

Other comments
during 106
process

2611 Kings Hwy.

Louisville, KY 40205

July 4, 2015

Stephen Wilson, Community Planner
FAA, Memphis Airports District Office
2600 Thousand Oaks Blvd, Suite 2250
Memphis, TN 38118 2482

Re: Historic Architecture Survey for the Bowman Field Airport Area Safety Program

Mr. Wilson,

As one of the consulting parties and a City of Kingsley resident I was dismayed by the lack of acknowledgement and appreciation for the historical and current landscape environment for Kingsley and the other neighborhoods and public areas in the December, 2014 draft report by Patricia Stallings.

My background as a Director of a public library for over 16 years and the Kingsley Tree Board chair for 6 years tells me there were minimal original local historical references used. It appears local historians were not consulted who could have directed her to valuable primary source materials for the Frederick Law Olmsted designed Seneca Park, Seneca golf course or the Autobahn Parkway now called Pee Wee Reese Road.

A golf pro is not a knowledgeable contact on the historical perspective of the Seneca golf course. There is a treasure trove of historical documents and the original Olmsted design maps on the Olmsted parks at the park headquarters off Trevilian Way.

I would like to make another point, the Louisville Cancer Society's Memorial Grove along Pee Wee Reese Road on Seneca Park property was overlooked. The Memorial Grove will be significantly impacted in a harmful way and will need serious mitigation.

The Filson Historical Society on 3rd Street is another excellent place for original local historical information on the early interurban-era garden suburbs of Louisville.

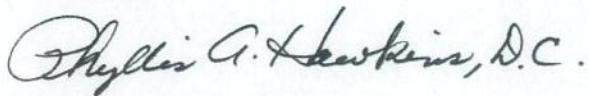
A better copy of the 1946 aerial photo of the Bowman Field area and Kingsley will clearly show the rows of trees lining all the streets in Kingsley. A good perspective on the value our residents of the area put on the landscape is on the Photo Gallery on pleaforthetrees.org website. In addition the City of Kingsley has been granted Tree City USA status for the last 13 years. The continued care of our landscape should be evident.

Another very important reference tool and guide seems to have been totally ignored. The National Register Bulletin's Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places by David L Ames should be followed.

My residence may not be in the current **APE** but all my trees were surveyed last summer by Paul Clinton of Beechwood Trees and Nursery. Why? For a second swipe of the apple down the road? I am most certainly in the circle of harmful historic and environmental effects that will result from the proposed Bowman Field Area Airport Safety Program.

I am looking forward to a more accurate historical landscape survey and determinations of eligibility for the landscape features for Kingsley and other affected areas in the second draft.

Respectfully,

A handwritten signature in black ink that reads "Phyllis A. Hawkins, D.C." The signature is written in a cursive style with a large, stylized 'P' and 'H'.

Phyllis A. Hawkins, DC

DrPHawkins@Juno.com

502-458-6151



OLMSTED
PARKS
CONSERVANCY

Sent via email (stephen.wilson@faa.gov)

July 6, 2015

Mr. Stephen Wilson
Community Planner
Memphis Airports District Office
Federal Aviation Administration
2862 Business Park Drive, Bldg. G
Memphis, TN 38118-1555

RE: Bowman Field Safety Program; Louisville, KY
Section 106 of the National Historic Preservation Act

Dear Mr. Wilson:

On June 24, 2015 I participated in the Section 106 Consultation Meeting related to the Bowman Field Program. At that meeting I made the following comments regarding Seneca Park:

Seneca Park has not been evaluated for eligibility or listing in the National Register of Historic Places. It is important that that Cultural Resource Evaluation for the Bowman Field Safety Program evaluate the resource as a whole. We believe that when this broader view is taken and national guidelines are followed, the park will be determined to be eligible, including its landscape elements.

- The Golf Course is just one element in this historic park. It's not right to isolate one amenity. Any changes to the golf course will impact all park users and usage. The golf course keeps its integrity as a designed landscape. Tree removal will be an adverse effect to the park as a whole.
- The area along PeeWee Reese Road, with the American Cancer Society Grove of memorial trees, is an integral part of the park from the original Olmsted firm general design plan of 1928 and needs to be included in the identification and evaluation. Removal of mature trees along the "automobile course" will be an adverse effect to the park as a whole.

Thank you for your attention.

Sincerely,

Mimi Zinniel, President/CEO
Olmsted Parks Conservancy
1299 Trevilian Way
Louisville KY 40213



Michael J. Heitz, AIA
Director

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web www.metro-parks.org
email parks@louisvilleky.gov

Date: July 9, 2015
To: Mr. Stephen Wilson (stephen.wilson@faa.gov)
From: John A. Swintosky, Louisville Metro Parks Landscape Architect
on behalf of Lisa Hite, Louisville Metro Parks Senior Planner
RE: Bowman Field Safety Program; Louisville, KY
Section 106 of the National Historic Preservation Act

Dear Mr. Wilson:

On June 24, 2015 I participated in the Section 106 Consultation Meeting related to the Bowman Field Program. At that meeting, comments were made regarding Seneca Park. Here are Louisville Metro Parks' positions regarding the Bowman Field Safety Program and the current draft of the Cultural Resource Evaluation report.

While Seneca Park has not been evaluated for eligibility or listing in the National Register of Historic Places, it is considered eligible by age (designed in 1928) and by association with the Olmsted design firm, which also designed the National Registered listed parks and parkways in Louisville. It is important that that Cultural Resource Evaluation for the Bowman Field Safety Program evaluate the Seneca Park resource as a whole – not just a portion of one designed element within the park. When this broader view is taken and national guidelines are followed, Metro Parks believes that Seneca Park will be determined to be eligible - including its landscape elements.

