depend upon local factors of zoning and long term planning. The important decisions regarding change to the valley will be made locally by property owners and municipal and county officials. Their comments do not speak directly to the historic characteristics of the cultural resources. Corridor H Alternatives would do well to advocate local changes to affect the future development of Hardy County. This office is also concerned that Hardy County and its surrounding region will undergo wide changes without long range planning, but this development and growth are not solely dependent upon the construction of Corridor H.

Thank you for the opportunity to comment. If you have any questions, please contact my office.

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

cc: Renay Conlin, Commissioner, DCH  
Bonni McKeown, Corridor H Alternatives

**Advisory  
Council On  
Historic  
Preservation**

(OPTIONAL FORM NO. 10)

**FAX TRANSMITTAL**

Number of pages: 2

To: <b>TOM SMITH</b>	From: <b>MARYANN NAUER</b>
Organization: <b>F.H.W.A.</b>	Phone: <b>202 606 8514</b>
Fax: <b>304 347-5103</b>	Fax: _____

NSN 7540-01-317-1300 (10/90) GSA GEN. SER. ADMIN. DIV.

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #800  
Washington, DC 20004

NOV 8 1999

Mr. Thomas J. Smith  
Division Administrator  
Federal Highway Administration  
700 Washington Street E., Suite 200  
Charleston, WV 25301

Ref: Appalachian Corridor II, Section 3  
Federal Project APD-0484(059)  
Hardy County, West Virginia

Dear Mr. Smith:

Recently, the Council received your request for our review of the Criteria of Effect Report for Section 3 of the Corridor II project. We have reviewed the materials submitted, as well as comments provided by other parties with an interest in the undertaking. While we appreciate the factors that led to your determination and generally are in agreement that efforts to minimize the impacts of the project have effectively eliminated a number of direct effects to identified resources, we cannot agree that Section 3 of the Corridor II project will have no adverse effect on historic properties.

The proposed facility will present substantial negative impacts to the largely rural environment which constitutes the setting of the historic properties identified in the report. The facility, including two 75-foot overpass spans and substantial areas of cut and fill extending as high as 200 feet, will be distinctly visible from the two historic districts as well as virtually all of the individually eligible properties. This massive infrastructure will significantly alter the setting of these properties by introducing elements which are out of scale with the vernacular, small-town residential and commercial structures that comprise the properties. Generally, the distance between the historic property and the roadway would mitigate the visual impacts; however, the extraordinary scale of the project at this location (up to 200 feet of vertical cut and fill and 600-foot wide areas of fill) negates the advantage of distance. Notably, Anderson Ridge which provides either the backdrop or the view for each of the identified properties will be dominated by a massive area of cuts and fill. The suggestion that buildings or trees "may" screen views is questionable, to say the least. The repeated references to revegetation to address the visual impact is neither assured nor adequate, in and of itself, to avoid the adverse effect. Accordingly, it is our conclusion that construction of Corridor II in the vicinity of Wardensville will diminish the integrity of the properties' setting, feeling, and association by introducing visual and audible



elements which are out of character with the properties and alter their settings thereby resulting in adverse effects to historic properties.

The guiding principle for determining the impact of projects upon historic properties remains the Criteria of Adverse Effect set forth in the Council's regulations (36 CFR § 800.9) and not the FHWA guidelines for visual effect which were heavily quoted in the report. It should be noted, however, that even FHWA's guidelines recognize the potential for highway projects to cause an effect to the "external setting". Application of the Council's criteria is not limited to whether the views from the approach local remain "vivid", but applies to the full range of uses for the property. The directed views of the report's authors are too limited to reflect the experience of residents or visitors. In addition to the misapplication of the Criteria for Adverse Effect, the report contains several other misconceptions. It is questionable how the secondary and cumulative effects report referenced as having failed to predict any such effects to the environs of Wardensville could have reached such a conclusion since it was prepared well in advance of the identification of these historic properties. As for the assessment of auditory impacts, no reference is given to compare the relative location of the receptors referenced with the historic properties. In addition, the visuals included in the report provide no reference for assessing the impact of the new roadway construction.

