

Town of Sudbury

Historical Commission

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October 25, 2021

Tammy R. Turley
Chief, Regulatory Division
US Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742-2751

Re: Section 106 Consultation: Eversource Sudbury-Hudson Transmission Reliability Project, USACE NAE-2017-01406, MHC #RC.62384, ACHP Case 016522

By Email and USPS Registered Mail

Dear Ms. Turley,

The Sudbury Historical Commission (SHC) was established under M.G.L. Chapter 40 Section 8D for the “preservation, protection, and development of the historical and archaeological assets of the Town.” This responsibility to preserve and protect Sudbury’s heritage has been and is the Commission’s overriding focus during the consulting party review of the proposed undertaking under Section 106 of the National Historic Preservation Act of 1966, as amended.

This project, if constructed as designed, will have a devastatingly adverse effect on our rare remarkably intact National Register of Historic Places (NR) eligible Central Massachusetts Railroad (CMRR) linear corridor - essentially destroying the most significant contributing elements of the NR eligible historic district. The SHC is concerned about potential adverse effects to other historic properties including Native-American cultural resources which may be lost if they are left unidentified by an incomplete Section 106 identification process. We ask the US Army Corps of Engineers’ (USACE) assistance in finding solutions to avoid or minimize the harmful adverse effects of the undertaking – rather than mitigation measures that sacrifice our historic resources. Once NR eligible historic properties are gone, they are lost forever.

The Commission has reviewed Mr. Maniccia’s August 6, 2021, letter to the SHC, received on August 19, 2021, and the new revised Memorandum of Agreement attached to the letter.

The Commission offers the following comments with the understanding that these comments are part of a continuing Section 106 consultation process with the USACE. These comments are not the SHC’s final comments or recommendations, due to our understanding, acknowledged by the USACE on October 14, 2021, during its meeting with the SHC, that neither the USACE identification of historic properties, nor its assessment of effects or adverse effects has been completed, and therefore no official USACE finding of adverse effect for the undertaking has been made or communicated to the Advisory Council on Historic Preservation (ACHP) or to the Massachusetts Historical Commission State Historic Preservation Officer (SHPO).

Thus, the SHC looks forward to continuing the consultation process with the USACE including but not limited to an assessment of alternatives and solutions to avoid, minimize or mitigate adverse effects of the proposed Eversource undertaking on NR eligible historic properties, an assessment of alternatives to removal and replacement of Bridge 127, and avoidance of adverse effects to the B & M Railroad Section Tool House, and other NR historic properties and their contributing elements adversely effected by the undertaking in the Area of Potential Effects (APE).

The SHC thanks the USACE for its October 13, 2021, letter formally acknowledging the SHC as a consulting party.

The SHC was pleased to participate, primarily as an observer, at the USACE group consultation meeting on September 28, 2021, and to have met with the USACE on October 14, 2021. The Commission welcomes the USACE's suggestion made during the October 14th meeting that another follow-up consultation meeting be held after the USACE sends a letter to the SHPO following the USACE's completion of its identification of historic resources, assessment of effects and adverse effects, and determination of National Register of Historic Places (NR) eligibility. Although the USACE stated on October 14, 2021, that its current effort was to identify "known" historic properties, the Commission expects that the USACE will make a reasonable and full faith effort to actively seek to identify historic properties through the assistance of those with knowledge of historic properties, such as the Narragansett THPO. As stated in the opening paragraph, the Commission's mandate is for the "preservation, protection, and development of the historical and archaeological assets of the Town." This includes those that are undocumented and those that may have an overlay of cultural or spiritual significance that may now or in the future be identified as traditional cultural properties.