The golf course in Seneca Park is just one component of this historic park. It is not appropriate to isolate one designed element to determine value or integrity of an historic site. The golf course has retained its integrity as a designed landscape within the overall Seneca Park site. Any changes to the golf course – such as a significant number of tree removals and permanent alteration of the designed living landscape – will impact all park users and usage, and thus will be an adverse effect to the park as a whole.

The park property along Pee Wee Reese Road (that includes the American Cancer Society Living Grove of Memorial Trees) is an integral part of the park entry experience in the original 1928 Olmsted firm general plan for Seneca Park. This area of potential impact needs to be included in the identification and evaluation in the Cultural Resource Evaluation report. Removal of mature trees along the "automobile course" corridor will be a permanent change to the designed living landscape and an adverse effect to the park as a whole.

Thank you for your attention.

Sincerely,

John A. Swintosky, RLA
Louisville Metro Parks Landscape Architect



Greg Fischer
Mayor
Louisville
Metro Council



A nationally accredited
parks and recreation agency

To Stephen.wilson@faa.gov

From M. Hayman

I attended the Section 106 meeting June 24, 2015 as a representative of the Kentucky Resources Council, of which I am a member, and the city of Seneca Gardens where I am City Arborist. These are my written comments expanding what I said with respect to Seneca Gardens (including Seneca Manor) and the neighborhoods within the draft Area of Potential Effect at the June 24 meeting.

Seneca Gardens was set up as a garden suburb, beginning with the obvious use of "Gardens" in the name of the city. Some of the original trees are still in Seneca Gardens.

In the summer of 1987 a downburst destroyed 100 of the city's mature oaks and maples. The destruction of so many of the original, mature trees caused an unease in the city which led to the city creating a City Arborist position, probably the only Kentucky sixth class city with a staff arborist, and a commitment of city funds to subsidize replacement canopy and decorative trees. Since the fall of 1988, the first replanting, Seneca Gardens has subsidized more than 1000 trees planted on the private properties of our 300 homeowners.

Over the last 27 years, diverse, durable, and beautiful species have been collected from all over the United States, to be planted in the neighborhood, creating what Dr. Richard Olsen, Director, National Arboretum in Washington, D.C, endorsed in an email of May 18, 2015, "Meet Mike Hayman from Kentucky, an incredible tree advocate and administrator for the country's first neighborhood arboretum (Seneca Gardens)! "

The Seneca Gardens Neighborhood Arboretum extends in all directions beyond the borders of the city. Below are evidence of the Seneca Gardens Neighborhood impact beyond Seneca Gardens' borders.

- Seneca Gardens created a Seneca Gardens Greenspace Foundation to support and perpetuate the garden-like landscapes in and around Seneca Gardens.
- Seneca Gardens led and contributed funds to the creation of a circulation plan in Seneca Park between Taylorsville Road and Beargrass Creek.
- Seneca Gardens led and contributed funds to the creation of a planting plan in Seneca Park between Taylorsville Road and Beargrass Creek.
- Seneca Gardens and the Olmsted Conservancy were partners with the LRAA in planting the hedgerow of shrubs and small trees in Seneca Park on the western edge of Bowman Field along Pee Wee Reese Rd.
- Seneca Gardens adopted a piece of Seneca Park at Trevilian and Pee Wee Reese, paying for an updated landscape plan consistent with Olmsted design, which was required by Metro Parks because Seneca Park is an Olmsted design.
- Seneca Gardens paid for new culverts, a bridge, and pathway in Seneca Park at this same site.
- Seneca Gardens paid for and installed a 100 yard long hedge of bottlebrush buckeye between Denham Rd. and Trevilian Way.

- Seneca Gardens led the planting of 20 rare and unusual trees on Drayton Drive.
- Seneca Gardens planted 10 trees along Taylorsville Road from Pee Wee Reese to the border of Seneca Gardens.
- Seneca Gardens planted three sets of the new disease resistant American chestnuts developed by the American Chestnut Foundation into Seneca Park. These three chestnut plantings in Seneca Park interact with a strip of chestnuts in Seneca Gardens to cross pollinate and create new seedlings of these rare trees.
- Seneca Gardens led the planting of 20 varieties of native black gums in the Seneca Golf Course.
- Seneca Gardens found, propagated, grew, and planted out a collection of superior native Junipers in Seneca Park. Some have been introduced into the landscape industry.
- Seneca Gardens has given free tree consulting to adjoining garden cities and neighborhoods and helped public and private plantings in Kingsley, Strathmoor, and Highland-Douglass.

The tree resources of our community are highly valued by these neighborhoods. These community tree resources are also valued by people and organizations apart from Seneca Gardens. The Seneca Gardens Neighborhood Arboretum has been recognized by:

The American Horticulture Society, Alexandria, VA recognized Seneca Gardens with their Local Horticulture Award, 1996.

American Horticulturist, the magazine of the American Horticulture Society, published a story in their national magazine about the Seneca Gardens Neighborhood Arboretum August, 1995.

The Kentucky League of Cities recognized the Seneca Gardens Neighborhood Arboretum with their Public Works Award, 1992.

The Garden Club of America, Zone VII, Glenview Garden Club, recognized Seneca Gardens with their Civic Improvement Award, January, 2008.

The International Society of Arboriculture awarded Seneca Gardens the Gold Leaf Award for outstanding landscaping beautification activities, 1992.

