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**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
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December 17, 2021

EMAIL READ RETURN RECEIPT REQUESTED

Regulatory Division
File No. NAE-2017-01406

Mr. David Weeden
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, Massachusetts 02649
David.Weeden@mwtribe-nsn.gov

Subject: Determination of Effect (DOE) Finding and Revised Permit Area and Area of Potential Effect (APE) Boundaries for the Sudbury-Hudson Transmission Reliability and Massachusetts Central Rail Trail Project

Dear Mr. Weeden:

The U.S. Army Corps of Engineers (Corps), New England District, has been consulting with your office and other consulting parties on the above referenced permit application for the Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project in the communities of Hudson, Marlborough, Sudbury, and Stow, Massachusetts. Corps involvement pertains to the discharge of fill material into waters of the United States (WOTUS) under Section 404 of the Clean Water Act (CWA). In accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, we would like your formal comments on the following information.

The Corps recently held a meeting on September 28, 2021 with the consulting parties and another meeting on October 14, 2021 with the Sudbury Historical Commission (SHC). We received comments verbally during both meetings, and by letter shortly thereafter. These comments will be used as we continue to assess impacts to historic properties and revise our draft Memorandum of Agreement (MOA) to mitigate for adverse effects upon these properties. Additionally, we will continue to engage the Massachusetts Historical Commission, Hudson Historical Commission, Sudbury Historical Commission, Wampanoag Tribe of Gay Head (Aquinnah), and Narragansett Indian Tribes and factor any comments into the decision-making process and the MOA.

Since the initiation of this project, there have been changes to the boundaries of the permit area designation from which the Corps is required to consider impacts to historic properties. Originally, only two bridges (#127 and #130) were considered as known historic properties. However, since that time we have compiled information on the identification of additional historic properties.

The Corps, project applicants, and the Sudbury Historical Commission have conducted and provided the following historic and archaeological surveys and studies of the project area:

Reconnaissance Level Historic Properties Survey, Sudbury Hudson Transmission Reliability Project, Town of Sudbury, City of Marlborough, Town of Stow, and Town of Hudson, Middlesex County, Massachusetts, Prepared by Commonwealth Heritage Group, Inc. Littleton, Massachusetts, December 2017.

Archaeological Reconnaissance Survey for the Sudbury-Hudson Transmission Reliability Project, Towns of Sudbury, Hudson, Marlborough, and Stow, Middlesex County, Massachusetts, Prepared by Commonwealth Heritage Group, Inc. Littleton, Massachusetts, February 2018.

Archaeological Intensive (Locational) Survey for the Sudbury-Hudson Transmission Reliability Project, Towns of Sudbury, Hudson, Marlborough, and Stow, Middlesex County, Massachusetts, Prepared by Commonwealth Heritage Group, Inc. Littleton, Massachusetts, May 2019.

Form A – Area – Massachusetts Historical Commission, Central Massachusetts Railroad Corridor (Boston & Maine Railroad Corridor), Recorded by: Stacy E. Spies for the Sudbury Historical Commission, December 2020.

For your consideration and review, we are enclosing the MHC Form A (Area) Inventory form for the expansion of the Central Massachusetts Railroad Corridor Historic District (CMRRCHD) into the Town of Hudson, prepared by VHB and the Commonwealth Heritage Group, along with a spreadsheet outlining project impacts to the railroad features.

In assessing the complete inventory of historic properties both within the Corps permit area and within the surrounding APE, the CMRRCHD in Sudbury is comprised of the railroad corridor and bed, the track structure, bridges, culverts, Section Tool House, South Sudbury Station Building, signals, whistle posts, mile posts, rail rests, switch stands, telegraph poles, concrete sign posts, concrete foundations, and archaeological sites (East Sudbury Station Site, Section Tool House Site, South Sudbury Station Site, and the Wayside Inn Station Site). In Hudson, many of these same features are present along with miscellaneous structures and features, and two archaeological sites (Ordway Station Site and the Gleasondale Station Site). Please refer to the respective inventory forms for detailed information on these features. Three bridges (No. 127, 128, and 130) are each considered contributing elements to the District.

We have determined that the CMRRCHD in Sudbury and Hudson is eligible for listing as a National Register-eligible District that encompasses the rail right-of-way as well as extant railroad structures and objects along this corridor. The CMRRCHD is eligible for listing on the National Register under Criteria A and D of the National Register Criteria (36 CFR 67). The District is located both within the permit area as well as the surrounding area of potential effect (APE) that the Corps must consider for known historic properties outside the permit area.

Revised project plans that depict the Permit Areas, and when combined with those known historic properties, encompass the APE, are enclosed.

In accordance with the NHPA, implementing regulations 36 CFR 800; and 33 CFR 325, Appendix C, we have determined that the proposed project will have an adverse effect on historic properties due to the removal, replacement, and rehabilitation of contributing resources within the CMRRCHD (see enclosed project impact spreadsheet). Overall, the impacts to the CMRRCHD as a whole would be detrimental to the integrity of design, materials, setting, feeling, association, workmanship, and location of the District. The Corps has requested that MHC provide their concurrence with our determination of eligibility of resources within the APE for listing in the National Register of Historic Places and our determination of adverse effect. If you have any concerns about the enclosed information, please respond within 30 days of receiving this letter.

In response to your comments on the original draft MOA, we are also providing you with a Post Review Discoveries Plan. Following your review of this information and any comments, under separate cover we will then transmit our revised MOA with revised mitigation measures and the updated Archaeological Site Avoidance and Protection Plan.

If you have any questions, please contact Marc Paiva, our New England District Archaeologist/Tribal Liaison at 978-318-8796 or by email at marcos.a.paiva@usace.army.mil. You may also contact the Corps Regulatory Project Manager, Katelyn M. Rainville at 978-318-8677 or by email at: katelyn.m.rainville@usace.army.mil or me at 978-318-8515 or by email at: paul.m.maniccia@usace.army.mil.

Sincerely,

for Paul M. Maniccia
Chief, Permits & Enforcement Branch A
Regulatory Division

Enclosures:

Updated Plans with Permit Area & Area of Potential Effect Boundaries
MHC Inventory Form A (Area) for CMRRCHD in Hudson
Updated Project Impacts to Railroad Features
Post Review Discoveries Plan

cc:

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