Notwithstanding our findings, we believe that the mitigation measures which have been integrated into the project plans are basically acceptable. The FHWA should, at this time, consider whether any additional means are feasible to minimize the adverse effects identified above, particularly whether any opportunities exist to reduce the height of the massive cuts and fill areas. We appreciate the opportunity to offer our comments in accordance with the provisions of the Programmatic Agreement pertaining to this undertaking and look forward to continuing to work with you to implement its terms. Please contact MaryAnn Nuher at (202) 606-8534 should you wish to discuss these issues further.

Sincerely,

*Charlene Dwin Vaughn*

*for*

Dun L. Klima  
Director  
Office of Planning and Review



April 26, 2019

**The Culture Center**  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • www.wvculture.org  
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EEO/AA Employer

Mr. Ben Hark  
Environmental Section Head  
WV Division of Highways  
1334 Smith Street  
Charleston, West Virginia 25301

RE: Appalachian Corridor H: Wardensville to VA Line  
State Project No. X316-H /125.16 Federal Project No. NHPP-0484(117)  
FR#: 91-246-Multi-380

Dear Mr. Hark:

We have reviewed the technical report titled, *Appalachian Highway Corridor H Wardensville to Virginia State Line Project Cultural Resources Avoidance Feasibility Analysis and Criteria of Effects Determinations*, which was completed for the above-referenced project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

We have reviewed the submitted information and concur that the proposed project will result in *adverse effects* to the Francis Kotz Farm (HY-0039; NR# 08001237), Nicholas Switzer House (HY-0049; NR# 08001238), Boyd McKeever House (HY-0413), and Resource HY-0299. In addition, we remain in concurrence with the finding of *adverse effect* for the resources listed in or that were determined to remain eligible for the National Register of Historic Places in our previous review letter dated December 26, 2018 (FR#-91-246-Multi-379). These include the Tharp-Orndorff House (Francis Godlove House HY-0527); Funkhouser-Earls House (HY-0042); Cornwell Dyer House (HY-0050-0002); James Mathias House 1 (HY-0303); Heltzel House (HY-0305); Hott House Property (HY-0317); Wilson House (HY-0464); and William R. Orndorff House (HY-0887).

It is our understanding that the Carpenters Lane and Wardensville Main Street Historic Districts were not reevaluated during the November 2018 survey because they were little changed, and the proposed project would continue to be an *adverse effect* to these districts no matter if the boundaries were adjusted or not. We remain in concurrence with the determination of *adverse effect* provided by the Advisory Council on Historic Preservation (ACHP) in 1999 for all resources listed in or eligible for the National Register within the project's area of potential effects (APE), including these historic districts.

Because the proposed project will result in *adverse effects*, we request you evaluate alternatives or modifications to the proposed project to *avoid, minimize, or mitigate* the adverse effects it will have to historic properties and then inform our office of those alternatives or modifications. As instructed in 36

April 26, 2019  
Mr. Hark  
FR# 91-246-Multi-380  
Page 2

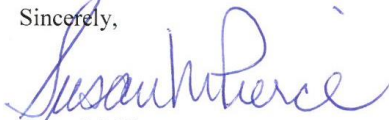
CFR 800.6(a), it is also your office's responsibility to notify the Advisory Council on Historic Preservation (ACHP) of our current assessment of *adverse effect*. We will provide additional comments upon receipt of the requested information; however, we reserve the right to request additional information. As noted in our earlier review letters, we are available to discuss these comments or participate in a site visit.

