

APPENDIX E

Final Section 4(f) Review

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1. INTRODUCTION

Substantive edits that have been made to this Final Supplemental Environmental Impact Statement (SEIS) since the publication of the Draft SEIS are indicated with underlined text.

1.1 PROJECT DESCRIPTION

The Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA) as the lead federal agency, is preparing a Final Supplemental Environmental Impact Statement (Final SEIS) for the Hampton Roads Crossing Study (HRCS). The Study is located in the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Suffolk, Virginia. The Final SEIS re-evaluates the findings of the 2001 HRCS Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). The three alternatives retained for analysis in the 2001 FEIS, as well as input received from the public during initial scoping for the Final SEIS, were used to establish the Study Area Corridors shown in **Figure E-1**. The purpose and need of the Final SEIS is summarized below.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, FHWA is preparing a Final SEIS because of the time that has lapsed since the 2001 FEIS and new information indicating significant environmental impacts not previously considered. The Final SEIS, prepared in accordance with the implementing regulations of NEPA (23 CFR §771.130), is intended to aid in ensuring sound decision-making moving forward by providing a comparative understanding of the potential effects of the various options.

This Final Section 4(f) Review describes Section 4(f) lands identified within the HRCS Study Area Corridors and potential use of the lands. Section 4(f) of the US Department of Transportation Act of 1966 as amended (49 USC Section 303) stipulates that the U.S. Department of Transportation (USDOT), including the FHWA, cannot approve the use of land from a publicly owned park, recreation area, wildlife or waterfowl refuge, or public or private historic site unless the following conditions apply:

- The FHWA determines that there is no feasible and prudent avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR §774.3(a)); or
- The FHWA determines that the use of the Section 4(f) properties, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property (23 CFR §774.3(b)).

For this Final Section 4(f) Review, temporary use has been accounted for in the overall determination of use for each Section 4(f) property. Temporary occupancy of Section 4(f) lands will be determined during later stages of design and would not be considered a use if all of the following conditions exist:

- The land use is of short duration (defined as less than the time needed for the construction of the project).
- There is no change in ownership of the land.
- The scope of the work must be minor.
- There are no temporary or permanent adverse changes to the activities, features, or attributes of the property.
- The land must be fully restored to a condition at least as good as prior to the project.

- There must be documented agreement from the official(s) with jurisdiction over the property with the above conditions.

FHWA regulations at 23 CFR 774.15 state that a Section 4(f) use can occur when a transportation project does not incorporate land from a Section 4(f) resource into the project, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features or attributes of the resource are substantially diminished. Constructive use is only possible in the absence of permanent incorporation or temporary occupancy of the type that constitutes a use of 4(f) land by a transportation project. Stated another way, a resource that is experiencing a use as represented by permanent incorporation cannot also experience a constructive use.

A substantial impairment of a public park or historic site is one that would substantially detract from the setting of a park or historic site which derives its value in substantial part due to its setting. Presently, the setting of the Section 4(f) properties in the vicinity of the project is characterized by urban development (residential, commercial, and industrial) and/or highways (I-64, I-664, I-564, and VA 164). Therefore, the setting of these resources is already compromised by existing conditions, and implementation of the Build Alternatives will not substantially alter this setting.

The noise analysis completed in the *HRCS Noise Analysis Technical Report* determined noise impacts for each Section 4(f) property within the Study Area Corridors, as identified in **Section 2** of this document. However, none of these properties derive their value in substantial part due to their setting. Therefore, no properties have been identified where noise would create a Section 4(f) constructive use.

This Final Section 4(f) Review also provides FHWA's final *de minimis* impact findings for two historic sites impacted by the Preferred Alternative, the Battle of Hampton Roads and the Battle of Sewell's Point. For historic sites, a *de minimis* impact means that the project will have no adverse effect on the historic property. Each *de minimis* finding has been based upon the anticipated level of impact from the Preferred Alternative, and has been coordinated with relevant officials with jurisdiction in conjunction with distribution of the Draft Section 4(f) Review and Draft SEIS. Pursuant to 23 CFR §774.5(b)(2), all potential Section 4(f) *de minimis* impacts finding on parks and recreation areas have been presented for public review and comments with the HRCS Draft SEIS, in compliance with the requirements of NEPA.

1.1.1 Purpose and Need

The purpose of the HRCS is to relieve congestion at the I-64 Hampton Roads Bridge-Tunnel (HRBT) in a manner that improves accessibility, transit, emergency evacuation, and military and goods movement along the primary transportation corridors in the Hampton Roads region, including the I-64, I-664, I-564, and Route 164 corridors. The HRCS will address the following needs (in the order of presentation in Chapter 1 of the Draft SEIS):

- Accommodate travel demand – capacity is inadequate on the Study Area Corridors, contributing to congestion at the HRBT;
- Improve transit access – the lack of transit access across the Hampton Roads waterway;
- Increase regional accessibility – limited number of water crossings, inadequate highway capacity, and severe congestion decrease accessibility;

- Address geometric deficiencies – insufficient vertical and horizontal clearance at the HRBT contribute to congestion;
- Enhance emergency evacuation capability – increase capacity for emergency evacuation, particularly at the HRBT;
- Improve strategic military connectivity – congestion impedes military movement missions; and
- Increase access to port facilities – inadequate access to interstate highway travel in the Study Area Corridors impacts regional commerce.

1.1.2 Alternatives

Five alternatives, including the No-Build Alternative, were considered in the Draft SEIS. Alternative A underwent engineering refinements since the Draft SEIS, and is now the Preferred Alternative in this Final SEIS. The proposed Study Area Corridor for the Alternatives are shown on **Figure E-1**. The alternatives, shown in **Figure E-2**, are comprised of various roadway alignments, used to describe the alternatives and proposed improvements, shown on **Figure E-3**.

No-Build Alternative

This alternative includes continued routine maintenance and repairs of existing transportation infrastructure within the Study Area Corridors, but there would be no major improvements.

Alternative A

Alternative A begins at the I-64/I-664 interchange in Hampton and creates a consistent six-lane facility by widening I-64 to the I-564 interchange in Norfolk. A parallel bridge-tunnel would be constructed west of the existing I-64 HRBT. During the public review of the HRBT DEIS, there was a clear lack of public or political support for the level of impacts associated with any of the build alternatives. Specifically, potential impacts to the historic district at Hampton University, Hampton National Cemetery, and the high number of displacements were key issues identified by the public, elected officials, and University and Veterans Affairs officials. Given this public opposition, a Preferred Alternative was not identified and the study did not advance. On August 20, 2015, FHWA rescinded its Notice of Intent to prepare the HRBT DEIS, citing public and agency comments and concerns over the magnitude of potential environmental impacts to a variety of resources, such as impacts to historic resources as well as communities and neighborhoods. Consequently, VDOT and FHWA have committed that improvements proposed in the HRCS SEIS to the I-64 corridor would be largely confined to existing right-of-way. To meet this commitment, Alternative A considers a six-lane facility. Alternative A lane configurations are summarized in **Table E-1**.

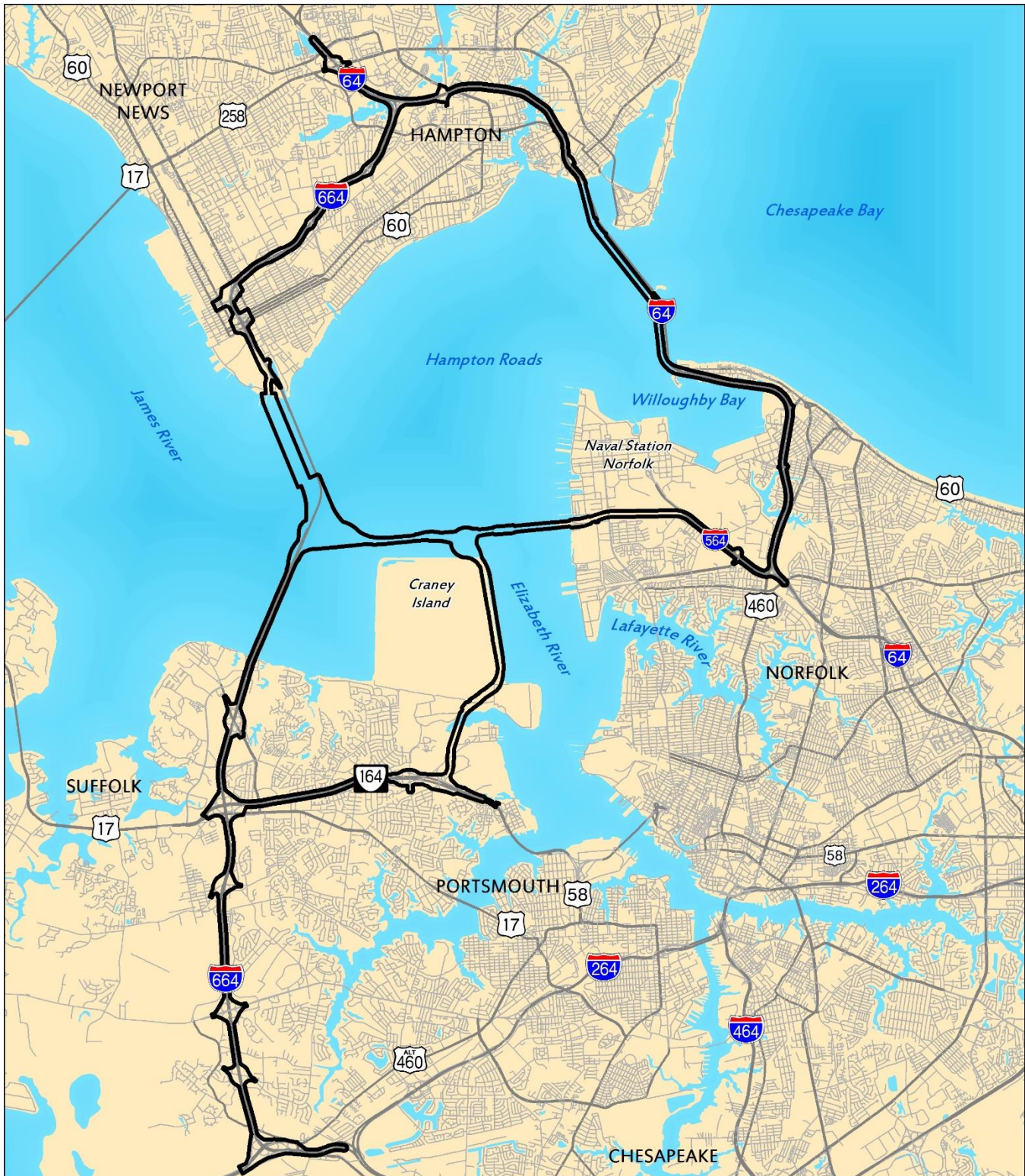
Table E-1: Alternative A Lane Configurations

Roadway Alignments	Existing Lanes	Proposed Lanes
I-64 (Hampton)	4-6	6
I-64 (HRBT and Norfolk)	4	6

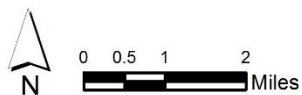
Alternative B

Alternative B includes all the improvements included under Alternative A, and the existing I-564 corridor that extends from its intersection with I-64 west towards the Elizabeth River. I-564 would be extended to connect to a new bridge-tunnel across the Elizabeth River (I-564 Connector). A new roadway (VA 164 Connector) would extend south from the I-564 Connector, along the east side of the Craney