The International Society of Plant Propagators, the Southern Plant Conference, The Louisville Metro Tree Advisory Commission and many local groups have taken trees tours of Seneca Gardens and the surrounding neighborhoods.

Tree people with national influence have toured the greater Seneca Gardens Neighborhood arboretum. The most influential tree person in the United States, Dr. Michael Dirr, retired, University of Georgia, author of the *Manual of Woody Landscape Plants* toured Seneca Gardens on many occasions, the most recent in May of this year (2015). Others include: Dr. J.C. Raulston, Director, North Carolina State Arboretum, Raleigh, NC; Rick Lewendowski, Director, Mt. Cuba Center, Hockessin, DE; Kris Bachtell, Vice President of Collections, Morton Arboretum, Lisle, IL.

In summary, Seneca Gardens and the surrounding neighborhoods were founded as garden communities and we have maintained and strengthened that commitment. In evaluating historic integrity, the draft cultural resources report must reflect that Seneca Gardens/Seneca Manor and other garden suburbs have intentionally worked to preserve the landscape values that are associated with the original developments. The district-wide vegetation, including trees, must be

recognized as contributing to the historic significance of Seneca Gardens/Seneca Manor and the neighborhoods within the limited and full Area of Potential Effect.

Sent by email to stephen.wilson@faa.gov

Chris McCoy
2540 Kings Highway
Louisville, KY 40205

July 7, 2015

Mr. Stephen Wilson
Community Planner
FAA, Memphis Airports District Office
2600 Thousand Oaks Blvd., Suite 2250
Memphis, TN 38118-2482

RE: Bowman Field Safety Program; Louisville, KY
Section 106 of the National Historic Preservation Act

Dear Mr. Wilson:

I am a commissioner on the Kingsley City Council, and I live in the Bowman Field project's APE.

Kingsley has never been surveyed for determining eligibility or listing potential for the National Register of Historic Places. The conclusions made in this document and proceeding will serve as precedents for any future federal undertakings – future FAA-assisted programs at Bowman Field; federal funding of changes to Taylorsville Road; Federal Communications Commission approvals of wireless telecommunication devices within or impacting Kingsley. It is imperative, therefore, that the landscape of the neighborhood, including its trees, be specifically acknowledged in the statement of historical significance.

Effect of Project on the City of Kingsley

The last sentence of the last paragraph of Section 3.7 (page 85, under "Safety Program Effects") presently reads: "Therefore, the Safety Program will have no effect within the NRHP eligible Kingsley neighborhood." Changes to the tree canopy of any neighborhood near Bowman Field, contrary to the statement above, will adversely affect all nearby neighborhoods, irrespective of whether or not they are in the approach surfaces APE. Unmentioned impacts:

- negative effect on esthetics of the community at large, most of which is comprised of garden suburbs
- negative contribution to air quality (from an increase in air traffic that will likely follow from Bowman Field's compliance with FAA standards), a harmful impact to garden suburbs that were originally sited due to their clean air and country setting

- increase in noise (same as air quality above), a harmful impact to the quiet suburban neighborhoods
- reduction in benefit of temperature amelioration provided by existing tree canopy
- negative effect on property values (from all the above, as well as from what will eventually be a recent history of airport-related changes to the neighborhood that might discourage prospective home buyers – not only because of changes to the neighborhood from the currently-proposed project, but also out of concern for the possibility of future projects whose effect on Kingsley and nearby neighborhoods might be as, or more, injurious than the effects of the currently-proposed project)

Historical Significance of Kingsley's Trees

Brief references are made (in the summary and in Section 3.7) to a pre-construction landscape design for Kingsley that includes trees. This fact should be referenced in Section 3.7 in a way that clearly establishes Kingsley's trees' contribution to the city's historical significance (in the parlance of the survey, "as a vegetative pattern or feature that would be considered a character-defining feature"). Evidence in support of the city designer's original intent to create a city that would meet a particular esthetic standard:

- old aerial photographs show evenly-spaced trees planted in Kingsley easements prior to construction of homes (currently mentioned only in CRE summary; s/b referenced in 3.7 Kingsley Neighborhood)
- Kingsley deed restrictions from the 1940's require setbacks to establish front yard green space and provide an area for homeowners to fashion their own landscape, including tree plantings
- Kingsley deed restrictions from the 1920's define lot owners' responsibilities during neighborhood development to keep the grass cut and to insure that "shrubs and flowers" are kept in "first class condition"

Kingsley's Ongoing Effort to Sustain Trees/Landscaping and Garden-Suburb Design

Kingsley has for many years been actively engaged in an effort to perpetuate the original garden-suburb esthetic. Supporting evidence:

- active Tree Board since 2002
- Tree City USA since 2003 (Tree City USA is a recognition conferred by the National Arbor Day Foundation through the Kentucky Department of Forestry)

- tree and sidewalk ordinances whose purpose is to preserve the original esthetic and protect and promote the use of vegetation in a way that is respectful of the city's original design

In summary, the CRE (page 84) must be revised to acknowledge the following (new language in bold and underlined):

“The Kingsley neighborhood is eligible for the NRHP under Criteria A (community planning and development), B (association with important persons), and C (architecture and design) at the local level of significance. **The district-wide landscape, including trees, is an integral feature of Kingsley's historic significance under Criterion A and C. ...**”

Respectfully submitted,

Chris McCoy



Sent via regular mail and email (stephen.wilson@faa.gov)

July 10, 2015 (corrected version)

Mr. Stephen Wilson
Community Planner, Memphis Airports District Office
Federal Aviation Administration
2600 Thousand Oaks Blvd., Suite 2250
Memphis, TN 38118 2482

RE: Bowman Field Safety Program; Louisville, KY
Section 106 of the National Historic Preservation Act

Dear Mr. Wilson:

Plea For The Trees ("PFTT") hereby provides initial written comments on the draft document titled *Historic Architectural Survey for the Bowman Field Safety Program, Jefferson County, Kentucky* (Brockington and Associates. December 2014. Draft Report, hereafter "CRE" for cultural resource evaluation).¹ This submittal supplements our oral comments provided during the Section 106 consultation meeting held in Louisville on June 24, 2015 (the "June 24th meeting") regarding the Bowman Field Safety Program (the "undertaking").

