

Public Comments FHWA RI Viaduct – March 27, 2017

Individual or Group Represented	Date	Type of Communication	Comment
Alan Stanfill	3-6-17	Email	<p>“Once the Secretary considers the ACHP’s comments and responds to them, the FHWA will have concluded the Section 106 process” (From ACHP’s invitation to comment).</p> <p>Comment #1: Stipulation 9 of the PA states, “If the PA is terminated for any reason, the FHWA shall comply with subpart B of <i>36 CFR Section 800 (800.3-800.13)</i>.” This means that FHWA is obligated to resolve the eligibility of all properties identified within the APE and the effects of the project on them and initiate consultation to develop mitigation measures that will address the adverse effects of the project under the terms of a MOA. It does not mean that with issuance and consideration of the ACHP’s comments regarding the dispute that the FHWA has concluded the Section 106 process, contrary to the statement in ACHP’s invitation to comment.</p> <p>Comment #2: Why not transfer the properties to the tribe without covenants? There is no compelling reason provided for RIDOT to retain an interest in the properties that will be transferred to the tribe, and to do so appears to violate the tribe’s sovereign immunity.</p>
Roderick Scott	3-7-17	Email	<p>Christopher,</p> <p>It appears that the section 106 review for this project is terminating and it looks to me that the two "advised mitigation solutions for the project" were both denied for various reasons. Can you explain why the fall back option of purchasing land parcels important to the tribe deal fell apart due to DOT requiring a release of total sovereign immunity. Why did this kill the deal?</p> <p>Regards,</p> <p>Roderick Scott, CFM Mandeville, LA</p>

Rhode Island State Historic Preservation Office	3-9-17	Email	See attachments.
Rhode Island Department of Transportation	3-20-17	Email and U.S. Mail	See attachments
Town of Charleston, Rhode Island	3-2-17	Email	See attachments