Figure E-1: HRCS Study Area Corridors



Legend
 — Study Area Corridors
 — Major Roads



HRCS SEIS
Hampton Roads Crossing Study SEIS
Study Area Corridors

Figure E-2: Build Alternatives

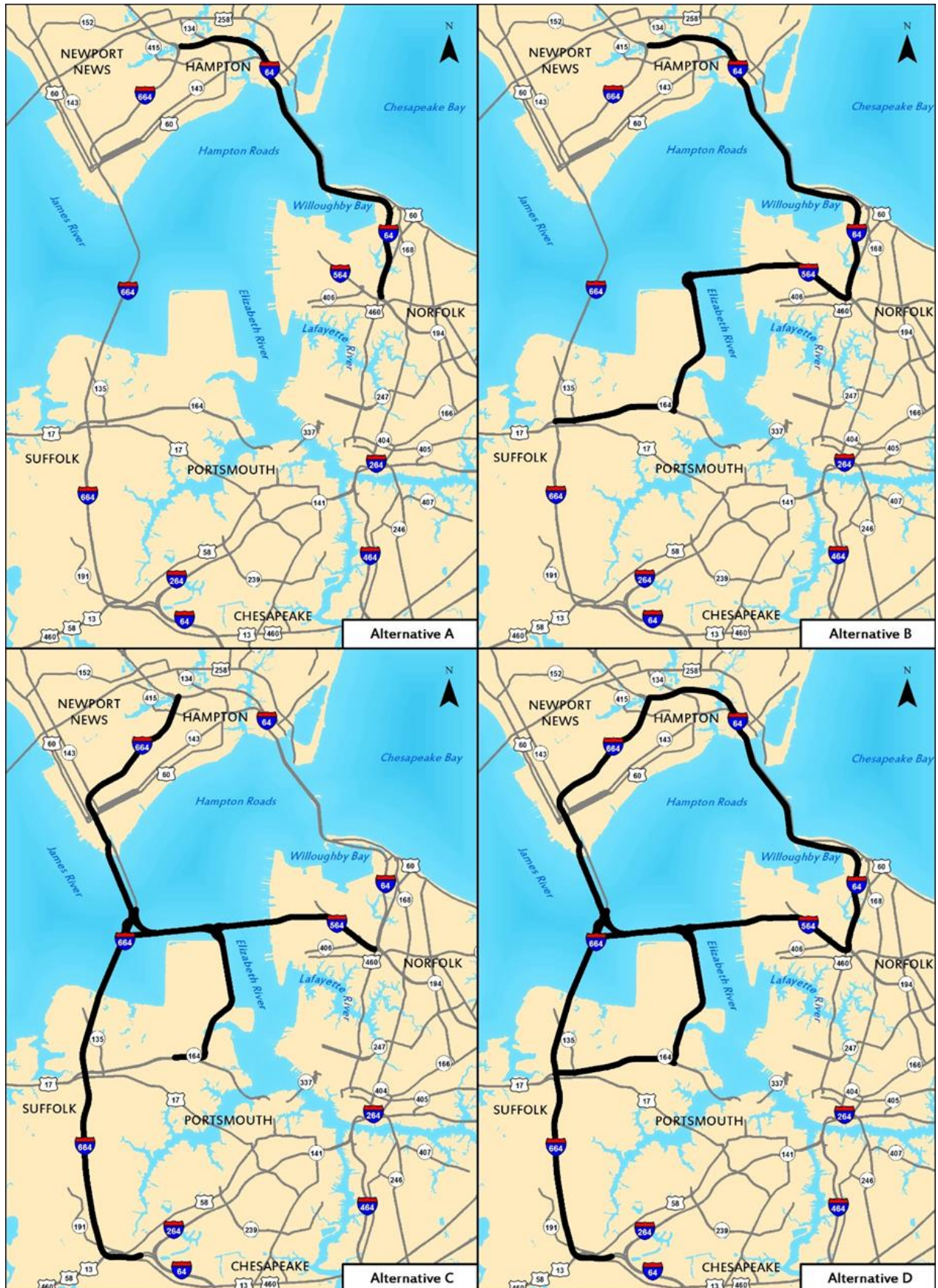


Figure E-3: Roadway Alignments



<p>Legend</p> <p>— Study Area Corridors</p> <p>— Major Roads</p> <p>0 0.5 1 2 Miles</p> <p>N</p>	<p>VDOT</p> <p>U.S. Department of Transportation Federal Highway Administration</p>	<p>HRCS SEIS Hampton Roads Crossing Study SEIS</p> <p>Roadway Alignments</p>
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Island Dredged Material Management Areas (CIDMMA), and connect to existing VA 164. VA 164 would be widened from this intersection west to I-664. Alternative B lane configurations are summarized in **Table E-2**.

Table E-2: Alternative B Lane Configurations

Roadway Alignments	Existing Lanes	Proposed Lanes
I-64 (Hampton)	6	6
I-64 (HRBT and Norfolk)	4	6
I-564	6	6
I-564 Connector	none	4
VA 164 Connector	none	4
VA 164	4	6

Note: The I-564 Intermodal Connector (IC) project is a separate project from HRCS that lies between the I-564 Connector and I-564. It would be constructed regardless of whether the HRCS improvements are made and therefore is included under the No-Build Alternative and is not listed with other proposed improvements.

Alternative C

Alternative C includes the same improvements along I-564, the I-564 Connector, and the VA 164 Connector that are considered in Alternative B. This alternative would not propose improvements to I-64 or VA 164 beyond the VA 164 Connector. Alternative C includes dedicated transit facilities in specific locations. DRPT completed a study in November 2015 that recommended high frequency bus rapid transit (BRT) service in a fixed guideway or in a shared high occupancy vehicle (HOV) or high occupancy toll (HOT) lanes (DRPT, 2015). Based on that recommendation, for the purposes of this Draft SEIS, transit assumes Bus Rapid Transit (BRT). In the Final SEIS, transit could be redefined or these lanes may be used as managed lanes. Alternative C converts one existing HOV lane in each direction on I-564 in Norfolk to transit only. The I-564 Connector and the I-664 Connector would be constructed with transit only lanes. This alternative also includes widening along I-664 beginning at I-664/I-64 in Hampton and continuing south to the I-264 interchange in Chesapeake. One new transit lane is included along I-664 between I-664/I-64 in Hampton and the new interchange with the I-664 Connector. Alternative C lane configurations are summarized in **Table E-3**.

Table E-3: Alternative C Lane Configurations

Roadway Alignments	Existing Lanes	Proposed Lanes
I-664 (from I-64 to the proposed I-664 Connector)	4-6	8 + 2 Transit Only
I-664 (from the proposed I-664 Connector to VA 164)	4	8
I-664 (from VA 164 to I-264)	4	6
I-564	6	4 + 2 Transit Only
I-564 Connector	none	4 + 2 Transit Only
VA 164 Connector	none	4
I-664 Connector	none	4 + 2 Transit Only

Note: The I-564 IC project is a separate project from HRCS that lies between the I-564 Connector and I-564. It would be constructed regardless of whether the HRCS improvements are made and therefore is included under the No-Build Alternative and is not listed with other proposed improvements.

Alternative D

Alternative D is a combination of the sections that comprise Alternatives B and C. Alternative D lane configurations are summarized in **Table E-4**.

Table E-4: Alternative D Lane Configurations

Roadway Alignments	Existing Lanes	Proposed Lanes
I-64 (Hampton)	4-6	6
I-64 (HRBT and Norfolk)	4	6
I-664 (from I-64 to VA 164)	4-6	8
I-664 (from VA 164 to I-264)	4	6
I-664 Connector	None	4
I-564	6	6
I-564 Connector	none	4
VA 164 Connector	none	4
VA 164	4	6

Note: The I-564 IC project is a separate project from HRCS that lies between the I-564 Connector and I-564. It would be constructed regardless of whether the HRCS improvements are made and therefore is included under the No-Build Alternative and is not listed with other proposed improvements.

Preferred Alternative

Since publication of the Draft SEIS, modifications were made to Alternative A to develop the Preferred Alternative. These modifications include increasing the side slopes to a ratio of 2:1 and the addition of guardrail along eastbound I-64 just north of the Mallory Street interchange; reduction of the shoulder width and a retaining wall along eastbound I-64 between the Settlers Landing Road interchange and the Mallory Street interchange; a retaining wall along eastbound I-64 between the Mallory Street interchange and the HRBT approach bridge; and locating the proposed northern eastbound HRBT approach bridge in the location of existing HRBT northern eastbound approach bridge and shifting the existing northern eastbound approach bridge to the east. Additionally, a retaining wall would be included along eastbound I-64 between the bridge over Bayville Street and the bridge over Willoughby Bay to avoid impacts to the Willoughby Boat Ramp.

2. SECTION 4(F) PROPERTIES

Coordination was undertaken with the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Suffolk, Virginia as well as the Virginia Department of Game and Inland Fisheries and the Virginia Department of Conservation and Recreation (VDCR) to identify any publicly owned parks, recreation areas, and wildlife and waterfowl refuges within or in close proximity to the Study Area Corridors. In addition, consultation was initiated with the Virginia Department of Historic Resources (VDHR) and other consulting parties pursuant to Section 106 of the National Historic Preservation Act to identify historic sites of national, state or local significance within or in close proximity to the Study Area Corridors. **Table E-5** and **Table E-6** identify the Section 4(f) properties by name, official with jurisdiction, whether or not it would incur a Section 4(f) use, and which figure(s) identify the location of the property. A total of **39** Section 4(f) properties are within or in close proximity to the Study Area Corridors of the Build Alternatives. These properties include **15** public park and recreation areas and **24** historic sites.

Figures E-4a through E-4e provide the locations of the Section 4(f) properties in the vicinity of the Study Area Corridors of all the Build Alternatives.

Table E-5: Public Parks and Recreation Areas

Property	Official with Jurisdiction	Section 4(f) Use by Alternative					Figure
		A	B	C	D	Preferred	
Bluebird Gap Farm	City of Hampton	No	No	No	No	<u>No</u>	E-4a
Newmarket Creek Park Trail	City of Hampton	No	No	No	No	<u>No</u>	E-4a
Y. H. Thomas Park	City of Hampton	No	No	No	No	<u>No</u>	E-4a
River Street Park	City of Hampton	No	No	No	No	<u>No</u>	E-4a
Peninsula Metropolitan YMCA	City of Hampton	No	No	No	No	<u>No</u>	E-4a
Woodlands Golf Course	City of Hampton	No	No	No	No	<u>No</u>	E-4a
Hampton High School Athletic Fields	Hampton Public Schools	No	No	Yes	Yes	<u>No</u>	E-4a
Willoughby Boat Ramp	City of Norfolk	Yes	Yes	No	Yes	<u>No</u>	E-4b
Captain's Quarters Park	City of Norfolk	No	No	No	No	<u>No</u>	E-4b
Willoughby Elementary School Recreational Fields	City of Norfolk	No	No	No	No	<u>No</u>	E-4b
Park Place Playground	City of Hampton	No	No	Yes	Yes	<u>No</u>	E-4c
Booker T. Washington Middle School Recreational Fields	Newport News Public Schools	No	No	No	No	<u>No</u>	E-4c
Ebony Heights Park	City of Portsmouth	No	No	No	No	<u>No</u>	E-4d
Churchland Park	City of Portsmouth	No	No	No	No	<u>No</u>	E-4f

Property	Official with Jurisdiction	Section 4(f) Use by Alternative					Figure
		A	B	C	D	Preferred	
Churchland High School Recreational Fields	City of Portsmouth	No	No	No	No	<u>No</u>	E-4f

Shaded rows indicate a Section 4(f) use. These properties are described in Sections 3.1 and 3.2.