Section 106 Process under 36 CFR 800

It is the understanding of the SHC, that pursuant to Section 106 of the National Historic Preservation Act's implementing regulations, 36 CFR 800:

- USACE shall make "a reasonable and good faith effort" to identify historic resources, including efforts to identify historic properties to which an Indian Tribe might attach religious or cultural significance,
- USACE shall determine the scope of the undertaking – identifying the project impacts' Area of Potential Effect, meaning the area in which the "undertaking may directly or indirectly cause alterations to the character or use of historic properties",
- USACE shall "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register prior to the issuance of any license (in this case, a Section 404 Clean Water Act General Permit), and
- USACE shall make an "assessment of adverse effects", meaning adverse effects on historic properties by the undertaking that "alter, directly or indirectly, any characteristic of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling and association.

The process to date has been challenging for the SHC as it is not clear to the Commission whether the information we have received is correct, complete, and final for the Eversource transmission line project, as described in the paragraph below, and because we still lack detailed information about the DCR Mass Central Rail Trail (MCRT) project.

The Sudbury Historical Commission acknowledges that although Eversource's historic preservation consultant, Commonwealth Heritage Group, has identified some of the historic railroad resources, drawings provided to date to the SHC do not identify all the historic CMRR rail resources. In addition, for those railroad resources that do appear on the Vanasse Hangen Brustlin (VHB) provided plan drawings, their locations are not all accurately noted. Furthermore, the project plans made available to the SHC lack consistency between the Eversource plans and DCR's (undocumented) assurances for the MCRT project. Project impacts on some rail features are still unclear (e.g., retention of the diamond junction does not appear on the Eversource's Plans.) Therefore, the SHC has attached its spreadsheet of identified Central Massachusetts Railroad Corridor structures and features (Project Impacts on CMRR Corridor) listing what we know about the undertaking's impacts on each. We request that the USACE review our spreadsheet, provide information to identify the missing information about effects, and return an updated list to the SHC.

The SHC would be unable to sign a Memorandum of Agreement without mutual agreement between the USACE and SHC about what constitutes the full identification of affected historic resources and the effects thereupon on each.

USACE Reliance on Appendix C – 33 CFR 325

The Sudbury Historical Commission continues to assert that Section 106 of the National Historic Preservation Act of 1966, as amended, is the appropriate federal regulation under which this project's review falls. The Commission

strongly disagrees with the USACE use of Appendix C (33 CFR 325) as an alternative to NHPA Section 106 implementing regulations (36 CFR 800). Appendix C is not recognized by, nor has it ever been approved by the Advisory Council on Historic Preservation, the federal agency whose authority it is to promulgate NHPA Section 106 regulations. The SHC agrees with the ACHP that the USACE's "relying on Appendix C as a basis for making findings and determinations in the Section 106 review will leave the Corps' compliance with Section 106 subject to challenge due to fundamental inconsistencies between Appendix C and the Section 106 implementing regulations (36 CFR 800)."

During the USACE September 28, 2021, consultation meeting, the Massachusetts Historical Commission Executive Director, State SHPO, Ms. Brona Simon unequivocally stated, "...we object strongly to the Corps of Engineers following Appendix C which are illegal regulations that do not meet the ACHP regulations. So, we are going to continue to be concerned about the lack of identification of the total project area which include the entire length..." and "...encourage the Corps of Engineers to follow Section 106 and do a legitimate 106 MOA..." The SHPO's position supports the Sudbury Historic Commission's own position.

One result of the USACE's use of Appendix C has been to completely overlook all but two of the 66+ identified railroad features of the NR eligible Central Massachusetts Railroad historic district corridor in Sudbury. The USACE's July 30, 2021, revised draft MOA's premise, stipulations, and other provisions are inadequate and non-complaint from the SHC's perspective and the requirements of Section 106 implementing regulations 36 CFR 800. The MOA stipulations applicable to Sudbury only refer to the two bridges – 127 and 128 – and the placement of new granite markers at three archaeological sites. (The SHC notes that under M.G.L. Chapter 40 Section 8D, drawing attention to archaeological sites is not allowed as "Any information received by a local historical commission with respect to the location of sites and specimens, as defined in Section twenty-six B of Chapter 9, shall not be a public record.")