Summary of Comments

At the outset, the importance of the cultural resource evaluation associated with the Bowman Field undertaking requires explanation. With the exception of Strathmoor Village (just outside the narrow Area of Potential Effect for Runway 6), none of the residential suburbs in the environs of Bowman Field, nor Seneca Park (to the best of our knowledge) or Big Spring Country Club, have been evaluated for listing in or eligibility for the National Register of Historic Places. Why it is that these environs have never been surveyed before with respect to federally assisted undertakings at Bowman Field (including previous tree removals and property acquisitions, including demolition of homes) begs an important question about the sufficiency of previous Section 106 consultations, assuming they were held. Nevertheless, this Safety Program consultation is important—the findings and determinations regarding what is or is not historic, what contributes to historic significance, and what does not, will not likely be re-visited for some time. The final cultural resource report will be used in future undertakings in this area—e.g., the installation of cell towers, road-widening proposals (e.g., Taylorsville Road, the Watterson Expressway/I-264, I-64), and FAA-assisted programs and projects at Bowman Field.

¹As discussed in the June 24th consultation meeting, the version of the survey submitted to the Kentucky Heritage Council, marked as "Final Report," is not, in fact, a final document. For the purpose of these written comments, references to pagination are made with respect to the draft report that FAA distributed to the consulting parties prior to the initial consultation meeting.

The cultural resource firm subcontracted to Hanson Engineering for this review was undoubtedly hampered by an insufficient scope of work and budget for the effort. Nonetheless, it is important that the report meet professional standards established by the National Park Service and the Kentucky Heritage Council. The draft report does not do so.

Following this summary, our comments focus upon: (1) inadequacies in the description of the undertaking and the “purpose and need” for the project; (2) the omission of any alternatives other than removal of mature tree canopies; and (3) identification of a draft Area of Potential Effect that: (a) fails to include areas that may suffer adverse visual and noise impacts from removal of these tree canopies, and (b) fails to account for other alternatives to achieve the purpose and need for this program. Comments specific to the resources that are identified and evaluated in Section 3.0 of the draft CRE (and those that are not—Seneca Park and Bowman Field itself) are also included.

A significant objection to the draft CRE, detailed below, is the omission of any explanation of the standards used to identify and evaluate the landscape component—including the element of vegetation (e.g., trees, shrubs, and other plantings)—of the residential suburbs within the narrow Area of Potential Effect.² This omission results in incorrect determinations of “ineligibility” regarding the vegetation component of the landscape characteristics associated with the historic residential suburbs. Historic contexts and evaluation standards of the National Park Service of the U.S. Department of Interior (the federal “home” for the National Register of Historic Places”) have been developed specifically for residential suburbs of the chronological periods of development represented around Bowman Field (streetcar suburbs, automotive suburbs, and post-World War II and early freeway suburbs). Additional standards for designed historic landscapes and cultural landscapes have been developed by the National Park Service. *None* of these standards were used or referenced in the draft CRE.

The draft CRE recommends determinations of eligibility for the six (6) historically platted neighborhoods in the narrow Area of Potential Effect, under Criterion A (community planning and development) and Criterion C (architecture and design or, in some cases, solely architecture). The report finds that the non-vegetation elements of the landscape characteristics associated with each period of development of these suburbs are still present, a finding that they retain “historic integrity.”³ We agree. While not specifically distinguished as such in the draft CRE, the “contributing” landscape characteristics recognized in the report recommendations include: (1) buildings and structures (e.g., primarily the homes and their architectural styles); (2) patterns of spatial organization (e.g., consistent sizing of lots, established front and side yard setbacks, and the arrangement of homes on the private yards); and (3) circulation networks (the original features for pedestrian and vehicular access into and within the planned developments).

However, with respect to the vegetation element of these National Register-eligible neighborhoods, the report consistently states that these suburbs “did not appear to be developed

²A similar problem exists with respect to Seneca Park/the golf course and Big Spring Country Club.

³It should be noted that each of the evaluations in Section 3.0 of the draft CRE addresses only one of the seven qualities of historic integrity—that of design.

with a design specific to vegetation”; that “plantings” (unspecified as to type) “appear to have developed organically”⁴ or “by individual property owners over time”; and that “neither type nor overall height of trees is considered to be a contributing element.” These observations then facilitate the draft report’s determination that the removal of mature tree canopies in the Bowman Field Safety Program will not result in an “adverse effect” to historic properties with respect to Section 106 of the National Historic Preservation Act.

