

Charlestown Citizens Alliance
PO Box 81
Charlestown, RI 02813
January 31, 2017

Ms. Rebecca Reyes-Alicea
NEC FUTURE
U.S. DOT Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004

Dear Ms. Reyes-Alicea:

The Charlestown Citizens Alliance, a state registered Political Action Committee and Community Organization in Charlestown Rhode Island, has prepared this analysis of the NEC Future Tier 1 Final EIS. You can learn more about our organization at <http://charlestowncitizens.org/>.

We have submitted this to meet the original January 31, 2017 deadline. Although US Senator Jack Reed has had assurances that the FRA extended the deadline, there is no clear evidence of that at your website. We may take advantage of a deadline extension and submit again with additional information in February.

The Federal Railroad Administration's (FRA) Tier 1 Final EIS is deficient with respect to impacts in Charlestown, and the entire EIS process from scoping in 2012 until and including the December 2016 release of the Final EIS has not followed the spirit of the National Environmental Policy Act (NEPA). These two findings are related as the failure to follow the spirit of NEPA and actively engage and collaborate with the affected community and local stakeholders has resulted in significant omissions in the natural and cultural resource data. The FRA's use of incomplete data has resulted in gross underestimations of impact, especially with respect to Section 4(f) and Section 6(f) resources.

Because of the many and extreme negative environmental and cultural impacts that would be caused by the new rail segment known as the "Old Saybrook to Kenyon Bypass" we ask that the Bypass be removed from the plan before the Record of Decision. Supporting the removal of the Bypass doesn't mean we are against improving high-speed rail. The Acela is already traveling around 100 miles per hour in Charlestown. Keeping the train in its current alignment would save over a billion dollars in Charlestown alone. With a more practical vision we could get investment in rail in the right places and in the right way and we could get it a lot sooner without sacrificing Narragansett Tribal land, public parklands, protected open space, wetlands, tourism assets, active farms, historic mill villages, and private homes.

What follows is our analysis for the NEC Future Tier 1 Final EIS. The analysis was prepared with technical assistance from Ruth Platner and input from other volunteers.

Sincerely,

Virginia Wootten
President, Charlestown Citizens Alliance

CC Charlestown Rhode Island Town Council
Rhode Island Governor Gina Raimondo
US Congressman (RI) James Langevin
US Senator (RI) Jack Reed
US Senator (RI) Sheldon Whitehouse

Analysis NEC Future Tier 1 Final EIS – Charlestown Citizens Alliance

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1.) Failure to communicate in a meaningful way

On December 18, 2016, both the citizens and government of Charlestown Rhode Island first became aware of the NEC Future Tier 1 Final EIS and the plan to add a new section of rail through Charlestown. That notice came from our organization, the Charlestown Citizens Alliance (CCA). A member of our Steering Committee had seen a television news story on December 16 about the plan’s impact on Providence, had then read the Final EIS, and published a story about the impacts to Charlestown at the CCA website. That post at <http://charlestowncitizens.org/2016/12/18/christmas-surprise-from-fra/> was seen by over 25,000 people at our website and shared with thousands more on social media and was the first clear and meaningful communication that residents of Charlestown received on this issue.

The Town of Charlestown and its citizens were not aware or involved in the scoping process that began in 2012, and we were not aware of the Draft EIS or of any comment periods in 2015.

On December 29, 2016, the town received a form letter from the Federal Railroad Administration, dated December 16, announcing the availability of the Tier 1 Final EIS. The form letter gives no hint that the Plan has any relevance to or impact on Charlestown. Had the town not become aware of the impact on Charlestown from CCA’s publication, the letter from the FRA might not have triggered a timely response. The receipt date of December 29 would have also reduced the time to respond by an additional 11 days. The timing of the release of the EIS during the Christmas holiday season also served as an impediment to a complete and timely response.

At the draft EIS stage in 2015, a form letter was reported by the FRA to have been sent to the Narragansett Tribe and the following Rhode Island towns: East Providence, Pawtucket, Providence, Warwick, Cumberland, East Greenwich, Exeter, Foster, Glocester, Charlestown, Hopkinton, Johnston, North Kingstown, Richmond, Smithfield, South Kingstown, Westerly, Cranston, and Central Falls. Only the urban cities of Providence, Central Falls, and Pawtucket responded, but they received other forms of notice and promptings to help them gain awareness of the process. Most of these governments have no recollection of receiving communication from the FRA. The letter does not say that new rails and a new rail route are proposed in your community. When no comments came from one of the most impacted towns, this should have suggested to the FRA that the local community and local stakeholders were not aware and engaged in the review process.

Charlestown is not named in any of the materials at the NEC Future website, not in the Draft EIS or the Final EIS. The Town is impacted because it lies along the “Old Saybrook to Kenyon Bypass” where two new rails will be added in a new location. This bypass is described in Chapter 7.1, “*New or Upgraded Segments*”, as having the highest acreage’s of impact. As a town with these extreme levels of impact, the FRA should have ensured that Charlestown was engaged and involved from the earliest stages.

Because of inadequate time to respond, the towns and others requested an extension to reply to the Tier 1 Final EIS. That request appears to be granted with a several week extension through US Senator Jack Reed’s office (press release at <http://charlestowncitizens.org/2017/01/19/reed-deadline-extended-for-public-comment-on-fras-rail-proposal/>). What follows is our reply to the EIS, prepared under these time constraints.

2.) The Tier 1 Final EIS is deficient with respect to impacts in Charlestown

The Tier 1 Final EIS is deficient with respect to impacts in Charlestown, and the entire EIS process from scoping in 2012 until and including the December 2016 release of the Final EIS has not followed the spirit of the National Environmental Policy Act (NEPA). These two findings are related as the failure to follow the spirit of NEPA and actively engage and collaborate with the affected community and local stakeholders has resulted in significant omissions in the natural and cultural resource data. The FRA’s use of incomplete data has resulted in gross underestimations of impact, especially with respect to Section 4(f) and Section 6(f) resources.

NEPA requires a scoping process that is the period in which the federal agency and the public collaborate to define the range of issues and possible alternatives to be addressed in the EIS. During the FRA scoping process, which appears to have started in February 2012, would have been the best time to engage the local towns and discover what parklands and natural, cultural, and agricultural resources existed in the Bypass area.

Charlestown was not aware of the scoping process. Had the FRA made meaningful local contact at this time, they would have been introduced to The Nature Conservancy, the Westerly and Charlestown Land Trusts, the Wood Pawcatuck Watershed Association, the Charlestown Historical Society and others and the FRA would have benefited from much better data for their EIS. None of these non-profit stakeholders were contacted or notified.

NEPA requires that a draft EIS be published for public review and comment for a minimum of 45 days. In the case of the NEC Future Draft EIS, there was an extension of this comment period. Charlestown and the affected local stakeholders were not aware of the existence of a Draft EIS; there was no local public review, and no local public comment. This draft EIS was published in November 2015.

NEPA requires that upon close of the comment period, agencies consider all substantive comments and, if necessary, conduct further analyses. Again no public comments were received from Charlestown because none were solicited. Opinion and data from Charlestown had no influence on the Draft EIS process.

