



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Gregory A. Whirley
Commissioner

July 19, 2011

VDOT Project: U000-104-102, C501 (UPC 25290)
Norfolk District, COE Project No. 08-4060, NAO-2008-1878 (Schenks Branch)
DHR File No. 1933-2606

Ms. Kathleen Kilpatrick, Director
ATTN: Mr. Marc Holma, Architectural Historian
Resource Services and Review Division
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Mr. John M. Fowler, Executive Director
ATTN: Mr. John Eddins, Program Analyst
Office of Federal Agency Programs
The Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Mr. William T. Walker, Chief
Regulatory Branch
ATTN: Ms. Kathy Perdue, Environmental Scientist
U.S. Army Corps of Engineers
803 Front Street
Norfolk, VA 23510

Mr. Maurice Jones, City Manager
ATTN: Ms. Angela Tucker, Development Services Manager
Neighborhood Development Services
610 East Market Street
P. O. Box 911
Charlottesville, VA 22902

Dear Ms. Kilpatrick, Mr. Fowler, Mr. Walker, and Mr. Jones:

In April 2011, the Virginia State Historic Preservation Officer, the Advisory Council on Historic Preservation, the Virginia Department of Transportation (VDOT), and the City of Charlottesville joined the U.S. Department of the Army, Norfolk District, Corps of Engineers (Norfolk District) as signatory parties in executing a Memorandum of Agreement (Agreement) which fulfilled the Norfolk District's responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended (16

U.S.C. 470f), for its issuance of a permit to the VDOT for the McIntire Road Extended project (MRE), located in Charlottesville, Virginia. The VDOT has recently decided to modify the design of the MRE to eliminate all impacts to waters of the United States. Therefore, a permit from the Norfolk District is no longer required for construction of the MRE; and the state-funded project no longer constitutes a federal undertaking as defined in §800.16(y) of the regulations implementing Section 106 (36 CFR Part 800).

Pursuant to Stipulation XIII.B of April 2011 Agreement, the VDOT is hereby notifying your agencies and other consulting parties to the Section 106 process for the MRE of VDOT's decision not to proceed with the Federal undertaking. The Agreement of April 2011 is thus rendered null and void. Should you have any questions, please don't hesitate to contact me at Steve.Long@VDOT.Virginia.gov or 804-371-6831.

Sincerely,



Stephen J. Long
Environmental Division Administrator

cc. Mr. David Benish, Albemarle County, Planning Department
Mr. John A. Cruickshank, Piedmont Group of the Sierra Club
Mr. Daniel Bluestone, Preservation Piedmont
Mr. Peter Kleeman, STAMP
Ms. Colette Hall, North Downtown Residents Association
Mr. Richard Collins
Ms. Mary A. R. Howard, Thomas Jefferson Branch, APVA/Preservation Virginia
Mr. James Shisler, Dogwood Vietnam Memorial Committee
Mr. Bob Hodous, Charlottesville Regional Chamber of Commerce