

## SUDBURY HISTORICAL COMMISSION (SHC) RESPONSE TO COMMENTS

### Comments from Letter dated October 25, 2021

- c.1 **... 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.**

Response: The latest plan sets for both phases of the Project (Eversource and DCR) are attached.

- c.2 **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.**

Response: An updated spreadsheet of anticipated impacts, including the diamond junction, is attached.

- c.3 **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.**

Response: A copy of the email is attached.

- c.4 **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.**

Response: The project application submitted to USACE was submitted as an integrated, joint project to be completed in two phases by Eversource and the Massachusetts Department of Conservation and Recreation. The USACE understands that this project is integrated specifically to avoid and minimize impacts to resources, and that designs for one aspect of the project necessarily influence others. Therefore, the project-related undertakings of each Applicant cannot be segmented. The activities subject to jurisdiction under Section 404, including bridge replacement, are integral to both applicants, including and specifically the rail trail, and thus the USACE has determined that both parties are subject to Section 404. As such, any authorization would be a combined General Permit verification to both Applicants for the project in two phases, and both parties would be signatories to any MOA under Section 106.

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

- c.5 **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?**

Response: Due to the connected action of both components of the project requiring the replacement of bridges, and the need for authorization under Section 404 of the CWA, the applicants are filing the 404 application jointly. As such

they are both party to the federal compliance requirements, including under Section 106. Please refer to the response to C.4 above.

- c.6 **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?**

Response: Please refer to the responses to C.4 and C5 above.

- c.7 **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.**

Response: Information about work proposed at culverts is provided on the attached plan set and spreadsheet of anticipated impacts.

- c.8 **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.**

Response: The USACE Permit Area Determination was made based on the November 8, 2018, figures. The updated plans provided in September 2019 repeated the same permit areas but labeled them more clearly. As stated in the USACE letter dated December 17, 2021, the Central Massachusetts Railroad Corridor Historic District (CMRRCHD) is located both within the permit area as well as the surrounding Area of Potential Effect that the USACE must consider for known historic properties outside the permit area.

- c.9 **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?**

Response: USACE has taken into account the effects of the undertaking and made an eligibility determination on the CMRRCHD as well as a Determination of Effect finding in its correspondence dated December 17, 2021. USACE is also updating its current correspondence to include the three referenced structures as individual NR properties eligible for listing. While Bridge 130 is not individually eligible for the NRHP, the bridge was identified as a contributing resource to the portion of the CMRRCHD in Hudson, which has also been recommended as eligible for the NRHP.

- c.10 **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.**

Response: The USACE is in communication with the Narragansett THPO and would continue to consult through the Section 106 process.

- c.11 **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 ... "**

Response: As identified in the USACE letter dated December 17, 2021, we have determined that the proposed project would have an adverse effect on historic properties. USACE will provide this finding to the ACHP and will also provide a copy to the SHC.

- c.12 **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.**

Response: The USACE understands that the Applicants provided plan details regarding the granite blocks/abutments to the SHC on February 1, 2021, and renderings were provided October 24, 2019, and that both the details and renderings were provided again on October 30, 2020. In addition, the final design plans are attached herein.

- c.13 **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.**

Response: This stipulation was added in response to prior requests by the SHC that sections of rail be retained for SHC's use. The Applicants propose to retain representative sections of rail, one pair each of two different rail lengths, to be removed at the bolts, placed at the Section Tool House, and donated to the SHC. Please see response to C.20.

- c.14 **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 markers and signage? Will Eversource or DCR be responsible for complying with this stipulation?**

Response: The USACE understands the DCR met with the SHC on November 16, 2021, and provided information on signs and markers. Details are also provided in the attached plan sets. As answered in response to C.4, this is a joint integrated project in which DCR is subject to Section 404 of the Clean Water Act and will be a signatory to the MOA under Section 106. DCR will be responsible for complying with stipulations I. 3, 5, 7 and 8.

- c.15 **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.**

Response: A Post-Review Discoveries Plan was provided to both SHC and MHC with our letter dated December 17, 2021. An updated Post Review Discoveries Plan, dated February 3, 2022, is also included with this correspondence.