The narrow scope of the draft MOA ignores the NR status of the CMRR corridor in its totality and the unique extant individual RR structures and features already identified by cultural resources consultants throughout the entire right-of-way. Furthermore, use of the USACE's Appendix C-generated extremely narrow Permit Area, rather than application of the APE, excludes nearly all 66+ NR eligible contributing RR features, as well as potentially other yet-to-be identified historic properties in the APE. This prevents our Commission from conducting a detailed and complete review. The SHC requests a copy of the USACE email and/or correspondence to VHB/Eversource approving the Permit Area described in the July 2020 404 Pre-Construction Notification Section 4.5.3., and mentioned in the SHC December 30, 2020, letter to the USACE.

The April 30, 2021, ACHP letter to the USACE commented that it is the "Corps' obligation to *actively* take into account effects to historic properties *throughout the entire ROW* for the project." The MOA fails to incorporate in the stipulations solutions that would avoid, minimize, or mitigate the adverse effects of the undertaking in the entire APE. For all these reasons, not only does the SHC believe that reliance on Appendix C is inappropriate, but it would prevent the SHC from being a signatory to the MOA as it is currently conceived and drafted.

The SHC strongly echoes the recommendation made during the September 28, 2021, Section 106 consultation meeting by the Massachusetts SHPO who encouraged the USACE to drop the use of Appendix C in this undertaking case, as the USACE did in the Section 106 Greenbush Line of the Old Colony Railroad case to avoid a legal challenge. During the October 14, 2021, consultation meeting with the SHC, a USACE comment was made that the Greenbush Line case was different than this undertaking case because the wetland areas for Greenbush were larger in scope, but the APE under 36 CFR 800 is not determined based on the USACE (wetlands/US Waters) permit area under Appendix C.

The ACHP April 30, 2021, letter speaks to the USACE jurisdiction under Section 106 regulations, stating, "the undertaking is not *solely* the federal issuance of a permit...or the specific activity that requires a permit. Rather *the undertaking is the overall project*, parts of which may require the issuance of a permit. The NHPA specifically and explicitly defines "direct or indirect jurisdiction" in the context of undertakings as "projects...including...those requiring a federal permit, license or approval..." The "jurisdiction needed for a project to fall within the scope of a Section 106 review does not entail a high level of federal agency control. Rather, when a federal agency's involvement in an otherwise non-federal undertaking is limited to an associated approval, as in this case, the *entire project is still considered falling within the federal agency's "direct or indirect jurisdiction" for Section 106*

purposes. The APE is defined as the geographic area or areas within which the undertaking may directly or *indirectly* cause alteration in the character of or use of historic properties...”

Questions Regarding DCR’s Standing Under Section 106

The Commission seeks clarification, in writing, from the USACE as to the legality of DCR’s standing under Section 404 of the Clean Water Act (CWA), the USACE’s issuance of any USACE General Permit to DCR, and DCR being subject and signatory to the MOA. Please explain to the SHC why and how DCR is subject to the Section 404 CWA.

The VHB November 8, 2018, Request for Permit Area Determination, made “on behalf of NSTAR d/b/a/ Eversource Energy” (not DCR), was for the “Project” described as the “Sudbury-Hudson Transmission Reliability Project” that “involves the construction of a new 115-kV underground electric transmission line with paved roads and an inactive railroad right-of-way owned by the Mass Bay Transportation Authority.” The DCR MCRT project was not include in the definition of “Project.” The Table of Summary of Wetland Impacts (as of October 25, 2018) provided in the November 8, 2018, letter includes only temporary and permanent wetland impacts that would be the *result of Eversource’s conducted activities, not DCR’s.*

Furthermore, the July 2020 404 Pre-Construction Notification, Table 1, Summary of Work within Jurisdictional Waters of the US, and Table 2, Breakdown of Impacts to Waters of the US – list activities that *only* Eversource will engage in and cause, not DCR. Please refer to the SHC May 12, 2021, letter (attached) to MHC and May 20,2021, letter to the USACE (attached) for additional comments on this issue.