Table E-6: Historic Sites

Property	VDHR Number	Official with Jurisdiction	Section 4(f) Use by Alternative					Figure
			A	B	C	D	Preferred	
Hampton Coliseum	114-5600	VDHR	No	No	No	No	<u>No</u>	E-4a
Pasture Point Historic District	114-0118	VDHR	No	No	No	No	<u>No</u>	E-4a
Elmerton Cemetery	114-0155	VDHR	No	No	No	No	<u>No</u>	E-4a
Hampton Institute	114-0006	VDHR	Yes	Yes	No	Yes	<u>No</u>	E-4a
Hampton National Cemetery	114-0148	VDHR	No	No	No	No	<u>No</u>	E-4a
Phoebus-Mill Creek Terrace Historic District	114-5002	VDHR	No	No	No	No	<u>No</u>	E-4a
Hampton Veterans Affairs Medical Center Historic District	114-0101	VDHR	No	No	No	No	<u>No</u>	E-4a
Fort Monroe	114-0002	VDHR	No	No	No	No	<u>No</u>	E-4b
Chamberlin Hotel	114-0114	VDHR	No	No	No	No	<u>No</u>	E-4b
Old Point Comfort Lighthouse	114-0021	VDHR	No	No	No	No	<u>No</u>	E-4b
Fort Wool	114-0041	VDHR	No	No	No	No	<u>No</u>	E-4b
Battle of Hampton Roads	114-5297	VDHR	Yes	Yes	Yes	Yes	<u>Yes</u>	E-4a, b, c, d, f
Battle of Sewell's Point	122-5426	VDHR	Yes	Yes	No	Yes	<u>Yes</u>	E-4a, b, c
Battle of Craney Island	124-5267	VDHR	No	Yes	Yes	Yes	<u>No</u>	E-4f
Norfolk Naval Base Historic District	122-0410	VDHR	No	No	No	No	<u>No</u>	E-4b, f

Property	VDHR Number	Official with Jurisdiction	Section 4(f) Use by Alternative					Figure
			A	B	C	D	<u>Preferred</u>	
Merrimack Landing Historic District	122-5434	VDHR	No	No	No	No	<u>No</u>	E-4b
Ocean View Elementary School	122-0954	VDHR	No	No	No	No	<u>No</u>	E-4b
Willoughby Elementary School	122-5930	VDHR	No	No	No	No	<u>No</u>	E-4b
Forest Lawn Cemetery	122-0531	VDHR	No	No	No	No	<u>No</u>	E-4b
Norfolk Naval Base Golf Course Historic District	122-5045	VDHR	No	No	No	No	<u>No</u>	E-4b
Noland Company Building	121-0299	VDHR	No	No	No	No	<u>No</u>	E-4c
Peninsula Catholic High School, St Vincent's School For Girls	121-0157	VDHR	No	No	No	No	<u>No</u>	E-4c
St Vincent de Paul Catholic Church	121-0032	VDHR	No	No	No	No	<u>No</u>	E-4c
Brown Manufacturing, Coca Cola Bottling Works	121-0033	VDHR	No	No	No	No	<u>No</u>	E-4c
Sunray Agricultural Historic District	131-5325	VDHR	No	No	No	No	<u>No</u>	E-4e

Shaded rows indicate a Section 4(f) use. These properties are described in Sections 3.1 and 3.2.