Respectfully, this approach to the vegetation analysis turns an aphorism on its head, literally: the report fails to see the trees for the forest. *National Register Bulletin 18* (relating to designed historic landscapes) makes clear that these types of vegetative landscapes, found in subdivisions and “small residential grounds,” do not have to reflect the work of a master, such as Olmsted, but include those with an “historical association with a significant trend in landscape gardening or landscape architecture” (in this case, the association is with garden suburb development) and the work of an “owner or other amateur using a recognized style or tradition.”⁵ The vegetation element of the Bowman Field neighborhoods is part and parcel of the designed and vernacular landscapes of the periods in which these garden suburbs were platted, marketed, and developed. As noted in the Bowman Field National Register nomination, the “verdant **setting** [of the surrounding neighborhoods] is unusual and contributes to the ambience of the Bowman Field Historic District (emphasis added).”⁶

The report seems to find an original “design intent” for only Kingsley (which will not be affected in this phase of the Safety Program). Kingsley has the good fortune of an oblique photograph from 1930 that shows newly planted street trees. The happenstance of photographic evidence of original street trees is not a prerequisite upon which to base conclusions regarding an “original design intent” behind the vegetation component of planned subdivisions. The report fails to convey that the Louisville community builders and developers of these neighborhoods (from the early 1900s to the 1960s) consciously marketed them as “garden spots,” and included vegetation in their plans and designs because of the socioeconomic classes that were their target market. Our comments below elaborate on this research-based statement.

The draft report notes (in one place, as “casual vegetation,” p. 70), but does not include, plantings by individual property owners (primarily homeowners) in the evaluation of historic significance. However, the vegetation planted by individual property owners is an *integral* part of the landscape characteristics of these historic neighborhoods since the “private yard is a distinguishing feature of American suburbs.”⁷ It would be interesting to know whether the individual contributions of homeowners have been the work of a master gardener (i.e., reflect a designed landscape) or a do-it-yourself, popular-trend weekend gardener (suggesting a

⁴It is unclear what “organically” means in this context. We presume that, as living things, trees inherently develop organically. The intent may have been that some trees developed originally without human intervention. That they were kept by builders, developers, and homeowners is consistent with conscious attempts to increase the attractiveness of the residential setting (*Historic Residential Suburbs*, pp. 12-13; see p. 11 below for the full citation.)

⁵See p. 12 below for the full citation. These quotes are found on p. 2 of the designed landscape bulletin.

⁶Warminski, Margaret. *Bowman Field Historic District. Nomination to the National Register of Historic Places*, p. 2. 1988.

⁷See p. 11 below for the full citation. This quote is found on p. 9 of *Historic Residential Suburbs*.

vernacular landscape). However, it is not necessary to pin down these distinctions on an individual lot-by-lot basis. Both types of landscapes are associated with the chronological periods of significance of these suburbs, and are still largely reflected in their respective garden settings today.

The evaluation of the vegetation component of these suburbs (and associated parks and golf courses) also needs to address all of the qualities of historic integrity, with reference to the evaluation standards of the National Park Service for the specific property types. Original plants need not still be in existence—vegetation “similar in historic species, scale, type and visual effect” will “generally convey integrity of **setting** although integrity of original **materials** may be lost.”⁸ The qualities of **workmanship** (the planting and maintenance of vegetation, whether street trees or trees, shrubs, and flowers in private yards) and **association** are very much evident, particularly in the garden suburbs of Seneca Vista, McCoy Manor, Seneca Manor/Seneca Gardens, and Kingsley. Your agency and the LRAA heard from representatives of Kingsley and Seneca Gardens at the June 24th meeting of their ongoing, intentional efforts to preserve, perpetuate, and enhance the tree canopies in their neighborhoods (and others, such as Seneca Vista); these efforts are designed to maintain the integrity of **association** of vegetation in these garden suburbs. In sum, vegetation (including the trees) is a physical attribute that helps to establish and perpetuate the **feeling** of these neighborhoods as historic residential suburbs.⁹

Our detailed comments, presented in the order of the sections of the draft report, are as follows.

1.1 Project Overview and Sponsorship

The first sentence on p. 1 erroneously identifies the purpose and need for the project as “*object* clearing” (emphasis added). “Objects,” when used in reference to aeronautical studies, are any “element of natural growth, terrain, or [human]-made structure whose height is greater than 3 inches.”¹⁰ It is our understanding that, since mid-2013, FAA and LRAA have defined the purpose of the undertaking to implementation of measures to mitigate obstructions that have been determined by FAA to pose a current hazard to air navigation with respect to the Terminal Instrument Procedure (TERPS) approach surfaces. If our understanding is incorrect, please clarify.

Additionally, the use of the phrase “Safety Program” in this federally assisted program does not appear to account for the safety of those on the ground—residents, businesses, and recreational users of Seneca Park and the Big Spring Country Club. **Many residents believe that preservation of the mature tree canopy is *their* Safety Program**, a matter that neither the FAA nor Louisville Regional Airport Authority (LRAA) have ever acknowledged. Records of the National Transportation Safety Board (NTSB) indicate that there have been thirty-seven (37) accidents associated with Bowman Field since 1982, which resulted in eight (8) fatalities to air

⁸Ibid., p. 105.

⁹And, in the same vein, Seneca Park, including the golf course.

¹⁰Airport Cooperative Research Program. 2010. *ACRP Report 38, Understanding Airspace, Objects, and Their Effects on Airports*, sponsored by the Federal Aviation Administration, p. 10. www.trb.org.

crew and passengers.¹¹ All eight fatalities were associated with pilot error and/or inadequate pre-flight inspections or lack of preventative maintenance on the aircraft, not with hazardous “obstructions.” It is noteworthy that no one on the ground has been hurt or killed within this period. By acknowledging that the surrounding neighborhoods are National Register-eligible residential subdivisions, the tree removal program itself will cause an adverse effect on the residential character of these neighborhoods by removing their protective barrier to operations at Bowman Field. This effect of the undertaking must be acknowledged and evaluated.