Comments on the July 30, 2021, Revised Draft Memorandum of Agreement

The MOA Stipulations for the Central Mass Railroad Corridor Historic District are wholly inadequate, do not address adverse effects to all NR eligible historic properties in the APE, to include the entire project area., and do not comply with the requirements of 36 CFR 800. The MOA is silent about a Mitigation and Protection Plan (MPP) and one that would apply to adversely affected NR historic eligible properties in the entire APE which the current draft MPP, the SHC has reviewed, fails to do.

The SHC offers comments on the following paragraphs and stipulations of the revised draft MOA:

Paragraph #1 and #6: The “undertaking” is defined as the transmission line project *and* MCRT project pursuant to Section 404 of the Clean Water Act (CWA). Issue: Question, is DCR legally subject to the CWA and therefore legally subject to the Section 106 MOA?

Paragraph #2: States that *all* discharge/fill activities described here are those which will be performed by Eversource alone, not DCR. So therefore, if the DCR project activities will not result in impacts to jurisdictional US Waters and not adversely impact NR historical properties, how can DCR be subject to the CWA, an MOA, and be issued a CWA General Permit?

Reference under Paragraph #2 is also made to the modification of two culverts. The SHC has no information that any culvert will be modified. The SHC requests information about which culverts will be modified and what modifications are proposed to be made and by whom.

Paragraph #3: “scope of undertaking” is defined, not as the Area of Potential Effects (APE) under 36 CFR 800, but as the USACE “permit area” per Appendix C. This permit area is based on figures submitted with the VHB November 8, 2018, Permit Area Determination Request. Issue: Is the USACE permit area based on the November 8, 2018, figures or on updated set of plans provided in September 2019, when the Corps permit area was modified, and a subsequent Permit Area Determination modification approval made? Please explain. Issue: Application of Appendix C to determine the scope of the undertaking does not comply with 36 CFR 800, as the ACHP has commented.

Paragraph #4: As the USACE has acknowledged on October 14, 2021, the USACE has not yet taken into account the effects of the undertaking on historic properties listed in or eligible for listing in the NRHP. As the SHC commented on October 14, 2021, the CMRR corridor has been evaluated by the SHC consultant to be NR eligible as

a linear transportation historic district, and three structures, the Section Tool House, and Bridges 127 and 128 have previously been evaluated to each be individually eligible for NR listing. However, Bridge 130 has been evaluated to *not* be NR eligible, because it is a “common type of bridge design and construction widely used in the region” and has previously been replaced, and therefore would not be subject to a Section 106 MOA. Why is Bridge 130 included in the MOA stipulations?

Paragraph #5: Although reference is made to the undertaking having an adverse effect on the NR eligible CMRR Corridor Historic District – it implies application of Appendix C thereby limiting the scope of CMRR historic properties and features subject to the MOA stipulations.

Paragraph #7: Regarding the statement that the USACE has consulted with the Narragansett Indian Tribe, the SHC understands that as of October 14, 2021, a site walk had *not* been conducted yet with the Narragansett THPO as the THPO had requested earlier this year. The SHC expects that a full faith consultation with the Narragansett THPO shall be undertaken to identify historic properties in the APE, including any that may possess religious or cultural significance to the Tribe.

Paragraph #8: refers to “effects” of the undertaking “on the Sudbury-Hudson electric utility line and rail trail” instead of “*on NR eligible historic properties*”. The SHC points out “effects” on NR eligible historic properties are only those which are a result of Eversource’s activities, not DCR’s.

Paragraph #9: When the USACE notifies the ACHP of an adverse effect finding for the undertaking and provide documentation to the ACHP, the SHC requests that it be copied on the notification and be provided with copies of the documentation. The SHC notes that in 2019 the SHPO recommended that the USACE “make an adverse effect finding...”

Stipulation I.1.: The production of an updated inventory form for Bridge 127 is inappropriate should the bridge be demolished and the production of an inventory for Bridge 128 is not a sufficient mitigation measure.

Stipulation I.2.: See SHC comment below under Impact Mitigation for Railroad features.