Consulting Parties/Public Comments

Federal regulations in 36 CFR §§ 800.2(c-d), 800.3(e-f), and 800.6(a)(4) all stress the importance of involving the general public, local government representatives, and organizations that have a demonstrated interest in historic preservation or the undertaking in the Section 106 review process. If you have already completed this aspect of the requirements under Section 106, please provide written documentation along with any comments you have received, or any that you receive in the future, to this office. If you have not already done so, please consider forwarding a copy of the submitted information for the above-mentioned project to any individuals living near or within a line-of-sight of the proposed project site and to the Preservation Alliance of West Virginia to request their comments or opinions on the matter. Please forward any comments regarding cultural resources that you receive to this office. If you receive no comments within thirty (30) days, please indicate that *in writing* to this office.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Benjamin M. Riggle, Structural Historian, at (304) 558-0240.*

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/BMR



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Byrd E. White, III  
Secretary of Transportation

Jimmy Wriston, P. E.  
Deputy Secretary/  
Acting Commissioner

June 5, 2019

Ms. Susan Pierce  
Deputy State Historic Preservation Officer  
Division of Culture and History  
1900 Kanawha Blvd East  
Charleston, WV 25305

State Project: X316-H/125.16  
Federal Project: NHPP-0484(117)  
Appalachian Corridor H, Wardensville to Virginia State Line  
Hardy County

Dear Ms. Pierce:

We appreciated your timely review and comments on the Appalachian Highway Corridor H Wardensville to Stateline Project's Criteria of Effect Report. Below, please find our responses to your comment requesting or suggesting additional materials and/or actions by WVDOH relative to the Section 106 Process for this project.

**SHPO Comment 1:**

"Because the proposed project will result in adverse effects, we request you evaluate alternatives or modifications to the proposed project to avoid, minimize, or mitigate the adverse effects it will have to historic properties and then inform our office of those alternatives or modifications."

**WVDOH Response 1:**

1. In its 1996 Final Environmental Impact Statement (EIS), WVDOH identified Alternative 3A as the selected alignment in the Wardensville to Stateline Project. Subsequently, FHWA identified Alternative 3A as the Preferred Alternative in its Record of Decision (ROD). In 1999, it was determined that Alternative 3A would have an adverse effect on any property designated as eligible for or listed in the National Register of Historic Places (NRHP) that exists within the Wardensville to Stateline Project.
2. In accordance with the Corridor H Section 106 Programmatic Agreement (PA), in 2000 the WVDOH conducted additional and extensive engineering analyses to determine the feasibility of alternative alignments that would avoid or minimize the adverse effects on historic properties identified in the Wardensville to Stateline Project. Those additional engineering analyses were presented in a Cultural Resources Avoidance Feasibility Report (Attachment 1) and included:
  - a. a reconsideration of the three (3) alignments in the Wardensville APE that were initially analyzed in the 1994 Alignment Selection Draft EIS and the 1996 Final EIS, including Preferred Alternative 3A;

- b. the development and detailed analysis of seven (7) new minimization alignments for Preferred Alternative 3A that would potentially avoid or minimize adverse effects to historic resources that were eligible for listing on the NRHP;
  - c. the adoption of Minimization Alignment B1 (later labeled B4), which included a “depressed alignment” section west of the Anderson Ridge cut that lowered the roadway below the current ground level, by 20 to 50 feet in some areas;
  - d. the development of detailed graphics and engineering drawings depicting Minimization Alignment B1’s location both horizontally and vertically relative to each of the individual historic properties as well as the two historic districts for inclusion in the March 2000 Cultural Resource Avoidance Feasibility (CRAF) Report (see Attachment 1, March 2000 CRAF);
  - e. the acceptance of the CRAF conclusions by the WVSHPO and the ACHP and the development of a mitigation plan based on Minimization Alignment B1; and
  - f. the acceptance by the WVSHPO and the ACHP of the mitigation plan with the caveat that the implementation of the accepted plan would not eliminate the project’s adverse effect on any of the individual historic properties or either of the historic districts (see Attachment 2,- WVSHPO Comment Letter June 15, 2000).
3. In the Spring of 2018, WVDOH re-initiated studies to complete a formal re-evaluation of the 1996 NEPA documentation as required by FHWA regulations (23 CFR 771).
  4. One of the issues requiring additional research was the relationship between groundwater resources and the Preferred Alternative with Minimization Alignment B1 (see Attachment 3, Re-Evaluation of 2000 CRAF, April 2018). Based on the detailed analysis presented in the 2018 Re-evaluation, WVDOH has determined that construction of the Minimization Alignment identified in the March 2000 CRAF is no longer feasible or practicable because construction of the alignment was likely to result in:
    - a. serious logistical issues and excessive costs incurred during the construction, operation and maintenance of the proposed mitigation (i.e., depressed highway), and
    - b. unacceptable environmental impacts such as dewatering livestock ponds and private water wells.
  5. Because of these significant issues, WVDOH has concluded that it will need to return to the original Alignment 3A described in the 1996 FEIS and ROD and that it will conduct no further engineering analyses of avoidance or minimization alignments. WVDOH has arrived at these decisions because: alignment modifications to the 1996 Preferred Alternative 3A were thoroughly examined in the March 2000 CRAF and only Minimization Alignment B1 was carried forward (Attachment 1); and the April 2018 CRAF Re-Evaluation (Attachment 3) determined that the Minimization Alignment B1 developed and adopted by WVDOH in 2000 was no longer feasible or practicable.
  6. Therefore, based on the discussions above and associated attachments, there are no additional alternatives or modifications to the proposed project to evaluate that would avoid, minimize, or mitigate the adverse effects the project will have to historic properties.