Now the Tier 1 Final EIS has been published, and the results of this flawed NEPA process are apparent in the documents. In the Charlestown area of the “Old Saybrook to Kenyon Bypass” the EIS has data omissions and erroneous decisions in the following areas:

- Land Cover
- Agricultural Lands
- Parklands and Wild and Scenic Rivers

- Hydrologic/Water Resources
- Ecological Resources
- Geologic Resources
- Hazardous Waste and Contaminated Material Sites
- Cultural Resources and Historic Properties
- Visual and Aesthetic Resources
- Environmental Justice
- Noise and Vibration
- Section 4(f) and Section 6(f) Resources
 - *Parklands converted to transportation use, including publicly owned public parks, recreation areas, and wildlife/waterfowl refuges*
 - *Converted lands or facilities that were acquired with Land and Water Conservation Fund Act funds*
 - *Historic resources converted to transportation use, including historic sites of local, state or national significance (eligible or listed)*

3.) Flaws in the EIS are mainly caused by the omission of the following from the data, working west to east:

- The size of the Grills Preserve in nearby Westerly is underestimated. The Grill's Preserve is a 550-acre conservation area with over 2 and 1/2 miles of river frontage. The EIS lists this as 480 acres. There is an extensive trail system, with 6 miles of trails, including a cross-country loop that is used by the Westerly High School and Middle School teams. The Preserve has diverse habitats including streams and ponds, freshwater marsh, wetland forest, upland forest, and sandy pitch pine and oak areas being managed for New England cottontail rabbit. Otter and bobcat have been seen in the Preserve. Thirteen species of rare plants have been identified, some living nowhere else in Rhode Island. The proposed path of the rail lines would cut through this preserve.
- The Riverwood Preserve in nearby Westerly is omitted from the EIS data. Riverwood Preserve is part of the Westerly Land Trust's Pawcatuck River Corridor Initiative. It consists of 148 acres of woodland, rocky ridges and fresh water wetlands adjacent to the Pawcatuck River and the Boy Scout Camp. There are extensive trails covering a wide variety of terrain. The proposed path of the rail lines would cut through this preserve.
- After passing through Burlingame, which the EIS acknowledges as an impacted parkland property, the proposed rail lines pass through Hidden Meadows Open Space (MBL: 21-11). The Town of Charlestown owns a permanent conservation easement on this 25.3-acre conservation/passive recreation area. This parcel is contiguous on four sides with larger parcels of Burlingame and a 7 acre parcel of conservation land of The Nature Conservancy (MBL: 21-12) Both of these protected conservation areas are omitted from the EIS.
- After passing through private homes, the rails cut across Burlingame Estates Open Space, a 31.5-acre conservation/ passive recreation open space omitted from the EIS. The Town of Charlestown owns a permanent conservation easement on this property (MBL: 21-26-2)

- The Burlingame Estates open space parcel and the Hidden Meadows open space are contiguous with the 124.58 state owned conservation land at MBL: 21-24. It lies between them. The new rails pass through this state owned and permanently protected property, but it is omitted from the EIS.
- The rails then pass through about a dozen homes before entering the 142-acre Stoney Hill Cattle Company. This is a farm to table operation with cows, horses, hay, pigs, and chickens. They sell grass fed beef, pork, chickens, eggs, and Thanksgiving turkeys at the farm and at farmers markets. This farm is enrolled in the Farm Forest and Open Space (FFOS) program. Under this program the farmer has given up the right to develop their land for an extended period, usually 15 years or longer. Protecting, preserving, and promoting this type of farming operation is a priority of both the town and state. This farm and its important status are omitted from the EIS.
- The rails then pass through or close by another farm. MBL: 21-45 is a 15.39-acre farm, contiguous with the Stoney Hill Cattle Company and also nearly contiguous with tribal conservation land across Kings Factory Rd. and Shumankanuc Rd. This farm is omitted from the EIS.
- MBL: 21-44 is another wooded farm contiguous with the Stoney Hill Cattle Company. This property recently placed a permanent conservation easement on 45 acres. The Nature Conservancy and the Charlestown Land Trust hold the permanent conservation easement jointly. In December of this year The Nature Conservancy announced the new conservation easement as follows, *“The 45 acre Heinz property is just southwest of the Carter Preserve, and contributes to a growing corridor of conservation along the Pawcatuck River.”* This farm does not appear to be in the direct path of the train but it is close by and contiguous with other farms that are in the train’s path. This farm and its status as legally protected/conserved land are omitted from the EIS.
- The train then crosses Shumankanuc Rd. and enters Narragansett Tribal Land at MBL: 22-4. This parcel was formerly part of the Indian Cedar Swamp Management Area, a RI state wildlife management area. When it was transferred to the Tribe in 1978 as part of the Settlement Act, it was transferred with a permanent conservation easement that requires the land always remain conservation land and not ever be developed. The Tier 1 Final EIS claims that no tribal land is crossed or impacted anywhere by the plan for high-speed rail anywhere in the corridor from Washington DC to Boston. But in this case, tribal land is crossed and that land also is protected by a conservation easement.
- The proposed rail lines then cross MBL: 21-41-1 a 59-acre farm contiguous with the Pawcatuck River and the Carter Preserve. This farm is omitted from the EIS.
- The new rail line then crosses Kings Factory Rd. and the Botka Woods Open Space. This 116-acre Open Space has been recently approved for a permanent conservation easement to be held by the Town of Charlestown and is omitted from the EIS
- After passing through the power line (green way) and 4 or 5 houses the proposed train tracks enter the 1,112-acre Francis C. Carter Memorial Preserve. Owned by the Nature Conservancy this property was acquired with help from The Champlin Foundations, the Doris Duke Charitable Foundation, and the Cove Point Foundation. The property supports a variety of natural communities, most notably rare pitch pine/scrub oak barrens, vernal pools, and a 70-acre grassland. This preserve is one of the largest protected properties in the state, but it was entirely omitted from the EIS. It joins several thousand acres of contiguous forest and contributes to an 11-mile corridor of open space running from the Ninigret National Wildlife Refuge to the state’s Carolina Management Area. This conservation property has a

strong policy supporting public access for passive recreation. There are 7 miles of hiking trails, access for equestrians and bow hunting in season. The proposed rail lines run the length of the Carter Preserve fragmenting it into two roughly equal pieces.

