



DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DRAFT SECTION 4(f) EVALUATION

APPENDIX 9

Historic and Archaeological Resources

9-1: Draft Programmatic Agreement

**9-2: Historic and Archaeological Resources:
Agency Correspondence**

9-3: Area of Potential Effects Memorandum



APPENDIX 9-1

Draft Programmatic Agreement

**DRAFT PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
THE NEW YORK HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW JERSEY TRANSIT CORPORATION, AND
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

WHEREAS, the proposed Hudson Tunnel Project is intended to preserve the current functionality of the Northeast Corridor’s (“NEC”) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC (**Exhibit A – Project Location** annexed hereto); and

WHEREAS, the Federal Railroad Administration (“FRA”) is providing grant funding to the National Railroad Passenger Corporation (Amtrak) with Annual Federal Capital funds from fiscal years 2016 and 2017, to (1) conduct preliminary engineering (“PE”) and (2) contribute funds to the New Jersey Transit Corporation (“NJ TRANSIT”) to carry out environmental analyses in compliance with the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), for the Hudson Tunnel Project; and

WHEREAS, FRA is preparing an Environmental Impact Statement (“EIS”) for the Hudson Tunnel Project pursuant to NEPA and has coordinated the NEPA process with consultation pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (“NHPA”), as amended, and its implementing regulations at 36 CFR Part 800 (hereinafter collectively referred to as “Section 106”) and is serving as the lead Federal agency responsible for compliance with NEPA and Section 106; and

WHEREAS, FRA, along with the New Jersey Historic Preservation Office (“NJHPO”) and the New York State Historic Preservation Office (“NYSHPO”), as the result of the Section 106 consultation process, has determined that it is appropriate to enter into this Programmatic Agreement (“PA”) pursuant to Section 800.6 and Section 800.14(b) of the Section 106 regulations; and

WHEREAS, the Preferred Alternative for the Hudson Tunnel Project evaluated in the EIS consists of the construction of a new rail tunnel under the Hudson River connecting to the existing tracks at Penn Station New York (“PSNY”), including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel (the North River Tunnel) beneath the Hudson River (hereinafter the “Project”); and is the subject of this PA; and

WHEREAS, NJ TRANSIT is the co-lead agency for preparation of the EIS and has assisted FRA in completing the following steps in the Section 106 process: identifying and inviting Section 106 Consulting Parties, establishing and documenting the Area of Potential Effects (“APE”) for the Project, identifying historic properties in the APE, assessing potential effects to historic properties, and identifying treatment measures as appropriate; and

WHEREAS, Amtrak is the owner and operator of the NEC and the existing North River Tunnel and is responsible for carrying out PE for the Project; and

WHEREAS, one or more entities may serve as the project sponsor to advance the Project toward and/or through construction including possibly NJ TRANSIT, Amtrak, the Port Authority of New York and New Jersey (“PANYNJ”) or other yet to be determined entity(ies) (hereinafter individually or collectively the “Project Sponsor”). The Project Sponsor is not known at the time of execution of this PA; and

WHEREAS, if more than one entity serves as the Project Sponsor these entities may have different responsibilities to assist FRA in complying with Section 106. As described in this PA, the PA will be amended once the Project Sponsor is identified and the amendment will specify the responsibilities of each entity serving as Project Sponsor; and

WHEREAS, the Project Sponsor may pursue financial assistance to further design, construct, and/or otherwise implement the Project from U.S. Department of Transportation (“USDOT”) sources, including but not limited to FRA and/or the Federal Transit Administration (“FTA”); and

WHEREAS, should any USDOT entity provide financial assistance for construction of the Project, the Project would be an undertaking pursuant to Section 106 and that USDOT entity would be responsible for compliance with Section 106; and

WHEREAS, FTA, in a letter dated December 20, 2016, has designated FRA to serve as the lead Federal agency to fulfill FTA’s and FRA’s collective responsibilities under Section 106 pursuant to 36 CFR § 800.2(a)(2); and

WHEREAS, although FRA is serving as the lead Federal agency for Section 106, FRA may not provide financial assistance for construction of the Project, and so this PA provides for the identification of a new lead Federal agency for the Project, if appropriate; and

WHEREAS, FRA and NJ TRANSIT, in consultation with NJHPO and NYSHPO, have defined the Project’s APE, which are the areas where potential effects on historic properties caused by the Project may occur (**Exhibit B – Area of Potential Effects** annexed hereto). FRA submitted the proposed APE to NJHPO and NYSHPO on December 9, 2016, and NJHPO and NYSHPO concurred with the definition of the APE for the Project in correspondence dated December 19, 2016, and January 13, 2017, respectively; and

WHEREAS, FRA identified Federally recognized Indian tribes that could attach religious or cultural significance to sites within the APE and, in letters dated May 11 and 12, 2016, and August 5, 2016, invited the following tribes to participate in consultation: the Delaware Nation, the Delaware Tribe, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, the Shinnecock Indian Nation, the Stockbridge-Munsee Community of Mohican Indians, and the Eastern Shawnee Tribe of Oklahoma. In correspondence dated June 6, 2016, the Delaware Tribe indicated they wanted to enter into consultation for the Project, and in correspondence dated June 7, 2016, the Stockbridge-Munsee Community of Mohican Indians requested information on Project ground disturbance and that cultural resource surveys be prepared. Additionally, the Stockbridge-Munsee Community of Mohican Indians provided concurrence on the proposed APE for the Project in correspondence dated December 19, 2016, and indicated it had no significant cultural resources concerns regarding the Project in correspondence dated March 6, 2017. The Eastern Shawnee Tribe of Oklahoma concurred with the proposed APE in

correspondence dated March 17, 2017. The Delaware Nation provided comments on the Draft PA in correspondence dated April 12, 2017; and

WHEREAS, the Delaware Nation, the Delaware Tribe, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, the Shinnecock Indian Nation, the Stockbridge-Munsee Community of Mohican Indians, and the Eastern Shawnee Tribe of Oklahoma are Consulting Parties for the Project that is the subject of this PA (hereinafter “Project Consulting Tribes”); and

WHEREAS, FRA identified and invited certain entities and organizations to participate in Section 106 consultation for the Project in letters dated August 5, 2016 (**Exhibit C – Consulting Parties** annexed hereto); and

WHEREAS, FRA and NJ TRANSIT prepared the Historic Architectural Resources Background Study and Effects Assessments (“HARBS/EAs”) dated January 24 and 26, 2017, and Phase 1A Archaeological Documentary Studies dated January 24 and January 26, 2017, for the portions of the APE in New Jersey and New York to identify historic properties in the APE, assess the Project’s potential effects on those historic properties according to the Criteria of Adverse Effect (36 CFR § 800.5), and provide recommendations regarding measures to avoid, minimize, and mitigate adverse effects of the Project on historic properties; and

WHEREAS, as documented in the EIS and the HARBS/EAs, FRA and NJ TRANSIT, in consultation with NJHPO and NYSHPO, identified sixteen (16) historic architectural properties in the Project’s APE that are eligible for listing in the National Register of Historic Places (NRHP). In New Jersey these are: the North River Tunnel, the Pennsylvania Railroad New York to Philadelphia Historic District, the New Jersey Midland Railway/New York Susquehanna and Western Railroad Historic District, the Erie Railroad Main Line Historic District, the Jersey City Waterworks Historic District, Substation No. 3 of the Pennsylvania Railroad, the Charles X. Harris House and Studio at 356 Mountain Road in Union City, and the Residence at 320-324 Mountain Road in Union City. In New York these are: the New York Improvements and Tunnel Extension of the Pennsylvania Railroad, the Hudson River Bulkhead, the High Line, the Master Printers Building at 406-416 Tenth Avenue, the Charles P. Rodgers & Co. Building at 517-523 West 29th Street, the former W & J Sloane Warehouse and Garage at 541-561 West 29th Street, the Starrett-Lehigh Building at 601-625 West 26th Street, and the West Chelsea Historic District. The locations of these historic architectural properties are shown in **Exhibit D - Historic Properties in the APE** annexed hereto; and