1.1.1 Scope of the Safety Program EA: Proposed Alternatives, Mitigation, and the Area of Potential Effect

The Scope of the Undertaking is Defined Incorrectly

The scope of the undertaking that is now described by FAA is mitigating hazardous obstructions within the TERPS approach surface as of February 2012. During the June 24, 2015 consultation meeting, FAA stated that only “current” needs are addressed in this undertaking. We note that the public explanation of the Safety Program provided in the early public meetings (e.g., January 4, 2012) was based upon FAA’s approval of an updated Airport Layout Plan (ALP) for Bowman Field’s Master Plan. Our understanding is that the planning horizon for an ALP is ten (10) years, and is not limited to “current” conditions. The temporal difference is important. For example, with respect to a 10-yr. undertaking, cultural resources within the Area of Potential Effect that have reached 40 years of age (10 less than the threshold age of 50 years for historic significance) are identified and evaluated. Additionally, by narrowing the time horizon of this undertaking, the more widespread and harmful impacts of tree removal associated with the former 10-year planning horizon are substantially segmented in the federally required historic and environmental reviews.

As stated in the June 24th meeting, PFTT’s position is that the FAA-funded aviation easements (proposed, cumulative) also are within the scope of the undertaking and subject to review under Section 106 (as well as NEPA and Section 4f of the federal Transportation Act). As a recipient of FAA funding for airport planning and airport improvements, LRAA must ensure that: (1) “appropriate action will be taken to ensure that terminal airspace required to protect instrument and visual operations to the airport (including operations at established minimum flight altitudes) will be cleared and protected by mitigating existing, and preventing future, airport hazards”; and (2) appropriate action, including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations.”¹² Aviation easements are perpetual real property interests that permanently subject the affected home, business, or church to unlimited noise, vibration, and air pollution from aircraft and airport operations. Their presence and effects must be evaluated in the federally required reviews for this undertaking.

¹¹www.nts.gov/aviationquery/index.aspx. Accessed July 7, 2015.

¹²49 U.S. Code §47107(a)(9)&(10).

No Alternatives Have Been Presented to Mitigate Hazard Obstructions Other Than Tree Removal

The evaluation of alternatives to achieve an undertaking's "purpose and need" is part of the planning process mandated by the regulations implementing Section 106 (see, e.g., 36 CFR § 800.1(c), 800.8(a)(2)) and, of course, is a cornerstone of environmental evaluation of federal undertakings, such as this one, under the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality. The Area of Potential Effect (addressed below) should account for the range of alternatives under evaluation by the federal agency undertaking or sponsoring the proposed action. The FAA cannot permissibly limit the reviews required of your agency to one alternative—tree removal.

On September 10, 2012, the Kentucky Resources Council and PFTT jointly sent a detailed letter to Mr. Phil Braden, Manager, Memphis Airports District Office, FAA, and Mr. Skip Miller, Executive Director, LRAA, stating, among other matters, that the full range of alternatives to the "Safety Program" required evaluation. As specified in that communication to your agency and LRAA, the alternatives that are reasonable and appropriate for evaluation include, but are not limited to, "no action" (i.e., use of existing obstacle approach flight procedures); enhancement of existing navigational aids (visual, electronic); new navaid installations (aeronautical beacons to mark hazards); and waiving prescribed siting minimums, in addition to removal of mature tree canopies. Some of these alternatives may impact the utility of the airport, as stated by Mr. Skip Miller, Executive Director of the LRAA at a public meeting on Jan. 4, 2012, with respect to the "no action" alternative. Nevertheless, the FAA and LRAA cannot screen from the alternatives analysis the options that they deem undesirable.

When PFTT inquired during the June 24th meeting whether the narrow APE included alternatives, such as navaids, FAA and Hanson Engineering replied that it did not. Mr. Tim Haskell of Hanson Engineering stated that the community impacts of beacons or towers would be "unacceptable." As we noted during the meeting, the alternatives must be presented in both Section 106 (and NEPA). It is insufficient for FAA, its local airport sponsor, or the associated consultants to pre-determine what is and is not "acceptable" to the community. The CRE does not identify any alternatives, and, therefore, does not establish an associated APE(s) or identify and evaluate properties within the relevant alternative APE(s) for historic significance.

The Area of Potential Effect (APE) is Insufficient to Account for Direct, Indirect, and Cumulative Effects of the Tree Removal Program

The draft CRE states that "[f]or historic architectural resources, the APE consists of those geographical areas within the TERPS approach surfaces [and] contains all direct and indirect effects . . . " (p. 3). PFTT will refer to the draft APE as the "narrow APE."

With respect to the narrow APE for Runway 24 (Figure 1.4), it appears that the northernmost edge is terminated at I-64. Please explain the rationale for terminating the boundary based on the interstate. Otherwise, if the full triangle were extended north across I-64, it appears that some of the Floyd-Breckinridge Cemetery in St. Matthews would be within the draft APE. Floyd-Breckinridge Cemetery, located at 1004 Jamestown Ct. (historically in the

area of “Floyd’s Station”), is an approximately 0.1529-acre wooded tract owned by the Filson Historical Society that contains the graves of John Floyd (1750-1783, an early surveyor and military figure in Kentucky), Captain Alexander Breckinridge (1752-1801, an American Revolution war officer), Robert Breckinridge (1754-1833, also an American Revolution war officer), and family members.¹³

During the June 24th consultation meeting, FAA stated that the reference to “indirect” effects in the narrow APEs were meant to include visual effects. As PFTT replied, to fully account for and evaluate the indirect visual and noise effects of the proposed removal of hundreds of mature canopy trees, the APE needs to be expanded to constitute a circular APE (the “full APE”) that connects the outmost edge of each of the narrow APEs associated with the four runways.

