

## **Executive Summary of Deficiencies in Federal Railroad Administration Northeast Corridor Analysis of Tier 1 Final EIS in Charlestown, RI, or the Old Saybrook, CT to Kenyon, RI Bypass**

January 10, 2017, the Charlestown Town Council held a public hearing and over 500 residents unanimously objected to the Old Saybrook to Kenyon Bypass.

432 residents signed a petition that night to object to the Bypass. The line to sign the petition went out the door, so many did not object on the petition. Another petition with 2,514 signatures opposing the Bypass was presented to the Charlestown Town Council.

Representatives from Senator Reed, Senator Whitehouse and Congressman Langevin along with two Amtrak representatives were present, but no one from the FRA or the Governor, even though they were invited, attended.

EIS has data omissions and erroneous decisions in the following areas:

- Land Cover
- Agricultural Lands
- Narragansett Tribal 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
- Parklands, Conservation and Historic Resources

**These flaws in the EIS are mainly caused by the omission of the following from the data, working west to east.** 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:

### **Open Space, preserved in perpetuity, Tribal Property, Farms and Homes:**

- Westerly: 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. The Riverwood Preserve in 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.
- 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.
- After passing through Burlingame, which the EIS acknowledges as an impacted parkland property, the proposed rail lines pass through Hidden Meadows Open Space. 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 seven acre parcel of conservation land of The Nature Conservancy. 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.

- The Burlingame Estates open space parcel and the Hidden Meadows open space are contiguous with the 124.58 state owned conservation land. 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 Farm. 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. The 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. The farm is a 15.39-acre farm, contiguous with the Stoney Hill Farm and also nearly contiguous with tribal conservation land across Kings Factory Rd. and Shumankanuc Rd. This farm is omitted from the EIS.
- Another wooded area contiguous with the Stoney Hill Farm. This property recently placed a permanent conservation easement on 45 acres. The permanent conservation easement is held jointly by The Nature Conservancy and the Charlestown Land Trust. 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 conservation easement 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 wooded area and its status as legally protected/conserved land is omitted from the EIS.
- The train then crosses Shumankanuc Rd. and enters Narragansett Tribal Land. 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 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.
- After passing through the power line (green way) and four or five 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. 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 seven 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.
- All of the land between the existing rails, the proposed rails, and Tribal land is occupied by the Carter Preserve. 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 right-of-way or across more tribal land. 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 Fenner Farm is contiguous with the Amos Green Farm. Fenner is 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.
- 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 Aerial Structure for the rails over Kenyon will be seen from the Shannock Historic District, which is entirely on the National Historic Register.
- The straightened tracks proceed on a half mile bridge to from Columbia Heights to the village of Kenyon where many homes are impacted.
- The Biscuit City Fishing Area, a Pawcatuck River access point 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.
- Other farms impacted are Riverside Farm, Oak Farm, High Meadow Farm and Sweetwater Farm. 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, chicken and animal feed.
- The 1,800-acre figure does not include active farms bisected by the rail project. Most of these farms are entered into FFOS. These active farms that will be removed or damaged to the point that they can no longer be viable farms account for another acres that were omitted from the EIS.

Of the 5.6 miles of track straightening, 3.8 miles of parkland and protected Open Space are impacted. Where the Town, State of Rhode Island, local Land Trust, 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.

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 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 nominated Wild and Scenic River. The tracks impact the wildlife corridor from the Ocean to Richmond and beyond.

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. The Town of Charlestown uses this area of our town as part of a package of eco-tourism destinations.

#### **US Fish and Wildlife Great Thicket National Wildlife Refuge:**

The recently approved Great Thicket National Wildlife Refuge is not mentioned in the EIS. USF&W can purchase up to 3,200 acres in Southern Rhode Island.

#### **Wood-Pawcatuck Sole Source Aquifer:**

The impact on drinking water in all of Southern Rhode Island was overlooked. This will be disturbed by both construction and new rolling freight.

### **United Nuclear Corporation (now the TNC Carter Preserve) Ground Pollution:**

The EIS doesn't identify the former UNC site as an archived superfund site, but it will disturb a tremendous amount of soil in this area.

### **Cultural Resources and Historic Properties:**

Representative Route includes three 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. This entire Historic District is eligible for inclusion in the National Historic Register. The Aerial 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. Kenyon is also a Historic District eligible for listing on the National Register.

### **Narragansett Tribal Lands:**

The FRA did not identify property-specific tribal resources. The proposed route passes over Tribal land at Kings Factory Road.

### **Environmental Justice:**

Impact on the 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.

### **Tunnel Impacts on Train Speed:**

If the tracks are straightened, a tunnel will have to be bored in Charlestown under Shumankanuc Hill. The speed limit will have to be reduced to under 100 mph entering and through the tunnel due to a "piston" effect that would cause the train windows to implode.

### **Noise and Vibration:**

The FRA defined the Affected Environment as a 5,000-foot-wide swath centered along the Representative Route. Increased noise and vibration would be experienced along the route. Wild and farm animals would be disrupted greatly.

### **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
- Temporary construction related effects on air quality, such as fugitive dust emissions and operation of construction equipment and disruption in traffic during construction

### **Irreversible and Irrecoverable 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 Narragansett Tribal Property, homes, neighborhoods, farms, the Carter Preserve and other open space. Loss of these natural and cultural resources cannot be mitigated and they cannot be replaced, ever.

### **Construction and Tunneling:**

Construction of the Preferred Alternative would require construction staging areas. Even though

temporary, these areas would disrupt wildlife and habitat that might not recover.

If a tunnel were to be dug by a Tunnel Boring Machine (TBM), the Acela speed would have to be reduced to less than 100 mph. The cost for that tunnel would be from \$500 M to \$1 B for no gain in travel time.

**Conformance with local Charlestown Comprehensive Plan and State Guide Plans:**

Every section of the Charlestown Comprehensive Plan that has been approved by Rhode Island Statewide Planning is violated.

**Rhode Island State Legislator Objections:**

Every Washington County Legislator signed a letter of objecting to the Bypass.

**Connecticut Congressional Delegation, Governor and impacted residents opposition:**

Connecticut residents already report a 25% decline in property values. Both Rhode Island and Connecticut impacted residents have this sword hanging over Charlestown's head for the current and distant future is unacceptable for a 30 to 50 year \$130 B project that is unfunded and may never be funded.

**Summary:**

Charlestown residents depend upon Governor Raimondo, Senator Reed, Senator Whitehouse and Congressman Langevin to speak in one voice to have the FRA drop the Old Saybrook to Kenyon Bypass. The straightening will greatly impact those along the proposed route for a little gain in time with increased speed and a great loss in property value through eminent domain taking. Residents will lose faith in the Federal and State government.

The Town of Charlestown requests letters to the FRA from the Governor, Senator Reed, Senator Whitehouse and Congressman Langevin to Drop the Old Saybrook, CT to Kenyon, RI Bypass from the Tier 1 Final EIS no later than January 31, 2017.