WHEREAS, FRA has determined that the Project will have an adverse effect on the following four historic architectural properties: the North River Tunnel (the NEC’s existing tunnel) beneath the Hudson River extending from the Bergen Portal in New Jersey to the Tenth Avenue Portal in New York; the Pennsylvania Railroad New York to Philadelphia Historic District; the New York Improvements and Tunnel Extension of the Pennsylvania Railroad; and the Hudson River Bulkhead in New York. NYSHPO concurred with this effect determination in correspondence dated February 17, 2017 for the properties in New York and NJHPO concurred with this effect determination for the properties in New Jersey in correspondence dated March 6, 2017; and

WHEREAS, the North River Tunnel, which is individually NRHP-eligible and is a key contributing element of the NRHP-eligible Pennsylvania Railroad New York to Philadelphia Historic District and a contributing element of the NRHP-eligible New York Improvements and Tunnel Extension of the Pennsylvania Railroad, would be rehabilitated, and this rehabilitation would include demolition and

reconstruction of the bench walls and removal of the ballast track system which would result in an adverse effect; and

WHEREAS, the new tunnel proposed as part of the Project would pass directly through the substructure portion of Manhattan’s Hudson River Bulkhead, an NRHP-eligible property, removing original components of the Hudson River Bulkhead which would result in an adverse effect; and

WHEREAS, as documented in the EIS and Phase 1A studies, FRA and NJ TRANSIT, in consultation with NJHPO and NYSHPO, have identified areas with the potential to contain archaeological resources in the Project’s APE (“archaeologically sensitive areas”); and

WHEREAS, Project design plans have not been sufficiently advanced to identify and fully determine effects to archaeological resources prior to approval of the Project; and

WHEREAS, the new surface tracks and access road along the NEC proposed as part of the Project will occur in a portion of the Hackensack Meadowlands in New Jersey that has been determined to have a moderate sensitivity for deeply buried prehistoric resources. Proposed construction methods will not provide an opportunity for archaeological monitoring and there are no prudent or feasible ways to determine their presence or absence in advance of construction given their depth and the presence of shallow ground water and FRA has determined that, other than the provision on “Unanticipated Discoveries” in Stipulation VII below, no testing in advance of construction or monitoring during construction will be implemented for this portion of the Project, and NJHPO has concurred with this approach in a letter dated March 6, 2017; and

WHEREAS, regarding the other archaeologically sensitive areas as depicted in **Exhibit E** annexed hereto, FRA has elected to complete the final identification, evaluation, and effects assessment in phases, pursuant to 36 CFR § 800.4(b)(2) and § 800.5(a)(3), and in accordance with the ongoing consultation process specified in this PA pursuant to 36 CFR § 800.14(b); and

WHEREAS, this PA sets forth a process for consultation in the event of any changes to the Project scope that are of a nature that could potentially affect historic properties; and

WHEREAS, FRA is providing the public an opportunity to review and provide comments on the Draft PA during the NEPA process pursuant to 36 CFR § 800.2(d)(2). A copy of this Draft PA is included in the Draft Environmental Impact Statement (“DEIS”) and a copy of the PA will be included in and distributed with the Final Environmental Impact Statement (“FEIS”); and

WHEREAS, FRA provided the Draft PA to all Consulting Parties so that they have the opportunity to review and provide comments on the Draft PA concurrent with the comment period on the DEIS; and

WHEREAS, FRA invited FTA to participate in this PA as an invited signatory and FTA accepted on May 15, 2017; and

WHEREAS, FRA invited the U.S. Army Corps of Engineers (“USACE”) to participate in this PA as an invited signatory and USACE declined on May 22, 2017, indicating that USACE will review any undertaking it may have related to the Project in accordance with Appendix C of 33 CFR Part 325; and

WHEREAS, FRA invited NJ TRANSIT, Amtrak, and PANYNJ to participate in this PA as invited signatories because of their current and/or potential future roles in the advancement of the Project through further design and/or construction, and Amtrak has accepted, PANYNJ has declined to be a signatory, and NJ TRANSIT is evaluating its future role as a signatory; and

WHEREAS, FRA invited all other Consulting Parties to be Concurring Parties to this PA; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FRA notified the Advisory Council on Historic Preservation (“ACHP”) of its adverse effect determination and intention to enter into a PA via ACHP’s e106 notification system on March 29, 2017, and the ACHP, in a response letter dated April 4, 2017, elected to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) and is a signatory; and

NOW, THEREFORE, FRA, NJHPO, NYSHPO, ACHP, FTA, Amtrak, and possibly NJ TRANSIT (each a “Signatory” and together “Signatories”), agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

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STIPULATIONS

FRA, in coordination with the Project Sponsor, shall ensure that the following measures are carried out:

I. APPLICABILITY

- A. This PA applies to a future FRA undertaking if FRA remains the lead Federal agency and only binds FRA if FRA provides financial assistance for activities necessary to advance the Project toward and/or through construction, including but not limited to further design, acquisition of property, demolition of acquired property, and construction.
- B. This PA applies to a Project Sponsor that receives financial assistance from FRA, or another Federal agency that has adopted this PA.
- C. This PA does not apply to actions or activities that the Project Sponsor or other entities may carry out that have independent utility, including the normal maintenance, upkeep, and continued safe operation of the NEC.
- D. Coordination with Other Federal Agency Reviews. This PA could apply should a Federal agency not a signatory to this PA have an undertaking as part of the Project if that Federal agency adopts this PA and agrees to comply with its terms to fulfill its Section 106 responsibilities, by agreeing in writing to the terms of this PA and notifying and consulting with the Signatories. If any modifications are required to the PA, they will be considered in accordance with Stipulation XVI.

II. ROLES AND REPONSIBILITIES

- A. Lead Federal Agency: The lead Federal agency is responsible for carrying out the responsibilities of the Federal agencies under this PA with regard to the Project. The lead Federal agency as a signatory has authority to execute, amend, and or terminate this PA in accordance with Stipulations XVI and XVII. The lead Federal agency will ensure that the identification, assessment, and adoption of treatment measures are carried out in accordance with the procedures established in Stipulations V, VI, VII, and VIII. The lead Federal agency is responsible for the maintenance of the PA (the “keeper” of the PA), including distribution of amendments and keeper of record of the Signatories. The lead Federal agency has sole authority to conduct government-to-government consultation with the Project Consulting Tribes with respect to this PA. FRA is serving as the lead Federal agency for this PA.
- B. Project Sponsor: The Project Sponsor consists of one or more entities that individually or collectively will be responsible for advancing the Project toward and/or through construction, which includes but is not limited to activities such as further design, acquisition of property, demolition of acquired property, and construction. The Project Sponsor as a Signatory has the same rights with regard to seeking amendment and/or termination of this PA as other Signatories and will ensure that specified stipulations and procedures, for which it has assumed responsibility, are carried out in accordance with

the terms prescribed in this PA. Designation of the Project Sponsor would be in accordance with Stipulation III.A. and III.C.