Figure E-4a: Section 4(f) Properties 1 of 6

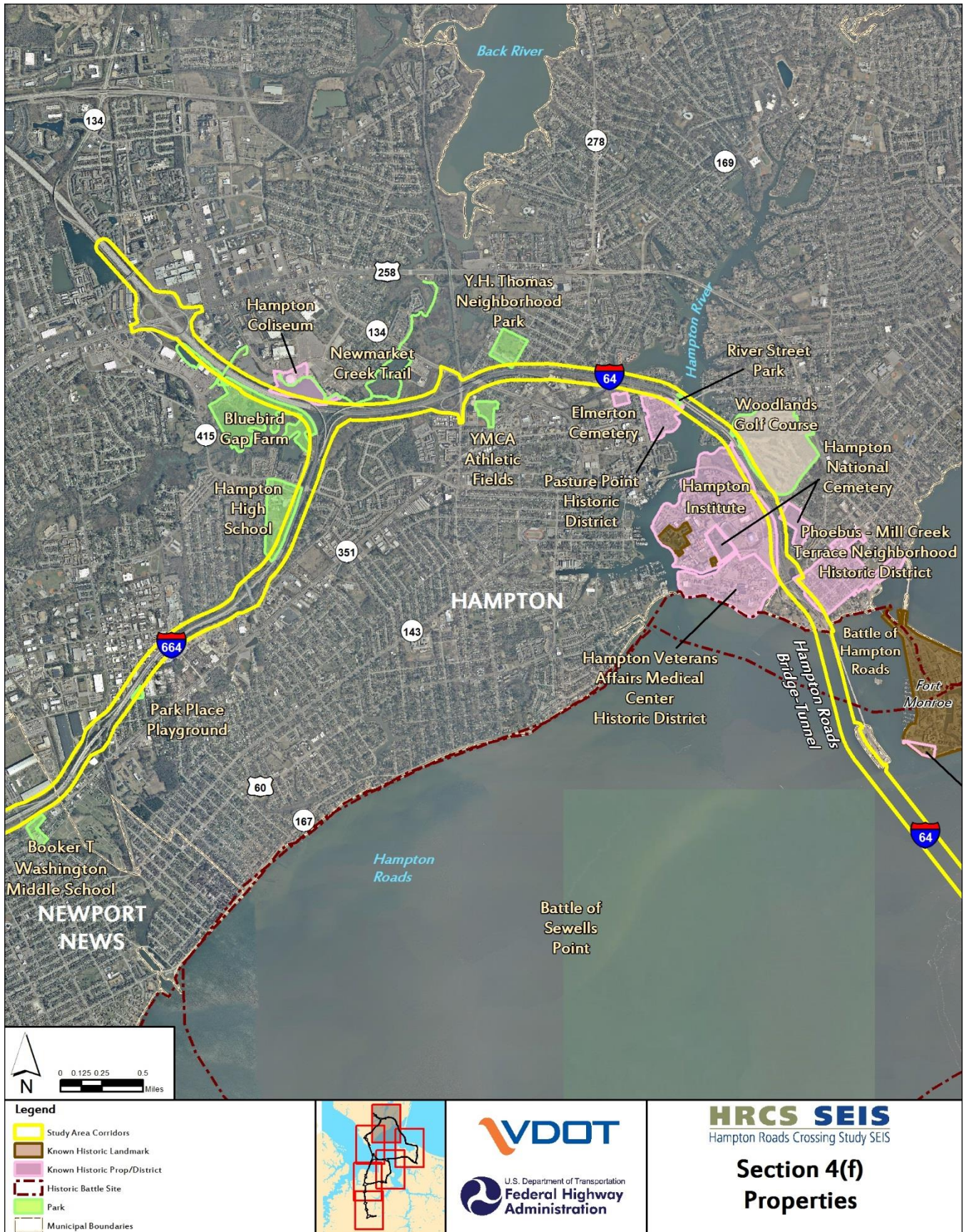


Figure E-4b: Section 4(f) Properties 2 of 6

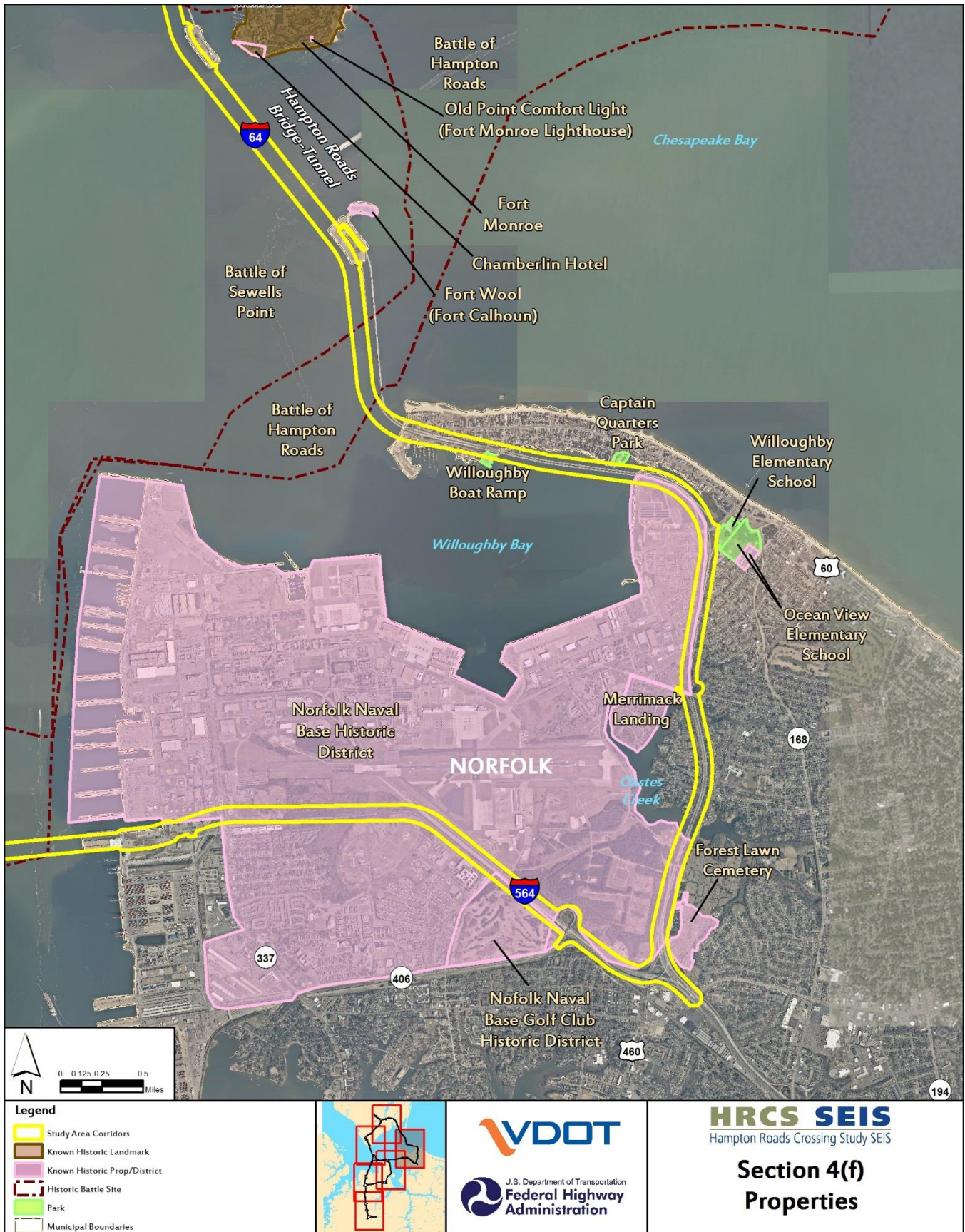


Figure E-4c: Section 4(f) Properties 3 of 6



Figure E-4d: Section 4(f) Properties 4 of 6

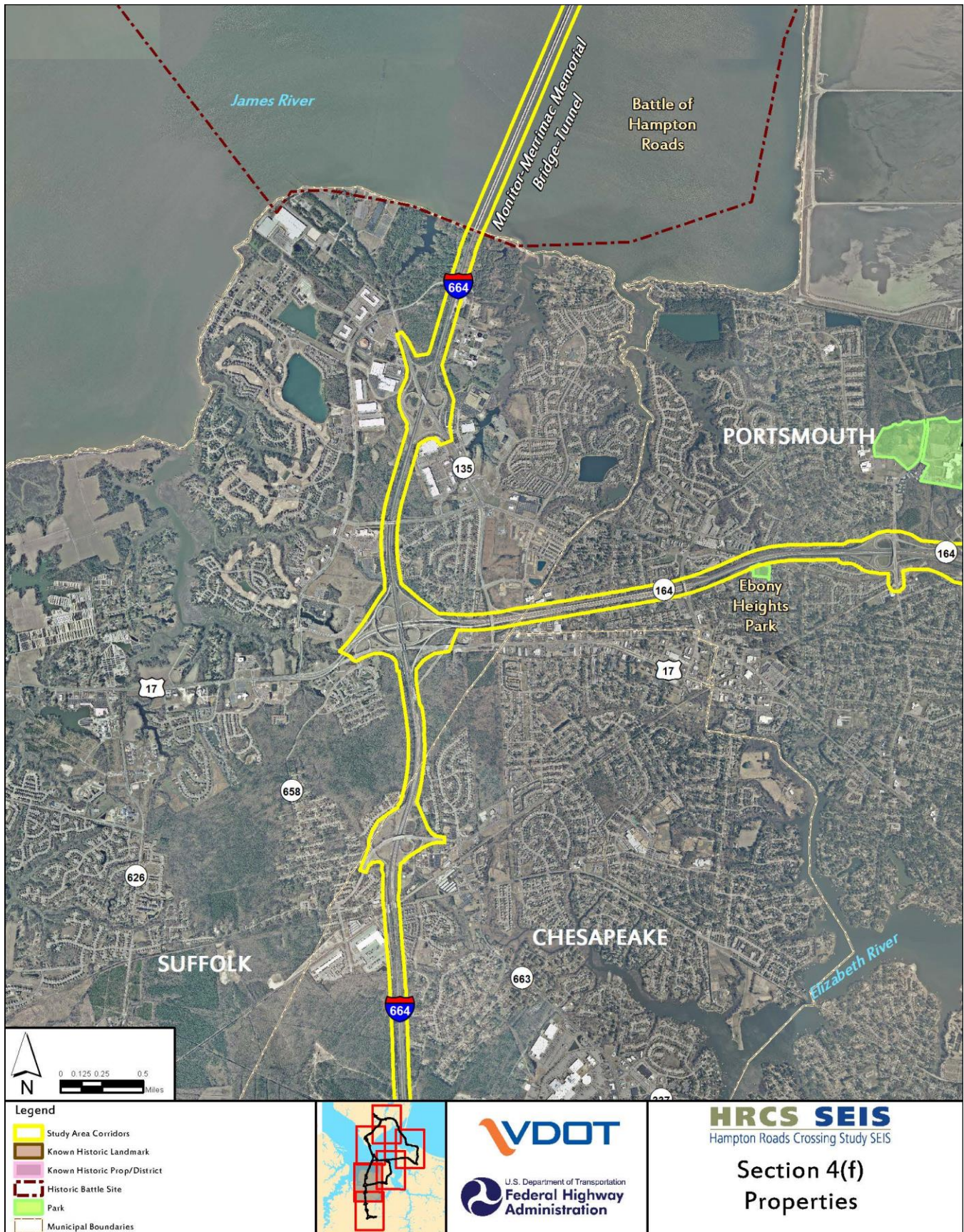


Figure E-4e: Section 4(f) Properties 5 of 6

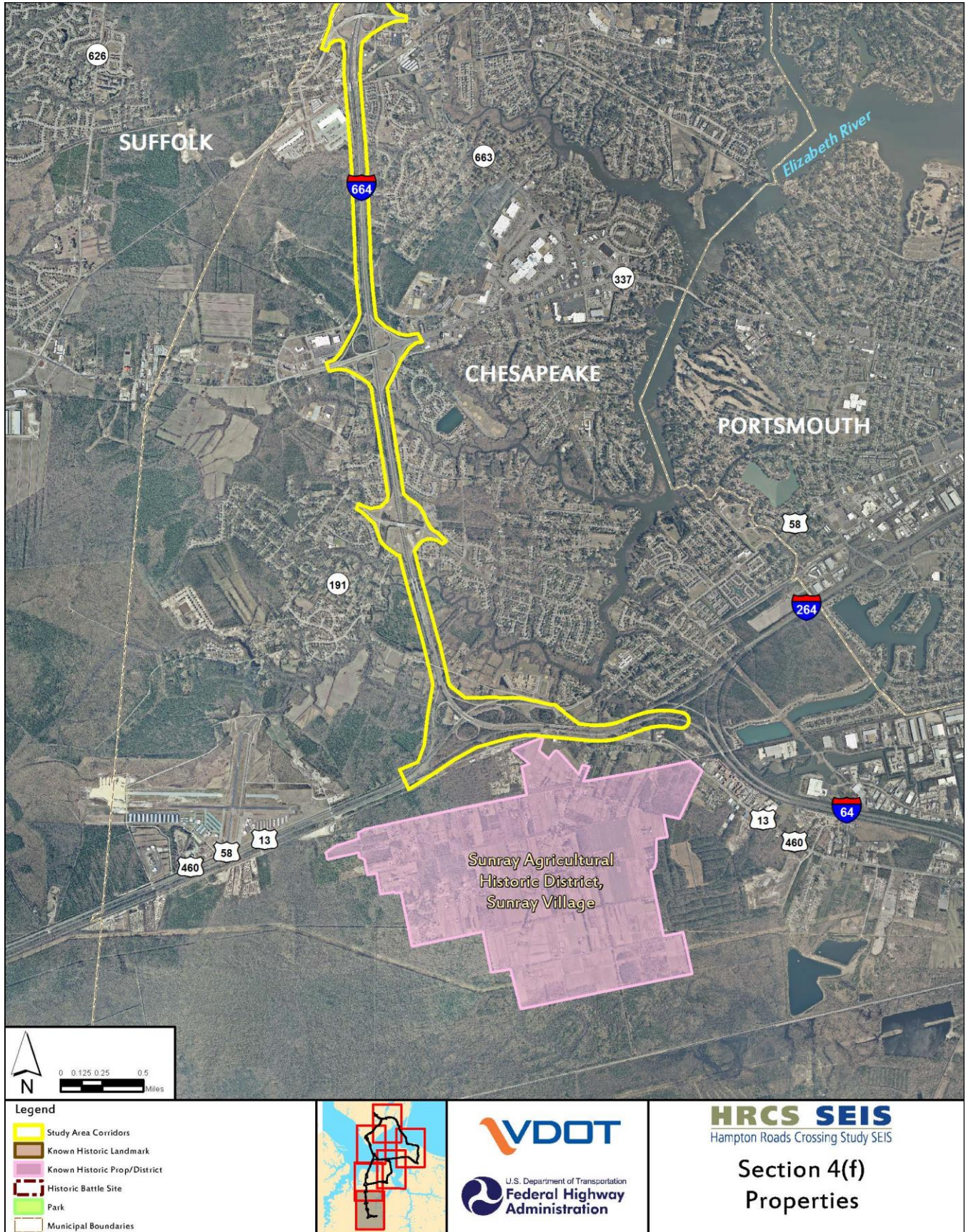
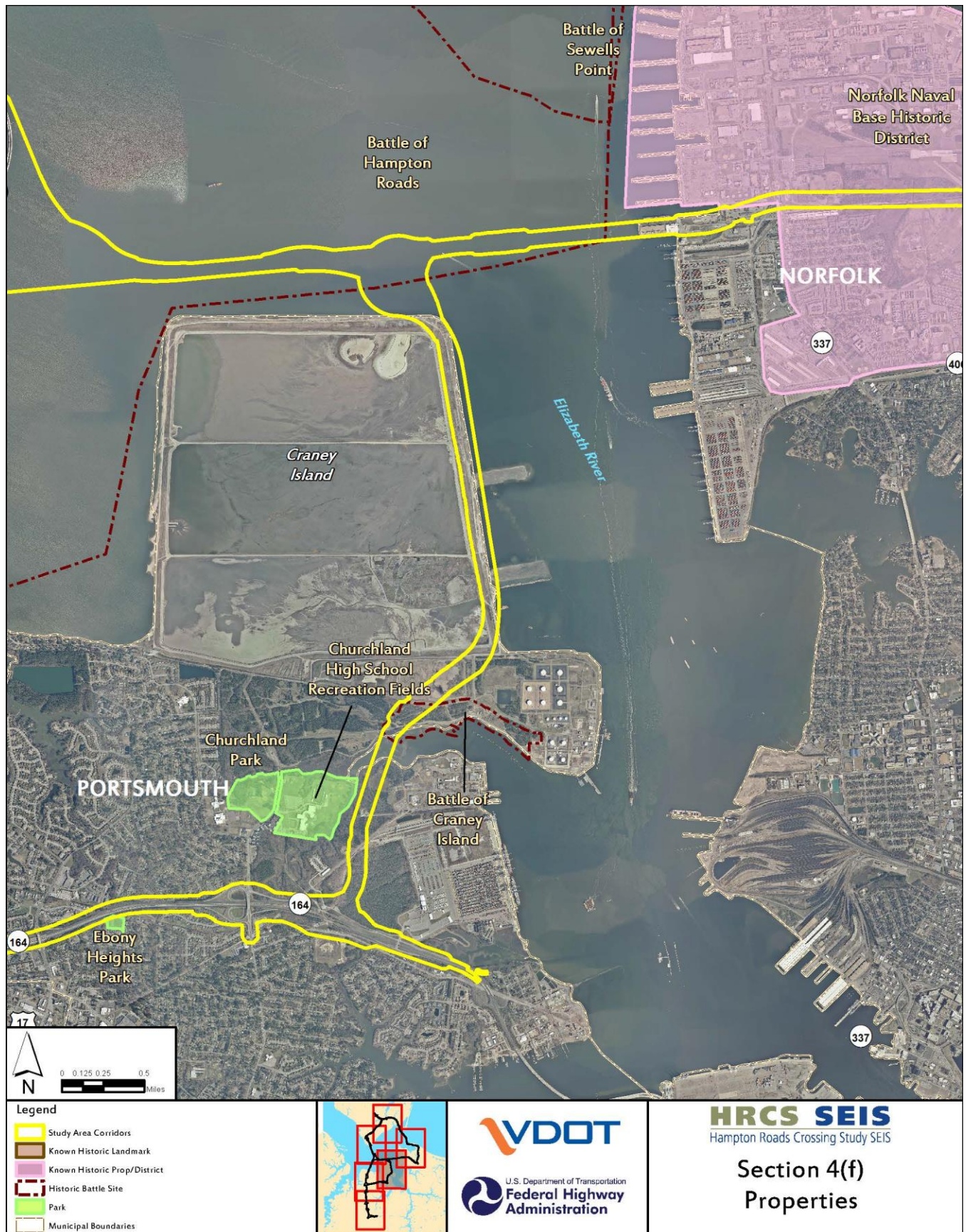


Figure E-4f: Section 4(f) Properties 6 of 6



2.1 PARK AND HISTORIC PROPERTIES NOT PROTECTED BY SECTION 4(F)

Seven additional park, recreation, and historic properties in the Study Area Corridors do not qualify for Section 4(f) protection. These properties include Monkey Bottom Wetland Walkway, Believers Church Day School Playground, Slade Cutter Athletic Park, Fleet Park Pool, the Washington Rochambeau National Historic Trail, and the Captain John Smith Chesapeake National Historic Trail. Below are descriptions of these properties and the characteristics that disqualify them from Section 4(f) protection.

The Monkey Bottom Wetland Walkway, located on US Navy property southwest of existing I-64 at the Norfolk information center on Willoughby Bay, is an elevated wooden boardwalk and observation platform that extends 100 feet into a wetland created by the Navy as a compensatory mitigation project. Although the site is publicly-owned and available for public use, its primary purpose is not as a park. Rather, the site is part of the tourist center to which it is adjacent. It is not a part of the Norfolk park system, and has not been formally designated as a park. Therefore, pursuant to 23 CFR §774.17 and as described under Question 1A of the FHWA *Section 4(f) Policy Paper*¹, the site is not considered a Section 4(f) property and further evaluation is not necessary.

The Believers Church Day School Playground is within the Study Area Corridors to the west of I-664. The playground area is for the exclusive use of the church and private school patrons. Therefore, pursuant to 23 CFR §774.17, the property is not subject to the requirements of Section 4(f), as the Believers Church Playground property is not publicly-owned or open to the public, so further evaluation is not necessary.

Slade Cutter Athletic Park and Fleet Park Pool are two military recreational facilities that are located within the Study Area Corridors. Both facilities are located on the Norfolk Naval Base and are not available for use by the general public. Question 1D of the *Section 4(f) Policy Paper*² addresses recreational areas that are publicly-owned but have limited or no accessibility to the general public. Specifically, Section 4(f) does not apply when visitation of the facility is permitted only to a select group, such as military service members and their families. Therefore, these facilities are not subject to the requirements of Section 4(f) and further evaluation is not necessary.

The Washington-Rochambeau National Historic Trail (WARO) also intersects the Study Area Corridors. The Trail has over 680 miles of land and water trails including hundreds of historic sites within the mid-Atlantic region. A portion of the water trails associated with movements of the French Army and the Continental Army route runs through Hampton Roads.

The Captain John Smith Chesapeake National Historic Trail (CAJO), the first water-based national trail in the country, intersects the Study Area Corridors through the waters of Hampton Roads. In addition, the National Oceanic and Atmospheric Administration's (NOAA's) Chesapeake Bay Interpretive Buoy System (CBIBS) is being used in support of the CAJO. Within the study area, there is a buoy located in the Elizabeth River.