PFTT’s research indicates that, within the full APE—and depending on the results of a line-of-sight analysis or other method to assess visual impacts—there are at least an additional 23 residential suburbs platted more than 50 years ago, as follows:

- Between Runway 6 and Runway 33 (south of Bowman Field): Bon Air (1909), Beaumont (1925), Hathaway (1926), Strathmoor Village (1922), Wellington (1920s), Alanmeade (1946), Wellingmoor (1939), Wellesley (date unclear).
- Between Runway 33 and Runway 24 (southeast and east of Bowman Field): Airview (1928), Kiltmore Gardens (1961), Big Springs Gardens (1953), and Big Springs Village (1957).
- Between Runway 24 and Runway 15: Park Hills (1955), Williamsburg Estates (1964) (also featuring the Floyd-Breckinridge Cemetery), Broad Fields (1959), Hollin Terrace (1956), and Seneca Hills (1955).
- Between Runway 15 and Runway 6 (northwest and west of Bowman Field): Rostrevor (1965) (also featuring “Rostrevor” Country Estate, identified below); Cherosen Hills (1959), Ingleside (1952), Seneca Gardens (1937), Broadmeade (1922 and later additions), and Woodbourne (1908).

It should be noted that there are several properties within the full APE that should be evaluated for individual eligibility, including, but not limited to: the Jacob and Henrietta Wetstein House at 2501 Denham Road; Rostrevor, at 1141 Rostrevor Circle, a 1908-10 Country Estate designed by the firm Carrere and Hastings Loomis in Italianate Renaissance style (to the northwest and west of Runway 15 and the Seneca Park Golf Course); and the 1955 “Idea Home of the Year” at 1200 Park Hills Dr. in the mid-20th century modern development of Park Hill (to the immediate northeast and east of Runway 15 and the Seneca Park Golf Course).

In addition to direct and indirect effects, “effects” include “reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative,” and may themselves be “adverse” to historic properties (36 CFR §800.5(a)(1)).

¹³Basic information about Floyd and the Breckinridge brothers can be found in *The Encyclopedia of Louisville*, ed. John E. Kleber. 2001, and “The Strange Genealogy of Louisville’s Bowman Field and Seneca Park,” Carl E. Kramer, 1986.

Cumulative effects that require evaluation in this Section 106 review (including the establishment of the APE) include past tree removal actions of the LRAA, such as mature tree removal in the 1990s and the mature trees that were removed in the Big Spring Country Club in fall 2013 as part of the Bowman Field Safety Program. The fall 2013 clearing (Runway 24 penetrations) harmed 54 trees. Fifteen (15) trees were trimmed and thirty-nine (39) trees were permanently destroyed through removal. The 39 trees included silver and red maples; pin and red oak, eastern white pine, ginkgo, bald cypress, hemlock, boxelder, black cherry, white ash, black locust, and Norway spruce. Seventeen (17) of the logged trees had diameters of greater than 30 inches, indicating an age greater than 50 years.¹⁴ The Morton Arboretum of Chicago, a renowned scientific non-profit established in 1922 to collect, study, and promote trees, has published an index to the estimated age of urban trees by species and diameter at breast height: a 30-inch diameter red oak, for example (of the type permanently removed in fall 2013), may have reached 130 years of age.¹⁵

Past actions for the cumulative effects analysis include the avigation easements taken in several of the neighborhoods (including those outside of the narrow APE, but within the full APE) since 1992.

1.2 Methods of Investigation

Section 112(a)(1)(A) of the NHPA¹⁶ and the Section 106 rules of the Advisory Council on Historic Preservation (36 CFR §§800.2(a)(1) & 800.2(a)(3)) require that federal agencies, including the FAA, ensure the professional qualifications of those who carry out Section 106 responsibilities directly for the agency (e.g., consultants) or indirectly (through delegation to non-federal parties seeking federal help, such as the LRAA). Professional qualifications include those established by the Secretary of the Interior and “applicable standards and guidelines” of “affected agencies,” and the State Historic Preservation Officers (SHPO).

These same authorities also require that federal agencies, including the FAA, review and endorse the documentation and determinations prepared on their behalf. When the FAA uses consultants or allows non-federal parties, such as LRAA, to carry out elements of Section 106 consultation, the agency remains responsible for independently making its own findings and determinations on the APE, identification and evaluation of historic properties, assessment of direct, indirect, and cumulative effects, and resolution of effects.

The introduction to Section 1.2 identifies the Principal Investigator as a Senior Historian with Brockington and Associates. The Principal Investigator’s resume in Appendix A of the CRE indicates that her academic and work experience fulfill the Professional Qualification Standards of Appendix A to 36 CFR Part 61.¹⁷ However, the resume provided in the draft CRE

¹⁴Email dated Dec. 2, 2013 from Allan G. Young/ASO/FAA, Eastern Flight Procedures, to Joseph A. Jackson/AWA/FAA.

¹⁵Morton Arboretum, “Estimate the Age and Benefits of Trees,” pp. 3-4.
www.mortonarb.org/files/Find%20the%20Age%20of%20a%20Tree%20-%20high%20school.pdf

¹⁶This submittal will refer to the section numbering for the NHPA’s original codification at title 16 U.S. Code, rather than the recodification in title 54 of U.S. Code, which became effective Dec. 19, 2014.