- C. NYSHPO: NYSHPO, as a Signatory with responsibility for regulatory review and compliance in the State of New York, has authority to execute, amend, and/or terminate this PA in accordance with Stipulations XVI and XVII and is also responsible for providing formal review and comment as specified in this PA.
- D. NJHPO: NJHPO, as a Signatory with responsibility for regulatory review and compliance in the State of New Jersey, has authority to execute, amend, and/or terminate this PA in accordance with Stipulations XVI and XVII and is also responsible for providing formal review and comment as specified in this PA.
- E. Signatories: Signatories of this PA consisting of entities other than the lead Federal agency, Project Sponsor, and NYSHPO and NJHPO have the same authority to execute, amend, and/or terminate this PA as these other Signatories.
- F. Concurring Parties: Concurring Parties are Consulting Parties who have concurred in this PA in writing. Concurring Parties to this PA are able to review and comment on draft documentation as specified in certain stipulations of this PA.
- G. Consulting Parties: Consulting Parties include those certain additional individuals or organizations identified in **Exhibit C** that have a demonstrated interest in the Project who have already participated as consulting parties in the Section 106 process, along with individuals or organizations who may later join in as consulting parties in the Section 106 process due to the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effects on historic properties. Consulting Parties, who may also have signed this PA as a Concurring Party, retain their rights as Consulting Parties to participate in on-going consultation prescribed by this PA.

III. IDENTIFICATION OF PROJECT SPONSOR AND CHANGE OF LEAD FEDERAL AGENCY

- A. Designation of the Project Sponsor will require that the entity(ies) assuming such role(s) provide written notice to the Signatories and Concurring Parties and describe the extent of its/their responsibility with respect to the Project. The PA will be suitably amended in accordance with Stipulation XVI. If there is more than one Project Sponsor, written notice and amendment(s) will specify the roles and responsibilities of each entity with respect to the PA.
- B. If FRA does not provide financial assistance to advance the Project toward and/or through construction, FRA and FTA will consult with any other Federal agencies with undertakings associated with the Project to designate a new lead Federal agency. Designation of a new lead Federal agency will require that the entity assuming such role provide written notice to the Signatories and Concurring Parties and describe the extent of its responsibility with respect to the Project. The PA will be suitably amended in accordance with Stipulation XVI.

- C. In the event that an entity that is not a Signatory to this PA becomes a Project Sponsor, that Project Sponsor must assume the responsibility for carrying out stipulations of this PA by becoming a Signatory to this PA. A request to amend the PA to add the new Project Sponsor to the PA will be provided by the Project Sponsor to the Signatories. The written request will include a statement that the Project Sponsor agrees to the terms of the PA, specify the Stipulations for which it will assume specific responsibility, and include a draft amendment to the PA. The amendment process will follow Stipulation XVI.

IV. PROFESSIONAL QUALIFICATION STANDARDS

All work carried out pursuant to this PA will be performed by or under the direct supervision of a qualified professional in the disciplines of Archeology, Architectural History, and/or Historic Architecture who meets the relevant Secretary of the Interior's Professional Standards (48 FR 44738-44739).

V. TREATMENT MEASURES FOR HISTORIC ARCHITECTURAL PROPERTIES

FRA and the Project Sponsor will ensure that the following measures are undertaken to avoid, minimize, and mitigate adverse effects to historic architectural properties:

A. Recordation

1. North River Tunnel

The Project Sponsor will prepare a Historic American Engineering Record (HAER)-Level II recordation for the affected portion of the North River Tunnel between the New York (Penn Station New York) and New Jersey (North Bergen) portals.

- a) The Project Sponsor will include in this recordation the use of large format black and white photography, and a narrative that describes in detail the physical characteristics and full background history of the North River Tunnel.
- b) As part of the recordation, and in consultation with NJHPO and NYSHPO, the Project Sponsor will make an effort to actively obtain from other accessible archival sources, printed, graphic, and photographic information regarding the North River Tunnel. The Project Sponsor will evaluate the compiled information and (as deemed appropriate during consultation) duplicate as part of the recordation document.
- c) The Project Sponsor will provide the large format photographic recordation to FRA, NJHPO, and NYSHPO for a concurrent review and approval at least 90 days prior to the initiation of any demolition or construction activity in the North River Tunnel. Agencies will provide comments in accordance with Stipulation X. The Project Sponsor will complete all other elements of the recordation within one (1) year of beginning demolition in the North River Tunnel.
- d) The Project Sponsor will provide archival copies of the final recordation document to FRA, NJHPO, NYSHPO, other Signatories upon request, and up to

six additional repositories to be identified in consultation with NJHPO and NYSHPO.

2. Hudson River Bulkhead

The Project Sponsor, in coordination with FRA, will compile the information gathered and drawings made in preparation for, and during the construction at, the Hudson River Bulkhead structure into a report documenting the characteristics of the affected bulkhead location.

- a) This information will augment information about the bulkhead as previously documented in the 1997 Building-Structure Inventory Form prepared by Michael S. Raber on file with NYSHPO.
- b) Within one (1) year of completing Project construction at the Hudson River Bulkhead, the Project Sponsor, in coordination with FRA, will provide NYSHPO a draft copy of the report for review and comment and a final copy of the recordation. NYSHPO will review and provide comments in accordance with Stipulation X. The Project Sponsor, in coordination with FRA, will also request that Hudson River Park Trust (“HRPT”), the New York State entity responsible for the Hudson River Park including the Manhattan Hudson River Bulkhead, review and provide comments in accordance with Stipulation X.

B. Educational and Interpretive Materials

1. The Project Sponsor, in coordination with FRA and in consultation with NJHPO, NYSHPO, the Project Consulting Tribes, Signatories, Concurring Parties, and Consulting Parties, will prepare a plan for the development and preparation of educational and interpretive materials (the “Educational and Interpretive Materials Plan”). The Educational and Interpretive Materials Plan will describe the format, content, and implementation schedule of the educational and interpretive materials, with the goal of documenting the history and significance of the North River Tunnel and making the information available to the public. The educational and interpretive materials will consist of the following two components:

- a) A published history of the North River Tunnel documenting this first rail crossing between New York and New Jersey set in context with the history of Hudson River crossings between the two states to supplement existing histories and/or to target a specific audience. The nature and content of the published history will be identified in the Educational and Interpretive Materials Plan.
- b) Interpretive displays, which could focus on the technological innovations of the North River Tunnel such as the bench walls that made tunnels safer for rail travel, to be located at a station along the NEC in New Jersey and possibly at the new Moynihan Station in New York City. The nature and content of the interpretive displays will be identified in the Educational and Interpretive Materials Plan.

2. The Project Sponsor, in coordination with FRA, will submit a draft of the Educational and Interpretive Materials Plan to NJHPO, NYSHPO, the Project Consulting Tribes,

Signatories, Concurring Parties, and Consulting Parties for review and comment in accordance with Stipulation X. The Project Sponsor, in coordination with FRA, will finalize and implement the Educational and Interpretive Materials Plan once it has been approved by NJHPO and NYSHPO. The Project Sponsor will distribute printed copies of the final educational and interpretive materials to FRA, NJHPO, NYSHPO, the Project Consulting Tribes, and to other Signatories, Concurring Parties, and Consulting Parties upon request.

