



CULTURAL HERITAGE PARTNERS, PLLC  
*innovation for preservation*

March 17, 2014

VIA EMAIL

Ryan M. Whittington, E.I.T.  
Consultant Project Management (HNTB)  
PA Department of Transportation  
Engineering District 6-0  
7000 Geerdes Boulevard  
King of Prussia, PA 19406  
Email: c-rwhittin@pa.gov

*Re: Consulting Party Meeting for Headquarters Road Bridge*

Dear Mr. Whittington:

On behalf of the Delaware Riverkeeper Network, we are in receipt of your letter of February 28, 2014 (mis-dated March 28, 2014) regarding the next Section 106 Consulting Party (CP) Meeting and related matters, and reply briefly as follows.

**I. Next CP Meeting**

Thank you for changing the date of the next CP Meeting. The Delaware Riverkeeper Network appreciates PennDOT making reasonable efforts to allow sufficient time for the consultants to review data collected from the borings, which were pushed back multiple times due to inclement weather. While the Delaware Riverkeeper Network shares PennDOT's desire to move this process forward, it also wants to ensure that mandated procedures under Section 106, NEPA and Section 4(f) are followed closely.

Also, thank you for agreeing to include the Delaware Riverkeeper Network's consultant Dr. Mark Stout of Mark L. Stout Consulting, LLC on the open forum agenda. While the Delaware Riverkeeper Network does not believe that 15 minutes is sufficient for a full presentation by Dr. Stout, he will be as complete and informative as possible in the time allotted.

The Delaware Riverkeeper Network will endeavor to provide Dr. Stout's as well as McMullan's presentations to PennDOT in advance of the CP Meeting so they can be uploaded for the meeting, per instructions provided to us by Russell Stevenson of A.D. Marble. PennDOT's letter claimed it is "false" that PennDOT and other CP consultants have not been required to provide findings and reports ahead of previous meetings (p. 2); however, the Delaware Riverkeeper Network does not recall receiving advanced circulation of reports and findings in the past.

## II. NEPA

While the Delaware Riverkeeper Network appreciates Mr. Crum's clarification at the November 4, 2013 meeting that NEPA is currently underway, it remains concerned that PennDOT is not considering a sufficiently broad range of issues as required by that statute and continues to disregard certain matters that clearly fall within NEPA as "not ... Section 106" (*see* Cultural Heritage Partners letter and enclosure to A.D. Marble, dated October 29, 2013). The Delaware Riverkeeper Network reiterates its view that discounting evidence of adverse impacts as "not a Section 106 issue" contradicts statutory requirements in Section 106 and NEPA to coordinate the processes, and expects that PennDOT will consider all the important data being collected and presented regarding the Bridge.

Please provide a date when NEPA issues beyond the Section 106 process will begin to be discussed. To date, all matters not directly associated with 106 have been rejected or deferred as being unrelated to 106 and not appropriate for discussion. There is much to be discussed on other NEPA-required fronts, therefore the Delaware Riverkeeper Network would appreciate clarity regarding when NEPA issues will be discussed.

Regards,

*/s/ L. Eden Burgess*

L. Eden Burgess

cc: Mike McAtee, Urban Engineers, Inc.  
Kenda Gardner (KEGARDNER@pa.gov)