Stipulation I.4.: The SHC cannot determine if the rehabilitation (and partial replacement) of Bridge 128 as described is consistent with the US Secretary of the Interior’s Standards and Guidelines for Rehabilitation because the SHC has not been provided with detailed information, including but not limited to, renderings of the *final* design. The SHC requests the detailed final design plans including information about which granite blocks/abutments will be removed, and which will be retained.

Stipulation I.6.: This vague stipulation does not describe the manner of location of the to-be-retained rail sections. Please explain the genesis of this stipulation.

Stipulations I. 3., 5., 7., and 8.: The project proponents have not provided the SHC with information about such granite markers or signage. Is Eversource allowed to erect markers and/or signage that is not for the purpose of installing an electric transmission line under the terms of the 2017 Option Agreement between the MBTA and Eversource? If DCR is not subject to Section 404 of the Clean Water Act, and Section 106, the SHC believes that DCR cannot be subject to any MOA stipulation. Please explain to the SHC who will be responsible for installing the granite makers and signage? Will Eversource or DCR be responsible for complying with this stipulation?

Stipulation II.: A Post-Discovery Plan (PDP), that covers the entire APE area, should be included in the MOA. The SHC requests a copy of the draft PDP and that it be submitted to the MHC for review.

Comments on the NR Eligible Central Mass Railroad Corridor’s Structures and Features

Comments are grouped by resource type and proposed project impacts:

- **Bridge 127** – The SHC is strongly opposed to its demolition by Eversource in Phase I, as demolition is not essential to installation of the transmission line. The demolition (except for some abutments) and replacement of Bridge 127 with a new bridge almost twice as long is not driven by the transmission line

project design but by DCR rail trail design issues. Such demolition is the offered mitigation because of the DCR rail trail issues which is also the action performed by Eversource that is causing the adverse effect on Bridge 127. The SHC expects that the impacts of alternate options to demolition will be evaluated, as required under Section 106, to avoid demolition of this rare extant example of plate girder bridge and a key contributing element of the NR eligible historic district. Therefore, the SHC was pleased to hear the USACE's comment on October 14, 2021, that the USACE intends to evaluate the impacts of alternatives to demolition of Bridge 127. That evaluation should not include DCR MCRT design issues if DCR is not subject to the CWA. The SHC has not received any evidence-based professional analyses from VHB or Eversource about any alternatives and requests what, if any, information, and professional analyses USACE has detailing alternatives. The SHC would like the opportunity to discuss alternatives to demolition with the USACE and provide comments. Once demolished, Bridge 127 will be lost forever. Raising the plate girders and restoring the bridge should be an alternative that is considered based on a professional analysis. The SHC also requests that an alternative to raise and save the plate girders and incorporate them into a new bridge design as non-structural side elements be considered based on an evidence-based analysis. Please refer to the May 12, 2021, SHC letter to MHC and May 20, 2021, letter to USACE for detailed comments concerning this issue and the relevancy of whether DCR design issues can legitimately be part of an analysis of alternatives if DCR is not subject to the CWA and not legitimately subject to a Section 106 MOA. Also, if Bridge 127 were to be demolished, the SHC position is that the granite abutments/blocks be saved. We have heard conflicting information about what abutments are intended to be removed. Also, the transmission line conduit should not be installed on the outside exterior of the plate girders as this would be visible obscuring the plate girders.