- The new rail lines leave the Carter Preserve at Rt. 112, pass through a three or four frontage lots on Rt. 112 and then enters the Amos Green Farm. The Amos Green farm is a colonial era farm that is preserved in museum quality and is still a private residence. The 101-acre farm is preserved with conservation easements held by the Charlestown Land Trust. It has recently been the site of Colonial Reenactments sponsored by the Charlestown Historical Society and is open to the public for other special events. The Amos Green Farm is contiguous with another farm, Fenner, an 85-acre farm protected by a permanent conservation easement held by the Town of Charlestown. The two permanently protected farms make up about 185 acres of contiguous farmland that will be fragmented by the proposed rail lines. None of this permanently preserved agricultural land is mentioned in the EIS.
- **MBL: 25-94** 61.99 acres forested open space omitted from the EIS
- Moving eastward the proposed route leaves protected open space and passes through or over residential land and then enters the Columbia Heights Historic District. This Historic District is another data omission in the EIS. Historic homes will be removed here for rails at grade. This is a very compact neighborhood. This entire Historic District is eligible for inclusion in the National Historic Register. The Arial Structure for the rails over Kenyon will be seen from the Shannock Historic District, which is entirely on the National Historic Register. Both of these communities' statuses as eligible low/moderate income communities are omitted from the EIS.
- The rails will pass over Shannock Road, a State Scenic Road, and the first road in the state to receive this designation. The State Scenic Road designation of Shannock Road is another data omission in the EIS.
- The rails then pass over the Historic District of Kenyon. The Kenyon Historic District is eligible for inclusion in the National Historic Register. This is an eligible low/moderate income community. Kenyon's historic and low/mod status is omitted from the EIS.
- The Biscuit City Fishing Area, a Pawcatuck River access point provides parking for anglers and canoeists. This fishing area was developed with Federal Fisheries Funds and RI Division of Fish and Wildlife funding. This access will be removed by the new rail project. The new rails will pass through here as they reconnect with the NEC in the Great Swamp. The loss of this federally funded fishing access is omitted from the EIS.
- The Pawcatuck River and Wood Pawcatuck River are crossed several times in Charlestown and Westerly by the new train tracks. These rivers are nominated by Congress as Wild and Scenic Rivers. They are protected from development by the ongoing Wild and Scenic study sponsored by the National Park Service. The EIS does not list any Wild and Scenic Rivers in Rhode Island.
- There are other farms in the vicinity of the new rail lines: Riverside Farm **MBL: 21-18** and **MBL: 21-18-1**, **MBL: 18-5** Acres of Oak Farm, **MBL: 21-59** High Meadow Farm, **MBL: 21-16-10** Sweetwater Farm - all are omitted from the EIS.

- The area proposed for new rails in Charlestown is within the acquisition area of the Great Thicket National Wildlife Refuge, a NWR dedicated to conserving and managing shrub land and young forests for wildlife. The refuge is meant to support American woodcock, New England cottontails, monarch butterflies, ruffed grouse, golden-winged warbler, box and spotted turtles, whippoorwill, blue-winged warbler, and Hessel's hairstreak among other species. The EIS does not mention the Great Thicket National Wildlife Refuge.

These omissions from the EIS represent 1,797 or nearly 1,800 acres of permanently protected open space that the rails pass through and will be fragmented. There are also many other open space properties that are protected with permanent conservation easements that are in this vicinity that the rails don't pass through, but that are also omitted from the calculations having to do with context.

Where the Town, State of Rhode Island, local Land Trusts, or The Nature Conservancy hold a permanent conservation easement they have a legal obligation to stop the sale or conversion for a use other than conservation/passive recreation/agriculture as specified in the easements. They will have a legal obligation to object to the sale or taking of these lands by Amtrak.

The 1,800-acre figure does not include active farms bisected by the rail project. Most of these farms are entered into the Farm Forfeiture and Open Space program. These active farms that will be removed or damaged to the point that they can no longer be viable farms account for another 450 acres that were omitted from the EIS.

4.) Analysis by Chapter of deficiencies in the Preferred Alternative from Tier 1 Final EIS (quotes from the EIS in *italics* and grey boxed)

(EIS) *Chapter 4.7.8 Shared Access and Consideration of Freight*

Rhode Island

- *NEC - The NEC would be upgraded to three tracks and a parallel freight track added between Kenyon and Davisville. The NEC would be upgraded to four tracks between Greenwich and Warwick, and between Pawtucket, RI and Sharon, MA.*
- *Old Saybrook-Kenyon - New two-track segment, primarily on embankment or at-grade, continuing from New London County, CT, east through Westerly, RI, adjacent to the NEC, shifting south through Bradford and Wood River Junction, reconnecting to the NEC in Kenyon, north of the Pawcatuck River.*

The existing NEC track would remain in Charlestown and be used for freight and other slower moving train traffic. This would mean a total of 4 tracks through Charlestown, the existing NEC, plus two new high-speed tracks. These would reconnect in the Great Swamp, but through Charlestown there would be two roughly parallel sets of tracks, both running trains, separated by roughly 2,000 to 4,000 feet. The areas between these tracks would be impacted by both sets of rails.

(EIS) *Chapter 7.2 Land Cover*

It is difficult to tell if the EIS calculates developed and undeveloped land correctly as their figures are for Washington County rather than on a town by town basis. But they certainly have calculated park-lands incorrectly as most of the open space on the map at <http://charlestowncitizens.org/wp-content/uploads/Charlestown-open-space-composite-map-Jan-1.jpg> is either public access for passive recreation or is held with a government permanent conservation easement and was omitted from the EIS data. Not

identifying these lands as permanently protected open space changes the discussion under 7.2.7 State and Regional Plan Analysis. Planning in Rhode Island is done at the State and Municipal level. Rhode Island does not have county government. In Rhode Island we look for consistency with State and Local plans. Conversion of parkland is a much more intense change than merely converting undeveloped land. This conversion and fragmentation of permanently protected land is not consistent with any State Plan or Charlestown Plan. By omitting nearly all of the parkland in Charlestown in the rail path and vicinity of the rails, the discussion in this chapter has little relevance or accuracy.

(EIS) Chapter 7.3 Agricultural Lands (Prime Farmland and Timberland)

The EIS grossly underestimates the amount of active farmland in the path of the new rails in Charlestown. The rail placement, land taken for a tunnel, and disturbance during construction will destroy some farms and fragment others. If any farmland in this area remains after construction, the land will be close to the trains and noise and vibration from passing trains may make this land unsuitable for the types of farming in this area, which is dominated by animal husbandry, grass fed beef, chickens, etc. Active farms are shown on the map at <http://charlestowncitizens.org/wp-content/uploads/Charlestown-open-space-composite-map-Jan-1.jpg> in yellow. Some farms have permanent conservation easements and are shown in green with the other openspace.

(EIS) Chapter 7.4 Parklands and Wild and Scenic Rivers

(EIS) Table 7.4-2: Environmental Consequences: Representative Route - Parklands and Wild and Scenic Rivers – 340 acres (This is an underestimate as it does not account for crossing 3.85 linear miles of parkland and other open space with new rail lines)

Washington County, RI, would have the highest number of parks affected (16 parks) - Again this is a gross underestimate as it does not include any of the parkland (except a small part of Burlingame) affected in Charlestown by the construction and final placement of the rail lines. The proposed rails in Charlestown cross over 3.85 linear miles of parkland and permanently protected land.

(EIS) “The Preferred Alternative crosses a wild and scenic river - the White Clay Creek in New Castle, DE.” This makes no mention of the Wood Pawcatuck – a Wild and Scenic River. The EIS’s claim of only one Wild and Scenic crossing is not accurate as the Wood Pawcatuck is nominated by Congress as a Wild and Scenic River and that nomination affords it the same protection as if it had completed the process to be named such a river.

The EIS identifies the following impacts to parkland in or near Charlestown

- **Grills Preserve will have Aerial, Embankment, Potential land conversion; Potential acquisition; Visual and noise effects**
- **Burlingame Management Area: Trench, Aerial, Embankment, Potential land conversion; Visual and noise effects**
- **Great Swamp Management Area/ Great Swamp,: Aerial, Embankment, Potential land conversion; Potential acquisition; Visual and noise effects**
- **Greenway Aerial, Embankment, Trench, Potential land conversion; Potential acquisition; Visual and noise effects** (The “Greenway” is the high tension power line easement. This appears in many state-planning documents as a potential wildlife corridor. Does the EIS identify these as power lines as well?)

