

Appendix 4.8-A

Draft Programmatic Agreement

DRAFT V6
PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES ARMY CORPS OF ENGINEERS,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER,
THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE
SOUTH COAST RAIL PROJECT,
FALL RIVER/NEW BEDFORD TO BOSTON, MASSACHUSETTS

WHEREAS, the Massachusetts Department of Transportation (MassDOT) proposes to construct the South Coast Rail Project (Project) to establish electric passenger rail service between Fall River/New Bedford and Boston, extending the existing active Stoughton commuter rail line from its current terminus in Stoughton southward along a presently abandoned rail right-of-way through Easton and Raynham to Taunton, and from this point extending further south through upgrading of existing active freight rail tracks to accommodate passenger service via the Attleboro Secondary, which subsequently splits into the New Bedford Main Line to New Bedford and the Fall River Secondary to Fall River; the Project also includes new passenger rail stations, layover facilities and ancillary facilities, including power substations and catenary; and,

WHEREAS, the Project requires a Department of the Army (DA) Permit under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) for work in navigable waters of the United States, and Section 404 of the Clean Water Act (33 USC 1344) for the discharge of dredged or fill material into waters of the United States, including adjacent wetlands; and,

WHEREAS, MassDOT, in consultation with the United States Army Corps of Engineers (USACE) and the Massachusetts State Historic Preservation Officer (SHPO), conducted cultural resource studies for the Project in order to identify and evaluate historic properties located within the Area of Potential Effects (APE; defined in 36 CFR Part 800.16(d)), and listed or eligible for listing in the National Register of Historic Places (NRHP); and,

WHEREAS, the USACE has determined the Project will have effects to historic properties and that said effects are not yet fully determined since the specifics of the final design are not yet known, and has consulted with the SHPO and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR Part 800.6 and 800.14, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and,

WHEREAS the USACE has determined the Project will have an adverse effect on the H.H Richardson Historic District of North Easton National Historic Landmark and has consulted with the SHPO, ACHP and the National Park Service (NPS) pursuant to 36 CFR Part 800.6, 800.10(c) and 800.14, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and,

WHEREAS, the USACE has determined, in consultation with the SHPO, that the APE is defined by work types, operations and resource class as follows: (1) for below-ground resources: the rail corridors, stations (including boarding platforms, parking lots, access roads, and associated features), layover and maintenance facilities, electric substations, construction and staging areas, permanent access/maintenance road (new lane within existing right-of-way), and roads (new lane outside existing right-of-way, temporary and permanent access to proposed facilities, and intersections) within the area of direct impact resulting from proposed construction activities (the Permit Area, defined in 33 CFR Part 325, Appendix

C, Section 1(g); (2) for above-ground resources the rail corridor within 800 feet (400 feet to either side of centerline), the stations within 250 feet from perimeter of proposed facility boundary, those locations associated with layover and maintenance facilities within 250 feet from perimeter of proposed facility boundary, those locations associated with construction laydown and staging areas within 250 feet from perimeter of proposed facility boundary, those locations associated with roads outside existing right-of-way as well as temporary and permanent access roads and intersections within 400 feet from proposed centerline; and, (3) Historic Properties of Religious and Cultural Significance to Indian Tribes to be determined in consultation with federally-recognized Indian Tribes known by the USACE to have an interest in the geographic region that includes the APE; and,

WHEREAS, the Tribal Historic Preservation Officers (THPOs) of the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Tribe, and the Narragansett Indian Tribe, have been consulted and invited to sign the PA as concurring parties; and,

WHEREAS, the Berkley Historical Commission, Canton Historical Commission, City of New Bedford, Easton Historical Commission Fall River Historical Commission, Freetown Historical Commission, Lakeville Historical Commission, New Bedford Historical Commission, Stoughton Historical Commission, and the Taunton Historic District Commission were invited to participate in the consultation process but did not choose to do so and have therefore not been invited to concur in the PA; and,

WHEREAS, the USACE has issued a Final Environmental Impact Statement (FEIS) dated [month, day, year] to document efforts to identify and then avoid, minimize and mitigate adverse impacts to resources including historic properties; and,

WHEREAS, the USACE, in accordance with Section 800.2(d)(3), used the agency's procedures for public involvement under the National Environmental Policy Act (NEPA) to inform the public of the undertaking and solicit their views on the Project, and has distributed the FEIS to appropriate federal agencies, federally recognized Indian Tribes, state agencies and the public; and,

WHEREAS, pursuant to 36 CFR Section 800.13, the USACE and MassDOT, with concurrence from the SHPO and the ACHP have developed procedures in this PA to ensure that the identification and evaluation of historic properties, assessment of effects, consideration of avoidance alternatives, and development of treatment and mitigation plans for unforeseen effects to previously identified historic properties and/or historic properties discovered during implementation of the undertaking are properly coordinated with all phases of the design and construction of the undertaking; and,

NOW, THEREFORE, the USACE, the SHPO, MassDOT, NPS, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account foreseen and unforeseen future effects to historic properties.

STIPULATIONS

USACE, in coordination with MassDOT, will ensure that the following measures are carried out.

I. PROJECT MONITORING

A. USACE affirms, and MassDOT concurs, that avoidance of adverse effects to historic properties remains the preferred course of action and that design activities may include the shifting of the project

limits if necessary to avoid, minimize or mitigate adverse effects to historic properties, so long as same remains in compliance with the DA permit conditions or USACE-authorized modification thereto.

B. USACE and MassDOT will ensure that contractors involved in the implementation of all phases of the undertaking are aware of and comply with the requirements of the PA. Compliance with this the PA is required as a condition of the DA permit and a part of the project contract, and will be written into the project contract.

C. To ensure that avoidance or minimization of adverse effects to historic properties is the preferred option during design and construction, MassDOT will develop a Cultural Resource Monitoring Program specific to this project that will require a Cultural Resource Monitor (CRM) with specific responsibilities to coordinate the requirements of this agreement for the Project as the liaison for MassDOT and the USACE.