With respect to the CAJO and the WARO National Historic Trails, 23 CFR 774.13(f)(2) and Question 15B of the *Section 4(f) Policy Paper*³ states that only lands or sites adjacent to historic trails that are on or

¹ Federal Highway Administration. (2012). *Section 4(f) Policy Paper*. http://www.environment.fhwa.dot.gov/4f/4f_policy.asp (accessed March 15, 2016).

² Ibid. Question 1D.

³ Ibid. Question 15B.

eligible for the National Register are protected by Section 4(f). Otherwise, National Historic Trails are exempt from Section 4(f). This study has assumed that the two trails are eligible for the NRHP, as described in Chapter 3.9 of the Draft SEIS. However, based on coordination with the National Park Service's (NPS's) Chesapeake Bay Office, there are no known properties within the study area that contribute to the significance of the CAJO or WARO. Therefore, there are no identified historic sites that would qualify for Section 4(f) protection.

Archaeological survey of associated with the HRCS Build Alternatives is incomplete, but if any significant archaeological sites associated with the Trails are eventually identified, they are likely to meet the regulatory exception to the requirements of Section 4(f) approval; i.e., the sites likely would be important chiefly for the information they contain, which can be retrieved through data recovery, and would have minimal value for preservation in place [23 CFR §774.13(b)(1)]. As for the recreational activities associated with the water trail, publicly-owned and accessible boat launch sites and areas that provide access to the water trail are subject to the requirements of Section 4(f), and those are being addressed separately. The water trail itself, which is not confined to a specific location in the study area, is not subject to Section 4(f).

2.2 PARK AND HISTORIC PROPERTIES PROTECTED BY SECTION 4(F)

There are three public parks and recreational facilities and four historic sites that are protected by Section 4(f) and would require a Section 4(f) use by one or more Build Alternatives. These properties are identified in **Table E-5** and **Table E-6**. Two properties, the Phoebus-Mill Creek Terrace Neighborhood Historic District and the Norfolk Naval Base Historic District, are directly impacted by one or more Build Alternatives but are not anticipated to incur a Section 4(f) use. Descriptions of these Section 4(f) properties are described in **Section 2.2.1** and **Section 2.2.2**.

2.2.1 Public Park and Recreation Areas

This section includes descriptions of each public park and recreation area that would incur a potential Section 4(f) use under one or more of the Build Alternatives.

2.2.1.1 Hampton High School Recreational Fields

Relationship

Figure E-4a shows the relationship of the Hampton High School and associated recreational fields to the Study Area Corridors.

Area

Hampton High School and its recreational fields are situated on 43 acres of land to the west of I-664.

Ownership

Hampton High School and its recreational fields are owned by the City of Hampton and administered by Hampton City Public Schools.

Activities

Large-scale outdoor sports such as track, soccer, football, baseball, and softball take place on the recreational fields. The fields are utilized by school sports teams, community recreational leagues managed by Hampton Parks and Recreation, and the public.

Access

The school entrance is on the north portion of the property. Vehicular access is provided via Queen Street.

Similarly Used Lands

Phoebus High School and Kecoughtan High School, both in the Hampton City Public School System, have similar large-scale outdoor recreational fields.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the property with respect to transportation improvements.

Unusual Characteristics

There are no unusual characteristics associated with the Hampton High School and recreational fields.

2.2.1.2 Willoughby Boat Ramp

Relationship

Figure E-4b shows the relationship of the Willoughby Boat Ramp to the Study Area Corridors.

Area

The Willoughby Boat Ramp property is comprised of approximately two acres of land.

Ownership

Willoughby Boat Ramp is owned by the City of Norfolk and administered by the City of Norfolk Department of Recreation, Parks & Open Space.

Activities

The property provides a public boat ramp for motorized and non-motorized boats seeking access to Hampton Roads and the Chesapeake Bay. This boat ramp has direct access to the CAJO and WARO water trails. A building is located adjacent to I-64 and houses a restroom and equipment for a cell tower that is located on the property.

Access

The Willoughby Boat Ramp is accessed via Bayville Street and 13th View Street.

Similarly Used Lands

There are other similar properties in the vicinity. The City of Norfolk owns and administers the Haven Creek Boat Ramp, which has facilities similar to those found at the Willoughby Boat Ramp. Privately-owned boat ramps and marinas are also located nearby.

Clauses Affecting Ownership

The Willoughby Boat Ramp was formerly named the Norfolk Boat Ramp. The property was established using a grant from the Land and Water Conservation Fund (LWCF), and thus is subject to Section 6(f) of the LWCF Act. Section 6(f) of the LWCF Act prohibits the conversion of property acquired or developed

with these grants to a non-recreational purpose without the approval of the NPS and requires that replacement lands of equal value, location, and usefulness are provided as conditions to such conversions.

Unusual Characteristics

There are no known unusual characteristics associated with the Willoughby Boat Ramp property.

2.2.1.3 Park Place Playground

Relationship

Figure E-4c shows the relationship of the Park Place Playground to the Study Area Corridors.

Area

The Park Place Playground property consists of three parcels and 2.1 acres of land.

Ownership

The Park Place Playground is owned by the City of Hampton and administered by the Department of Parks and Recreation.

Activities

The Park Place Playground offers outdoor basketball, a playground, and open space.

Access

The park is on the corner of Child Street and 50th Street near the Copeland Industrial Park, and accessible from both streets.

Similarly Used Lands

Armstrong Neighborhood Park at the Armstrong Elementary School and the Aberdeen Neighborhood Park at Aberdeen Elementary School provide similar playground facilities in the vicinity.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the property with respect to transportation improvements.

Unusual Characteristics

There are no unusual characteristics of the Park Place Playground.

2.2.2 Historic Sites

2.2.2.1 Hampton Institute Historic District (VDHR No. 114-0006)

Relationship

Figure E-4a shows the relationship of the Hampton Institute Historic District to the Study Area Corridors.

Area

The Hampton Institute Historic District property is listed on the National Register of Historic Places (NRHP) and includes approximately 220 acres. Fifteen acres of the property, including the Emancipation Oak, are also a National Historic Landmark (NHL).

Ownership

The Hampton Institute Historic District property is owned by Hampton University.

Activities

The property is located on the grounds of Hampton University and still serves as an institution of higher education. Hampton Institute was the first historically black college in the United States, tracing its origins to 1861 when the American Missionary Association offered its first class to escaping slaves. The Institute also offered a Native-American education program starting in 1878. The property is the site of the Emancipation Oak, under which Mary Peake, in 1861, taught children of slaves freed pursuant to the outset of the Civil War, and where the first southern reading of President Lincoln's Emancipation Proclamation took place.

Access

The Hampton Institute Historic District is accessed via East Tyler Street from Settlers Landing Road and I-64, Marshall Avenue from Emancipation Drive, and Shore Road from Emancipation Drive and Martin Luther King Jr. Boulevard.

Similarly Used Lands

There are no other similar historic properties within the study area.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Hampton Institute Historic District property regarding transportation improvements.

Unusual Characteristics

Within the 220-acre NRHP boundary are three areas totaling 15 acres that have been designated as an NHL. These areas include a portion of campus along the Hampton River containing many of the historic campus structures, the college cemetery, and the Emancipation Oak.

2.2.2.2 Phoebus-Mill Creek Terrace Neighborhood Historic District (VDHR No. 144-5002)

Relationship

Figure E-4a shows the relationship of the Study Area Corridors to the Phoebus Historic District.

Area

The Phoebus-Mill Creek Terrace Historic District is comprised of 86 acres of land bounded by I-64, Mallory Street, East County Street, and Willard Avenue. There are 259 properties which are considered contributing to the eligibility of the District, located throughout the area. Six properties are adjacent to the study alternatives. The properties primarily consist of private residences; one property is owned by VDOT.

- 3 Home Place
- 5 Home Place
- 9 Home Place
- 22 Segar Street
- 413 South Hope Street
- 121 National Avenue

Ownership

The Phoebus Historic District is listed on the NRHP. There would be no use of property from parcels contributing to the Historic District.

Activities

Approximately 442 structures in the Phoebus-Mill Creek Terrace Neighborhood Historic District comprise a cohesive neighborhood dating to the late 19th century. This neighborhood is characterized by a mix of Romanesque, Queen Anne and Italianate Victorian and turn of the century architectural styles that have been largely preserved.

Access

The Phoebus Historic District is accessed via North Hope Street, Mallory Street, North Willard Avenue, North Curry Street, and West County Street.

Similarly Used Lands

There are other lands similar to the Phoebus Historic District with in the Study Area Corridors. The Pasture Point Historic District (114-0118), dating to approximately the same time as the Phoebus Historic District, is also located in the City of Hampton. Like Phoebus, Pasture Point contains structures of a mix of Victorian and turn-of-the-century architectural styles.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Phoebus Historic District property regarding transportation improvements.

Unusual Characteristics

There are no known unusual characteristics associated with the District. Only properties that contribute to the District are subject to Section 4(f).

2.2.2.3 Battle of Hampton Roads (VDHR no. 144-5471)

Relationship

Figures E-4a-d show the relationship of the Battle of Hampton Roads historic site to the Study Area Corridors.

Area

The Battle of Hampton Roads historic site is comprised of approximately 35,000 acres in Hampton Roads between the Chesapeake Bay and the mouth of the James River.

Ownership

The Battle of Hampton Roads historic site is located within the waters of the Commonwealth of Virginia.

Activities

The Battle of Hampton Roads, which occurred on March 9, 1862, was the world's first battle between steam-powered ironclad warships, the CSS Virginia, and the USS Monitor. Although the battle ended in a draw, it marked a critical historic juncture in the evolution of naval warfare. The resources that contribute to the site's eligibility for inclusion in the NHRP, i.e., the ships that took part in the battle, are located away from the direct impact area of the alternatives. In 2009, the American Battlefield Protection Program (ABPP), a Division of the NPS that promotes the preservation of significant historic battlefields associated with wars on American soils, noted that the areas where the battlefield site retains integrity are located primarily on water. On land, only historic and archaeological resources at Fort Monroe and Fort Wool maintain integrity. Fort Monroe and Fort Wool were not directly involved in the engagement, and are also located outside of the Study Area Corridors. The site currently exists as a commercial and recreational waterway. The property is likely eligible for listing on the NRHP; however, an evaluation has not been completed. For the purpose of this evaluation, the site is assumed to be eligible for listing on the NRHP so that potential impacts to the property may be appropriately assessed.

Access

The Battle of Hampton Roads historic site is accessed via watercraft. It is easily accessible from Hampton, Newport News, and Norfolk.

Similarly Used Lands

There are other similarly used lands in the study area, including the Battle of Sewell's Point (122-5426), which occurred in May 1861.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Battle of Hampton Roads site regarding transportation improvements.

Unusual Characteristics

There are no known unusual characteristics associated with the District. Only properties that contribute to the District are subject to Section 4(f).

2.2.2.4 Battle of Sewell's Point (VDHR No. 122-5426)

Relationship

Figures E-4a-b show the relationship of the Battle of Sewell's Point site to the Study Area Corridors.

Area

The battle site is comprised of approximately 10,000 acres within both Hampton Roads and at Sewell's Point, Norfolk.

Ownership

The Battle of Sewell's Point site has mixed ownership. The Hampton Roads portion of the site is within the waters of the Commonwealth of Virginia. The Sewell's Point portion of the site is located within the Norfolk Naval Base, and is owned and administered by the United States Navy.

Activities

The Battle of Sewell's Point was among the first naval battles in the Civil War (May 1861) and was an inconclusive battle between Union and Confederate naval forces at the outset. The Hampton Roads portion of the site serves as a commercial and recreational waterway. The Sewell's Point portion of the site is part of an active naval base. The property is likely eligible for listing on the NRHP; however, an evaluation has not been completed. For the purpose of this evaluation, the site is assumed to be eligible for listing on the NRHP so that potential impacts to the property may be appropriately assessed.

Access

The Hampton Roads portion of the site is accessed via watercraft from Hampton, Newport News, and Norfolk. The Sewell's Point portion of the site is accessed through the Norfolk Naval Base, which is located off of I-564, and Bellinger Boulevard in Norfolk.