**SHPO Comment 2:**

“As instructed in 36 CFR 800.6(a) It is also DOH’s responsibility to notify the ACHP of our current assessment of adverse effect.”

**WVDOH Response 2:**

The Corridor H Programmatic Agreement (PA) specifies the agencies and process regarding consultation and submission of Section 106 analyses and documents. WVDOH will continue to follow the processes contained within the PA.

**SHPO Comment 3:**

“Federal regulations in 36 CFR 800.2(c-d), 800.3(e-f), and 800.6(a)(4) all stress the importance of involving the general public, local government representatives, and organizations that have a demonstrated

interest in historic preservation or the undertaking in the Section 106 review process. If you have already completed this aspect of the requirements under Section 106, please provide written documentation along with any comments you have received, or any that you receive in the future, to this office.”

**WVDOH Response 3:**

In compliance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act, WVDOH held an informational workshop and public meeting on May 15, 2018 at the Wardensville War Memorial Building for the general public. Flyers announcing that meeting were posted in government offices and businesses in Wardensville and a press release was sent to local/regional media outlets. Based on the sign-in sheet, slightly over 100 people attended. Public comments were solicited on comment sheets completed at the meeting as well as via e-mail. Attachment 4 includes copies of the meeting announcement flyer and public notice, the sign-in sheet, and comments received.

**SHPO Comment 4:**

“If you have not already done so, please consider forwarding a copy of the submitted information for the above-mentioned project to any individuals living near or within a line-of-sight of the proposed project site and to the Preservation Alliance of West Virginia to request their comments or opinions on the matter. Please forward any comments regarding cultural resources that you receive to this office. If you receive no comments within thirty (30) days, please indicate that in writing to this office.”

**WVDOH Response 4:**

1. WVDOH believes that given the small-town nature of Wardensville as well as the intense public interest in Corridor H over the last 20+ years that there is no lack of public knowledge or understanding of this project. Also, because the project will cut through Anderson Ridge, individuals living “near or within a line-of-sight of the proposed project site” would include the entire population of Wardensville and its immediate area. Additionally, sharing the “submitted information” for this project would include thousands of pages per household. Since the beginning of the Corridor H Project in the early 1990’s, WVDOH has sent information (e.g., NEPA documents, maps, reports, etc.) to individuals upon request. We will continue that practice.
2. The Corridor H PA and the FHWA’s ROD identify those groups and individuals that are required to be included within the Section 106 consulting process. WVDOH will notify those groups and individuals identified in those two documents.
3. WVDOH will continue to coordinate with your office as requested.

We hope that this adequately addresses your comments of April 27, 2019 on the Wardensville to Stateline Criteria of Effect Report.