1. The CRM will meet the professional qualifications outlined in Stipulation XI.
2. Oversight for the Cultural Resource Monitoring Program will be provided by USACE and MassDOT to whom the CRM reports.
3. The CRM will act as the liaison and work cooperatively with USACE and MassDOT and its contractors throughout the design/bid/build program.
 - a. The design/bid/build program will require the contractor(s) to design individual sections of the Project, which have not yet been defined.
 - b. The CRM will provide the design and construction contractors with the list and locations of the above-ground and below-ground historic properties presented in Appendices A and B and undetermined historic properties listed in Appendix C. USACE and MassDOT will ensure that avoidance of adverse effects to historic properties is the preferred treatment during the design phase and will utilize all measures to avoid adverse effects. The design/bid/build program will take into account measures presented in Stipulation III.
 - c. During the design phase, the CRM will be available to assist the contractor regarding the status of the design as it relates to those historic properties identified in Appendices A and B. In addition, the availability of geotechnical data and access to previously inaccessible areas may result in information associated with undetermined historic properties listed in Appendix C. If known or undetermined historic properties may be affected, the CRM will notify USACE and MassDOT of the situation through submission of a report via electronic mail describing how the proposed design affects the known or undetermined historic property. USACE and MassDOT will review the report, consult with the SHPO, and take into account measures presented in Stipulation III.
 - d. When the design reaches 30 percent for a given section, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Appendices A, B and C. If historic properties may be affected, the CRM will notify USACE and MassDOT of the situation through submission of a report via electronic mail describing the historic property, the location of the property and how the proposed design affects the property. USACE and MassDOT will review the report, consult with the SHPO, and take into account measures presented in Stipulation III.

e. When the design reaches 60 percent for a given section, the CRM will review all available plans and specifications and determine whether the design might affect historic properties. If historic properties may be affected, the CRM will notify USACE and MassDOT of the situation through submission of a report via electronic mail describing the historic property, the location of the property and how the proposed design affects the property. USACE and MassDOT will review the report, consult with the SHPO, and take into account measures presented in Stipulation III.

f. When the design reaches 90 percent for a given section, the CRM will complete a review of all available plans and specifications. If historic properties may be affected, the CRM will notify USACE and MassDOT of the situation through submission of a report via electronic mail describing the historic property, the location of the property and how the proposed design affects the property. USACE and MassDOT will review the report, consult with the SHPO, and take into account measures presented in Stipulation III.

g. Prior to construction, the contractor will hold a field review meeting once the access, staging and temporary construction zones that may be required have been determined and detailed on construction plans. The design plans will be provided to the CRM, USACE, MassDOT and SHPO a minimum of 21 days before the field review meeting. It is expected that by the field review meeting the construction limits will be flagged and will define the maximum extent of ground disturbance. Comments of the field review meeting attendees will be addressed and take into account measures presented in Stipulation III before proceeding with initial ground disturbance.

d. The MassDOT and/or their contractor will also hold preconstruction field review meetings to review specific information related to individual property owners of historic properties and their concerns, including visual impacts, construction-related activities and scheduling. These meetings will be in the same format as the field review meetings, and will allow the CRM, USACE, and MassDOT and any other attendees to comment. USACE and MassDOT will review and consult with the SHPO before allowing construction to proceed if any new issues arise.

e. The preconstruction field meetings will provide an opportunity for the CRM, USACE, MassDOT, SHPO, other members of the public and the project team to comment on the plans prior to the initiation of ground-disturbing activities. Any unforeseen effects to historic properties listed in Appendices A and B will be resolved in accordance with Stipulation V below.

f. All design enhancements and/or aesthetic treatments that may affect historic properties will be subject to review and concurrence by the SHPO.

g. The contractor will hold weekly and as-needed construction field review meetings with the CRM to review ongoing construction. If theretofore unknown effects to historic properties may occur, or if there is an alteration to the construction plan, the CRM will notify USACE and MassDOT of the situation and provide them with a report via electronic mail describing the situation, the historic property, the location of the property and how the proposed design affects the property. USACE and MassDOT will review the report and consult with the SHPO before authorizing any work in that location.

h. The CRM shall provide the consulting parties with a schedule for the undertaking that includes opportunities for on-site reviews by the consulting parties. Should MassDOT modify the schedule, the consulting parties will typically be given 20 working days' notice.

II. PUBLIC PARTICIPATION

A. USACE will utilize MassDOT to ensure that an active public participation program regarding effects on historic properties is carried out. MassDOT will develop and maintain a proactive communication program that will be led by MassDOT's Community Relations Liaison (CRL) for the Project. During final design, MassDOT will conduct periodic public briefing sessions, continue to maintain the project website, and provide information on potential construction impacts and mitigation plans to impacted communities and/or abutters. MassDOT and/or its Contractors will maintain a log of community concerns and responses, with action items and resolutions. During construction, MassDOT and its Contractors will maintain a database for communication with abutters, elected officials and interested members of the public. This database will be used to communicate construction plans, schedule information and updates. MassDOT will provide regular updates on construction progress via the website, media notices and social media, maintain a construction field office (or offices), and will provide a telephone hotline for resolving urgent issues or questions.

B. Should any member of the public raise an objection pertaining to the manner in which the terms of this Agreement are carried out, at any time during its implementation, the USACE shall take the objection into account by consulting with the objector to resolve the objection. When USACE responds to an objection, it shall notify MassDOT and the CRM of the objection and the manner in which it was resolved. USACE may request assistance of MassDOT and the CRM to resolve objections.

C. Consistent with Section 304 of the National Historic Preservation Act of 1966, as amended, the signatories and participating concurring parties to this Agreement will withhold from disclosure to the public, information about the location, character, or ownership of a historic property if it is determined that disclosure may (1) cause a significant invasion of privacy, or (2) risk harm to a historic property.

