



CONNECTICUT RIVER BRIDGE REPLACEMENT PROJECT

MEMORANDUM OF AGREEMENT

Progress Summary Report

August 5, 2016 – August 30, 2023

Introduction

Amtrak is pleased to provide this consolidated report regarding the work undertaken and tasks completed pursuant to the terms of the Connecticut River Bridge Replacement Project (the Project) Memorandum of Agreement (MOA) entitled *Memorandum of Agreement Among the Federal Railroad Administration, Connecticut State Historic Preservation Officer, and National Railroad Passenger Corporation (Amtrak), Regarding the Connecticut River Bridge Replacement Project in New London and Middlesex Counties, Connecticut*, executed by the Federal Railroad Administration (FRA), Connecticut State Historic Preservation Officer (SHPO) and National Railroad Passenger Corporation (Amtrak) on August 5, 2016. The MOA was executed to resolve adverse effects of the proposed project under Section 106 of the National Historic Preservation Act, as amended (Section 106).

During Section 106 consultation, conducted in coordination with the Environmental Assessment (EA) process, the Federal Railroad Administration (FRA) determined that the Project will have an adverse effect on the Connecticut River Bridge, which is individually eligible for the National Register of Historic Places (NRHP) within the context of the Moveable Railroad Bridges on the Northeast Corridor in Connecticut Thematic Nomination. The FRA also identified, in consultation with the SHPO, one area (“archaeologically sensitive area”) with the potential to contain precontact-period archaeological resources in the Project’s archaeological Area of Potential Effects (APE) outside of the existing embankments in Old Lyme.

The MOA set forth stipulations that must be met in order to mitigate the Project’s adverse effects to known historic properties, and contains provisions for identifying archaeological resources, assessing their NRHP eligibility, and conducting archaeological data recovery excavations to mitigate Project-related archaeological site impacts.

This first annual report encompasses the period August 5, 2016 to August 30, 2023. Significant delays in the project pushed most work into 2021 or later. While the end date is somewhat beyond the MOA anniversary date, it provides an opportunity to document conclusion of some review document reviews mentioned in this report.

Summary of Project Activities

Since the execution of the MOA, Amtrak has advanced the design tasks related to the Project through 30%, 60%, and 90% design levels, reaching 100% design in July 2023. Amtrak Procurement released the plans for qualified contractor bidding in July 2023. Amtrak has contracted with Hardesty & Hanover (H&H) to perform the project design services with

Archaeological and Historical Services, Inc. (AHS) as its cultural resource consultant. Key staff with AHS meet the Secretary of the Interior's Professional Qualifications Standards and assist with fulfillment of the MOA stipulations, as described in more detail below.

Amtrak is continuing to work with FRA to ensure that the stipulations of the MOA are fulfilled. Amtrak and its consultants, H&H and AHS, are completing cultural resource studies in conformance with the guidelines established by the SHPO.

Section 106 Memorandum of Agreement Detailed Status

The following outline shows each section of the MOA, states the current status of each task, and notes any challenges, changes or disputes that have been identified. Where applicable, activities to implement the MOA are noted that Amtrak estimates could occur within the upcoming year.

I. Applicability

No changes; no comments

II. Timing

No changes; no comments

III. Roles and Responsibilities

No changes; no comments

IV. Personnel Qualification Standards

To ensure that all work carried out pursuant to this MOA will be done by or under the direct supervision of a qualified professional in the disciplines of Archaeology and History and/or Architectural History who meet the relevant standards outlined in the *Secretary of Interior's (SOI) Professional Qualification Standards* (48 FR 44738-9), Amtrak's Historic Preservation Manager, Johnette Davies, Lead Archaeologist, Margaret Klejbuk, and Historic Preservation Specialist, Kathleen Baer, have provided and will continue to provide project oversight, and AHS has been engaged to complete the cultural resource tasks necessary to fulfill the requirements of the MOA. The Project Manager and Principal Investigator for the work is AHS principal Mary Guillette Harper; Ms. Guillette Harper is qualified under the SOI standards as a prehistoric and historic archaeologist, cultural anthropologist, and historian as defined by 36 CFR Part 61, and she is also a Registered Professional Archaeologist (RPA). Ms. Guillette Harper is aided by Bruce Clouette, who is SOI qualified as an architectural historian and historian, and Eric Heffter, who is SOI qualified as an archaeologist and an RPA.