C. Construction Protection Plan and Monitoring

1. Project construction would occur in proximity to the following four historic properties: Bergen Portal of the North River Tunnel and Substation No. 3 in New Jersey and the High Line and Master Printers Building in New York. To avoid Project-related construction damage to these four properties, the Project Sponsor, in consultation with FRA and NJHPO and NYSHPO, will develop a Construction Protection Plan (CPP).
 - a) The CPP will be developed at least 120 days prior to any Project-related demolition, excavation, and/or construction activities.
 - b) The CPP will set forth the specific measures to be used, and specifications that would be applied, to protect the properties identified herein during the Project construction period.
 - c) The Project Sponsor, in coordination with FRA, will distribute the CPP to Signatories and Concurring Parties for review and comment and to FRA, NJHPO, and NYSHPO for review and approval in accordance with Stipulation X.
 - d) The Project Sponsor, in coordination with FRA, will ensure that the provisions of the CPP approved by NJHPO and NYSHPO are implemented by the Project contractors.
2. To avoid damaging the structural integrity of the Hudson River bulkhead structure during construction of the Hudson Tunnel tubes through the bulkhead, a monitoring plan will be developed and implemented as described below to protect the remaining bulkhead structure.
 - a) The Project Sponsor, in coordination with FRA, will consult with NYSHPO and HRPT to develop a Monitoring Plan at least 120 days prior to Project construction in the location of the Hudson River bulkhead.
 - b) The Project Sponsor, in coordination with FRA, will ensure that the provisions of the Monitoring Plan developed in consultation with NYSHPO and HRPT are implemented by the Project contractors.

VI. TREATMENT MEASURES FOR ARCHAEOLOGICAL RESOURCES

FRA, in consultation with NJHPO, determined that Project-related ground improvements above associated with construction of an access road to the Hoboken staging area along the north side of the Hudson-Bergen Light Rail in Weehawken, New Jersey may affect an archaeological

resource (a historic Sea Wall) depending on the construction methods used. FRA, in consultation with NYSHPO, determined that archaeological resources in New York may be affected by ground improvements in the vicinity of the Hudson River Bulkhead and Hudson River Park; construction of a new ventilation shaft and fan plant structure on Block 675 (bound by Twelfth Avenue, Eleventh Avenue, 30th Street, and 29th Street); use of Block 675 as a construction staging area, dependent upon the depth of disturbance; and cut and cover excavation at 30th Street.

FRA and the Project Sponsor will ensure that the following measures are undertaken to determine the presence or absence of archaeological resources in the APE, to determine the NRHP eligibility of any such resources, and, if necessary, to avoid, minimize, and/or mitigate adverse effects of the Project to NRHP-eligible archaeological resources:

A. Archaeological Testing Plan/Archaeological Monitoring Plan

1. The Project Sponsor, in consultation with FRA, NJHPO, NYSHPO, Project Consulting Tribes, Signatories, and Concurring Parties, will develop an Archaeological Testing Plan and/or an Archaeological Monitoring Plan, as appropriate, in accordance with Stipulation X.
2. The Project Sponsor, in coordination with FRA, will develop an Archaeological Testing Plan for those areas of archaeological sensitivity that can be tested in advance of construction. The Project Sponsor, in coordination with FRA, will develop an Archaeological Monitoring Plan for those areas that will be archaeologically monitored during construction. The decision of whether to test in advance of construction or to monitor during construction will be made through consultation among FRA, NJHPO, NYSHPO, and the Project Sponsor and will be based on consideration of the relative costs and benefits of each approach; anticipated construction methods; logistical, site access, and scheduling factors; and in consideration of the views of the Project Consulting Tribes.
3. Testing in advance of construction, where feasible, will occur as soon as reasonably possible once permission to enter the area of archaeological sensitivity has been granted or the property has been acquired.
4. The Project Sponsor in coordination with FRA will develop the Archaeological Testing Plan and/or Archaeological Monitoring Plan prior to any Project excavation and/or construction activities.
5. The Archaeological Testing Plan and/or Archaeological Monitoring Plan will set forth the research design and goals of the archaeological investigation, the specific field and analytical methods and protocols that will be followed, the chain of command and notifications that will be followed during implementation of the plan, stop-work and site protection requirements to be followed in the event of a discovery, and relevant health and safety measures. The Archaeological Testing Plan and/or Archaeological Monitoring Plan will also include a thorough analysis of the development of the impacted area to aid in the identification of applicable research questions and sampling strategies.

6. The Archaeological Testing Plan and/or Archaeological Monitoring Plan will include provisions for the evaluation of encountered archaeological resources per NRHP eligibility standards.

B. Identification and Evaluation of Archaeological Properties

1. The Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, will conduct testing in advance of construction and/or monitor during construction in accordance with the Archaeological Testing Plan and/or Archaeological Monitoring Plan to determine the presence or absence of archaeological resources in the areas determined sensitive for the presence of such resources.
2. If archaeological resources are identified during testing and/or construction monitoring, the Project Sponsor will notify the appropriate parties, as will be identified in the Archaeological Testing Plan and/or Archaeological Monitoring Plan, and will ensure the resources are evaluated by a qualified professional in accordance with Stipulation IV and in accordance with NRHP-eligibility criteria. This evaluation may require additional testing or excavation to determine the horizontal and vertical extent of the resource within the APE, its temporal association, its integrity, and its historic significance.
3. If the field activities and analyses described in Stipulations VI.B.1 and VI.B.2 result in the discovery of archaeological resources, the Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, will prepare an interim report, including text and graphics sufficient to support an assessment of the NRHP-eligibility of the identified property. This report will be prepared as part of the consideration of avoidance or mitigation options.
4. If, based on the recommendations made in Stipulation VI.B.2 and in consultation among FRA, NJHPO, NYSHPO, and the Project Consulting Tribes as appropriate, following the process set forth in Stipulation X, identified archaeological resources are determined to be NRHP-eligible, additional fieldwork may be necessary to mitigate the unavoidable adverse effects of the Project.

C. Mitigation/Data Recovery

1. If NRHP-eligible archaeological properties are identified in the APE, the Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, and the Project Consulting Tribes as appropriate will identify methods to mitigate the unavoidable adverse effects of the Project on such properties. If the agreed-upon mitigation will include completion of a Phase III Data Recovery, the Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, and the Project Consulting Tribes as appropriate, will develop a Data Recovery Plan. The Project Sponsor will also provide the Data Recovery Plan to Signatories and Concurring Parties for review and comment, in accordance with Stipulation X.
2. The Project Sponsor will develop the Data Recovery Plan prior to initiation of any Project excavation and construction activities that could affect NRHP-eligible archaeological resources.

3. The Data Recovery Plan will set forth the research design and goals of the archaeological effort, the specific field and analytical methods and protocols that will be followed, the chain of command and notifications that will be followed during implementation of the plan, relevant health and safety measures, and a schedule for the completion of all field and lab work, public outreach initiatives, and the submission of draft and final reports.
4. The Project Sponsor, in coordination with FRA, will ensure that the provisions of the Data Recovery Plan approved by NJHPO and NYSHPO are implemented.

D. Curation and Reporting

1. The Project Sponsor will curate all records and artifacts resulting from the archeological investigations in accordance with 36 CFR Part 79. The New York Archaeological Council (NYAC) Standards for the Curation of Archaeological Collections (1994) will be followed for collections from archaeological sites in New York State. A good faith effort will be made to find a suitable repository(ies) that will accept collections from NRHP-eligible sites. The Project Sponsor, in coordination with FRA, will offer all New Jersey materials to the New Jersey State Museum's Department of Anthropology and Archeology for permanent donation. The Project Sponsor, in coordination with FRA, will offer all New York materials to the New York State Museum for permanent donation. If these state offices do not accept the materials, if feasible, a local repository for permanent storage of the materials will be identified, and a long term loan agreement executed. If no NRHP-eligible archaeological resources are identified and/or no repository can be identified that is willing or capable of providing suitable long-term storage, the Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, will first offer the assemblage to the Project Consulting Tribes prior to making a decision to discard the assemblage.
2. Upon the completion of field responsibilities and analyses, the Project Sponsor, in consultation with FRA, NJHPO, and NYSHPO, will prepare technical reports describing the methods and results of the performed field activities and analyses and recommendations for additional analyses, if warranted. The reports will include tables, photographs, and illustrations as necessary to support the conclusions and recommendations.
3. FRA through the Project Sponsor will ensure that all final archaeology reports are consistent with NJHPO's *Guidelines for Preparing Cultural Resources Management Archaeological Reports Submitted to the Historic Preservation Office*, New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State*, and the Department of the Interior's *Standards for Archaeological Documentation*. If feasible, the Project Sponsor will document all phases of investigations completed pursuant to this PA in a single report, and will provide that report to all Signatories and Concurring Parties in accordance with Stipulation X, and, upon request, to other Consulting Parties.