- **Bridge 128** – It is the SHC's opinion that design options which will enable the public to view the plate girders should be part of the bridge's final rehabilitation design. Also, the transmission line conduit should not be installed on the outside exterior of the plate girders as this would be visible obscuring the historic plate girders. Our comment above about the abutments for Bridge 127 applies also to Bridge 129/8. The partial replacement of Bridge 128 is also being driven by DCR's rail trail design issues, not installation of the transmission line which could be attached by a conduit on a fully rehabilitated bridge.
- **Section Tool House (STH)** – VHB commented, on October 14, 2021, that the re-design of the project plan avoids adversely affecting this rare surviving NR eligible historic property because it will avoid the STH loading platform. However, the project design calls for removal of all the rail track in front of and immediately adjacent to the loading platform of the Section Tool House and will construct the project path within inches of the platform. It is appropriate that when adverse effects are assessed, consideration is given to *all* NR qualifying characteristics of a historic property (36 CFR 800.5(a)(1)). Retention of rail track at the STH is necessary for the STH to retain its integrity, association, and its ability to convey its historical significance. The SHC's position is that sections of rail track should be left in place in front of and adjacent to the loading platform of the Section Tool House structure. The preservation of lengths of rail track next to the Section Tool House would keep together those elements of the Tool House setting which tell the story of how and why section tool houses with loading platforms were located along railroad corridors and functioned. The MOA stipulations should include the STH. Here again, the proposed design plan for the Eversource project is driven by DCR design issues, and we question the need for the permanent removal (and no resetting) of the rail track to install the transmission line.
- **Railroad Diamond Crossing (at junction with the Lowell-Framingham RR Line)** – The SHC needs to receive detailed documentation and information from the USACE as to whether Eversource will remove this NR contributing element, when it will be removed, as well as information about the design of the diamond crossing when it is reset and who will reset it. The SHC supports embedding the rail track diamond crossing as an intact whole with at least 20 feet of track in each direction. The SHC requests that care be taken to protect the Diamond during its temporary removal and be removed as one intact piece. Treatment of the Diamond Crossing during and after removal should be included in the Mitigation and Protection Plan for the project.
- **Railroad Signals (Distant Approach Interlocking Signal M208 at MP20.80 and Distant Signal at MP19.26)** The SHC needs to receive detailed information about the proposed restoration/stabilization, removal, and reinstallation of these two signal RR features as well as their nearby associated battery wells. We are concerned that these signals and battery wells are in such condition that they could be damaged or lost during project construction. The SHC requests that the project proponents make a plan to stabilize/remove/reinstall these NR contributing RR features to prevent their loss or damage during removal/construction/reinstallation and that this protection is incorporated in Eversource's Mitigation and

Protection Plan which should be included in the MOA. The protection plan should require the battery well associated with each signal be removed in a pair together and reinstalled together in the same original relationship with each other. The SHC requests the project proponent who will be responsible for removal/reinstallation discuss and coordinate the removal/reinstallation with the SHC and the B & M RR Historical Society, and that their removal and reinstallation be monitored by the SHC or its designee at Eversource's expense.

- **Rail Bed** – Please refer to the MHC Area Survey (SUD.R) which describes the rail corridor and rail bed feature of the NR eligible Central Massachusetts RR historic district. The cut and fill undertaken to construct and make the railroad's grade and contours are a contributing feature of the NR historic district which currently retains a high level of integrity. Excavation and regrading of the entire length of the rail bed and removal of track for construction of the undertaking is an adverse effect adding to the loss of context, setting and integrity.
- **Rails** – The SHC requests that sections of rail track be retained and secured on two sets of rail rests selected by the SHC. See comments pertaining to rail track at Section Tool House and Diamond Crossing.
- **Telegraph Poles** – All telegraph poles are proposed to be removed during construction. The SHC proposes that three (3) replica telegraph poles with insulators and wires (dead) be installed at the Section Tool House and three (3) replica telegraph poles be installed at South Station, both at the project proponent's expense during Phase I to provide context/association for these two important NR contributing RR structures. The SHC request that the SHC or its designee determine the specifications for replica telegraph poles to be installed.
- **Features Designated "Outside the Project Limit" and "Features to be Retained"** – The SHC proposes that a chain or snow fence be installed around said features. Many of the features noted to be "outside the limit of work" are only outside by a few feet and will remain in harm's way by machinery during construction. (For example, Milepost 19.0 – orange vinyl fencing is insufficient to protect the RR feature,) Limiting protection activities to just those conducted within the "project area" or limit of work" is not acceptable; protection should be planned for all NR eligible resources in the APE.
- **Treatment of Culverts** – The SHC requests clarification as to how the culverts will be affected by the undertaking. Will excavation and construction damage or contribute to further damage of the culverts? Will all culverts be retained? The SHC requests up-to-date information and plans for the culverts including information about the two culverts to be modified according to the draft MOA paragraph #2.