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

- c.16 **Bridge 127... 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.**

Response: As part of its permitting action, the USACE takes into account the practicability of any avoidance alternatives to historic properties within the Permit Area. Please see response to C.4 for question of CWA applicability to DCR. The Applicants provided information regarding alternatives in their letter to the USACE dated November 14, 2019, on which the SHC and other consulting parties were copied. As described in the letter, the bottom of the existing plate girders are partially submerged in water, causing deterioration to the existing bridge. Raising the existing bridge to pull the girders out of the water and keep them as a component of the bridge would require a significant trail profile increase (3ft +/-), which would require additional retaining walls. Raising the existing bridge would also require in-stream bridge seat modifications and steel strengthening (likely steel plates and painting) which could result in additional wetland/waterway impacts. Submerging the girders would also continue their deterioration and would present concerns regarding restricted streamflow and safety during times of flooding.

- c.17 [Bridge 127] 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.**

Response: Regarding the request to raise and save the plate girders and incorporate them into a new bridge design as non-structural side elements, the USACE finds this request as impractical. Placing the original girders on the side of the railing would appear out of place, as the railings for the new bridge would extend more than 12 feet in each direction beyond the existing length of the bridge (due to the new abutments being placed behind the existing, to avoid waterway impacts and minimize impacts to the existing abutments), leaving the girders looking too short and out of place. In addition, using the girders as side elements, as opposed to their original position of supporting the railroad ties from below, could contribute to a misinterpretation of the new bridge as a rehabbed historic bridge with side girders. This would then create "a false sense of historical development" that does not comply with standard #3 of the Secretary of the Interior's Standards for Rehabilitation.

- c.18 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.**

Response: The USACE understands the diamond crossing would be removed during Phase 1 construction activities and would be set aside for resetting as part of Phase 2. The design for this crossing was provided to the SHC in a February 1, 2021 letter from the Applicants and provided again on November 16, 2021. The design includes a roundabout with an approximately 24-foot diameter, which would not allow for placement of 20 feet of track in each direction. The current MA DEP permitted design for the diamond junction would allow for the resetting of the diamond track plus up to 8 feet of adjacent track in each direction.

- c.19 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.**

Response: Based on the table of anticipated impacts provided by the Applicants, it appears that the Distant Approach Interlocking Signal M208 at MP20.80 and its associated battery well, as well as the Distant Signal at MP19.26, would be avoided if possible or removed and reinstalled if avoidance is not possible. The table indicates the battery well associated with the Signal at MP19.26 would be avoided as it is located outside the limit of work. The Historic Properties Avoidance and Protection Plan (HPAPP; formerly the Archaeological Site Avoidance and Protection Plan) includes appropriate measures to treat the RR features to prevent their loss or damage during the project.

- c.20 **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.**

Response: Sections of rail track will be retained and placed at the section tool house for the SHC.

- c.21 **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.**

Response: Based on the table of anticipated impacts provided by the Applicants, only one telegraph pole has been identified for potential removal because it poses a safety hazard.

- c.22 **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.**

Response: The attached table of anticipated impacts identifies the proposed activities at each culvert. It appears that in Sudbury, one culvert (125B) will be extended to maintain vernal pool hydrology and two culverts (127A & 126D) will be replaced. As noted in the table, Culvert 125B would be extended to maintain vernal pool hydrology, Culvert 126D would be replaced (with an 18" ductile iron pipe, or "DIP," with a concrete headwall) to maintain drainage patterns, and Culvert 127A would be replaced with a 24" DIP with a concrete headwall. Replacement of Culvert 127A is due to its poor existing condition; it is a 24" cast iron pipe with a 19-inch metal pipe inserted inside. The original pipe is broken at the south end and the liner pipe is heavily corroded. Others would either be avoided or would involve minor work at the edges to improve function (e.g., clearing sediment, cutting vegetation that is causing damage, etc.). The attached plans include information about the three culverts to be extended and replaced.

- c.23 **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 (MP 19 .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.**

Response: General resource protection measures are outlined in the updated HPAPP. At this time, the Applicants have proposed to remove and reinstall the diamond crossing and agree to reset signal relay boxes in a vertical position when feasible without damage to the feature, as noted in the HPAPP. Please refer to the response to C.19 regarding the Distant Signal and Distant Approach Interlocking Signal.