VII. UNANTICIPATED DISCOVERIES

The Project Sponsor, in coordination with FRA, will develop an Unanticipated Discoveries Plan ("UDP") to be included in construction and bidding documents for use by the Project contractor

in the event of unanticipated discoveries or if known historic properties are affected in an unanticipated manner. The UDP will incorporate procedures for interacting with the media, a chain of contact, stop-work requirements, and other appropriate provisions. The Project Sponsor, in coordination with FRA, will submit the UDP to the Signatories and Concurring Parties and the Project Consulting Tribes for review and comment following the steps described in Stipulation X. The UDP will include the following components:

- A. In the event any previously unidentified historic architectural or archeological resource is discovered, the Project Sponsor will require the contractor to halt all work in and secure the area of the discovery. For any discovered archeological resources, the Project Sponsor will also halt work in surrounding areas where additional subsurface remains can reasonably be expected to be present. This includes establishing a perimeter with a radius of at least 50 feet around unexpected finds where there will be no excavation, operation of heavy machinery, or stockpiling. Work in all other areas of the Project may continue.
- B. The Project Sponsor in coordination with FRA, will notify the Signatories and Concurring Parties and the Project Consulting Tribes, as appropriate, within 48 hours of the discovery (36 CFR § 800.13(b)(3)). As appropriate, FRA will also identify and invite other Consulting Parties to consult regarding unanticipated discoveries.
- C. The Project Sponsor, in consultation with FRA, Signatories, Concurring Parties, and other Consulting Parties if applicable, will investigate the discovery site and resource(s) according to the professional standards and guidelines contained in Stipulation IV. The Project Sponsor will prepare and submit a written document containing a proposed determination of NRHP eligibility of the resource, an assessment of Project effects on historic properties, if appropriate, and any recommended treatment measures to FRA for review. Upon FRA's approval, the Project Sponsor will submit the determination of NRHP eligibility, effects assessment, and/or recommended treatment measures document, if appropriate, to NJHPO and/or NYSHPO, Signatories, and Concurring Parties, and the Project Consulting Tribes, as appropriate, for review and comment. If the potential resource is associated with Native American prehistory or history, FRA will provide the Project Consulting Tribes within five (5) working days for their review with a request for comment. The Signatories, Concurring Parties, and other Consulting Parties if applicable, and the Project Consulting Tribes, if participating, will respond with any comments within five (5) working days of receipt.
- D. In the event there is an unanticipated effect to a known historic architectural or archaeological resource, the Project Sponsor will notify FRA, Signatories and Concurring Parties and the Project Consulting Tribes, as appropriate, within 48 hours of the event (36 CFR § 800.13(b)(3)) by providing written documentation describing the event and the potential effect to the historic property. The Project Sponsor will propose treatment measures to FRA for review. Upon FRA's approval, and in coordination with FRA, the Project Sponsor will submit the recommended treatment measures document to NJHPO and/or NYSHPO, Signatories, Concurring Parties, and other Consulting Parties if applicable, and the Project Consulting Tribes, as appropriate, for review and comment. The NJHPO and/or NYSHPO, Signatories, Concurring Parties, and other Consulting Parties if applicable, and the Project Consulting Tribes, if participating, will respond with any comments within five (5) working days of receipt.

- E. If it is necessary to develop treatment measures in accordance with Stipulation VII.C. and VII.D., above, the Project Sponsor in coordination with FRA and NJHPO and NYSHPO will carry out the approach and treatment measures after approval by FRA.
- F. The Project Sponsor will ensure construction activities within the affected area does not proceed until FRA, in consultation with the Signatories and Concurring Parties and the Project Consulting Tribes, as appropriate, determines that either 1) the located resource is not NRHP-eligible or 2) the agreed upon treatment measures for historic properties have been implemented.

VIII. TREATMENT OF HUMAN REMAINS

- A. If human remains are encountered during archeological investigations or construction, the Project Sponsor will require the contractor to immediately halt subsurface disturbance in that portion of the Project area and immediately secure and protect the human remains and any associated funerary objects in place in such a way that minimizes further exposure or damage to the remains from the elements, looting, and/or vandalism. A perimeter with a radius of at least 50 feet around human remains will also be established where there will be no excavation, operation of heavy machinery, or stockpiling.
- B. The Project Sponsor will immediately notify the local police department to determine if the discovery is subject to a criminal investigation by law enforcement, and notify the signatories within twenty-four (24) hours of the initial discovery.
- C. If a criminal investigation is not appropriate, the Project Sponsor will apply and implement all relevant laws, procedures, policies, and guidelines concerning the treatment and repatriation of burial sites, human remains, and funerary objects.
- D. In the event the human remains encountered could be of Native American origin, whether prehistoric or historic, FRA will immediately notify the Signatories and Concurring Parties and the Project Consulting Tribes to determine the treatment plan for the Native American human remains and any associated funerary objects.
- E. If the remains are not of Native American origin, the Project Sponsor will, as appropriate, develop a research design/treatment plan for the appropriate treatment of the remains and any associated artifacts, consistent with procedures and guidelines contained in Stipulation VI and following the steps described in Stipulation X.
- F. The Project Sponsor will ensure the contractor will not proceed with work in the affected area until FRA, in consultation with NJHPO and/or NYSHPO and the Project Consulting Tribes, as appropriate, determines that the development and implementation of an appropriate research design/treatment plan or other recommended mitigation measures are completed. However, work outside the affected area may continue.

IX. EMERGENCY SITUATIONS

- A. Should a natural disaster or an emergency situation occur that represents an imminent threat to public health or safety, or creates a hazardous condition and has the potential to affect historic properties, the Project Sponsor will contact the appropriate local law

enforcement, as needed, as soon as possible and notify FRA, Signatories and Concurring Parties and Project Consulting Tribes within twenty-four (24) hours of the condition that created the emergency, the immediate action taken in response to the emergency, the effects of the response to historic properties, and, where appropriate, further plans to address the emergency. This will include any further proposals to avoid, minimize, or mitigate potential adverse effects to historic properties. Procedures to follow in the event of a natural disaster or emergency situation will be in accordance with 36 CFR § 800.12(b).

- B. The Signatories and Concurring Parties and the Project Consulting Tribes will have seven (7) days to review and comment on the plan(s) for further action. If FRA, NJHPO, NYSHPO, the Project Consulting Tribes, Signatories and Concurring Parties do not object to the plan within the review period, the Project Sponsor will implement the proposed plan(s).
- C. Where possible, the Project Sponsor will ensure that emergency responses allow for future preservation or restoration of historic properties, take into account the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, and include on-site monitoring by the appropriate qualified professional as contained in Stipulation IV.
- D. Immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of the PA.