¹⁷The Part 61 regulations establish procedures for state, tribal, and local government preservation programs. The National Park Service of the U.S. Department of the Interior applies the Appendix A criteria to individuals who

does not indicate *any* experience specific to historic residential suburbs, garden suburbs, historic landscapes (designed or vernacular), or public and private recreational properties. Of the 27 listings for “Recent Projects, Publications, Presentations and Experience” in the Principal Investigator’s resume, 14 were conducted for the Department of Defense; 8 were conducted for hydroelectric (dam) projects; 2 were conducted for the Army Corps of Engineers; one was a Phase III archaeological data recovery project at Hilton Head Island Airport; one was for a local school district; and one was for a surface transportation project for a state department of transportation.

The Kentucky Heritage Council (KHC) has issued *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* to which “[a]ll fieldwork and cultural resource assessment reports” subject to the agency’s review, including Section 106 reports, “*shall conform*” (emphasis added).¹⁸ Noting that historic properties are evaluated in a “regional context,” the SHPO’s *Specifications*, require that Principal Investigators in Section 106 projects have “a minimum of twelve months of professional field experience in the eastern United States, of which at least three months must be in Kentucky or the Ohio Valley”¹⁹

In addition to the absence of relevant historic residential suburb experience, the Principal Investigator’s resume does not reflect the geographic experience required in the SHPO’s *Specifications*. The only Kentucky project identified is documentation of the former Clarksville [TN] Base Nuclear Storage Site for Fort Campbell, Kentucky. It may be that relevant experience to the Bowman Field Safety Program Section 106 can be identified in a revised resume and/or that additional historic preservation professional consultants may be needed. In either or both cases, the FAA must ensure that the professional standards and experience requirements of the SHPO are met.

It is also not clear how the FAA is meeting, or plans to meet, the requirement that the agency make “independent” findings and determinations in the stages of Section 106 consultation. Who, specifically, within FAA has reviewed and authorized or otherwise approved the draft CRE as sufficient for purposes of this Section 106 consultation?

1.2.1 Archival Research and 1.2.2 Architectural Survey

The draft CRE reports that the Principal Investigator spent some time during the weeks of August 15 and September 15, 2014 in Louisville conducting archival research, talking to individuals, and inspecting individual properties within the narrow APE. Despite PFTT’s and Kentucky Resources Council’s extensive prior communication with your agency and the FAA regarding the significance of the resources and landscape, we were never contacted to provide our input (or our time) prior to this visit. None of the small cities affected, Metro Parks, or subject matter experts (e.g., the arborist for Seneca Gardens) were contacted.

perform “identification, evaluation, registration, and treatment activities” by or on behalf of the federal government through *The Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Historic Preservation Professional Qualification Standards*, 48 *Federal Register* 44716 (Sept. 29, 1983).

¹⁸Sanders, Tom. 2006 (also known as the “SHPO’s *Specifications*”).

¹⁹*Ibid.*, p. 11.

The identification and evaluation methodology is incomplete because only the portions of the resources located within the narrow APEs were visually evaluated and photographed by the Principal Investigator. Only a “sampling survey” was conducted for neighborhoods that extended beyond the narrow APE (p. 6). Seneca Park and Bowman Field were not evaluated in their entirety, while the Big Spring Country Club was, including areas outside the APE (see more below in PFTT’s comments on Section 3.0). The research and survey methodology presented in these sections need to be consistent in examining each resource in its entirety.

Importantly, Sections 1.2.1 and 1.2.2 completely omit any reference to or discussion of the archival or field work that was conducted to evaluate **the affected landscapes**, particularly the vegetation, component of the historic property identification and evaluation phase of this Section 106 review. PFTT has provided extensive comments below with respect to the imperative of presenting an organized landscape analysis in Sections 2.0 and 3.0. The CRE references “tree types and heights” from the *Inventory of Trees Around Bowman Field*, 2014, Beechwood Trees and Gardens, Inc., prepared for Hanson. However, this inventory was not included in the report. In order to be able to participate in this federally required process in a meaningful way, Plea For The Trees hereby requests this inventory.

The rationale for boundary selection in identifying and evaluating the six (6) different neighborhoods in the narrow APE should be explained. The approach to boundary delineation is based upon their original plats (i.e., based upon their original boundary). Boundary selection for historic residential suburbs may also be based upon a “group of contiguous subdivisions, particularly where significance is based upon design.”²⁰ These Bowman Field neighborhoods share historic contexts, architectural styles, landscape features, and types and levels of integrity. Additionally, current residents of many of the narrow-APE historically platted developments are not likely to either know or consider their neighborhood as “Seneca Vista,” “McCoy’s Manor,” “Seneca Village,” and the like. Current small city geopolitical boundaries are more likely to be recognized. For example, Seneca Manor (the area that includes the “high canopy oak trees” along Valletta Road [p. 78] and the unevaluated Keneseth Israel synagogue) is within the limits of the City of Seneca Gardens. Kingsley, on the other hand, is an incorporated municipality whose current political boundary matches the historic plat. Whatever boundary or boundaries are selected, the CRE should explain the justification.

Additionally, the *SHPO’s Specifications* require that a KHC Inventory Form (with associated individual KHC site number) be prepared and submitted for each building, site, structure, and cemetery that is fifty years of age or older.²¹ The draft CRE lacks such documentation.

²⁰*National Register Bulletin, Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places*. Washington D.C.: U.S. Department of the Interior, National Park Service National Register History and Education. 2002. Prepared by David L. Ames, University of Delaware, and Linda Flint McClelland, National Park Service, p. 107.

²¹*SHPO’s Specifications*, p. 27.

