



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

July 29, 2022

Regulatory Division  
File No. NAE-2017-01406

Ms. Brona Simon  
Executive Director and SHPO  
Massachusetts Historical Commission  
The Massachusetts State Archives Building  
220 Morrissey Boulevard  
Boston, Massachusetts 02125

Dear Ms. Simon:

Thank you for reaching out to our office and providing comments on the Sudbury-Hudson Transmission Reliability and Massachusetts Central Rail Trail Project Memorandum of Agreement (MOA). Please see our responses to your office's comments below:

*"The MHC has learned that the Sudbury Historical Commission, as a consulting party, has asked the Corps for a short extension of the Corps' comment period in order to meet their commission meeting schedule. Has the Corps allowed the extension?"*

The USACE provided the Sudbury Historical Commission (SHC) an extension to sign the MOA until June 28, 2022, so they could meet their commission meeting schedule.

*"Will the Sudbury Historical Commission sign the MOA? If not, then their important involvement in implementing the stipulations will be in question (e.g., Stipulation II Sections D, E, F, G, H, K)."*

If the SHC elects not to sign the final project MOA, the USACE, Eversource and DCR will continue to work with the interested consulting parties, including the SHC, on implementing these stipulations. The SHC's opportunity to participate in implementing these stipulations would not be in question. The MOA would be executed upon approval by all MOA signatories. Concurring party approval is certainly encouraged but, according to the Advisory Council's regulations, "the refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement" (36 CFR 800.6(c)(3)). Regardless, USACE would still be responsible for implementation of the MOA. This would not hinder the SHC's ability to work with Eversource and the DCR to help carry out the stipulations of the project MOA.

*"5th Whereas clause: After (MHC), please insert the phrase ",the office of the State Historic Preservation Officer,""*

The attached MOA reflects this change.

*Please add a new Whereas clause that explains the lack of prudent and feasible alternatives to the proposed demolition and replacement of Bridge # 127 in Sudbury.*

The attached MOA includes a new WHEREAS clause that explains the lack of prudent and feasible alternatives to the proposed demolition and replacement of Bridge # 127 in Sudbury. As stipulated in the MOA, Historic American Engineering Record (HAER) documentation will be prepared to mitigate for this adverse effect along with development of an interpretive panel to be located at Bridge # 127 in consultation with the Sudbury Historical Commission.

*"8th Whereas clause: the words "Historic" should be replaced by "Historical:""*

The attached MOA reflects this change.

*"Stipulation II Section I: Please add the following sentence: Design plans for the rehabilitation of Bridge # 128 shall be submitted to the MHC for review and comment."*

The Bridge # 128 design plans are located in the Issued For Construction (IFC) plans on pages 63-68 of 224. We provided this information to the MHC and all consulting parties on February 16, 2022 at the time we provided the revised determination of effects letter. Additionally, a narrative describing the proposed rehabilitation of Bridge # 128 was provided to the USACE on November 14, 2019. The MHC was cc'd to this letter at the time VHB sent this information to the USACE. However, we added the recommended clause to provide the MHC with an opportunity to review and comment.

The attached MOA reflects this change.

*"Design plans for the rehabilitation of Bridge # 128 shall also be submitted to the MHC for review and comment. If no comments are received from the MHC within 30 days of submittal, the project proponents may proceed with the rehabilitation of Bridge # 128."*

We have developed the enclosed MOA to avoid, minimize, and mitigate for adverse effects to the Central Massachusetts Railroad Corridor Historic District and other historic properties as described in the MOA. Please note that comments from your office have

been considered in development of the final MOA. Enclosed for your review and signature is the MOA developed pursuant to Section 106 of the National Historic Preservation Act. Please return one signed copy of the MOA to this office. Upon receipt of signatures, we will return a fully executed copy. We would appreciate a timely response no later than **August 29, 2022**.

We appreciate your engagement with our office during the Section 106 consultation process. If you have any questions, please contact Katelyn Rainville, the USACE Regulatory Project Manager, at [katelyn.m.rainville@usace.army.mil](mailto:katelyn.m.rainville@usace.army.mil) or 978-318-8677 or Marc Paiva our New England District Archaeologist/Tribal Liaison at [marcos.a.paiva@usace.army.mil](mailto:marcos.a.paiva@usace.army.mil) or 978-318-8796. You may also contact me at [paul.m.maniccia@usace.army.mil](mailto:paul.m.maniccia@usace.army.mil) or 978-318-8515.

Sincerely,

*Paul Maniccia*

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

Enclosures

Final Memorandum of Agreement  
Pages 63-68 of 224 IFC Plans  
November 14, 2019 Letter

cc:

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