X. DOCUMENT REVIEW

- A. Unless otherwise stated elsewhere in this PA, Signatories, Concurring Parties, the Project Consulting Tribes, and Consulting Parties where appropriate, will provide comments on the documents they review to the Project Sponsor and/or FRA, as appropriate, and as set forth herein.
- B. Signatories and Concurring Parties, the Project Consulting Tribes, and Consulting Parties where appropriate, will have up to thirty (30) calendar days from the date of receipt to review and provide written comments to the Project Sponsor and/or FRA on documents provided for their review and comment as stipulated in this PA.
- C. The Project Sponsor and/or FRA will ensure any written comments received within the review timeframe per Stipulation X.B. are considered and incorporated, as appropriate, into the documentation.
- D. If the Signatories, Concurring Parties, the Project Consulting Tribes, and Consulting Parties where appropriate, do not submit written comments to the Project Sponsor and/or FRA within thirty (30) calendar days of receipt of any document, it is understood the non-responding parties have no comments on the submittal.
- E. If the Signatories, Concurring Parties, the Project Consulting Tribes, and Consulting Parties where appropriate, object to or recommend extensive revisions to submissions stipulated in the PA, the Project Sponsor and/or FRA will work expeditiously to respond to the recommendations and resolve disputes.

- F. If the Project Sponsor and/or FRA cannot resolve a dispute, and if further consultation is deemed unproductive by any party, the parties will adhere to the dispute resolution procedures detailed under Stipulation XIV below.

XI. DESIGN REVIEW

The Project Sponsor, in coordination with FRA, will provide NJHPO, NYSHPO, Signatories and Concurring Parties, and Project Consulting Tribes with preliminary and final plans and specifications for the Project. Review and comment on submitted documents will follow the process set forth in Stipulation X.

- A. The Project Sponsor will submit design plans and specifications (as appropriate) relevant to exterior design treatments to NJHPO, NYSHPO, Signatories and Concurring Parties, and Project Consulting Tribes at the 30%, 60%, and 90% phases and final design for review and comment. Building and tunnel interiors are expressly exempted from this provision.
- B. The Project Sponsor, or the tunnel owner if the tunnel owner is not the Project Sponsor, will have the explicit right to limit consultation only to the Signatories for design plan sheets that the Project Sponsor or tunnel owner deems sensitive for security reasons. With the exception of FRA, recipients will be required to sign Non-Disclosure Agreements certifying confidentiality of the information shared through the design review process.
- C. The Project Sponsor will consider design review comments provided by NJHPO, NYSHPO, Signatories and Concurring Parties, and Project Consulting Tribes but ultimately is responsible for ensuring that the structural and engineering design of the Project meets engineering and safety standards for passenger railroads.

XII. REPORTING AND OVERSIGHT

- A. Final Reports, Deliverables, and Documentation. The Project Sponsor will ensure that all final reports, deliverables, and documentation resulting from this PA are provided to NJHPO, NYSHPO, FRA, Signatories, Concurring Parties, and the Project Consulting Tribes, as appropriate.
- B. Annual Report. Commencing one year from the date this PA is fully executed and every year thereafter until the Project is completed or cancelled, the Project Sponsor will prepare and submit an annual report to FRA, NJHPO, NYSHPO, the Project Consulting Tribes, Signatories, Concurring Parties, and other Consulting Parties as appropriate providing information concerning the implementation of this PA and the effect of the Project on historic properties. If a Project Sponsor has not yet been identified, FRA will prepare the annual report. The annual report will include any scheduling changes proposed, problems encountered, and disputes and their resolution in the Signatories' efforts to carry out the terms of this PA.

XIII. CHANGES IN PROJECT SCOPE

In the event of any changes to the Project scope that are of a nature that could potentially result in additional adverse effects to historic properties, the following measures will be followed:

- A. The Project Sponsor will submit to FRA written documentation, including Project plan sheets or sketches showing the Project changes and a brief explanation of why the change is needed.
- B. FRA, in consultation with the Project Sponsor, NJHPO, NYSHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties will revise the Project APE as needed.
- C. The Project Sponsor, on behalf of FRA, and in consultation with NYSHPO, NJHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties will carry out additional investigations to identify historic properties that may be affected by the Project and document the results of such investigations in supplemental HARBS/EAs and/or Archaeological Studies, as appropriate.
- D. The Project Sponsor will prepare one or more document(s) that make written recommendations to FRA regarding the Project's effects on any newly identified historic properties and measures to avoid, minimize, and/or mitigate effects on these properties.
- E. FRA will make a determination regarding the effects of Project changes on historic properties according to the criteria of adverse effects (36 CFR § 800.5), and will provide NJSHPO, NYSHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties with its determinations and provide an opportunity for review and comment following the steps described in Stipulation X.
- F. If FRA, in consultation with the NJHPO, NYSHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties, determines that a historic property will be adversely affected by the Project, then FRA, NJHPO, NYSHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties will consult on strategies to avoid, minimize, or mitigate the adverse effect.
- G. The Project Sponsor will memorialize the approach and treatment measures to resolve adverse effects in one or more document(s) submitted to FRA, NJHPO, NYSHPO, the Project Consulting Tribes, and Signatories, Concurring Parties, and Consulting Parties, as appropriate, for review and comment following the steps described in Stipulation X.
- H. Upon FRA's approval of the approach and treatment measures, the Project Sponsor will ensure that the identified treatment measures are implemented.

XIV. DISPUTE RESOLUTION

- A. Objection by a Signatory, Concurring Party, or Project Consulting Tribe
 - 1. In the event a Signatory, Concurring Party, or Project Consulting Tribe objects in writing to any actions proposed or the manner in which the terms of this PA are implemented, FRA will first consult with the objecting party and other Signatories and Concurring Parties, as appropriate, within thirty (30) calendar days to resolve the objection. If FRA determines that such objection cannot be resolved, FRA will proceed as set forth below.
 - 2. FRA will forward all documentation relevant to the dispute, including FRA's proposed resolution, to the ACHP within fifteen (15) calendar days of the determination and

request that the ACHP provide FRA with its advice on the resolution of the objection within thirty (30) calendar days of receiving the documentation. Concurrently, FRA will also provide the Signatories and Concurring Parties with the same documentation for review and comment following the steps described in Stipulation X. FRA will prepare a written response to the objection, which will constitute FRA's decision regarding the objection, that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and Concurring Parties, and provide them with a copy of the written response. FRA will then proceed according to its decision.

3. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, FRA may make a decision in a written response to the objection that takes into account any timely comments regarding the dispute from the Signatories and/or Concurring Parties and provide the ACHP, Signatories and Concurring Parties with a copy of such written response.
4. Should disputes arise under exigent circumstances (e.g., concerns over construction suspensions or delays), all parties agree to expedite their respective document review and dispute resolution obligations within seven (7) calendar days.
5. The Signatories remain responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.

B. Objection by a Consulting Party or Member of the Public

In the event any Consulting Party or member of the public raise a timely and substantive objection related to historic preservation and pertaining to the manner in which the terms of this PA are implemented, at any time during its implementation, FRA will take the objection into account by consulting with the objector to resolve the objection. When FRA responds to such an objection, it will notify the Signatories, Concurring Parties, the Project Consulting Tribes, as appropriate, and Consulting Parties of the objection and the manner in which it was resolved. Depending on the subject of the objection, FRA may request the assistance of a Signatory, Concurring Party, Project Consulting Tribe and/or a Consulting Party to resolve the objection.