Should you have any questions or concerns, please contact me at 304-558-9487 or email [Sondra.L.Mullins@wv.gov](mailto:Sondra.L.Mullins@wv.gov).

Very truly yours,



Ben L. Hark  
Environmental Section Head  
Engineering Division

BH:s

Attachments

bcc: DDE(SM)



June 12, 2019

*The Culture Center*  
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**Randall Reid-Smith, Commissioner**

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EEO/AA Employer

Mr. Ben Hark  
Environmental Section Head  
WV Division of Highways  
1334 Smith Street  
Charleston, West Virginia 25301

RE: Appalachian Corridor H: Wardensville to VA Line  
State Project No. X316-H /125.16 Federal Project No. NHPP-0484(117)  
FR#: 91-246-Multi-381

Dear Mr. Hark:

We have reviewed the additional information submitted for the above-mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

Thank you for providing responses to our comments regarding the assessment of *adverse effect* for this proposed project made in our letter dated April 26, 2019 (FR#: 91-246-Multi-380). It is our opinion that the West Virginia Division of Highways (WVDOH) has made a good-faith effort to avoid and/or minimize the adverse effects resulting from this proposed project by analyzing numerous alternative routes and construction techniques.

In March 2000, WVDOH produced a Cultural Resources Avoidance Feasibility Report (CRAF) and determined that Minimization Alignment B1 would result in the least adverse effect to the National Register listed and eligible resources within the Area of Potential Effects (APE). The effects of the newly constructed road would be minimized by constructing it with a "depressed alignment" to obscure the road's visibility with vegetative screening to further minimize the effects. However, in the Spring of 2018, WVDOH re-initiated studies of the proposed project and developed a new CRAF to reevaluate cultural resources avoidance. In the 2018 CRAF, WVDOH determined that the "depressed alignment" was no longer practical because of serious logistical issues, excessive costs, and unacceptable environmental impacts including potential impacts to residential and agricultural water supplies. Therefore, WVDOH has concluded that the original preferred alignment, Alignment 3A as described in the 1996 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD), will be used and no further engineering analyses will be made to avoid or minimize the project's effects.

We are sympathetic to WVDOH's situation and agree that no further engineering analyses of potential route changes are required. While we agree the "depressed alignment" is not feasible, the updated

June 12, 2019  
Mr. Hark  
FR# 91-246-Multi-381  
Page 2

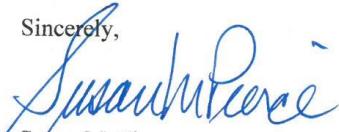
CRAF, completed in May 2018, does not provide any details regarding mitigation strategies to address the unavoidable adverse effects resulting from the preferred alignment. We believe additional mitigation measures, outside of a direct engineering redesign, can be developed to mitigate these adverse effects. For example, the installation of interpretive signage documenting the project area's historic resources at rest areas and/or scenic overlooks or strategically planted vegetative screening, while not as effective as with the "depressed alignment" could still be used as mitigation measures. Please provide our office details of any proposed mitigation plan to address the adverse effects. We will provide additional comments upon receipt of the requested information; however, we reserve the right to request additional information. As noted in our earlier review letters, we are available to discuss these comments or participate in a site visit.

Consulting Parties/Public Comments

Thank you for providing the summary of how WVDOH has fulfilled the provisions detailed in federal regulations in 36 CFR §§ 800.2(c-d), 800.3(e-f), and 800.6(a)(4) regarding involving the general public, local government representatives, and organizations that have a demonstrated interest in historic preservation or the undertaking in the Section 106 review process. The public meeting, held on May 15, 2018, was well attended and the majority of the comments received were in support of the project with the primary concerns being the intersections with the secondary roads and the integrity of the local water table. We appreciate WVDOH's efforts to fulfill these requirements under Section 106 during this process. Please continue to forward to our office any further correspondence or comments regarding cultural resources to our office.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Benjamin M. Riggle, Structural Historian, at (304) 558-0240.*

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/BMR