Again this omits 1,800 acres of directly impacted parkland in Charlestown that the trains will pass through with all the same direct effects as above.

(EIS) Proximity Effects

Parklands within the Affected Environment that are adjacent to the Representative Route of the Preferred Alternative could experience proximity effects such as visual interference or noise that may affect the designated use for which the parkland was intended. Proximity effects could result from new service or infrastructure, such as new noise and vibration impacts from an increase in trains passing, and visual impacts resulting from new construction and operations. However, parklands that would experience the greatest effects would be those where all or portions of the parkland are within the Representative Route of the Preferred Alternative.

These “greatest effects” would be experienced across the entire parkland corridor that is nearly the entire width of northern Charlestown. Again there are no estimates of the effects in Charlestown since all of this parkland in Charlestown is omitted from the data.

(EIS) Chapter 7.4.6 Context Area

Rhode Island: Many parks in Rhode Island have over 100 acres. Some of the largest parklands include the Rhode Island Greenway, the Great Swamp Management Area/Great Swamp, and the Burlingame/Burlingame State Park. Four park resources are located across more than one county: Cranston Washington Secondary Bike Path, Rhode Island Greenway, Washington Secondary Bike Path, and additional bike lanes.

The Carter Preserve at 1,112 acres ought to be in this list. They are also using size data for Burlingame and Great Swamp that appears to be out of date.

(EIS) Chapter 7.4.8 Potential Mitigation Strategies

Examples of potential mitigation strategies could include design or construction modifications to avoid conversion of a parkland resource, the use of context-sensitive design in future stages of project development, the incorporation of natural design features such as earthen berms and tree plantings, as well as allocation of replacement parkland or open space. In addition, fencing and other approaches could be implemented to protect the safety of those using the parkland.

The Carter Preserve occupies all of the land between the existing rails, the proposed rails, and Tribal land. NEC Future has made clear a preference to avoid tribal land. For the rails in the Carter Preserve there is no place to move the rails to avoid parkland conversion except into the existing NEC or across more tribal land. The other suggested mitigation strategies would not be effective as the land supports species that depend on un-fragmented open space.

(EIS) Chapter 7.4.9 Subsequent Tier 2 Analysis

Tier 2 project studies will define a specific alignment that seeks to avoid the use of parklands, recreation areas and conservation areas. Potential options to avoid and minimize effects on parkland resources include shifting the Representative Route and re-evaluating the proposed construction types identified for the Preferred Alternative.

That may work in other areas of the NEC, but as already explained, the tracks have nowhere to go except back to the existing NEC or deeper into Tribal land.

(EIS) Chapter 7.5 Hydrologic/Water Resources

The entire area proposed for new rail and the existing NEC, which will remain, are part of the Wood-Pawcatuck Sole Source Aquifer. Construction of the new track and the introduction of freight rail traffic over this drinking water resource is a concern. Freight is currently not rolling over this resource, but would be introduced as part of the NEC Future plan. Charlestown relies entirely on wells for drinking water and the importance of protecting ground water is paramount.

(EIS) Chapter 7.6 Ecological Resources

Understanding locations of ecologically sensitive resources was an important consideration in identifying the Preferred Alternative. Various federal, state, and local laws and regulations protect many of these ecologically sensitive areas and resources. As such, impacts to the resources may present permitting challenges that could prevent implementation of an action.

- *Habitat fragmentation - the process by which large, continuous habitats are divided into smaller, more isolated areas*
- *Bisection or fragmentation of an ecologically sensitive habitat (ESH) within the project corridor, resulting in habitat loss and detrimental effects to the sustainability of viable populations of threatened and endangered (T&E) fauna and flora occurring within the sensitive habitat*

The Federal Railroad Administration (FRA) identified ecological resources within the 3,000-foot-wide Affected Environment and the Representative Route (but they didn't identify these in Charlestown)

Impacts:

Impacts to ecologically sensitive areas are greater where new segments are added as part of the Preferred Alternative.

The EIS did not include ecological data for the path of the rails in Charlestown, except perhaps for a calculation of forest cover.

In the map at <http://charlestowncitizens.org/wp-content/uploads/critical-resources-Charlestown-2.jpg> the grey shaded areas are Rhode Island Natural Heritage Areas, blue crosshatched areas are wetlands. The underlying map is an ortho aerial photo with roads and lot lines from the Town of Charlestown GIS data. Natural Heritage areas are land areas where rare and endangered ("natural heritage") species are found, or where the habitat type will support those species.

The proposed track of the rails is through an east-west corridor of open space that spans nearly the width of the town. This section is part of an 11-mile north-south corridor of open space that extends from the Ninigret National Wildlife Refuge at the ocean, north through Burlingame and Narragansett Tribal conservation land, through the Carter Preserve, and then connecting with the Carolina Wildlife Management Area in Richmond. The east-west corridor also provides more wildlife and potential recreation access to the Pawcatuck River, a Wild and Scenic River (nominated).

Looking at the critical resource map, it is apparent that the protected open space overlaps well with the Natural Heritage Areas on the map. With the acquisition of the Carter Preserve by The Nature Conservancy in 2001,

this area became a focus of additional acquisition by TNC, RI DEM, Charlestown Land Trust, and others. The purpose of these acquisitions is to build an ever larger un-fragmented area of wildlife habitat, to make open space connections to the Pawcatuck River, and to create an ever richer experience for the public who use these lands for passive recreation. In fact the Town Of Charlestown hopes to use this area of our town as part of a package of eco-tourism destinations within the town.

The fragmentation of this area by a second rail line will have devastating consequences for the Carter Preserve and all the lands the train passes through, but it will also impact the wildlife corridor from the Ocean to Richmond and beyond.

At this link is a map of the Carter Preserve showing the existing rails, the proposed rails, and hiking trails currently on the Carter Preserve <http://charlestowncitizens.org/wp-content/uploads/Carter-Preserve-Trail-and-Tracks-map.jpg>. The proposed rails are in red, the existing in black.

(EIS) *Additional Species under Consideration.*

The New England cottontail (Sylvilagus transitionalis) and dusky shark (Cacharhinus obscurus) have been removed from consideration of Endangered Species Act (ESA) listing. The Cottontail will therefore not be considered at the Tier 2 level, but the dusky shark will continue to be monitored for its NMFS designation as a species of concern. The monarch butterfly (Danaus plexippus) and cusk (Brosme brosme) are currently under review and will continue to be monitored for their ESA status and occurrence within the Study Area.

Despite not being on the ESA list, the New England cottontail is an important species in Charlestown where a large area of the recently approved Great Thicket National Wildlife Refuge is centered. The proposed rail lines are within the acquisition area for the new NWR. The refuge is meant to support American woodcock, New England cottontails, monarch butterflies, ruffed grouse, golden-winged warbler, box and spotted turtles, whippoorwill, blue-winged warbler, and Hessel's hairstreak among other species.