XV. ANTI-DEFICIENCY ACT

Any FRA obligations under this PA are subject to the availability of appropriated funds, and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. § 1341). FRA will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the ability of FRA to implement the stipulations of this PA, or if another federal agency does not assume responsibility as lead Federal agency, the Signatories will consult in accordance with the amendment or termination procedures found in Stipulations XVI and XVII of this PA.

Any and all debts, expenses or obligations incurred by the Project Sponsor shall be payable only from funds available to it; no liability or obligation shall be incurred by the Project Sponsor beyond the extent to which monies are available. Also, all potential liability to the Project Sponsor will be further subject to the applicable provisions of New Jersey and New York claims and contractual liability laws.

XVI. AMENDMENTS

Any Signatory to this PA may request that it be amended at any time, whereupon that Signatory will consult with the other Signatories in accordance with 36 CFR § 800.14(b) to consider such an amendment. The amendment will be effective on the date FRA files a copy signed by all of the Signatories with the ACHP.

XVII. TERMINATION

- A. If any Signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories to attempt to develop an amendment per Stipulation XVI that if circumstances change over time and warrant revision of the stipulations. If within thirty calendar (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate this PA upon written notification to the other Signatories with the obligations accruing up to the date of termination remaining in full force and effect.
- B. If the PA is terminated, and prior to work continuing on the Project, FRA must either (1) execute a new Memorandum of Agreement or PA pursuant to 36 CFR § 800.6(c) or § 800.14(b), or (2) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FRA will notify the Signatories and Concurring Parties as to the course of action it will pursue.

XVIII. EXECUTION AND EFFECTIVE DATE

This PA will go into effect on the date ACHP signs the document, which will be the final signature among all the Signatories. Execution of this PA by the Signatories and its subsequent filing with the ACHP by FRA demonstrates that FRA has taken into account the effect of the Project on historic properties and afforded the ACHP an opportunity to comment.

XIX. DURATION

This PA will expire when all its stipulations have been completed or in 15 years from the effective date, whichever comes first, unless the Signatories agree in writing to an extension in accordance with Stipulation XVI. Amendments.

XX. CONTACT INFORMATION

For purposes of notices and consulting pursuant to this PA, contact information for each of the signatories is provided below. If necessary, contact information may be updated by written notice to the Signatories and does not require an amendment to the PA.

FRA

Laura Shick
Federal Preservation Officer
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
Tel: (202) 366-0340
Email: laura.shick@dot.gov

NJHPO

Katherine J. Marcopul
Deputy State Historic Preservation Officer
Mail Code 501-04B
State of New Jersey Department of Environmental Protection
Historic Preservation Office
P.O. Box 420
Tel: (609) 984-0176
Email: Kate.Marcopul@dep.nj.gov

NYSHPO

Michael F. Lynch, P.E. AIA
Deputy, State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188
Tel: (518) 237-8643
Email: michael.lynch@parks.ny.gov

ACHP

Sarah Stokely
Program Analyst
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001
Tel: (202) 517-0224
Email: sstokely@achp.gov

FTA

Stephen Goodman, P.E.
Regional Administrator
Federal Transit Administration, Region II
One Bowling Green, Room 428
New York, NY 10004
Tel: (212) 668-2170
Email: stephen.goodman@dot.gov

NJ TRANSIT

Dara Callender
Manager, Environmental Compliance
Environment, Energy and Sustainability Unit
NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105-2246

Tel: (973) 491-7205

Email: DCallender@njtransit.com

AMTRAK

Johnette Davies
Senior Historic Preservation Specialist
Amtrak
30th Street Station
2955 Market Street, Mailbox 55
Philadelphia, PA 19104
Tel: (215) 349-1354
Email: Johnette.davies@amtrak.com

**APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
THE NEW YORK HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW JERSEY TRANSIT CORPORATION, AND
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

SIGNATORY

FEDERAL RAILROAD ADMINISTRATION

By: _____

Date: _____

Marlys Osterhues, Chief
Environment and Corridor Planning Division, Office of Program Delivery

**APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW JERSEY TRANSIT CORPORATION, AND
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

SIGNATORY

NEW JERSEY STATE HISTORIC PRESERVATION OFFICER

By: _____

Date: _____

Katherine J. Marcopul
Deputy State Historic Preservation Officer

**APPROVAL AND SIGNATURE PAGE FOR
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AMONG
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THE FEDERAL TRANSIT ADMINISTRATION,
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THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

SIGNATORY

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: _____

Date: _____

Michael F. Lynch, P.E. AIA
Deputy, State Historic Preservation Officer

**APPROVAL AND SIGNATURE PAGE FOR
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THE FEDERAL TRANSIT ADMINISTRATION,
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THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

SIGNATORY

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____

John M. Fowler
Executive Director

Date: _____

**APPROVAL AND SIGNATURE PAGE FOR
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AMONG
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THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
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**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

INVITED SIGNATORY

FEDERAL TRANSIT ADMINISTRATION

By: _____

Stephen Goodman,
Regional Administrator, Region II

Date: _____

**APPROVAL AND SIGNATURE PAGE FOR
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AMONG
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THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
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THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW JERSEY TRANSIT CORPORATION, AND
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

INVITED SIGNATORY

NEW JERSEY TRANSIT CORPORATION

By: _____

Date: _____

NAME
TITLE

**APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
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THE FEDERAL TRANSIT ADMINISTRATION,
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THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

INVITED SIGNATORY

NATIONAL RAILROAD PASSENGER CORPORATION

By: _____

Date: _____

C.W. Moorman
President and Chief Executive Officer

**APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
THE NEW YORK HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW JERSEY TRANSIT CORPORATION, AND
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**REGARDING THE
HUDSON TUNNEL PROJECT
IN HUDSON COUNTY, NEW JERSEY
AND
NEW YORK COUNTY, NEW YORK**

CONCURRING PARTY

TBD [EACH CONCURRING PARTY WILL HAVE A SEPARATE SIGNATURE PAGE]

By: _____

Date: _____

[CONCURRING PARTY]

or

Elected not to sign _____ Date: _____

ATTACHMENTS

EXHIBIT A: PROJECT LOCATION

EXHIBIT B: AREA OF POTENTIAL EFFECT

Exhibit B-1: New Jersey: Area of Potential Effects
Exhibit B-2: New York: Area of Potential Effects

EXHIBIT C: CONSULTING PARTIES

EXHIBIT D: HISTORIC PROPERTIES IN THE APE

Exhibit D-1: Historic Properties in the APE: New Jersey
Exhibit D-2: Historic Properties in the APE: New York