III. TREATMENT OF HISTORIC PROPERTIES

A. USACE will ensure that avoidance of adverse effects to any previously identified historic properties is the preferred alternative and will utilize all practicable measures to avoid adverse effects. If avoidance is not possible and an adverse effect will result, MassDOT will develop a Mitigation Plan, in consultation with USACE, the CRM and any other consulting parties, and submit the mitigation plan to the SHPO for review and concurrence. USACE shall direct MassDOT to implement the mitigation plan once it is approved by the SHPO. If, after consultation, USACE and the SHPO cannot agree on appropriate terms for the mitigation plan, USACE will refer the matter to the ACHP pursuant to Stipulation IX. The USACE and MassDOT will ensure that the following measures will be carried out and considered in the design and construction process.

B. Historic Buildings, Districts, National Historic Landmarks, Cemeteries

1. USACE and MassDOT shall avoid adverse effects to the above-ground historic properties listed in Appendix A. Known or expected impacts are provided in Appendix D.

2. As presently conceived (i.e., on the effective date of this Agreement), the Project has the potential to directly impact the Canton Junction Railroad Station, Meade Rubber Company, the Dighton and Somerset Line, and the North Main Street Area of Fall River Historic District.

3. The Project may require reconstruction or widening of the Forge Pond Bridge, Weaver Street Railroad Bridge, and Central Street Road Bridge.
4. The Project may cause indirect effects associated with an alteration in setting, increased noise or vibration resulting from construction or operation to the remaining historic properties listed in Appendix D.
5. If avoidance is not possible through design change, minimization of any indirect effects should be designed to reduce ground disturbance, visual, noise and vibration levels as may be appropriate to the historic property.
6. If mitigation is required, the focus should be on maintaining the historic character, integrity and setting of the historic property through the use of vibration reduction techniques, noise barriers, and screening.
7. To the extent practicable, MassDOT will use compatible materials to minimize adverse visual impacts to historic structures and districts. All repair, rehabilitation, or modification of historic properties will be performed in accordance with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties to the maximum extent practicable.
8. Construction staging and storage areas shall be located in protected areas outside historic districts and properties wherever possible, and in unobtrusive locations within historic districts or properties if alternative locations are not possible.
9. Clear-cutting of trees and vegetation along the railroad ROW that would result in an adverse visual impact on historic properties will be avoided to the maximum extent practicable. As documented in existing conditions pre-construction vegetation documentation, existing trees and vegetative screening will be retained to buffer historic properties from the rail line to the maximum extent practicable and with consideration for public safety, operational requirements, cost, and maintenance considerations.
10. USACE and MassDOT, in consultation with the SHPO, will develop a construction avoidance and protection plan for potential impacts to the historic Braley Cemetery in Freetown.
11. USACE and MassDOT, in consultation with the SHPO will conduct additional documentary research and field surveys, as necessary, to create historic property boundaries and conduct additional survey, if needed, for the Elisha Harvey Gravesite in relation to the Project, to complete the effects analysis, and develop a written avoidance and protection plan for the property prior to project construction activities.

C. Archaeological Resources

1. Where possible, USACE and MassDOT shall avoid affecting the NRHP-eligible archaeological sites listed in Appendix B.
2. USACE and MassDOT will complete any required subsurface survey (intensive [locational] and site examination) to make NRHP eligibility determinations and assess effects for those locations identified as archaeologically sensitive (Appendix C). If no archaeological sites are identified or sites are identified in disturbed stratigraphic contexts, then no further work will be required. If the survey and site examination identify NRHP-eligible site(s), then avoidance will be the preferred option. If avoidance is not possible and an adverse effect will result, MassDOT will develop a mitigation plan and once it is acceptable to the

CRM provide it to USACE for review and consultation with other consulting parties who will have 20 working days for review and comment or concurrence. This mitigation plan will include a section evaluating design modifications for minimizing effects to historic properties. USACE shall direct MassDOT to implement the mitigation plan once the SHPO concurs with the plan. If, after consultation, USACE and the SHPO cannot agree on appropriate terms for the mitigation plan, USACE will refer the matter to the ACHP pursuant to Stipulation IX.

3. USACE and MassDOT will complete any required subsurface survey (intense [locational] and site examination) to make NRHP eligibility determinations and assess effects for those Project locations not currently identified or for which geotechnical information was not previously available, including catenary structures and work or construction equipment storage or staging areas. If no archaeological sites are identified or sites are identified in disturbed stratigraphic contexts, then no further work will be required. If the survey and site examination identify NRHP eligible site(s), then avoidance will be the preferred option. If avoidance is not possible and an adverse effect will result, MassDOT will develop a mitigation plan and once it is acceptable to the CRM provide it to USACE for review and consultation with other consulting parties who will have 20 working days for review and comment or concurrence. This mitigation plan will include a section evaluating design modifications for minimizing effects to historic properties. USACE shall approve and direct MassDOT to implement the mitigation plan once the SHPO concurs with the plan. If, after consultation, USACE and the SHPO cannot agree on appropriate terms for the mitigation plan, USACE will refer the matter to the ACHP pursuant to Stipulation IX.

D. Historic Properties of Religious and Cultural Significance to Indian Tribes

1. The USACE will continue consultation with federally-recognized Indian Tribes regarding historic properties of religious and cultural significance within the Project APE.

IV. UNANTICIPATED DISCOVERIES

A. If previously unidentified historic properties are identified during construction, then construction will cease in tan area sufficient to ensure there will be no inadvertent impacts, and the CRM will notify the USACE and MassDOT with information about the historic properties. USACE, in consultation with the CRM and other consulting parties, shall evaluate the historic properties to determine if they meet the NRHP criteria and request SHPO concurrence.

1. If the USACE and the SHPO agree that a property is eligible for listing on the NRHP, USACE, in cooperation with the CRM and any other consulting parties, will evaluate the potential effects to that historic property according to Stipulation III above.

2. If the USACE and the SHPO disagree regarding the NRHP eligibility of a property, or should the ACHP so request, the USACE will request a formal determination of eligibility from the Keeper of the NRHP. The historic property will be treated as eligible until the Keeper's decision is rendered, and potential effects to the property will be evaluated according to Stipulation III above.