**c.24 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 NR 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.**

Response: The USACE acknowledges SHC's proposed measures. The entire APE and all NR eligible historic properties within the CMRRCHD are included within the study area. The updated HPAPP and Post-Review Discoveries Plan are attached. As described in the MOA, the Applicants have proposed to:

- Document Bridges 127 and 128 to HAER Level II standards
- Develop and install, in consultation with the Hudson and Sudbury Historical Commissions, one 24" x 36" interpretive panel design that describes the history of the bridges and Massachusetts Central Railroad, with one panel each to be located at Bridges 127, 128, and 130
- Develop and install, in consultation with the Sudbury Historical Commission, one 24" x 36" interpretive panel that describes the history of the diamond junction between the Massachusetts Central Railroad and the Framingham & Lowell Railroad

- Develop and install, in consultation with the Hudson and Sudbury Historical Commissions, one 24" x 36" interpretive panel that describes the general history of the Massachusetts Central Railroad, with one panel each to be located in Hudson and Sudbury
- Develop and install up to 15 feature markers consisting of approximately 18" square signs on posts, including markers for railroad features to be removed, in consultation with the Hudson and Sudbury Historical Commissions

## SHC Requests to the USACE

- c.25 **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.**

Response: The USACE letter dated December 17, 2021, identified known historic properties within the Permit Area and APE, and included a spreadsheet outlining project impacts to the railroad features. This correspondence includes eligibility determinations and an assessment of effects for all historic properties, including the three individually eligible historic properties within the CMRRCHD (Bridge #127, Bridge #128, and the Section Tool House).

- c.26 **Provide a list of those historic properties in the APE that are determined by the USACE to be eligible for listing in the NRHP.**

Response: As identified in the USACE letter dated December 17, 2021, we have determined that the CMRRCHD in Sudbury and Hudson is eligible for listing as a National Register-eligible District under Criteria A and D of the National Register Criteria (36 CFR 67). The CMRRCHD in Sudbury includes, but is not limited to, 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). Please refer to the inventory form for detailed information on these features. Bridges No. 127 and 128 in Sudbury are each considered contributing elements to the District. Also, see response to C.25 above regarding the three individually eligible historic properties within the CMRRCHD.

- c.27 **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.**

Response: The latest plan sets for both phases of the Project are attached.

- c.28 **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.**

Response: The latest plan sets for both phases of the Project are attached.

- c.29 **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.**

Response: The USACE is in communication with the Narragansett THPO and will continue to consult through the Section 106 process. We will take into account this request if a site walk is scheduled in coordination with the THPO.

- c.30 **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.**

Response: A list of railroad features that would be removed is provided in the attached table of anticipated impacts. It is our understanding that all of the noted features would be removed during Phase 1 of the project.

- c.31 **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.**

Response: The USACE does not have a copy of the final or draft Memorandum of Understanding between Eversource and DCR. As stated above, we understand that the railroad features identified in the attached table would be removed in Phase 1. The majority of the features would also be reset in Phase 1, with the exception of the diamond junction, which would be reset in Phase 2.

- c.32 **As mentioned above, provide a copy of the documentation required in 36 CFR 800.1 l(e) to be provided to the ACHP when the USACE notifies the ACHP of the USACE's finding of adverse effects.**

Response: As noted in our response to C.11, USACE will provide our finding of adverse effects to the ACHP. We will provide a copy to the SHC when this occurs.

## Comments from Letter dated January 14, 2022

- c.33 **The Historical Commission requests a consultation meeting with the Corps as soon as possible to consult prior to the release of a revised draft MOA for comment.**

Response: The USACE has scheduled a meeting date with the SHC on February 24, 2022.

- c.34 **Therefore, it is the Commission's expectation that the MOA stipulations will address solutions to the undertaking's adverse effects on all the NR-eligible historic properties (all 70+ railroad features and structures in Sudbury) of the CMRRCHD in the entire APE as defined under 36 CFR 800. The Sudbury Historical Commission would like confirmation from the Corps on this expectation.**

Response: As stated in the USACE letter dated December 17, 2021, the USACE has reviewed the proposed project actions for all inventoried contributing resources and have determined that the proposed project will have an adverse effect on the CMRRCHD. The MOA stipulations address these effects accordingly.

- c.35 **The Commission notes that the Diamond Junction and the railroad battery wells are also extant railroad features of the CMRRCHD but were not mentioned and should be included in a description of the CMRRCHD as they are included in the Updated Projects Impacts Listing of railroad features.**

Response: The USACE acknowledges they were not identified specifically in the letter dated December 17, 2021. They are included as contributing features in both the table of anticipated impacts as well as the inventory forms for the CMRRCHD, which we reference in said letter.

- c.36 **The SHC also understands that although three individual historic properties in Sudbury – the Section Tool House and Bridges 127 and 128 – are contributing elements to the NR CMRRCHD Historic District – additionally these resources should also be determined by the Corps for purposes under Section 106 regulations to be NR eligible for individual listing, not just considered as contributing elements to the NR Historic District.**

Response: The USACE understands that these resources have been identified in their inventory forms as individually eligible for NR listing. See response to C.25. These three historic properties have been determined eligible by the Corps for individual listing in the current correspondence.