(EIS) *Chapter 7.6.9.1 Potential Mitigation Strategies - Ecologically Sensitive Habitats*

Potential mitigation strategies will include restricting ESH area disturbance to the perimeter of the habitat area, minimizing habitat fragmentation, implementing a forest conservation/ management plan, implementing best management practices with regard to wildlife crossings, native vegetation stabilization, and tree replacement.

A route change to the perimeter cannot be effective because the proposed tracks have nowhere to go except back to the existing NEC or deeper into Tribal land where ecological impacts are also extreme as the Indian Cedar Swamp is an important wetland ecosystem.

(EIS) *Chapter 7.7.8 Geologic Resources - Potential Mitigation Strategies*

Programmatic mitigation measures could include design considerations, alternative construction methods, and slope/soil stabilization measures. Depending on the affected geologic resource, specific mitigation measures could include the following:

- *Sole Source Aquifers - Develop Stormwater Pollution Prevention Plan and/or Spill Pollution Prevention Plan.*

During the public comment period, the U.S. Environmental Protection Agency requested that more information and analysis be included in regards to effects on public and private drinking water supplies for the Tier 2 project studies. Detailed groundwater and surface water source studies and more-specific construction methodology mitigation measures will be included as part of Tier 2 project analysis.

The impacts and threats to the Wood–Pawcatuck Sole Source Aquifer may be greatest from rolling freight through the watershed, which will continue much longer than the new rail construction. This impact seems overlooked in the EIS. Again Charlestown relies entirely on private wells for drinking water.

(EIS) Chapter 7.8 Hazardous Waste and Contaminated Material

Doesn't seem to identify former United Nuclear Corporation site as an archived superfund site. But it will disturb a tremendous amount of soil in this area.

(EIS) Chapter 7.9 Cultural Resources and Historic Properties

(EIS) Chapter 7.9.4.2 Preferred Alternative

However, the Representative Route includes 3 NRHP-listed properties: the Old Lyme Historic District in Connecticut; the Bradford Village Historic District in Rhode Island; and the Shannock Historic District in Rhode Island.

There are also multiple historic districts in Rhode Island, including the Bradford Village Historic District, Shannock Historic District, and Westerly Downtown Historic District in Washington County,

Impact on Columbia Heights is not mentioned. The Columbia Heights Historic District is on the list of Historic Districts at RI Historic Preservation. The entire district is eligible for listing in the National Register. Historic homes will be removed in this very compact neighborhood.

Impact on Kenyon is not mentioned. The Kenyon Historic District is on the list of Historic Districts at RI Historic Preservation. This entire Historic District is eligible for inclusion in the National Historic Register.

The Arial Structure for the rails over Kenyon will be seen from the Shannock Historic District, which is entirely on the National Historic Register and from Columbia Heights as well.

Tribal Lands

As noted in the Tier 1 Draft EIS (Volume 2, Chapter 7.9, Section 7.9.4), the FRA did not identify property-specific tribal resources.

The proposed route passes over Narragansett Tribal land at Kings Factory Road. This crossing can be seen on these two maps, <http://charlestowncitizens.org/wp-content/uploads/IndianCedarSwampContext.jpg> and <http://charlestowncitizens.org/wp-content/uploads/IndianCedarSwampDetail.jpg>

(EIS) Chapter 7.9.8 Potential Mitigation Strategies

- *Modify construction methods to minimize impacts.*

- *Incorporate the use of context-sensitive design.*
- *Undertake other design modifications in order to blend proposed infrastructure into the existing setting.*
- *Complete Historic American Building Survey/Historic American Engineering Record - level documentation as appropriate for properties that cannot be avoided.*
- *Complete archaeological data recovery for sites that cannot be avoided or preserved in place.*
- *Install interpretive signage in locations where above- or below-ground historic properties must be removed (or otherwise adversely affected) in order to accommodate new construction.*
- *Implement alternative mitigation measures such as the development of educational programs or interpretive booklets for resources that cannot be avoided.*

Columbia Heights and Kenyon would get a booklet and sign describing what was there before the rails were built.

(EIS) Chapter 7.10 Visual and Aesthetic Resources

This visual analysis identified and considered resources that comprise the visual environment (such as parks, natural areas, scenic features, open vistas, water bodies) and cultural resources (such as historic landmarks and historic districts)

Impacts - *The Preferred Alternative introduces new visual elements and has the greatest potential for impacts along the new segments and along two areas (Old Saybrook to Kenyon new segment and Bayview to Wilmington new segment) where there is a potential change in construction type from the existing rail corridor. In general, new segments with elevated construction types - such as the major bridges and aerial structures located along the Old Saybrook-Kenyon new segment - have the greatest potential for impact.*

Table 7.10-1: Environmental Consequences: Visual and Aesthetic Resources (continued)

*Potential visual impacts from **embankment** crossing Bradford/Bradford Dye / Grills Preserve; **aerial structure** near Kenyon RI and the Great Swamp Management Area.*

Washington County, RI, has Forest/Shrub, Grassland/Cultivated, and Wetlands that make up the undeveloped land area. This segment has the most undeveloped land in the corridor. Table 7.10-1 identifies additional resources where there may be visual and aesthetic impacts.

Because 3.85 linear miles of parkland were left out of the data in Charlestown, any figures for impacts to Washington County are grossly underestimated.

There are impacts on Shannock Road, a State Scenic Road, and the first road in the state to receive this designation. There will be an aerial structure in Kenyon that will be visible from the road and it appears the rails will cross Shannock Road.

(EIS) Chapter 7.11 Environmental Justice

Impact on Tribe (a minority community) and Columbia Heights (an eligible low/mod community) is not mentioned. These are both environmental justice issues that were omitted from the EIS.

(EIS) Chapter 7.12 Noise and Vibration

The FRA defined the Affected Environment as a 5,000-foot-wide swath centered along the Representative Route. For the Representative Route of the Preferred Alternative, the FRA performed, and presents in this section, a

quantitative noise assessment for Day-Night Sound Levels, Ldn (dBA),¹ and a quantitative vibration assessment for Vibration Velocity Level² (VdB).

Land uses sensitive to noise and vibration within the Affected Environment include residential, institutional, and park lands. Areas with concentrations of other sensitive land use, such as parks, wildlife refuges and cultural/historic resources, are also of concern.

All of these sensitive land use types are grossly underestimated in the EIS for Charlestown.

Because they use county data, it is hard to know where these impacted residents are. Severe noise impacts could impact health, property values, etc.

The map at <http://charlestowncitizens.org/wp-content/uploads/Charlestown-Richmond-noise-vibration-map-1.jpg> illustrates the noise and vibration impact area. The 1,112-acre Carter Preserve is entirely within the noise area as are the other parklands and farms in the rail path.

(EIS) Chapter 7.16 Section 4(f) and Section 6(f) Resources

Section 4(f) was enacted as a means of protecting the following resources from conversion to transportation uses: significant publicly owned parks, recreation areas, and wildlife/waterfowl refuges, as well as publicly- or privately owned historic sites of local, state, or national significance that must be on or eligible for listing on the National Register of Historic Places (NRHP).

These are 4(f) and 6(f) resources that were omitted from the EIS.