B. USACE will ensure that avoidance of adverse effects to any newly discovered eligible historic properties is the preferred alternative and will utilize all practicable measures to avoid adverse effects. If avoidance is not practicable and an adverse effect will result, MassDOT will develop a mitigation plan, and once it is acceptable to the CRM provide it to USACE for review and consultation with other consulting parties who will have 20 working days for review and comment or concurrence. This

mitigation plan will include a section evaluating design modifications for minimizing effects to historic properties and take into account feasibility of engineering, cost, time and other appropriate factors. USACE shall approve and direct MassDOT to implement the mitigation plan once the SHPO concurs with the plan. If, after consultation, USACE and the SHPO cannot agree on appropriate terms for the mitigation plan, USACE will refer the matter to the ACHP pursuant to Stipulation IX.

V. UNFORESEEN EFFECTS

A. Based on Stipulation IV above, the USACE may identify unforeseen effects to historic properties. USACE, in consultation with the SHPO and MassDOT, along with input from the CRM and other consulting parties, shall evaluate the effects to the property according to 36 CFR Section 800.5.

1. If the USACE and the SHPO agree that a historic property will be adversely affected, then USACE will develop a suitable mitigation plan in consultation with the CRM and any other consulting parties and submit the mitigation plan to the SHPO for review and concurrence. USACE shall direct MassDOT to implement the mitigation plan once the Massachusetts SHPO concurs with the plan. If, after consultation, USACE and the Massachusetts SHPO cannot agree on appropriate terms for the mitigation plan, USACE will refer the matter to the ACHP pursuant to Stipulation IX of this PA.

2. If the USACE and the SHPO disagree regarding the effects to the property, the USACE will request the ACHP's opinion. The ACHP will advise the USACE of its opinion regarding the effects to the property. USACE will take into account the ACHP's opinion before making a final determination. If an adverse effect is found by USACE, MassDOT will develop a mitigation plan, which will be reviewed by the CRM before submittal to the USACE for approval and implementation by MassDOT in accordance with Stipulation III.

VI. CHANGE IN ELIGIBILITY OF HISTORIC PROPERTIES

A. Future refinements to the project design may result in the need for evaluation of NRHP eligibility for previously undetermined historic properties (which may include, but are not limited to, those properties listed in Appendices A and B). USACE, in consultation with MassDOT, the CRM and other consulting parties, shall evaluate the historic properties to determine if they meet the NRHP criteria and shall request SHPO concurrence according to Stipulation III above.

B. If any properties previously considered not eligible are determined eligible as a result of the provisions in this stipulation, then effects to those properties will be considered according to Stipulation III above.

1. If substantive new information is provided in writing to the USACE about a particular property that was previously determined not eligible, USACE will consider the information, apply NRHP criteria, and forward its determination of eligibility to the SHPO with a request for review and concurrence. The SHPO will inform the USACE within 20 working days whether or not it concurs with USACE's determination of eligibility for the property in question. If the USACE and the SHPO agree the criteria are met, the property shall be considered eligible. If the USACE and the SHPO agree the criteria are not met, the property will be considered not eligible. If the USACE and the SHPO do not agree on whether the criteria are met, the eligibility of the property will be resolved in accordance with Stipulation IX, below. Any such property will be treated as eligible while it is under review by USACE and the SHPO, and potential effects to the property will be evaluated according to Stipulation III above.

2. Consistent with 36 CFR Part 800.4(c)(2), if the SHPO and the USACE disagree on NRHP eligibility for a particular property, or if the ACHP or the Secretary of Interior so requests, the USACE shall write to the Keeper of the NRHP and request a determination of eligibility in accordance with 36 CFR Part 63. Such properties will be treated as an eligible property while under review by the Keeper, and potential effects to the property will be evaluated according to Stipulation III above. The Keeper's determination of eligibility is binding.

VII. COORDINATION OF REVIEWS

A. The SHPO, ACHP, and the concurring parties will have a review period of 20 working days to comment on all documents, plans and specifications provided by the USACE under the terms of this PA. Alteration of the review time frame will require unanimous agreement among the USACE, MassDOT, SHPO and ACHP. If multiple historic properties are involved, the review time may be extended, as appropriate and based on unanimous agreement among the signatories.

B. The ACHP, at its discretion, may delegate its review of documents, plans and specifications required under the terms of this PA to the SHPO.

C. The CRM will provide any comments and recommendations directly to the USACE. If the SHPO, ACHP, and the concurring parties fail to provide comments within the designated review period, the USACE will assume their concurrence and proceed with the proposed action or activity.

VIII. PUBLIC OUTREACH AND EDUCATION

A. MassDOT will organize several opportunities for the public to learn about the results of the archaeological investigations and historical studies conducted for the Project. These opportunities may include: (1) public open houses; (2) a website that features information about the ongoing investigations; (3) public presentations for local communities, and avocational and professional audiences; (4) historic interpretive signs; at stations.; and (5) preparation of a public brochure/popular report and professional articles describing the investigations.

IX. DISPUTE RESOLUTION

A. Should any signatory object in writing within 10 working days to documents submitted for review pursuant to the terms of the PA, the USACE shall work with the disputing party to resolve the dispute. If USACE is unable to resolve the dispute, they will consult with the SHPO and ACHP to resolve the objection. If the USACE determines that the objection cannot be resolved, the USACE shall forward all documentation relevant to the dispute to the ACHP and request that the ACHP comment.

B. Within 10 working days after receipt of the pertinent documentation, the ACHP shall either:

1. Provide the USACE with recommendations to take into account in reaching a final decision regarding the dispute; or

2. Notify the USACE that the ACHP will comment in accordance with 36 CFR Section 800.7(c) and proceed to comment.

C. Any ACHP comment provided in response to such request shall be taken into account by the USACE in accordance with 36 CFR Section 800.6(c)(4) with reference only to the subject of the dispute. The USACE responsibility to carry out all other actions and activities under this PA that are not the subject of the dispute remain unchanged.

X. EMERGENCY SITUATIONS

Should an emergency situation occur, which represents an imminent threat to public health or safety, or creates a hazardous condition, MassDOT shall immediately notify the USACE and SHPO of the condition that has initiated the situation and the measures taken to respond to the emergency or hazardous condition. Should the USACE or SHPO not concur, they will notify MassDOT within three (3) business days if the nature of the emergency or hazardous condition allows for such coordination.