Similarly Used Lands

Other naval battle sites exist in the vicinity, including the Battle of Hampton Roads (114-5471), which occurred in March 1862.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Battle of Sewell's Point site regarding transportation improvements.

Unusual Characteristics

There are no known unusual characteristics associated with the site. Although the property has not been evaluated for listing on the NRHP, it is assumed to be eligible for the purpose of this evaluation, and thus is considered a historic site. Only the properties which contribute to the potential historic aspect are subject to Section 4(f).

2.2.2.5 Norfolk Naval Base Historic District (VDHR no. 122-0410)

Relationship

Figures E-4b and 4f show the relationship of the Norfolk Naval Base Historic District to the Study Area Corridors.

Area

The Norfolk Naval Base Historic District is approximately 5,000 acres in size. It is bounded by water on three sides: the Elizabeth River, Hampton Roads, and Willoughby Bay. It is the largest naval installation in the world and includes seven miles of waterfront pier and wharf space.

Ownership

The Naval Base was originally commissioned as the Naval Operating Base, Hampton Roads in 1917. The site is currently called the Naval Station (NAVSTA) Norfolk and is owned by the United States Navy.

Activities

The Norfolk Naval Base Historic District/Naval Station Norfolk shares the complex with six major commands. The primary mission is to support a naval fleet; however, joint missions are also supported. It is the Navy's largest concentration of naval forces, hosting personnel from all other major groups of American Armed Forces. The historic district boundary of the Norfolk Naval Base overlaps with portions of the existing right-of-way for I-564 and I-64.

Access

The Norfolk Naval Base Historic District/Naval Station Norfolk is a restricted-access area. Military personnel and authorized visitors access the base via I-564. Seagoing vessels access the piers and wharf through the waters of Hampton Roads and the Elizabeth River.

Similarly Used Lands

There are other similarly-used historic sites in the study area under the operation of the United States Military. Joint Base Langley-Eustis, Joint Expeditionary Base Little Creek-Ft Story, Naval Air Station Oceana and its Dam Neck Annex, Naval Medical Center Portsmouth, and the United States Coast Guard Training Center are all located in the Hampton Roads/Williamsburg Area.

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Norfolk Naval Base Historic District regarding transportation improvements.

Unusual Characteristics

There are no known unusual characteristics associated with the site. Only the properties which contribute to the historic district are subject to Section 4(f).

2.2.2.6 Battle of Craney Island (VDHR #124-5267)

Relationship

Figure E-4f shows the relationship of the Battle of Craney Island to the Study Area Corridors.

Area

The Battle of Craney Island area that is potentially eligible for the National Register is comprised of 90 acres which includes parts of the battlefield on land and over water. The site is located within Portsmouth along the Elizabeth River near Craney Island.

Ownership

The historic site is owned by the US Navy and is part of the US Naval Supply Center at Craney Island.

Activities

In the Battle of Craney Island on June 22, 1813, the British landed troops on the mainland at Hampton Roads and followed with a direct amphibious assault. The fight was brief and decisive in favor of the US defenders. The ABPP has identified the Battle of Craney Island as associated with events that had a demonstrable influence on the course, conduct, and results of the War of 1812. The battlefield includes a portion of Craney Island which is currently located at an active military facility. The US Naval Supply Center at Craney Island is part of the oldest and largest naval supply center in the world. The facility handles part of the supply activities and related functions located within the confines of NAVSTA Norfolk, specifically, naval fuel storage operations within the region.

Access

The US Naval Supply Center at Craney Island is a restricted-access area. Military Personnel and authorized visitors access the facility via VA-164. Seagoing vessels access the facility through the waters of the Elizabeth River.

Similarly Used Lands

Other historic naval battle sites also exist in the vicinity, including the Battle of Hampton Roads (114-5471) and the Battle of Sewell's Point (122-5426).

Clauses Affecting Ownership

There are no known clauses affecting ownership of the Battle of Craney Island historic site regarding transportation improvements.

Unusual Characteristics

There are no known unusual characteristics associated with the site. Although the property has not been evaluated for listing on the NRHP, it is assumed to be eligible for the purpose of this evaluation, and thus is considered a historic site. Only the properties which contribute to the historic district are subject to Section 4(f).

3. IMPACTS ON SECTION 4(F) PROPERTIES

Table E-7 lists the properties being impacted by the Limit of Disturbance (LOD) of one or more Build Alternatives. Each of the four Build Alternatives potentially require the use of Section 4(f) property, as described in this chapter.

Table E-7: Section 4(f) Use

Section 4(f) Property	Acreage of Use from Draft SEIS Alternative				Intent to Pursue <i>de minimis</i> (all Draft SEIS Build Alternatives)	Acreage of Use from Preferred Alternative	<i>de minimis</i> Impact (Preferred Alternative)
	A	B	C	D			
Hampton Institute Historic District	1.1	1.1	0	1.1	Yes	<u>0</u>	<u>No; No Section 4(f) Use</u>
Phoebus-Mill Creek Terrace Neighborhood Historic District (no contributing elements)	<u>0.7</u>	<u>0.7</u>	<u>0</u>	<u>0.7</u>	No; No Section 4(f) Use	<u>0.7</u>	<u>No; No Section 4(f) Use</u>
Battle of Hampton Roads ¹	144.9	201.8	541.9	625.6	Yes	<u>164.2</u>	<u>Yes</u>
Battle of Sewell's Point ¹	130.2	130.2	0	130.2	Yes	<u>137.2</u>	<u>Yes</u>
Battle of Craney Island ¹	0	6.7	6.7	6.7	Yes	<u>0</u>	<u>No; No Section 4(f) Use</u>
Willoughby Boat Ramp	0.1	0.1	0	0.1	Yes	<u>0</u>	<u>No; No Section 4(f) Use</u>
Hampton High School	0	0	0.7	0.7	Yes	<u>0</u>	<u>No; No Section 4(f) Use</u>
Park Place Park	0	0	0.2	0.1	Yes	<u>0</u>	<u>No; No Section 4(f) Use</u>
Norfolk Naval Base Historic District ²	29.4	46.7	60.0	46.7	No; No Section 4(f) use	<u>0</u>	<u>No; No Section 4(f) Use</u>

Note: The historic district boundary of the Norfolk Naval Base overlaps with portions of existing right-of-way for I-564 and I-64 and right-of-way for the I-564 IC, under construction, which accounts for the acreage noted in the table.

1. Acreage within historic district; impact to contributing properties cannot be determined.

2. More refined right-of-way files have been compiled since the Draft SEIS, confirmed with the US Navy, and used to calculate impacts for the Preferred Alternative relative to the Norfolk Naval Base Historic District. Impacts for other Build Alternatives are presented as they were calculated for the Draft SEIS. Additionally, communications between VDOT and cultural resources personnel for the Commander Navy Region Mid-Atlantic (CNRMA) prior to publication of the Draft SEIS indicated the Navy does not recognize the entirety of this district as NRHP-eligible. Instead it recognizes four discontinuous smaller historic districts as NRHP-eligible, none of which is located within the LOD for the Build Alternatives. Subsequent to publication of the Draft SEIS the SHPO clarified that it considers all of Naval Station Norfolk and Naval Support Activity Hampton Roads to be an historic district eligible for listing on the NRHP, but does not consider the highway right of way associated with existing I-64 and I-564 to be contributing to the district.

This interpretation would also reduce the amount of historic district acreage within the LOD of the Draft SEIS Build Alternatives.

3.1 POTENTIAL DE MINIMIS IMPACTS

Section 4(f) properties would incur only minor impacts from the Build Alternatives. In the Draft SEIS, FHWA provided its preliminary *de minimis* impact findings for each of the Build Alternatives. This Final SEIS provides FHWA's final *de minimis* impact findings for the Preferred Alternative. The Preferred Alternative would have *de minimis* impacts to two Section 4(f) properties: the Battle of Hampton Roads and Battle of Sewell's Point. The Preferred Alternative would also impact the Phoebus-Mill Creek Terrace Neighborhood Historic District; however, these impacts would not constitute Section 4(f) use. Each *de minimis* determination is based upon the anticipated level of impact from the Preferred Alternative. The SHPO, the relevant official with jurisdiction, concurred on December 29, 2016, that these battlefield properties would incur no adverse effect from the Preferred Alternative. VDHR was notified of with FHWA's intent to make *de minimis* impact findings in a letter dated April 10, 2017 (see **Appendix D**). Additionally, public comments were solicited in conjunction with the Draft SEIS, and did not identify issues not already considered regarding Section 4(f) properties.

An evaluation of avoidance alternatives and an analysis of least overall harm is not required for *de minimis* impact findings for these 4(f) properties, and therefore have not been included in this Section 4(f) Review. Additionally, 23 CFR 774.17 explains that a *de minimis* impact determination does not require the traditional second step of including all possible planning to minimize harm because avoidance, minimization, mitigation, or enhancement measures are included as a part of the determination. Thus, these measures have been considered and documented for each individual resource below. The Preferred Alternative includes minimization and avoidance measures to reduce impacts to Section 4(f) resources, as described in Section 1 of this Final Section 4(f) Review.

3.1.1 Hampton Institute Historic District

Alternatives A, B, and D would result in a Section 4(f) use of the Hampton Institute Historic District. The Preferred Alternative would not require use of the Hampton Institute Historic District. Currently, I-64 consists of three westbound lanes and two eastbound lanes adjacent to this property. With these alternatives, one additional 12-foot lane, a 12-foot inside shoulder and a 14-foot outside shoulder would be added to the eastbound roadway, thereby requiring right-of-way from the Hampton Institute property (**Figure E-5a**). A retaining wall would be constructed adjacent to I-64 to minimize the amount of right-of-way required, thereby reducing impacts to the property from approximately 2.1 acres to 0.9 acres. No property would be needed in the vicinity of the Emancipation Oak or within the NHL boundary. A vegetated buffer and part of a parking lot would be potentially impacted. To minimize the impact, the vegetated buffer would be replaced after construction. The Draft SEIS includes VDOT's and FHWA's preliminary determination, pursuant to Section 106 of the NRHP, that none of the Build Alternatives would adversely affect Hampton Institute. The Preferred Alternative would not require use of the Hampton Institute.

3.1.2 Battle of Hampton Roads and Battle of Sewell's Point

The Battle of Hampton Roads and the Battle of Sewell's Point sites encompass a large area through which each of the Build Alternatives would pass as shown in **Figure E-5b**. **Table E-7** shows the acreage of use for each alternative and each battlefield. For the purpose of this evaluation, VDOT and FHWA are assuming the areas designated as potentially eligible for the National Register (PotNR) by the ABPP are

eligible for the NRHP. However, the battlefield areas through which the Build Alternatives pass have been altered.

Under Alternatives A, B, C and D, I-64 and/or I-664 would be widened with additional travel lanes and shoulders. Furthermore, Alternatives B, C and D would construct a new four- or six-lane bridge-tunnel in Hampton Roads north of Craney Island. The Preferred Alternative would widen I-64 to six lanes between I-664 in Hampton and I-564 in Norfolk. The Preferred Alternative and the other Build Alternatives would not diminish the character-defining features of the battlefield sites, including the open water areas retaining integrity within the PotNR boundary, particularly given the existing presence of the HRBT (I-64) and MMBT (I-664). The battlefields are located within what is now a highly industrialized and developed area in which few remnants of the historic landscape survive. Additionally, construction associated with the Build Alternatives within the PotNR boundaries involves improvements to the existing transportation infrastructure of the HRBT. Underwater archaeological investigations are still incomplete; however, if any significant underwater resources associated with the battles are eventually identified, they are likely to meet the regulatory exception to the requirements of Section 4(f) approval. That is, the sites likely would be important chiefly for the information they contain, which can be retrieved through data recovery, and would have minimal value for preservation in place [23 CFR §774.13(b)(1)].