A Wild and Scenic River, thousands of acres of public and private parkland and wildlife conservation land, two Historic Districts, properties listed and eligible for listing on the National Register of Historic Places will all be converted to a transportation use.

The Biscuit City Fishing Area, a Pawcatuck River access point provides parking for anglers and canoeists. This fishing area was developed with Federal Fisheries Funds and RI Division of Fish and Wildlife funding. This access will be removed by the new rail project. The new rails will pass through here as they reconnect with the NEC in the Great Swamp. This Federally funded river access point was omitted from the EIS.

(EIS) Chapter 7.19 Summary of Public Health Effects

The following effects were identified by the FRA as having the greatest potential risk to public health:

- *Degradation of water quality, including public drinking supplies*
- *Disturbance of hazardous waste and contaminated materials*
- *Increased or prolonged exposure to noise and vibration*

The Pawcatuck River Watershed is a Sole Source Aquifer. The rail lines will roll freight over this drinking water source that is the only source of drinking water for the area.

The former United Nuclear Corporation is presently conserved by the Nature Conservancy as wildlife preserve and would never have been developed and its soils would not have been disturbed. The proposed rail line runs

the length of this property and will disturb land in the area that was used for processing of nuclear waste. This impact was not considered by the EIS

(EIS) Chapter 7.20 Cumulative Effects

Because the EIS omitted the majority of the parkland, natural resource, and cultural impacts in and near Charlestown, the calculation of cumulative effects is similarly flawed.

(EIS) Chapter 7.21 Irreversible and Irretrievable Commitment of Resources

With the exception of leaving the rails in the current NEC, there is no change of route that will not go through the Carter Preserve and other open space and farms. Similarly making the connection with the NEC in the Great Swamp leaves no room for a route change through Columbia Heights and Kenyon. Loss of these natural and cultural resources cannot be mitigated and they cannot be replaced.

(EIS) Chapter 8.6 Construction Staging Areas

Construction of the Preferred Alternative would require construction staging areas, also referred to as "laydown areas." These are areas and sites used to store materials and equipment, and to assemble construction materials.

Even though temporary, these areas would disrupt wildlife and habitat that might not recover in this important local, state, federal, and tribal conservation area.

5.) Nonconformance with Charlestown's Comprehensive Plan

The NEC Future proposal does not conform to any section of Charlestown's Comprehensive Plan, in fact every chapter is violated by the proposal, even circulation as several roads will be crossed by rails. Below are examples from Charlestown's Comprehensive Plan that are violated by the NEC Future proposal. Quoted text from the Charlestown Comprehensive Plan is *italicized* and **highlighted in yellow**.

LAND USE GOAL

To protect the natural and cultural resources and rural character of the Town

Policy 1: Preserve the visual qualities of the villages, shorelines, important natural features, historic areas, scenic roads, and major collectors and arterials.

NATURAL RESOURCES GOAL

To protect and encourage appropriate use of the town's natural resources, including groundwater, surface water, the salt ponds, trees, wetland and upland habitats, wildlife, the barrier beaches, historic villages, historic cemeteries, tribal artifacts and sites, scenic views and corridors connecting habitat complexes.

Policy 1: Protect natural resources.

- Preserve natural resources through preservation of open space.*
- Protect and preserve agricultural land within the Town.*

- *Create, conserve, and maintain sustainable forest resources within the Town.*
- *Protect forested riparian areas along rivers and streams to promote improved water quality, wildlife diversity, enhanced aesthetics, and reduced flooding.*
- *Provide recreational activities/opportunities and promote tourism in forested recreation areas.*
- *Promote establishing protective undeveloped zones along water resources and other habitats*
- *Continue to collaborate/partner with U.S. Fish and Wildlife, The Nature Conservancy, R.I. Department of Environmental Management, South County Conservancy, and the R.I. Audubon Society to preserve and protect natural resources.*
- *Continue to support, maintain, and further develop the objectives of the South County Greenspace Project to protect the following:*
 - *Farmland*
 - *Aquifers/Aquifer Recharge Areas*
 - *Rare Species Habitat*
 - *Wetlands*
 - *Supporting Biodiversity*
 - *Core Biodiversity Resources*
 - *Natural Resource Corridors*
 - *Wellhead Protection Areas*
 - *Large Forested Blocks*

Policy 5: Protect and preserve the quality and quantity of surface waters and the Town's potable water supply.

Policy 6: Promote appreciation of natural resources by residents and visitors.

Work with the tribe and neighboring communities to delineate and protect shared natural resources.

Policy 7: Create an interconnected network of conservation and / or open space lands.

CULTURAL RESOURCES GOAL

To protect and encourage appropriate use of the town's cultural resources, including historic villages, historic cemeteries, tribal artifacts and sites, and scenic views and corridors.

Policy 1: Preserve and protect cultural resources including buildings, features and archeological resources which define the town's character.

Policy 5: Support the prehistoric and historic heritage of the Narragansett Indian Tribe and adjacent communities.

OPEN SPACE AND RECREATION GOAL

To promote appreciation and appropriate use of Charlestown's natural and cultural resources by providing a wide range of recreational opportunities for Charlestown's residents and visitors of all ages. To collaborate with partners in the protection of open space through conservation easements, fee acquisition, transfer of development rights, and other techniques to protect rural character and preserve natural resources.

Policy 1: Protect natural resources, cultural resources, important views and visual corridors through open space acquisition, dedications or purchase/transfer of development rights.

Policy 3: Continue to provide opportunities for active and passive recreation throughout the Town.

Policy 4: Continue to provide and expand opportunities for access to fresh/salt-water resources while protecting the resources from adverse impacts of overuse.

CIRCULATION GOAL

To provide for safe travel through the town while protecting the rural character, scenic nature, and natural and cultural resources along the roads and throughout the Town.

Policy 3: Protect the rural quality of life and natural scenery along the town's roads, including vegetation, stone walls, historic structures and landscapes, and views.

Require that state and federal roadway project utilize Context Sensitive Design to protect and enhance the rural character of the community.

Policy 6: Support multimodal transportation.

HOUSING GOALS

Achieve and maintain a range of housing alternatives in keeping with Charlestown's tradition of being home to people at different times of life, family circumstances, and levels of income.

Policy 5: Improve streetscapes in villages to revitalize and strengthen neighborhoods.

Implement the recommendations from the Columbia Heights Housing and Streetscape Plan.

Preserve the supply of affordable housing throughout Columbia Heights.

Implement the recommendations from A Village Revitalization Plan for Shannock, RI

ECONOMIC DEVELOPMENT GOAL

To promote economic development that relies heavily on the Town's natural, scenic, and historic amenities and protects the important resources of the Town

Policy 1: Continue to develop and market specific recreational opportunities that focus on Charlestown's unique attributes, including its natural and cultural resources.

Policy 4: Continue focus on tourism as a vital component of the local economy.

Policy 5: Support agriculture as a component of a diverse rural economy.

Discussion within the context of Charlestown's Comprehensive Plan

The NEC Future plan does not conform to the Land Use chapter of Charlestown's Comprehensive Plan.

The proposal brings severe negative impacts to the natural and cultural resources and rural character of the

Town. The NEC Future plan damages the visual qualities of the villages, important natural features, historic areas and scenic roads.