XI. PROFESSIONAL QUALIFICATIONS

All cultural resource work carried out pursuant to this PA shall be performed by or under the direct supervision of qualified individuals in the appropriate historic preservation discipline meeting, at a minimum, the appropriate Federal qualifications set forth in 62 FR 3333707 (June 20, 1997). The professional disciplines include: Archaeology, History and Architectural History, and/or Architecture.

XII. AMENDMENTS

If USACE, ACHP, MassDOT, or the SHPO determines that the terms of this PA will not or cannot be carried out or that an amendment to its terms must be made, that party shall provide a written explanation for such a determination to all signatories and immediately consult with the other signatories to develop an amendment to this PA. The amendment will be effective on the date a copy is signed by USACE, ACHP, the SHPO, and MassDOT. If USACE, ACHP, and the SHPO cannot agree to appropriate terms to amend the PA, any one of these parties unilaterally may terminate the agreement in accordance with Stipulation XIII below.

XIII. TERMINATION

A. If the USACE determines that it cannot implement the terms of this PA, or if the SHPO or ACHP determine that the PA is not being properly implemented the USACE, SHPO or ACHP may propose to the other parties that the PA be terminated.

B. The party proposing to terminate this PA shall notify all parties to this PA accordingly in writing, explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination.

C. Should such consultation fail and the PA is terminated, the USACE shall either:

1. Consult in accordance with 36 CFR Section 800.6 to develop a new PA; or
2. Request the comments of the ACHP pursuant to 36 CFR Section 800.7 and take into account such comments in accordance with such section prior to continuing the undertaking.

XIV. SUNSET CLAUSE

The terms of this PA are valid through completion of all phases of compensatory wetland mitigation, unless otherwise agreed to by the signatories to the PA.

Revised Draft

PROGRAMMATIC AGREEMENT IMPROVEMENTS TO SOUTH COAST RAIL PROJECT, FALL RIVER/NEW BEDFORD TO BOSTON, MASSACHUSETTS

Execution of this PA by USACE, and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
Chairman

U.S.ARMY CORPS OF ENGINEERS

By: _____ Date: _____
District Engineer, New England District, U.S. Army Corps of Engineers

MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
State Historic Preservation Officer

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____
Secretary of Transportation

PROGRAMMATIC AGREEMENT IMPROVEMENTS TO SOUTH COAST RAIL PROJECT, FALL RIVER/NEW BEDFORD TO BOSTON, MASSACHUSETTS

CONCUR:

MASHPEE WAMPANOAG TRIBE

By: _____ Date: _____

NARRAGANSETT INDIAN TRIBE

By: _____ Date: _____

WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH)

By: _____ Date: _____

Revised Draft

APPENDIX A

NATIONAL REGISTER-ELIGIBLE ABOVE-GROUND
HISTORIC PROPERTIES, STOUGHTON ALTERNATIVES

PROPERTY ID	TOWN	PROPERTY NAME/ LOCATION	ADDRESS	NRHP STATUS*; CRITERIA
Ca.C	Canton	Washington Street	Washington St	NRE;A, C
Ca.H	Canton	Washington Street/Canton Center	Washington Street/Canton Center	MHC-DOE
Ca.001	Canton	Canton Junction Railroad Station	666 Sherman St	NRE;A, B, C
Ca.002	Canton	Revere Copper Company Railroad Embankment	Revere St	NRE;C
Ca.006	Canton	Canton Public Library	786 Washington St	MHC-DOE;A, C
Ca.007	Canton	Forge Pond Railroad Bridge	Between Washington and Bolivar Sts	MHC-DOE;C
Ca.024	Canton	Canton Water Works	44 Pine St	NRE;A, C
St.B	Stoughton	Downtown Stoughton Area	Pearl, Perry, School, Washington, Pleasant, and Wyman Sts	NRE;A, C
St.022	Stoughton	Pearl Street Cemetery	Pearl St	NRE; A, C
St.023, St.B	Stoughton	Stoughton Town Hall	10 Pearl St	NRIND
St.024	Stoughton	Mystic Rubber Company	2 Canton St	NRE;A, C
St.025	Stoughton	Stoughton Old Colony Railroad Station	45-47 Wyman St	NRIND;A, C
St.026	Stoughton	Lucius Clapp Memorial Library	6 Park St	NRIND
St.046	Stoughton	Meade Rubber Company	25 Brock St	NRE;A, C
Ea.008, Ea.A, Ea.B (contributing)	Easton	Dighton & Somerset Line	Parallel to Mechanic Street from Elm Street to Main Street	Contributing in NRDIS, North Easton Historic District
Ea.B	Easton	North Easton Historic District	Elm, Lincoln, and Main Sts	NRDIS;A, C
Ea.C	Easton	Holmes-Linden Street Area	Holmes and Linden Sts	NRE;A, C
Ea.D	Easton	H.H. Richardson Historic District	Elm and Main Sts	NHL, NRDIS;A, C
Ea.E	Easton	Center Street Area	Center St	NRE;A, C
Ea.F	Easton	Easton Center Area	Center, Depot, and Short Sts	NRE;A, C
Ea.G	Easton	Hayward - Pool Area	Foundry St	NRE;A, C