The Draft SEIS included VDOT's and FHWA's preliminary determination, pursuant to Section 106 of the NRHP, that none of the Build Alternatives would adversely affect the battlefield properties. VDOT and FHWA have coordinated the determination of no adverse effect with the SHPO and other consulting parties, and requested public input in conjunction with the Draft SEIS public availability. Following public availability of the Draft SEIS and selection of the Preferred Build Alternative, VDOT and FHWA have confirmed that the determination of no adverse effect still applies. In a letter dated November 22, 2016, the SHPO concurred that the Preferred Alternative will have no adverse effect on the properties (see Appendix F). Therefore, this Final Section 4(f) Review provides FHWA's *de minimis* impact findings for the Battle of Hampton Roads and the Battle of Sewell's Point resulting from the Preferred Alternative.

3.1.3 Willoughby Boat Ramp

Alternatives A, B, and D would result in a Section 4(f) use of the Willoughby Boat Ramp as shown in **Figure E-5c**. The configuration of I-64 includes two westbound lanes and two eastbound lanes as it passes Willoughby Boat Ramp. Under Alternatives A, B, and D, one additional travel lane and improved shoulders would be constructed in each direction, resulting in approximately 0.1 acres of right-of-way from the Willoughby Boat Ramp property. An associated communications tower at the edge of the property and associated building would be removed as well as a small portion of the parking lot. To minimize harm, the structures would be replaced in kind on the property or in a location better suited to the function of the structures. The Preferred Alternative would not require use of the Willoughby Boat Ramp. Engineering refinements to the Preferred Alternative after the Draft SEIS have eliminated the impact to Willoughby Boat Ramp.

3.1.4 Hampton High School

Alternatives C and D would result in a Section 4(f) use of Hampton High School caused by the acquisition of a narrow strip of right-of-way along the existing I-664 alignment. **Figure E-5e** shows the LOD in relation to the property. The existing configuration of I-664 adjacent to Hampton High School includes three eastbound and three westbound lanes with shoulders. With Alternative C, one additional general purpose travel lanes, one transit lane, and more shoulders would be added in each direction, resulting

in 0.7 acres of right-of-way impact. With Alternative D, one general purpose travel lanes and additional shoulders would be added in each direction, resulting in 0.7 acres of right-of-way impact. The potential impacted portion of the property consists of a noise wall and vegetated buffer, which would be replaced in kind after construction to minimize harm. The Preferred Alternative would not require use of the Hampton High School.

3.1.5 Park Place Playground

Alternatives C and D would result in a Section 4(f) use of Park Place Playground caused by the acquisition of a narrow strip of right-of-way along the existing I-664 alignment. The existing configuration of I-664 adjacent to Park Place Playground includes three eastbound and three westbound lanes with shoulders. With Alternative C, one additional general purpose travel lanes, one transit lane, and additional shoulders would be added in each direction, resulting in 0.2 acres of right-of-way impact. With Alternative D, one general purpose travel lane and additional shoulders would be added in each direction, resulting in 0.1 acres of right-of-way impact. The potentially impacted part of the property consists of a vegetated buffer, access road, open field, and a wooded area. To minimize harm, the vegetated buffer and trees would be replaced after construction. The recreational facilities of the park would not be affected. **Figure E-5f** shows the LOD in relation to the park. The Preferred Alternative would not require use of the Park Place Playground.

3.1.6 Battle of Craney Island

Alternatives B, C, and D would result in a Section 4(f) use of the Battle of Craney Island historic site caused by the acquisition of approximately 6.7 acres of right-of-way along a new roadway alignment north of VA 164 within the site's PotNR Boundary. The potentially impacted portion of the property consists of land used by the US Naval Supply Center at Craney Island. For the purpose of this evaluation, VDOT and FHWA are assuming the areas designated as potentially eligible for the National Register (PotNR) by the ABPP are eligible for the NRHP. However, the battlefield areas through which the Build Alternatives pass have been altered and do not retain historic integrity.

Construction of new roadway alignment as shown on **Figure E-5b** would not diminish the historic characteristics of the battlefield property. If any significant archaeological resources associated with the battle are eventually identified, they are likely to meet the regulatory exception to the requirements of Section 4(f) approval; i.e., the sites likely would be important chiefly for the information they contain, which can be retrieved through data recovery, and would have minimal value for preservation in place [23 CFR §774.13(b)(1)].

VDOT's and FHWA's preliminary determination, pursuant to Section 106 of the NRHP, is that none of the Build Alternatives would adversely affect the Battle of Craney Island property. The Preferred Alternative would not require use of the Battle of Craney Island historic site. No impact to the property would result from the Preferred Alternative.

3.2 OTHER SECTION 4(F) IMPACTS

3.2.1 Phoebus-Mill Creek Terrace Neighborhood Historic District

The Preferred Alternative, along with Alternatives A, B, and D would impact the Phoebus Historic District. Existing I-64 consists of four lanes near the Phoebus Mill Terrace Neighborhood Historic District. Under these alternatives, one additional travel lane and shoulders would be constructed in each direction, resulting in a narrow strip of right-of-way acquisition as shown in **Figure E-5g**. With a retaining wall to minimize the acquisition of a residence within the District, a total of 0.7 acres would be required. All

contributing properties, including the residence at 413 South Hope Street, would be avoided. Because all contributing properties to the Phoebus Mill Terrace Neighborhood Historic District would be avoided, the impact would not be considered a Section 4(f) use per question 7C of the Section 4(f) Policy Paper.

3.2.2 Norfolk Naval Base Historic District

The Norfolk Naval Base Historic District is shown in **Figure E-5h**. The large historic district has not been surveyed to determine which elements contribute to the historic district and whether they would be adversely affected. The Norfolk Naval Base Historic District is currently in revision and the Navy does not recognize the totality of Naval Station Norfolk to be a single historic district eligible for listing on the National Register of Historic Places. Rather, the Navy recognizes four smaller discontinuous NRHP-eligible historic districts within the bounds of Naval Station Norfolk. Only one of these, the Norfolk Naval Base Golf Club Historic District (VDHR #122-5045), is located near the Build Alternatives. This definition of historic properties within Naval Station Norfolk is consistent with the Department of the Navy's Section 106 coordination with the SHPO in 2012 for the transfer of interests in real property of the United States to the Commonwealth of Virginia for construction of the I-564 Intermodal Connector (I-564 IC), a project that will construct a new four-lane divided, east-west interstate extension from the existing I-564 to NIT.

No known contributing elements in the district would be impacted by the alternatives, including the Preferred Alternative. The Preferred Alternative would not impact any land within the district. Furthermore, much of the area affected will be impacted by the I-564 IC prior to the project implementation. The ongoing construction of the I-564 IC Project has the potential to impact features within the district. It is expected that the HRCS Build Alternatives would fall largely within the footprint of the right-of-way used for the I-564 IC within the historic district, and within the median of existing I-564. Because of these factors, the impact would not be considered a Section 4(f) use per Question 7C of the Section 4(f) Policy Paper.

3.3 SUMMARY OF IMPACTS TO SECTION 4(F) PROPERTIES

For the Preferred Alternative, all impacts to Section 4(f) properties are expected to be *de minimis* except for the Phoebus-Mill Creek Terrace Neighborhood Historic District, where there would be no anticipated impact to contributing elements, and thus no Section 4(f) use of the property. For the historic sites with *de minimis* impact, impacts from the Preferred Alternative would not be adverse pursuant to 36 CFR Part 800. Therefore, this Final Section 4(f) Review constitutes FHWA's final *de minimis* impact determination for impacts to the Battle of Hampton Roads and Battle of Sewell's Point historic sites resulting from the Preferred Alternative. Because only *de minimis* impacts would occur under the Preferred Alternative, an analysis of avoidance alternatives and least overall harm is not required.

Figure E-5a: Hampton Institute

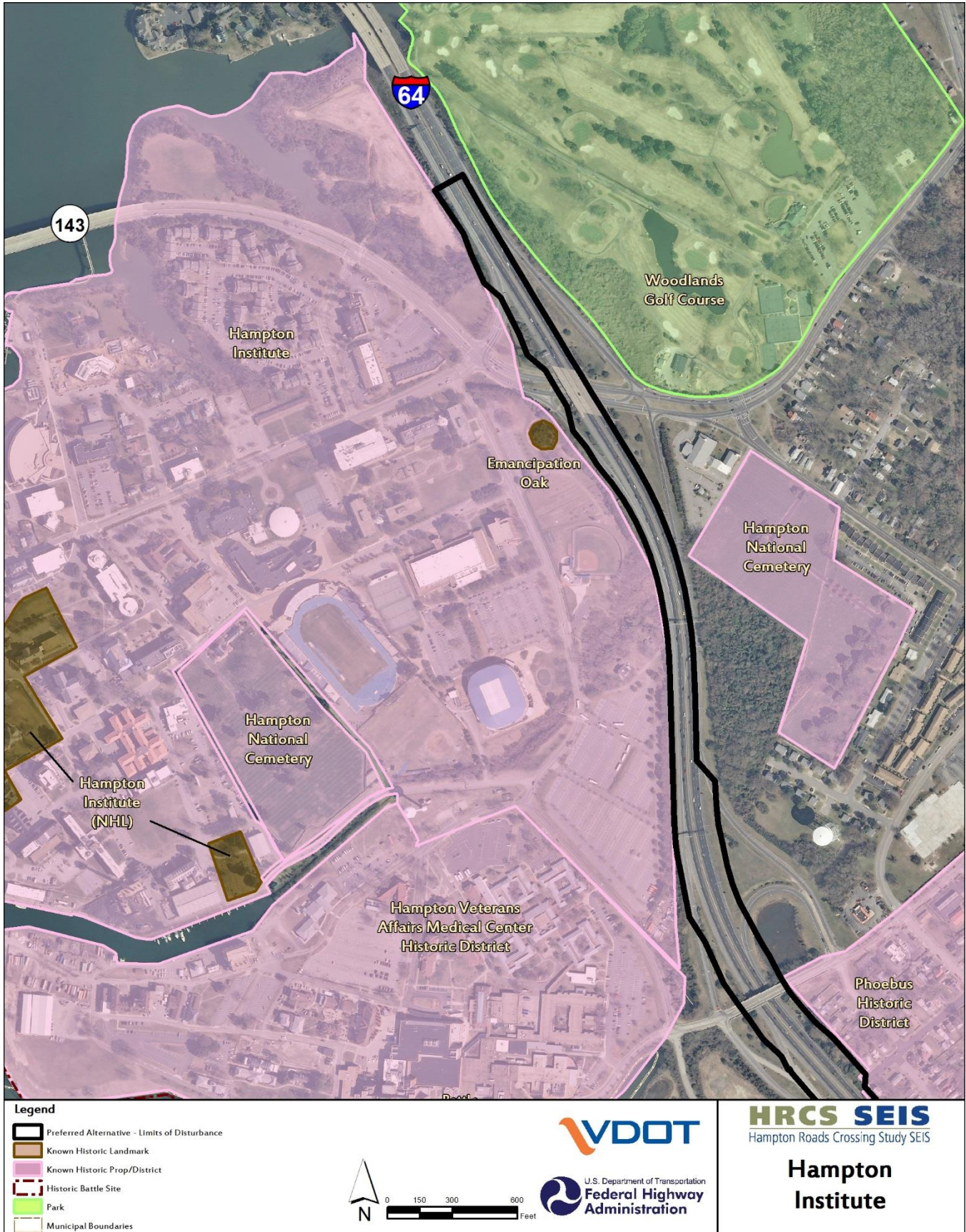
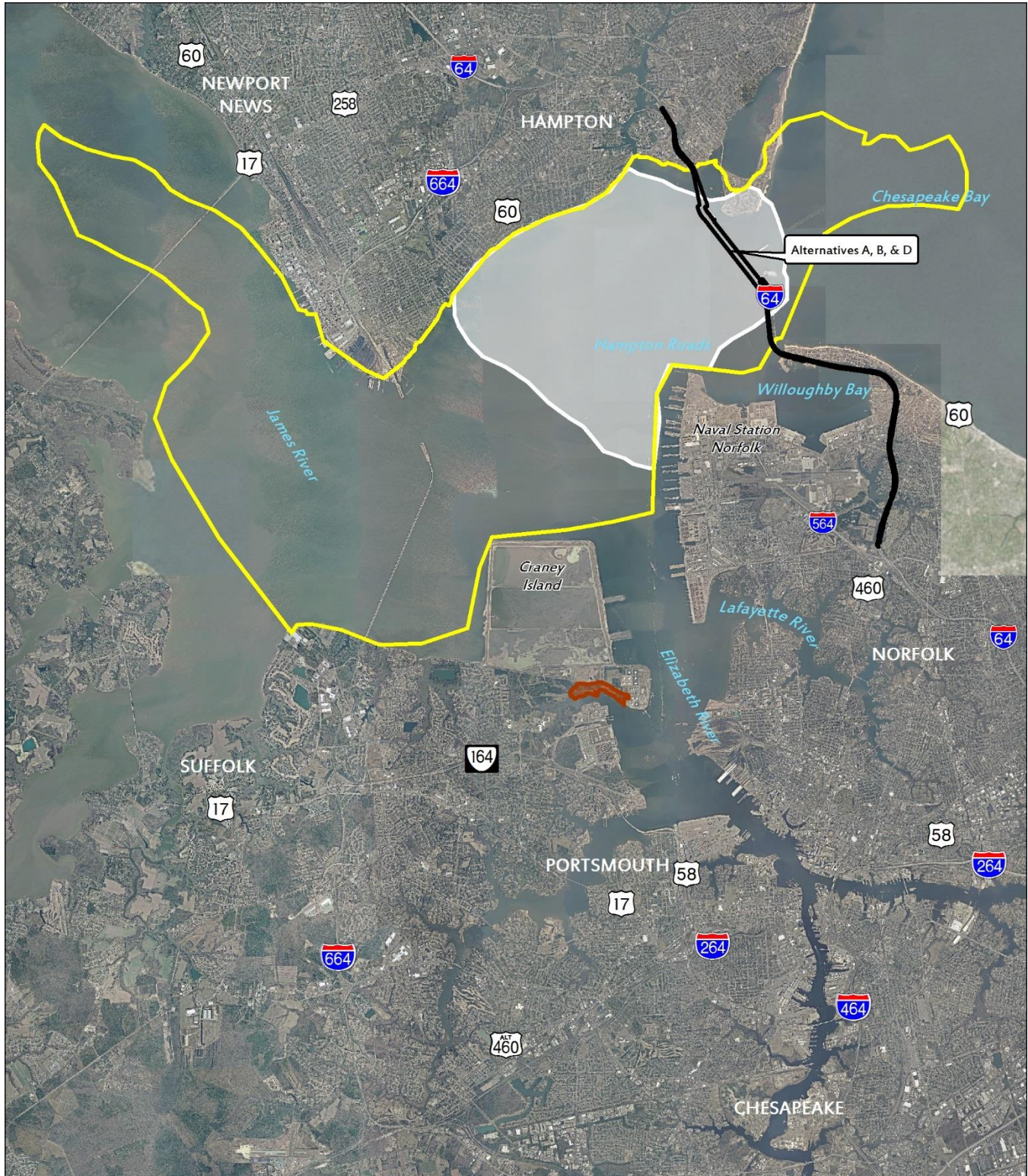


