



Town of Sudbury

Historical Commission

historical@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756
www.sudbury.ma.us/historicalcommission

April 20, 2021

Vivian Kimball
Project Manager
VHB, Inc.
101 Walnut Street
Watertown, MA 02471

RE: Sudbury-Hudson Transportation Reliability Line and Mass Central Rail Trail Projects, MHC #RC.62384. EEA#15703, USACE NAE-2017-01406

Dear Ms. Kimball,

As you know, in July 2020, Vanasse Hangen Brustlin, Inc. (VHB) submitted a Pre-Construction Notification to the US Army Corps of Engineers on behalf of the Massachusetts Department of Conservation and Recreation (DCR) and NSTAR Electric Company d/b/a/ Eversource Energy (Eversource) requesting a Section 404 permit under the federal Clean Water Act and its implementing rules, regulations, and policies.

The Corps issuance of a Section 404 permit is subject to review under Section 106 of the National Historic Preservation Act, as amended, which requires federal agencies to take into account the effects of their undertakings on historic properties listed in or eligible for inclusion in the National Register of Historic Places.

The Sudbury Historical Commission, as a consulting party, is continuing to review and assess the proposed undertakings under Section 106 and requests the following information about the proposed DCR Mass Central Rail Trail project which is to be constructed within the Massachusetts Bay Transportation Authority railroad right-of-way located in Hudson, Stow, Marlborough, and Sudbury (MCRT).

Is the DCR MCRT project subject to:

- (1) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)? If the DCR MCRT project is subject to the Act, please explain.
- (2) Section 404 of the Clean Water Act (33 U.S.C. 1344)? If the DCR MCRT project is subject to the Act, please explain.
- (3) Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401)? If the DCR MCRT project is subject to the Act, please explain.

The Commission is inquiring if and why DCR is subject to any or all of the three federal Acts, not if or why the Eversource project is subject to these federal Acts. It is clear that the Eversource project is subject to all three Acts because it is the construction work Eversource will solely perform to install the transmission line that will result in discharge/fill into the Waters of the US in Sudbury.

Will the DCR MCRT project be funded in whole or in part with federal funds and/or Federal Highway Administration funds?

Lastly, the Commission requests a copy of the draft Memorandum of Understanding between DCR and Eversource or a signed copy if it has been executed.

Thank you for a prompt response to the Commission's questions and request.

Sincerely,

Diana Warren
Vice Chair
Sudbury Historical Commission

CC:

Brona Simon, SHPO MHC
Jonathan Patton, MHC
Bettina Washington, THPO Wampanoag Tribe of Gay Head (Aquinnah)
David Weeden, THPO Mashpee Wampanoag Tribe
John Brown, THPO Narragansett Tribe
John Eddins, ACHP
Tammy Turley, USACE
Alan Anacheke-Nasemann, USACE
Paul Jahnige, DCR
Hudson Historical Commission
Sudbury Town Manager
Sudbury Town Counsel