PROPERTY ID	TOWN	PROPERTY NAME/ LOCATION	ADDRESS	NRHP STATUS*; CRITERIA
Ea.003	Easton	Old Colony Railroad Station	Off Oliver St on Railroad Right of Way	NRIND, in NHL District; A, C
Ra.001	Raynham	Residence and Barn	521 Prospect Hill	NRE
Ra.B	Raynham	Carver Street Area	Carver St, Broadway (Route 138)	NRE;A, C
Ra.011	Raynham	Dog Kennel and Track Property	385 Thrasher St	NRE;A
Ta.B	Taunton	Taunton Center Area	Dean, Park, and Summer Sts	NRE;A, C
Ta.C	Taunton	Taunton Multiple Resource Area	Multiple Throughout city of Taunton	NRMPS; A, B, C, D
Ta.D	Taunton	High Street Area	High, Weir, and Somerset Sts	NRE; A, C
Ta.18, Ta.C	Taunton	Dean-Hartshorn House	68 Dean St	NRIND, NRMPS, LHD
Ta.019, Ta.B, Ta.C	Taunton	Old Colony Railroad Station	40 Dean St	NRIND, NRMPS, LHD;A, C
Ta.020, Ta.B, Ta.C	Taunton	William Woodward House	117 Arlington St	NRIND, NRMPS, LHD; A, C
Ta.021, Ta.B, Ta.C	Taunton	Charles r. Atwood House	30 Dean St	NRIND, NRMPS, LHD; A, C
Ta.022, Ta.B, Ta.C	Taunton	Theodore Dean House	26 Dean St	NRIND, NRMPS, LHD;A, C
Ta.23, Ta.B, Ta.C	Taunton	C.J.H. Bassett House	20 Chestnut St	NRIND, NRMPS, LHD
Ta.28, Ta.B, Ta.C	Taunton	Abiezar Dean House	57 Summer St	NRIND, NRMPS, LHD
Ta.029, Ta.B, Ta.C	Taunton	Neck of Land Cemetery	Summer St	NRIND, NRMPS, LHD;A, C
Ta.89	Taunton	Cohannet Mills #3	120 Ingell St	NRIND
Be.C	Berkley	Myricks Street Area	Myricks, Grove, and Mill Sts	NRE;A, C
Be.006	Berkley	Residence	1 Macomber St	NRE;A, C
La.C	Lakeville	Assonet Cedar Swamp Area	Pierce Ave; County and Howland Rds; Freetown, Mill, and Malbone Sts	NRE;A, C, D
La.024	Lakeville	Peirce and Haskins Cemetery	Off Adams Lane	NRE; A, C
Ft.C	Freetown	Slab Bridge road area	Slab Bridge, Forge, Richmond, and Howland Rds	NRE; A, C
Ft.D	Freetown	Assonet Historic District	Mill, Water, Main, Pleasant, Elm, Forge Sts	NRDIS;A, C

PROPERTY ID	TOWN	PROPERTY NAME/ LOCATION	ADDRESS	NRHP STATUS*; CRITERIA
Ft.009	Freetown	Richmond Road / Maple Tree Crossing Bridge	Richmond Rd	MHC-DOE;C
NB.C	New Bedford	Acushnet Heights Historic District	State, Pleasant, Linden, Austin, Hazard, and Country Sts	NRDIS;A, C
NB.D	New Bedford	Wamsutta Mills Historic District	Acushnet Ave; Logan, North Point, and Wamsutta Sts	NRDIS;A, C
FR.N, FR.C	Fall River	American Printing Company-Metacomet Mill	Anawan St	NRMPS, NRDIS; A, C
FR.005, FR.C	Fall River	William Collins House	3775 North Main St	NRMPS, NRIND; A, C
FR.006, FR.C	Fall River	North Christian Congregational Church	3538 North Main St	NRMPS, NRIND; A, C
FR.010, FR.C	Fall River	Borden-Winslow House	3063 North Main St	NRMPS, NRIND; A, C
FR.012, FR.C	Fall River	Canedy, Squire William B. House	2634 North Main St	NRMPS, NRIND; A, C
FR.013	Fall River	William H. Wiley Middle School	2585 North Main St	NRE
FR.015.FR.C	Fall River	Border City Mills-Mill #2	1 Weaver St	NRMPS, NRIND; A, C
FR.016	Fall River	Weaver Street Railroad Bridge	Weaver St	MHC-DOE; A, C
FR.017	Fall River	Residence	311 Crescent St	NRE;A, C
FR.026, FR.C	Fall River	Brightman, Hathaway House	205 Crescent St	NRIND;A, C
FR.050	Fall River	St. Michael's Roman Catholic Church	207 Essex St	NRE; A, C
FR.066, FR.C	Fall River	St. Joseph's Roman Catholic Church	1355 North Main St	NRIND, NRMPS A, C
FR.067	Fall River	Cotton Warehouse	7 Oregon St	NRE;A, C
FR.070, FR.M	Fall River	Al Mac's Diner	135 President Ave	NRMPS, NRIND;A, C
FR.081	Fall River	Residence	524 Durfee St	NRE; A C
FR.082	Fall River	Lafayette-Durfee House	94 Cherry St	NRIND;A, C
FR.084	Fall River	Central Street Bridge over Quequechan River	Central St	MHC-DOE;C
FR.089	Fall River	Borden and Remington Company	85-115 Anawan St	NRE;A, C

PROPERTY ID	TOWN	PROPERTY NAME/ LOCATION	ADDRESS	NRHP STATUS*; CRITERIA
FR.003	Fall River	Jael Hathaway House	4042 North Main St	NRE;A, C
FR.052	Fall River	St Matthew's Convent	189 Wellington Street	NRE;A, C
FR.053	Fall River	St Matthew's School	231 Wellington Street	NRE;A, C
FR.110	Fall River	St. John's Cemetery	Brightman and St. Mary Streets	NRE;A, C
NB.G	New Bedford	National Spun Silk Co. – Oneko Mills	Brook St	NRE; A, C
NB.011	New Bedford	Manomet Mill #4 - Manomet Tire Cord Fabric Mill	117 King St	NRE;A, C
NB.012	New Bedford	Belleville Warehouse Company Cotton Storage Building	51 King St	NRDOE;A, C
NB.026	New Bedford	Pierce Brothers Textile Mill Complex	1125-1129 County St	NRE;A, C
NB.029	New Bedford	Christ Presbyterian Church	1097 County St	NRE;C
NB.053	New Bedford	Purchase Street Fire Station	2071 Purchase St	NRE;A, C
NB.063	New Bedford	Union Street Railway Carbarn	1959 Purchase St	NRIND, NRDIS- C;A
NB.065	New Bedford	Dawson Building	1843-1855 Purchase St	NRIND, NRDIS- C;A, C
NB.081	New Bedford	New Bedford Cotton Storage Warehouse Co., North Stores	19 Jean St	NRE;A, C
FR.C	Fall River	Fall River Multiple Resource Area	Multiple	NRMPS;A, B, C
FR.D	Fall River	North Main Street Area	North Main St	NRE;A, C
FR.E, FR.C	Fall River	Border City Mills	Weaver and West Sts	NRDOE, NRMPS;A, C
FR.F, FR.C	Fall River	Sagamore Mill Nos. 1 and 3	Ace St	NRMPS, NRDIS;A, C
FR.G, FR.C	Fall River	Sagamore Mill No. 2	North Main St	NRMPS, NRDIS;A, C
FR.H, FR.C	Fall River	Foster Spinning Company	Cove St	NRMPS, NRDIS;A, C
FR.J, FR.C	Fall River	Narragansett Mills	North Main St	NRMPS, NRDIS; A, C
FR.K. FR.C	Fall River	North Burial Ground	North Main St	NRMPS, NRDIS; A, B, C
FR.L	Fall River	Durfee Street Area	North Main and Durfee Sts	NRE; A, C