Figure E-5b: Battle of Hampton Roads and Battle of Sewell's Point



Legend

- Preferred Alternative - Limits of Disturbance
- Battle of Hampton Roads
- Battle of Sewell's Point
- Battle of Craney Island

0 0.5 1 2 Miles

U.S. Department of Transportation
Federal Highway Administration

HRCS SEIS
Hampton Roads Crossing Study SEIS

Historic Battlefields

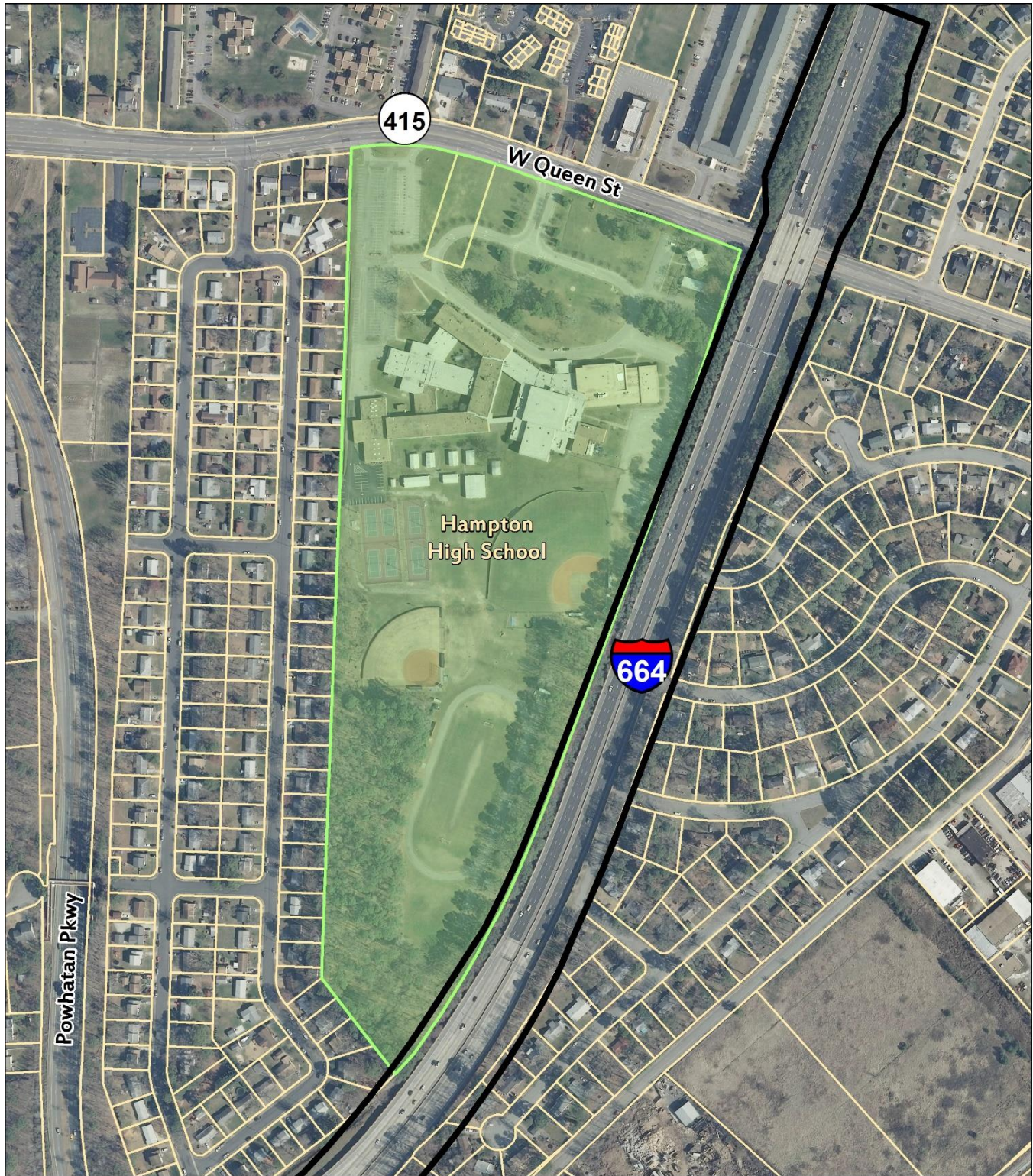
Figure E-5c: Willoughby Boat Ramp



- Legend**
- Preferred Alternative - Limit of Disturbance
 - Parcel Boundary
 - Park and Recreational Area
 - Municipal Boundaries



Figure E-5d: Hampton High School Athletic Fields



- Legend**
- Alternative C & D - Limits of Disturbance
 - Property Boundaries
 - Known Historic Landmark
 - Known Historic Prop/District
 - Historic Battle Site
 - Park
 - Municipal Boundaries

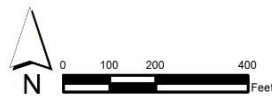


Figure E-5e: Park Place Playground



Legend

- Alternative C - Limits of Disturbance
- Alternative D - Limits of Disturbance
- Known Historic Landmark
- Known Historic Prop/District
- Historic Battle Site
- Park
- Property Boundaries

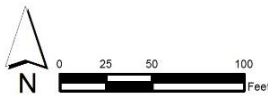


Figure E-5f: Phoebus-Mill Creek Terrace Neighborhood Historic District



Figure E-5g: Norfolk Naval Base Historic District



4. COORDINATION

Department of Interior (DOI) – This Draft Section 4(f) Review will be provided to the Department of Interior for comment.

Officials with jurisdiction – There are five officials with jurisdiction over park and historic properties in the study area: The City of Hampton Department of Parks and Recreation; the City of Norfolk Department of Recreation, Parks, and Open Space; Portsmouth Parks, Recreation, and Leisure; the Virginia Department of Conservation and Recreation; and VDHR. This draft is being circulated to the officials with jurisdiction. Preliminary coordination has also occurred with the following:

- City of Hampton Parks & Recreation Department: Contacted via email in February 2016; information provided to VDOT regarding public parks in the study area. Further coordination with the Hampton Parks & Recreation Department occurred in March 2016 in the form of emails and phone calls to identify characteristics of Bluebird Farm Park, Newmarket Creek Park and Trails, Park Place Playground, and River Street Park.
- City of Norfolk Department of Recreation, Parks, & Open Space: Contacted via email and phone in February 2016 to identify characteristics of Willoughby Boat Ramp, Trails End Park, and Willoughby Elementary School Athletic Fields.
- City of Portsmouth Department of Recreation, Parks, and Leisure: Contacted via email and phone in February 2016 to identify characteristics of Ebony Heights Park.
- City of Newport News Parks and Recreation: contacted via email and phone in February 2016 to identify characteristics of possible properties within the study corridor. Contacted in March 2016 to verify use of Booker T. Washington Middle School Recreational Fields and Peterson Yacht Basin.
- City of Chesapeake Parks and Recreation: contacted via phone in February 2016 to identify any parks or recreational properties within the I-664 Study Area Corridors.
- Virginia Department of Conservation and Recreation: Coordination and materials received by VDOT during previous studies regarding a grant pursuant to the Land and Water Conservation Fund Act which was used to develop Willoughby Boat Ramp.
- Virginia DHR: VDHR is the Virginia State Historic Preservation Officer. Coordination has included identification of the Area of Potential Effect and identification of historic properties pursuant to 36 CFR Part 800. To date, VDHR has reviewed two study documents: the *HRCS Archeological Assessment* and the *HRCS Architectural Survey: Management Summary*. VDHR concurred with the identification of historic properties in April 2016.
- Since publication of the Draft SEIS, VDOT and FHWA have reassessed the effects of the project on architectural historic properties. On December 29, 2016, VDHR concurred that the study would have no effect, no adverse effect, or conditioned no adverse effect for each of the 20 architectural, battlefield, and historic trail resources recognized as historic properties and located within the area of potential effect for the Build Alternatives, including the Preferred Alternative. The SHPO and other consulting parties were also notified of the intent to make a *de minimis* finding on April 10, 2017.
- A Programmatic Agreement (PA) has been prepared to finalize Section 106 consultation and outline the process VDOT/FHWA would follow to identify archaeological historic properties, assess project effect to archaeological properties, and address adverse effects. The PA is included in Appendix I of the Final SEIS.

The Secretary of Interior was notified of the study's proximity to an NHL (Hampton Institute / the Emancipation Oak) on January 18, 2017 (See Appendix D).

Advisory Council on Historic Preservation (ACHP) –The ACHP was notified on February 7, 2017 of FHWA's determination of effect to historic properties pursuant to 36 CFR Part 800. On February 27, 2017, ACHP responded that they would not participate in the Section 106 consultation (see Appendix D).

Locality – the study is located within the Cities of Hampton, Norfolk, Newport News, Chesapeake, Suffolk, and Portsmouth. Representatives from all cities have participated in study scoping and invited to be Cooperating Agencies in accordance with NEPA. Both cities received copies of the Draft SEIS and Draft Section 4(f) Review. This Final Section 4(f) Review, and the Final SEIS will also be provided for review and comment.

Public – The public had the opportunity to review and comment on the Draft Section 4(f) Review concurrently with the Draft SEIS. Comments from the public related to the Section 4(f) analysis will be responded to in the Final Section 4(f) Review.