The NEC Future plan does not conform to the Natural Resources chapter of Charlestown's Comprehensive Plan. Our Comprehensive Plan directs us to block inappropriate use of the town's natural resources, including groundwater, surface water, trees, wetland and upland habitats, wildlife, historic villages, historic cemeteries, tribal artifacts and sites, scenic views and corridors connecting habitat complexes. The NEC Future plan destroys agricultural land, forest resources, riparian areas along rivers and streams, decreases wildlife diversity, removes rare species habitat, fills wetlands, reduces recreational activities/opportunities and discourages tourism and threatens wellhead protection areas. It fragments a very large contiguous block of conservation and open space lands.

The NEC Future plan does not conform to the Cultural Resources chapter of Charlestown's Comprehensive Plan. The town's cultural resources, including historic villages, historic cemeteries, tribal land, tribal artifacts and tribal sites, and scenic views and corridors are either removed, damaged or diminished by the NEC Future proposal.

The NEC Future plan does not conform to the Open Space And Recreation chapter of Charlestown's Comprehensive Plan. Recreational opportunities for Charlestown's residents and visitors of all ages will be lost. The protection of open space to conserve natural resources and provide passive recreation through conservation easements, fee acquisition, transfer of development rights, and other techniques to protect rural character and preserve natural resources will be violated as these permanently protected lands are taken for a transportation use. Access to freshwater resources for fishing and canoe put-in will be lost.

The NEC Future plan does not conform to the Circulation chapter of Charlestown's Comprehensive Plan. The new rail lines would pass over Charlestown's rural and scenic roads, damaging the rural character, scenic nature, views, historic structures and landscapes, and natural and cultural resources along the roads and the roads themselves.

The NEC Future plan does not conform to the Housing chapter of Charlestown's Comprehensive Plan. Columbia Heights is specifically called out in the Comprehensive Plan for protection. The rail plan would destroy the historic mill villages of Columbia Heights and Kenyon and greatly diminish the historic values of Shannock. Columbia Heights is an eligible low/moderate income community. Because of this low/mod status, approximately \$6 million in federal, state and local dollars has been expended in the Columbia Heights and nearby Shannock neighborhoods over the past two decades as part of public infrastructure improvement projects. These include the creation of a public water district, housing rehabilitation, brownfields assessment and remediation, streetscape improvements and beautification. The proposed rail project would completely nullify the benefits brought on by these investments. Shannock and Kenyon are also low/mod neighborhoods. Most of the other housing destroyed or severely impacted by the rail proposal are moderate-income neighborhoods.

The NEC Future plan does not conform to the Economic Development chapter of Charlestown's Comprehensive Plan. Tourism and agriculture are two main focus areas for Charlestown's economy. The rail proposal destroys much of the Town's natural, scenic, and historic amenities and other important tourism resources. It removes vast areas of parklands that are currently used for recreation and are important for tourism. The NEC Future plan destroys many active and successful local farms.

6.) Nonconformance with State Guide Plans

Charlestown has worked hard to conform its land use policies to the different Rhode Island State Guide Plans. Our land preservation and historic preservation achievements, and support for agriculture have been very successful in implementing many of these state plans. The NEC Future plan in the Bypass area in Charlestown is very poorly aligned with the State Guide Plans and will contravene our efforts, achievements, and success in conforming to state objectives. Below are a sampling of goals and policies from some of the state plans. This is not an exhaustive list, but is meant to provide examples of how well Charlestown's land use conforms to state guide plans, and how the NEC Future plan is in disagreement with these plans. Quoted text from the State Guide Plans is in *italics* and **highlighted in blue**.

Economic Development Plan

<http://www.planning.ri.gov/documents/Econdev/2015/RhodeIslandRisingFinalwReport121.pdf>

Policy 2: Strengthen and support Rhode Island's burgeoning food system businesses, which span agriculture, aquaculture, and fishing, food processing/manufacturing, and sales.

f. Continue to identify and protect land for urban, suburban, and rural agriculture and increase access to land and water for agriculture and aquaculture where appropriate. Work to improve the state's farmland protection program to: ensure that the farmland the state protects stays in production and remains affordable for farmers; help farmers with succession planning; and, improve funding for protecting the state's remaining farmland.

Discussion: Hundreds of acres of active and successful farms will be removed or damaged to the point that they can no longer be viable farms. Some of these have sold or donated development rights, others are successful farm to table operations and have a willing next generation to continue farming. These farms are not in current danger of being converted to a non-agricultural use. Their protection is important to the State's economy, and yet they would be converted to a transportation use.

Policy 6: Expand the economic potential of tourism in Rhode Island by developing and marketing the state as an attractive, unique destination on the national and global tourism map through conservation and promotion of our natural, cultural, and built heritages

c. Engage the arts, culture, historic preservation, and environmental communities in place-making efforts. Arts, culture, historic preservation, and our natural assets are all powerful place-making and marketing tools that are readily accessible to the State of Rhode Island.

Discussion: The area in Charlestown slated for transportation development by the NEC Future plan is a tapestry of tribal land, river, ponds, wetlands, wildlife habitat, open space, passive recreation, historic farms and villages, and scenic views, all within five miles of some of the most beautiful ocean beaches on the east coast. This area is a target for "place-making" tourism expansion in Charlestown. The NEC Future plan will make this area much less attractive for tourism. Because so much land ends up between the existing and proposed tracks it will not be accessible for people or wildlife. Many miles of hiking trails will be lost. Three of our four national register historic villages will either be removed or diminished. The history of the water powered textile industry is now a living history in our beautifully preserved villages. The NEC Future plan would reduce this to a sign and booklet describing what had once been there. **The NEC Future plan does not conform to the Economic Development Plan – State Guide Plan.**

Land Use 2025

http://www.planning.ri.gov/documents/guide_plan/landuse2025.pdf

Land Use 2025 Policies (LUP)

LUP 3: Use open space to control and shape urban growth.

LUP 13: Factor into decisions regarding development the importance of recreation, open space, historic resources, and public access to the shore to the State's economy, in tourism, and in maintaining our quality of life.

LUP 14: Design open space systems and corridors to protect complete ecologic units

LUP 15: Protect and enhance those values of the coastal region, including scenic values, which contribute to the State's quality of life. Examine proposals for changes in the coastal region in terms of their importance to the State as a whole.

LUP 17: Preserve and enhance wildlife, fish, and plant species diversity and stability through habitat protection, restoration, enhancement, and prevention or mitigation of adverse impacts due to human activities.

LUP 19: Preserve the best farmland and active farms in the State for active agricultural use.

LUP 24: Preserve historic buildings, districts, and archeological sites.

Discussion: Charlestown has implemented much of Land Use 2025. We have a very strong program of open space acquisition using local and state funding in coordination with organizations like RIDEM, The Nature Conservancy, US Fish and Wildlife Service, and local land trusts. With these partners we have protected thousands of acres of land. More importantly we have arranged these purchases to create much larger contiguous preserved parcels. Some of these lands protect species that are found nowhere else in Rhode Island. These lands provide public access passive recreation as well. We have preserved farms and supported our farmers. And we have protected our historic districts. **The NEC Future plan is in direct contradiction to Land Use 2025 as it destroys many of these assets.**

Outdoor Recreation Plan

http://www.planning.ri.gov/documents/guide_plan/scorp09.pdf

4-1-1 The Vision

A statewide system of connecting greenspaces and greenways, a network made up of critical natural and cultural resources, outdoor recreation facilities, public spaces, community and urban forests, public and private open spaces. The greenspace system is to be Rhode Island's permanent green framework within which the state's communities will design and build in the 21st century.