PROPERTY ID	TOWN	PROPERTY NAME/ LOCATION	ADDRESS	NRHP STATUS*; CRITERIA
FR.M	Fall River	Diners of Massachusetts	multiple	NRMPS; A, C

*NRHP Status

NHL	National Historic Landmark
NRDIS	National Register Historic District
NRIND	Property individually listed in the National Register
NRMPS	District or Property individually listed in the National Register as part of a NRMPS
NRDOE	Property formally determined eligible by Keeper of the National Register
MHC-DOE	Property evaluated as eligible by MHC
NRE	Property National Register eligible, MHC Concurrence on 2/21/2013, 4/3/2013
NRDIS-C	Property contributing to an NRHP-listed district
LL	Property individually listed in the State Register
LHD	Property located in a State Register-listed historic district

APPENDIX B

NATIONAL REGISTER-ELIGIBLE ARCHAEOLOGICAL SITES, STOUGHTON ALTERNATIVES

SITE NAME	PROJECT ELEMENT/RAIL SEGMENT	NRHP** CRITERIA	MHC CONCURRENCE, DATE
King Philip Street	Stoughton Line	NRE; D	4/3/2013
Chickering Road Site	Stoughton Line	NRE; D	4/3/2013
East Britannia Street Site	Stoughton Line	NRE; D	4/3/2013
Skunk Trapper Site	Stoughton Line	NRE; D	4/3/2013
Saws Wood Site	Stoughton Line	NRE; D	4/3/2013
Quartz Vein Site	Fall River Secondary	NRE; D	4/3/2013
Circling Hawk Site	Fall River Secondary	NRE; D	4/3/2013
Cold Toad Site	Fall River Secondary	NRE; D	4/3/2013
Overlook Site North	Fall River Secondary	NRE; D	4/3/2013
Overlook Site South	Fall River Secondary	NRE; D	4/3/2013
Braley Cemetery* (MHC #FRE.823)	Fall River Secondary	N/A	4/3/2013
Elisha Harvey Gravesite/Harvey Cemetery*	Stoughton Line	Undetermined, within an existing NRHP District	Pending (Avoidance)

* Not recommended eligible, but measures are required to protect marked/unmarked graves from project disturbance

**NRE National Register eligible

APPENDIX C

KNOWN LOCATIONS WHERE INTENSIVE (LOCATIONAL) SURVEY MAY BE REQUIRED

PROJECT LOCATION	RAIL SEGMENT	SENSITIVITY ASSESSMENT	SURVEY RECOMMENDATION
Route 138 Grade Separation	Stoughton Line	Conditional Low/No Sensitivity	Intensive Survey may be required; pending soil boring review for catenary structures
Canton to New Bedford-Fall River active and inactive ROWs*	Stoughton Line, Fall River Secondary, New Bedford Main Line	Conditional Low/No Sensitivity	Intensive Survey may be required; pending soil boring review for catenary structures
Stoughton Station and realigned tracks	Stoughton Line	Moderate sensitivity for pre-contact , nineteenth/twentieth-century resources	Sensitivity may be refined with additional soil boring data; Intensive Survey required if sensitive areas cannot be avoided

* Excludes sensitive ROW areas subjected to 2012 Intensive Survey: Stoughton Line, Southern Triangle (Fall River Secondary and New Bedford Main Line)

In addition to the locations listed above, it is expected that unknown locations including access roads, staging or temporary construction areas, and catenary locations will be identified as the Project proceeds.

APPENDIX D
EXPECTED IMPACTS TO HISTORIC PROPERTIES

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
Ca.C	Washington Street	Washington St		X	X	V
Ca.H	Washington Street/Canton Center	Washington Street/Canton Center		X	X	V
Ca.001	Canton Junction Railroad Station	666 Sherman St	X		X	P,V
Ca.002	Revere Copper Company Railroad Embankment	Revere St			X	
Ca.006	Canton Public Library	786 Washington St			X	V
Ca.007	Forge Pond Railroad Bridge	Between Washington and Bolivar Sts	X			P
Ca.024	Canton Water Works	44 Pine St		X	X	V
St.B	Downtown Stoughton Area	Pearl, Perry, School, Washington, Pleasant, and Wyman Sts		X	X	N,V
St.022	Pearl Street Cemetery	Pearl St		X	X	V
St.023, St.B	Stoughton Town Hall	10 Pearl St		X	X	V
St.024	Mystic Rubber Company	2 Canton St			X	
St.025	Stoughton Old Colony Railroad Station	45-47 Wyman St			X	V
St.026	Lucius Clapp Memorial Library	6 Park St		X		