V. Treatment Measures for Architectural Resources

Stipulation I.A: HAER Documentation

- 6/15/2023 – draft narrative text submitted to National Park Service, SHPO, and FRA
- 7/18/2023 – SHPO commented that written content was sufficient; no edits requested

- 8/1/2023 – NPS responded with comments on the draft, and requested a HAER number from NPS Heritage Documentation Programs
- *Ongoing* – response to comments, completion of documentation when HAER number is assigned.

Stipulation I.B: Salvage Elements/Marketing Plan

- 8/7/2023 – draft plan provided to SHPO and FRA
- 8/23/2023 – SHPO responded with no comments
- *Upcoming* – plan will be finalized and implemented by Amtrak

Stipulation I.C: Interpretive Exhibit (location to be determined)

- No activity to date.
- *Upcoming* – an overall plan will need to be developed once Phase III Data Recovery is complete for all archaeological sites identified.

Stipulation II: Design Review

- 7/9/2019 – 30% design plans and a compatible design assessment memorandum submitted to SHPO
- 8/8/2019 – SHPO concurred with the compatibility assessment
- 7/23/2021 – 90% design plans submitted to SHPO
- *Upcoming* – Submittal of final design to SHPO and FRA

VI. Treatment Measures for Archaeological Resources

Stipulation III.A: Further Impact Analyses

- 7/9/2019 – Phase IA Archaeological Assessment Survey Memorandum submitted to SHPO, copying FRA (corrected version submitted 7/10/2019); areas of archaeological sensitivity identified
- 8/8/2019 – SHPO concurred with recommendation that additional investigations are warranted.

Stipulation III.B: Field Testing to Determine Presence or Absence of Archaeological Resources

- 3/4/2021 – Phase IB testing results report completed and submitted to FRA and SHPO; two pre-contact sites identified in original APE: 105-72 in Old Lyme and 106-39 in Old Saybrook. Phase II Intensive Survey recommended to ascertain NRHP eligibility
- 3/4/2021 – APE and Phase IB extended to 17 Shore Road parcel in Old Lyme at 60% design level; pre-contact Site 105-73 identified here, Phase II Intensive Survey recommended.

Stipulation III.C: Field Testing to Determine Significance and Extent of Archaeological Resources

- 1/14/2020 – proposed Phase 1B/II testing plan/scope of work provided to SHPO for review, copying FRA
 - 5/22/2020 – SHPO concurred with the proposed methodologies
- 2/20/2021– Phase IB/Phase II technical report submitted to SHPO and FRA. All three sites determined NRHP-eligible
- 3/17/2021 – due to the discovery of new significant archaeological sites, FRA invited the Narragansett Indian Tribe, Mohegan Tribe, and Mashantucket Pequot Tribe to participate in consultation; the Mohegan and Mashantucket Pequot Tribes elected to participate.
- 4/23/2021 – SHPO concurred with the recommendations in the Phase IB/Phase II report
- 8/2/2023 – memorandum on expanded Phase II conducted at Site 105-73, submitted to SHPO, FRA, Connecticut Office of State Archaeology, and Tribal Historic Preservation Officers of Mohegan and Mashantucket Pequot tribes. (The APE again changed at 17 Shore Road, at the 100% level, and a portion extended into a sensitive area.)
- 8/23/2023 – SHPO responded to 8/2/2023 memorandum with no comments or questions