4-1-2 Plan Mission

Strengthen and expand Rhode Island's greenspace and outdoor recreation system. Continue an aggressive program for open space preservation and greenway development. Strengthen relationships between state agencies and municipalities, land trusts, and non-profit conservation organizations.

Goal 3: Stewardship and Partnership...Improve Accessibility, Operations and Resource Management

Rhode Island's public and private partners will join as strong stewards of the state's outdoor recreation and open space system and will protect, maintain, and improve its essential features.

4-2 Building the Greenspace Network...Preserve and Protect Natural and Cultural Resources

Goal 1: Rhode Island will strengthen and expand its statewide network of greenspaces and greenways, with critical natural resources and outdoor recreation areas as major features of the network.

Policy RCOS-1:

Aggressively pursue the creation of an integrated, statewide greenspace and greenways system through coordinated state and local planning, strategic acquisitions, resource protection partnerships, and integration of green infrastructure in development projects.

Discussion: The Outdoor Recreation Plan's Vision and Mission are well realized in Charlestown where we have a network of protected open space and trails from the Ocean in the south to the Pawcatuck River on our northern border where it connects to other open space all the way to the borders of Connecticut and Massachusetts. This trail and open space system connects to our historic villages as well. The NEC Future plan will fragment this system and destroy whole parts of it. This will weaken Rhode Island's greenspace and outdoor recreation system. The threat this plan has to protected open space has already weakened land preservation efforts in all parts of Rhode Island.

Resist the avoidable conversion of dedicated greenspace system land to other uses. Subject proposals to convert system land to the highest scrutiny

Discussion: As directed in the state guide plan, we are resisting the conversion of our dedicated greenspace system land to a transportation use.

Policy RCOS-2: Maintain natural diversity by preserving the integrity of Rhode Island's ecosystems.

Policy RCOS - 3: Protect water resources, including rivers, lakes, ponds, streams, and surrounding lands.

4-2-6 Forests

Continue to actively pursue the acquisition of fee title or conservation easements of large contiguous forested tracts

4-2-7 Agricultural Land

Policy RCOS- 8: Support agricultural uses and preserve the best farmland for active agricultural purposes.

Policy RCOS - 9:

Protect and maintain fish and wildlife populations at optimum levels and provide opportunities for wildlife-based recreation.

4-2-9 Cultural Resources

Policy RCOS - 10: Preserve significant historic, architectural and archeological sites, buildings and districts.

4-2-10 Scenic Resources

Policy RCOS – 11: Protect scenic areas and resources including landscapes, roadways, and views of the waterfront and significant geologic features.

The Scenic Roadways Board should explore the possibility of providing funding for acquiring easements to maintain the key elements of scenic roadway corridors.

Goal 2: Rhode Island will improve its system of outdoor recreation facilities and conservation areas to meet the needs of its residents and visitors.

4-3-5 Inland Lakes, Ponds, Rivers and Streams

Policy RCOS – 16 Preserve and expand access to the state's, rivers, lakes, ponds, streams and other inland waters for recreational use, while maintaining water quality.

4-3-7 Trail Based Recreation

Policy RCOS - 19:

Maintain and expand the state's network of trails and pedestrian paths, in natural and built areas.

Discussion: All of the above resources, goals, and policies are embodied and implemented in the farms, villages, and protected land the NEC Future plan seeks to convert to a transportation use in Charlestown. **The NEC Future plan violates Rhode Island's Outdoor Recreation Plan.**

4-4-3 Sustainable Facilities

Requests to convert system land to other uses, while infrequent, arise often enough to be worrisome, and given the diminishing quantity of "raw" land in the State, are likely to grow in the future. Such requests, whether of the state or local government, should be resisted, and should face the highest burden of proof of net public recreational benefit. In any case, where conversion of recreation system land is considered, approval should not come until after full administrative review and public scrutiny, and should be conditioned upon a full replacement of the acreage and/or resource value

Policy RCOS – 29: Avoid the loss of recreation and open space system land through conversion to alternative uses

Discussion: Rhode Island is a small state. The tribal land, 1,800 acres of protected open space, hundreds of acres of active farms, historic villages, scenic views, are all within five miles of the ocean. They are part of an eleven-mile corridor of open space that many of Rhode Island's most threatened wildlife species depend on for their existence. This land can't be replaced. All of our governments, local, state, and federal, should resist the conversion of this land, the fragmentation of our open space, the loss of historic villages, the loss of areas for outdoor recreation. **The NEC Future plan is not in conformance with Rhode Island's Outdoor Recreation Plan, but according to section 4-4-3, resistance to the Bypass is!**

Rhode Island State Rail Plan 2014

http://www.planning.ri.gov/documents/trans/Rail/RI_State_Rail_Plan_2014.pdf

As Amtrak's Northeast Corridor between Boston and Washington DC has been designated an FRA High Speed Rail Corridor, segment improvements on this line within Rhode Island are eligible for financial assistance under this program. Amtrak has received \$795 million through this program to implement projects to improve travel times and reliability throughout the Northeast Corridor.

The USDOT and Federal Railroad Administration's Northeast Corridor Preliminary Alternatives Report (2013) includes a total of 15 options for the recommended alignment of high speed service, which would not necessarily follow the existing Northeast Corridor alignment. Two options bypass Rhode Island completely. The State has and will continue to advocate for the alignments that preserve and improve high speed rail service to Providence.

This State Guide Plan supports keeping high-speed rail in Providence, but **there is no mention of support for the extreme environmental, agricultural, and historical cost now contemplated by the NEC Future plan. As noted above, those costs are in violation of all other State Guide Plans.**

Supporting the removal of the Bypass doesn't mean we are against improving high-speed rail. The Acela is already traveling around 100 miles per hour in Charlestown. Keeping the train in its current alignment would save over a billion dollars in Charlestown alone.

There are a lot of great ideas in the Federal Railroad Administration (FRA) plan. An investment in rail is very welcome and overdue. But the cost of this plan is too high in terms of the environment and damage to farms and historic communities. If only some of the money proposed for the FRA plan were invested in present rail structures, bridges, and rails we could achieve faster and safer rail travel now and not have to wait years for the FRA plan. If we were investing and improving now, we could achieve high-speed rail without the damage to the environment and communities.

For example, there are two road crossings that the train is still making in Stonington Connecticut, putting citizens lives at risk with only seconds to get out of a stalled car before a train crosses the road. There is a bridge over the Connecticut River where the train must slow down to 35 miles per hour because of the poor condition of the bridge. These are changes we should be making now. The FRA plan is an unaffordable vision that lacks creativity. If they had a more practical vision we could get investment in rail in the right places and in the right way and we could get it a lot sooner.

As noted at the beginning of our submission, we have submitted this reply to the NEC Future Tier 1 Final EIS to meet the original January 31, 2017 deadline. We may have a revised submission or additional materials in February. Thank you for your time in reading our submission.