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
St.046	Meade Rubber Company	25 Brock St	X			P
Ea.008, Ea.A, Ea.B (contributing)	Dighton & Somerset Line	Parallel to Mechanic Street from Elm Street to Main Street	X		X	P,V
Ea.B	North Easton Historic District	Elm, Lincoln, and Main Sts		X	X	N,V
Ea.C	Holmes-Linden Street Area	Holmes and Linden Sts		X	X	N,V
Ea.D	H.H. Richardson Historic District	Elm and Main Sts		X	X	N,V
Ea.E	Center Street Area	Center St		X	X	N,V
Ea.F	Easton Center Area	Center, Depot, and Short Sts		X	X	N,V
Ea.G	Hayward - Pool Area	Foundry St		X	X	N,V
Ea.003	Old Colony Railroad Station	Off Oliver St on Railroad Right of Way			X	V
Ra.001	Residence and Barn	521 Prospect Hill				
Ra.B	Carver Street Area	Carver St, Broadway (Route 138)		X	X	N,V
Ra.011	Dog Kennel and Track Property	385 Thrasher St		X	X	V
Ta.B	Taunton Center Area	Dean, Park, and Summer Sts		X	X	N,V
Ta.C	Taunton Multiple Resource Area	Multiple Throughout city of Taunton				

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
Ta.D	High Street Area	High, Weir, and Somerset Sts		X	X	N,V
Ta.L	Hart Street Area	Hart St		X	X	N,V
Ta.18, Ta.C	Dean-Hartshorn House	68 Dean St		X	X	N,V
Ta.019, Ta.B, Ta.C	Old Colony Railroad Station	40 Dean St			X	
Ta.020, Ta.B, Ta.C	William Woodward House	117 Arlington St		X	X	N,V
Ta.021, Ta.B, Ta.C	Charles R. Atwood House	30 Dean St		X	X	N,V
Ta.022, Ta.B, Ta.C	Theodore Dean House	26 Dean St		X	X	N,V
Ta.029, Ta.B, Ta.C	Neck of Land Cemetery	Summer St		X	X	N,V
Ta.89	Cohannet Mills #3	120 Ingell St			X	
Be.C	Myricks Street Area	Myricks, Grove, and Mill Sts		X	X	N,V
Be.006	Residence	1 Macomber St		X	X	N,V
La.C	Assonet Cedar Swamp Area	Pierce Ave; County and Howland Rds; Freetown, Mill, and Malbone Sts		X	X	N,V
La.024	Peirce and Haskins Cemetery	Off Adams Lane		X	X	N,V
Ft.C	Slab Bridge Road Area	Slab Bridge, Forge, Richmond, and Howland Rds		X	X	N,V

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
Ft.D	Assonet Historic District	Mill, Water, Main, Pleasant, Elm, Forge Sts		X	X	N,V
Ft.009	Richmond Road / Maple Tree Crossing Bridge	Richmond Rd			X	V
NB.C	Acushnet Heights Historic District	State, Pleasant, Linden, Austin, Hazard, and Country Sts		X	X	N,V
NB.D	Wamsutta Mills Historic District	Acushnet Ave; Logan, North Point, and Wamsutta Sts		X	X	N,V
FR.N, FR.C	American Printing Company-Metacomet Mill	Anawan St			X	V
FR.005, FR.C	William Collins House	3775 North Main St		X	X	V
FR.006, FR.C	North Christian Congregational Church	3538 North Main St		X	X	V
FR.010, FR.C	Borden-Winslow House	3063 North Main St			X	N,V
FR.012, FR.C	Canedy, Squire William B. House	2634 North Main St			X	V
FR.017	Residence	311 Crescent St		X	X	V
FR.026, FR.C	Brightman, Hathaway House	205 Crescent St		X	X	V

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
FR.050	St. Michael's Roman Catholic Church	207 Essex St		X	X	N,V
FR.066, FR.C	St. Joseph's Roman Catholic Church	1355 North Main St		X		
FR.067	Cotton Warehouse	7 Oregon St			X	V
FR.070, FR.M	Al Mac's Diner	135 President Ave		X	X	V
FR.081	Residence	524 Durfee St		X	X	V
FR.082	Lafayette-Durfee House	94 Cherry St		X	X	V
FR.084	Central Street Bridge over Quequechan River	Central St			X	V
FR.089	Borden and Remington Company	85-115 Anawan St			X	
FR.003	Jael Hathaway House	4042 North Main St		X		
FR.052	St Matthew's Convent	189 Wellington Street		X	X	N,V
FR.053	St Matthew's School	231 Wellington Street		X	X	N,V
FR.110	St. John's Cemetery	Brightman and St. Mary Streets		X		
NB.G	National Spun Silk Co. – Oneko Mills	Brook St			X	
NB.011	Manomet Mill #4 - Manomet Tire Cord Fabric Mill	117 King St			X	

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
NB.012	Belleville Warehouse Company Cotton Storage Building	51 King St			X	
NB.026	Pierce Brothers Textile Mill Complex	1125-1129 County St			X	
NB.029	Christ Presbyterian Church	1097 County St			X	V
NB.053	Purchase Street Fire Station	2071 Purchase St			X	V
NB.063	Union Street Railway Car barn	1959 Purchase St			X	
NB.065	Dawson Building	1843-1855 Purchase St			X	V
NB.081	New Bedford Cotton Storage Warehouse Co., North Stores	19 Jean St			X	
FR.C	Fall River Multiple Resource Area	Multiple				
FR.D	North Main Street Area	North Main St	X	X	X	P,N,V
FR.E, FR.C	Border City Mills	Weaver and West Sts			X	
FR.F, FR.C	Sagamore Mill Nos. 1 and 3	Ace St			X	
FR.G, FR.C	Sagamore Mill No. 2	North Main St			X	
FR.H, FR.C	Foster Spinning Company	Cove St			X	
FR.J, FR.C	Narragansett Mills	North Main St			X	
FR.K, FR.C	North Burial Ground	North Main St		X	X	N,V

PROPERTY ID	PROPERTY NAME/ LOCATION	ADDRESS	Physical (Direct)	Noise (Indirect)	Visual (Indirect)	Adverse Effect (P, N, V)
FR.L	Durfee Street Area	North Main and Durfee Sts		X	X	N,V
FR.M	Diners of Massachusetts	multiple		X	X	V

Revised Draft