- c.37 **If the Corps defines the “proposed project” as both the Eversource transmission line project and the DCR MCRT project, the Commission asks the Corps to explain how DCR project activities will impact the historic resources by removal, replacement, and rehabilitation.... The SHC requests the Corps confirm whether the DCR project activities will have an adverse effect on historic properties. And if so, how?**

Response: As noted in the response to C.4, the project before the USACE has been submitted as an integrated, joint project and the project-related undertakings of each Applicant cannot be segmented. It is our understanding that the activities subject to jurisdiction under Section 404 are integral to both applicants.

- c.38 **The reason Historic Properties’ Identification is not complete – is because efforts to identify potential Native-American cultural properties – including a field site visit of the project area with the Narragansett Tribe THPO as had been requested in early 2021 has not, to our knowledge, happened.... The SHC would appreciate an update about the status of the Corps’ consultation process with the Narragansett THPO and if any site visit with the Narragansett Tribe has taken place, and if it has occurred, if any Native-American cultural resources have been identified.**

Response: The USACE is in communication with the Narragansett THPO and will continue to consult through the Section 106 process. USACE has been in contact with the Narragansett THPO regarding a follow-up consultation meeting in February, and a site walk as field conditions allow.

- c.39 **Has the Corps made a determination of not only the areas in which the undertaking may directly cause alterations in the character or use of the historic properties, but also determined indirect impacts as well? Will this undertaking cause any indirect impacts including any to traditional cultural properties? If so, what indirect impacts would be caused?**

Response: Visual impacts due to project construction were considered and mitigation proposed where necessary and appropriate. USACE is also consulting with the Narragansett Indian Tribe regarding the identification of any traditional cultural properties.

- c.40 **The Commission would appreciate and requests a written explanation from the Corps explaining the exact activities DCR will engage in that will result in discharge/fill into the WOTUS. The Commission would also appreciate clarification from the Corps explaining the legality of DCR’s standing under Section 404 of the CWA, of the Corp’s issuance of any General Permit to DCR and of DCR being a signatory to the Section 106 Memorandum of Agreement (MOA).**

Response: As previously described in C.4, the project submitted to the USACE is a joint, integrated project with two applicants. The activities of the project, including the impacts to Waters of the U.S., are required to achieve the goals of both applicants. The applicants have demonstrated, and USACE agrees, that the impacts cannot be separated between applicants and therefore, both applicants are subject to Section 404 of the CWA and both should be signatory to the Section 106 MOA.

- c.41 **For clarification, the SHC would like the Corps to confirm that the date of the Updated (Sheet) Plans is November 18, 2021 to not confuse these revised plans with prior updated plans referenced in the 2020 Pre-Construction Notification.**

Response: This is correct. However, updated plans for Eversource and DCR (dated February 3 and February 11, respectively) are included as part of the current correspondence.

- c.42 **The Commission suggests that a combined comprehensive listing be compiled [sic] of all identified CMRRC railroad elements located in Sudbury and Hudson for reference during the Section 106 consultation process and for inclusion and reference in the Section 106 Memorandum of Agreement (MOA) and Archaeological Site Avoidance and Protection Plan (ASAPP). The Updated Projects Impacts Listing provided to the SHC does not list**

**CMRRC resources in Hudson that contribute to the National Register of Historic Places (NR) eligible CMRRC Historic District.**

Response: The attached table of anticipated impacts includes features in both Sudbury and Hudson.

- c.43 **The Updated Project Impacts List provides information about what the proposed activity will be for each of the 74 identified railroad features which have been listed but does specify whether Eversource or DCR will be engaged in the activity impacting each feature. The Commission would like a separate column added to the Updated Impacts listing to indicate who (Eversource or DCR) will perform the impact activity and when it will occur - in either Phase I or Phase II of the project. If DCR will not perform any activity in Phase II that will impact any of the 74 features (by removal, replacement, or rehabilitation), then the Commission wants the document to reflect that fact. The Commission requests that the Corps provide confirmation in writing to the Commission that DCR will not remove any of the identified railroad features/infrastructure during Phase II.**

Response: As noted in the responses to C.30 and C.31, it is our understanding that removal and resetting of the applicable features would be completed in Phase 1, with the exception of the diamond junction, which would be removed in Phase 1 and reset in Phase 2.

- c.44 **Who will remove the Diamond and when, and who will reset it and when? The SHC requests that the Corps provide the Commission with a copy of the sheet plan and other project information it has about the Diamond Junction.**

Response: Please refer to the responses to C.31 and C.43. The DCR plans containing information regarding the Diamond Junction are attached.