Protections for CMRR Features Designated to be "Removed and Reset" – The SHC Proposes:

- Removal and reinstallation, including but not limited to, diamond crossing, signal, to be monitored by the SHC or its designee at Eversource's expense.
- Eversource provide details as to the method of removal: whether by hand or mechanical, and how artifacts will be transported to storage located within the Town of Sudbury.
- "Reset" locations to be determined in consultation with SHC
- Removed items be secured in a locked and weather tight container on site and SHC will be provided access to container located in Sudbury.
- The Distant Signal (MP19.26) and Distant Approach Interlocking Signal #M208 (MP20.80), and the smaller signal boxes: care should be given to sufficiently protecting them from damage during removal, and when reset. Their protection should be included in the Mitigation and Protection Plan.
- "Candlestick" Signal Relay Boxes – Those that retain their concrete bases, care should be given to sufficiently protecting them prior to moving, and their protection should be included in the Mitigation and Protection Plan. When the "candlestick" signal relay boxes are reset, the SHC wants them reset in a vertical position.

Impact Mitigation for CMRR Features – SHC Requests the Following:

- Documentation of CMRR Corridor to HAER Level II photographic and written documentation standards. Photographic documentation to include perspectives from 10 locations in Sudbury to be approved by the SHC.
- Documentation of CMRR Bridges 127 and 128 to HAER Level II photographic and written documentation standards to include photographic perspectives from locations approved by SHC.

- Development and installation of interpretative signage at 10 locations within the CMRR Corridor in Sudbury. Sign-off on location, interpretive text, historic photographs, and graphics to be approved by the SHC.
- Development and installation of interpretive signage at 15 locations within the CMRR Corridor in Sudbury of features to be removed, sign-off on location, interpretive text, historic photographs, and graphics to be approved by the SHC.
- Development and installation of interpretive signage at Bridges 127 and 128. Sign-off on location, interpretive text, historic photographs, and graphics to be approved by the SHC.
- Video documentation prior to dig and construction operations to document rail bed fill and cut components. (Total 3 hours, professional videographer approved by the SHC).
- Creation of educational video outlining the history of the CMRR Line. (30 minutes final, videographer approved by SHC.) Eversource to fund videographer, photographic and film video footage rights, voiceover, script writing etc.
- Development of a detailed and comprehensive Mitigation and Protection Plan (MPP) covering all areNR eligible historic properties based on Section 106 APE for this undertaking. The MPP the SHC has reviewed is too narrow in its scope as it only covers areas in the Appendix C Permit Area and not the larger APE to mitigate and protect all NR eligible historic properties to include the 66+ CMRR Corridor features. This current draft MPP is not comprehensive and appears to only apply to Eversource activities.
- Development of a detailed and comprehensive Mitigation and Protection Plan for any CMRR features and/or railroad infrastructure that DCR will remove and/or reset.
- The SHC encourages the USACE to review the MA SHPO comments that were made during September 28, 2021, USACE consultation meeting regarding the proposed Mitigation and Protection Plan.
- Development of a Post-Discovery Plan which is acceptable to MHC and SHC.