Stipulation III.D: Mitigation Data Recovery, Curation and Public Interpretation

- 7/7/2021 – FRA transmitted a revised draft Data Recovery Plan to SHPO for review, and a meeting was held on 7/30/2023 to discuss
- 8/23/2021 – FRA transmitted a revised draft Data Recovery Plan to SHPO for review
- 9/21/2021 – Phase III Archaeological Data Recovery Plan approved by SHPO
- 9/30/2021 – FRA provided the Data Recovery Plan to Narragansett, Mohegan and Mashantucket Pequot tribes for review and comment. Mashantucket Pequot Tribe provided comments on 11/2/2021.
- 12/6/2021-FRA responded to comments on the DRP by the Mashantucket Pequot THPO
- 10/28/2022 – Archaeological data recovery update memorandum provided to FRA, SHPO and consulting Tribes
- 11/8/2022 – site visit with FRA, SHPO and consulting Tribes
- Spring 2023 – Phase III data recovery complete at Site 106-39 (Old Saybrook); deeper finds than expected, but no new Project impacts identified; no outstanding concerns; the Unanticipated Discoveries Plan (UDP) should cover monitoring during construction
- 5/31/2023 – Archaeological data recovery update memorandum status update memo provided to SHPO and consulting Tribes

- June 2023 – Phase II survey complete at Site 105-73 (17 Shore Road, Old Lyme); STP results yielded new expanded site boundaries; *ongoing* Phase III data recovery per the current Data Recovery Plan; work to continue within the APE/LOD through November 2023
- June 2023 – Phase III data recovery *ongoing* at Site 105-72 (Old Lyme – closest access via DEEP facility parking lot); sensitive finds/potential burial belongings discovered
- 6/7/2023-visit to Site 105-72 with FRA, SHPO, Office of State Archaeology, Mohegan Tribe and Mashantucket Pequot Tribe;
- 6/14/2023-FRA transmitted memorandum addressing June 7, 2023 on-site discussion regarding treatment of sensitive finds
- 6/22/2023 and 6/29/2023-meeting with FRA, SHPO, Mohegan and Mashantucket tribes to discuss further treatment of sensitive finds
- 6/30/2023-FRA and SHPO approved memorandum of June 29, 2023 regarding consensus on treatment of sensitive finds and established a plan to limit further impacts to possible burials and give tribes possession of materials; more fieldwork will need to continue at this site until April 2024; towards the end of fieldwork the Tribes will conduct a reburial ceremony at this site, and the southeast corner/edge of the APE/LOD will be protected with temporary construction fencing; it will be monitored during construction to ensure no encroachment

Stipulation III.E: Unanticipated Discoveries Plan (UDP)

- *Upcoming* – will require updating once archaeological fieldwork is complete – this is Appendix II of the current Data Recovery Plan

Stipulation III.F: Construction and Archaeology Phasing Plan

- *Upcoming* – will require updating once archaeological fieldwork is complete – this is Appendix IV of the current Data Recovery Plan
- *Upcoming* – Public Outreach Plan development will be worked out with SHPO, FRA and THPOs after the Phase III Data Recovery is complete at all three sites

Stipulation III.G: Professional Standards

- Amtrak has ensured that all archaeological research, testing and analyses have been carried out by or supervised by persons meeting or exceeding the Secretary of Interior’s Professional Qualification Standards for Archaeology
- All archaeological memorandums and reports are consistent with SHPO’s *Environmental Review Primer for Connecticut’s Archaeological Resources* and the Department of Interior’s *Standards for Archaeological Documentation*

Stipulation IV: Identification of Additional Historic Properties and Assessment of Project Effects

- A. No additional historic properties identified
- B. As noted above, on 3/4/2021 SHPO and FRA were notified of design changes that expanded the APE into archaeologically sensitive areas; consultation resulted in additional Phase IB and Phase II surveys, in which a third NRHP-eligible site (Site 105-73) was identified and a slight modification of the DRP was developed in order to appropriately mitigate impacts at Site 105-73

Stipulation V: Document Review

- No issues encountered during document review to date.

Stipulation VI: Reporting and Oversight

- A. *Upcoming*. Amtrak will provide final copies of all reports and plans resulting from the MOA
- B. Annual Review of the MOA. This report covers the period August 5, 2016 to August 30, 2023. Significant delays in the project pushed most work into 2021 or later. Subsequent annual reports are anticipated to follow the anniversary month to account for the full year's activities.

The following changes have been made to the day-to-day points of contact for Amtrak:

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