- c.45 **The Updated Impacts listing indicates that approximately 30 of the railroad features are outside the limit of work (LOW). Since these 30 railroad features are contributing elements of the CMRRCHD, and within the APE, how will the Corps assure that adverse impacts will not happen to railroad features that lie outside the LOW? How far outside the LOW is each railroad feature that is so indicated on the list? Railroad features and structures are not shown on the Updated Eversource Sheet Plans to be able to determine and understand where the features are located relative to the delineated APE.**

Response: The latest plans are attached and show all of the railroad features and structures identified in the list. The HPAPP states that if any features are significantly damaged during the removal and resetting process, they would be placed outside the limit of work and protected, and the Applicants would consult with the MHC and USACE to determine appropriate next steps.

- c.46 **A Table listing all identified CMRRC features and structures and indicating the impacts to each and which project proponent will undertake the activity related to each railroad feature should be made an attachment to the Memorandum of Agreement (MOA).**

Response: The USACE will ensure the referenced table will be attached to the final documentation.

## **Post Review Discoveries Plan (PRDP)**

- c.47 **The Commission notes that the provisions of the PRDP (Section 1.0) only apply to areas within the so-called "limit of work." Does the LOW correspond to the APE? ... Is the LOW shown on the PRDP the same LOW for both Eversource's activities during Phase I and DCR's activities during Phase II?**

Response: It is our understanding that the "limit of work" refers to the limit of grading as shown on the plans. As described in our letter dated December 17, 2021, the APE encompasses the Permit Areas combined with the known historic properties within the CMRRCHD. Based on the plan sets attached, it appears that Phase 2 activities would take place entirely within the Phase 1 limit of work.

- c.48 **Section 2.1, Unanticipated Discoveries of Archaeological Resources: The SHC notes that contrary to the statement below, it appears that discoveries of precontact and archaeological resources may likely be found especially during excavation of the Splice Vaults areas.**

Response: The process for handling unanticipated discoveries is detailed in the Post Review Discoveries Plan.

- c.49 **Section 2.1.2 Notification Procedures: explicitly state that discovery memorandums will be submitted to the Sudbury Historical Commission, and to the THPOs as well, including the Narragansett THPO, e [sic]**

Response: The notification will include all consulting parties.

- c.50 **Section 3.5: confirm with the Narragansett THPO what the correct mailing address is, and...**

Response: The contact information is updated in the attached PRDP.

- c.51 **Section 3.6: correct the mailing address of the Sudbury Historical Commission to Flynn Building, 279 Old Sudbury Road, Sudbury, MA 01776.**

Response: The PRDP has been updated to correct this.

- c.52 **The PRDP contains no Figures for the route of the DCR MCRT project.**

Response: The MCRT follows the same route along the MBTA ROW as the transmission line; the figures have been updated to make this clear and to include the small portion of the rail trail that extends beyond the ROW in Hudson.

## Archaeological Site Avoidance and Protection Plan (ASAPP)

- c.53 **The October 27, 2020 ASAPP draft version the SHC has previously reviewed was prepared (only) for Eversource Energy. Eversource and DCR representatives have informed the SHC that DCR would not draft a ASAPP for Phase II and therefore this is another indication that the undertaking is not a joint project.**

Response: An updated HPAPP is attached.

- c.54 **DCR is not subject to the Plan according to this draft, but DCR should be subject to the provisions of a Site Avoidance and Protection Plan if the undertaking is a legitimately a joint project.**

Response: An updated HPAPP is attached. While it is not anticipated that Phase 2 would result in any disturbance or removal of any historic resources along the corridor, the diamond junction would be reset during this phase and this work is therefore subject to the Avoidance and Protection Plan. In addition, all identified historic features would be marked and protected to avoid any potential damage during Phase 2 construction.

- c.55 **The revised ASAPP should include and reference a comprehensive railroad features/structures list, the avoidance and protection measures for each, and site location identification reference for each feature/structure.**

Response: The HPAPP includes a list of railroad features adjacent or within the limit of work, including milepost locations, categorized by their location relative to the limit of work (as their location determines the proposed action), along with a general list of avoidance and protection measures.

- c.56 **The Commission expects the ASAPP will be revised to be reflect all the railroad features in the CMRRC which are contributing elements to the NR-eligible Historic District. Like the draft PRDP, the 2020 draft ASAPP limits its scope to the area within the LOW.**

Response: A full list of the railroad features that are adjacent or within the limit of work is included in the HPAPP.