SHC Requests to the USACE

- Provide the Commission with a list of all historic properties the Corps has identified in the APE, provide the Corps' assessment of effects for each and adverse effects on identified NR historic properties, including on each individual contributing features of the Central Mass Railroad Historic District.
- Provide a list of those historic properties in the APE that are determined by the USACE to be eligible for listing in the NRHP.
- Provide a copy of the version of the project plans, upon which the MOA will be based with sufficient time for the SHC to review said plans prior to finalization of the MOA. The December 18, 2019, MHC letter to the USACE recommended the MOA include the most current project plans (for the Eversource transmission line project and if DCR is subject to the CWA, provide the complete MCRT project plans) as an Appendix to the MOA.
- Provide the SHC with the DCR Phase II project plans, including design plans, the USACE has, other than the 404 PCN, for the Commission to understand the details of the DCR Phase II project. As the ACHP noted, the 404 PCN lacks details about the rail trail project, only mentioning it in terms of MCRT design issues in connection to Eversource's transmission line project.
- The SHC requests to participate in a joint site walk with the Narragansett THPO or his designee, and the USACE for the SHC to understand what historic properties and traditional cultural places may be identified in the APE within Sudbury.
- Provide information and a detailed listing of what railroad infrastructure in Sudbury that Eversource, and DCR and/or the Massachusetts Bay Transportation Authority (MBTA), will remove per the terms of the 2010 MBTA/DCR Lease Agreement and 2017 MBTA/Eversource Option Agreement, and when any removal will occur whether prior to, during or after construction.
- Provide a copy of the final or draft Memorandum of Understanding between Eversource and DCR – if the Corps has such document for the SHC to understand the agreement between Eversource and DCR as to who will remove what railroad infrastructure and features, and when, and who will put the resources back, reset them and when it will be done.
- As mentioned above, provide a copy of the documentation required in 36 CFR 800.11(e) to be provided to the ACHP when the USACE notifies the ACHP of the USACE's finding of adverse effects.

Sudbury Historical Commission's Previous Letters and Comments

The SHC request that the USACE review the SHC's previous letters to the USACE and MHC, and the issues we raised, and that this body of correspondence be made part of the legal record of this undertaking's Section 106 review by the USACE. We call your attention to the following: SHC letters to the USACE dated: August 17, 2020; September 24, 2020; December 10, 2020; December 11, 2020; December 30, 2020; May 20, 2021; August 24, 2021; and September 21, 2021; and the SHC letters to the MHC copied to the USACE dated: June 6, 2020; July 23, 2020, and May 12, 2021.

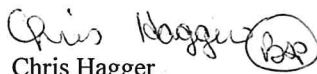
Conclusion

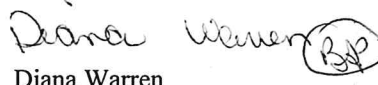
The Sudbury Historical Commission takes seriously its charge to advocate for the preservation and protection of Sudbury's historical and archaeological resources – including those which are Native-American. Sudbury and its citizens, from whom you have received comments, value our cultural heritage and seek to protect and preserve it for the enjoyment and benefit of our community today and for generations to come. The Central Massachusetts Railroad Corridor NR eligible historic district represents an important aspect of Sudbury's agricultural and economic development history and the town's evolution from a country farming community to a commuter suburb.

The SHC's goal is for the National Register linear transportation corridor historic district with its extant RR features, and any other NR eligible historic properties adversely affected, to be protected and preserved to the greatest extent possible from being adversely affected by the undertaking by being afforded a full legitimate NHPA Section 106 review process and a resulting MOA that complies with the requirements of the ACHP Section 106 regulations 36 CFR 800, not USACE's 33 CFR 325, Appendix C.

The Sudbury Historical Commission appreciates the USACE's attention to our comments, questions, and requests, looks forward to receiving a response, and to engage in a full faith consultation with the USACE about the issues and concerns we raise in this and previous letters. The SHC looks to moving ahead with the Section 106 review of the undertaking and consultation process with the USACE.

Sincerely,


Chris Hagger
Chair
Sudbury Historical Commission


Diana Warren
Vice Chair
Sudbury Historical Commission

Enclosures.

CC:

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Jonathan Patton, MHC
Paul Maniccia, USACE
Marc Paiva, USACE
Alan Anacheka-Nasemann, USACE
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David Weeden, THPO Mashpee Wampanoag Tribe
Peter Breton, Hudson Historical Commission
Daniel Elliot
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Sudbury Select Board
Sudbury Town Manager
Sudbury Town Counsel