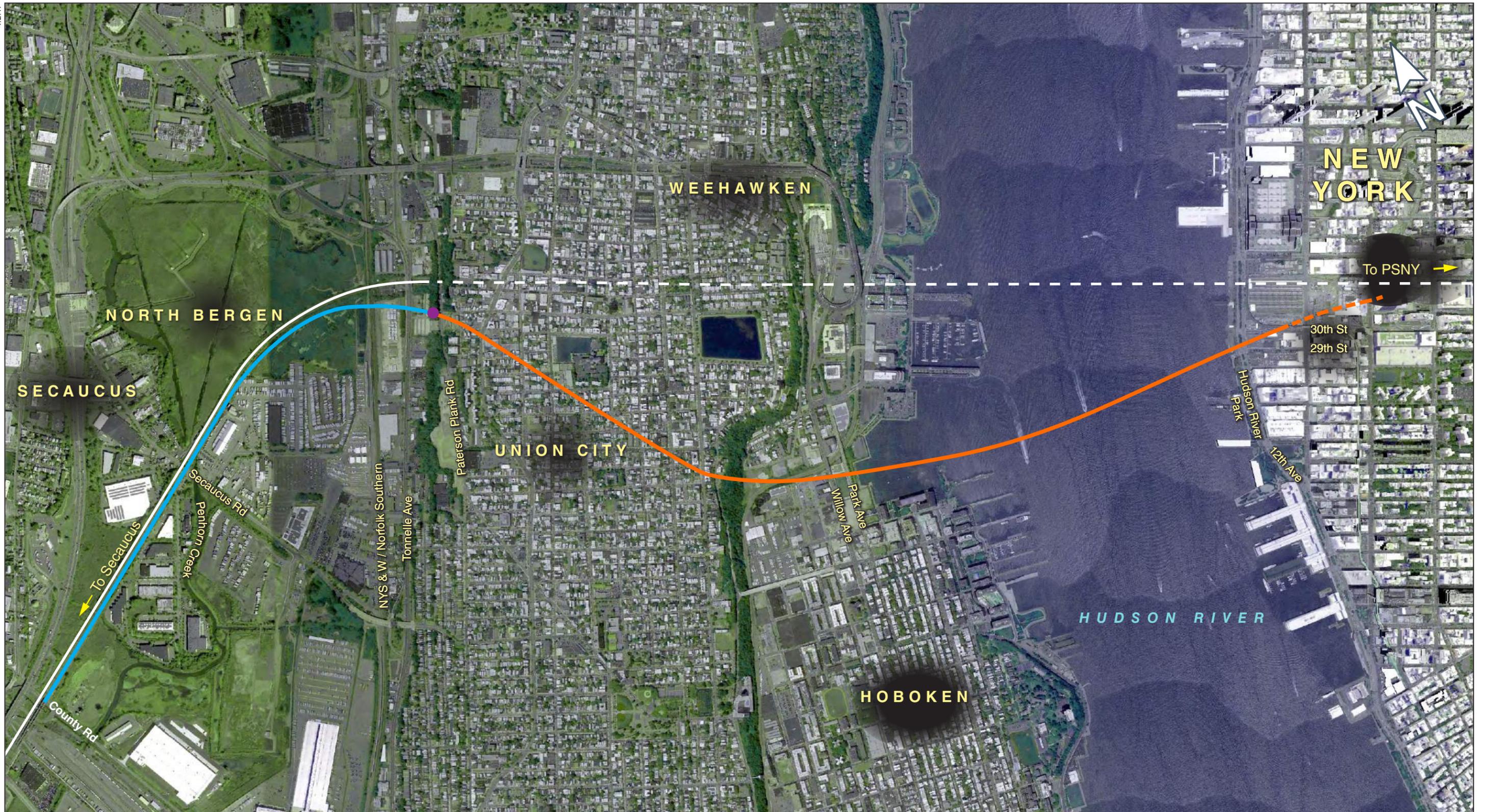
EXHIBIT E: ARCHAEOLOGICALLY SENSITIVE AREAS

Exhibit E-1: Archaeologically Sensitive Areas: New Jersey
Exhibit E-2: Archaeologically Sensitive Areas: New York

Hudson Tunnel Project – Programmatic Agreement

EXHIBIT A

PROJECT LOCATION MAP



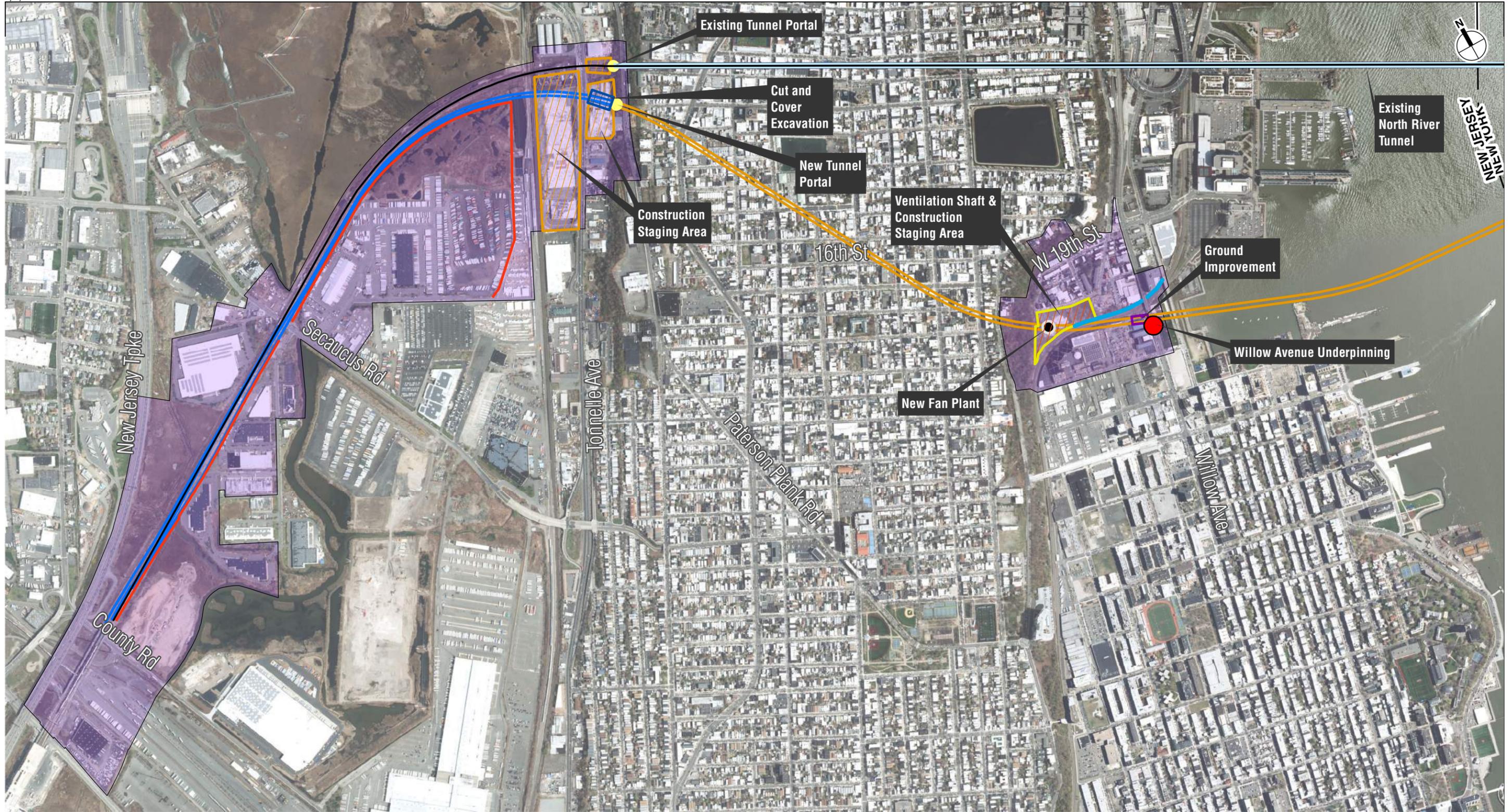
Hudson Tunnel Project – Programmatic Agreement

EXHIBIT B

AREA OF POTENTIAL EFFECTS MAPS

Exhibit B-1: New Jersey: Area of Potential Effects

Exhibit B-2: New York: Area of Potential Effects



Existing Northeast Corridor

New Deeply Bored Tunnel

Area of Potential Effect for Indirect Effects

Area of Potential Effect for Direct Effects

Access Road for New Surface Tracks

New Surface Tracks

Tunnel Portal

New Fan Plant

Existing North River Tunnel

Ventilation Shaft & Construction Staging Area

Ground Improvement

Construction Staging Area

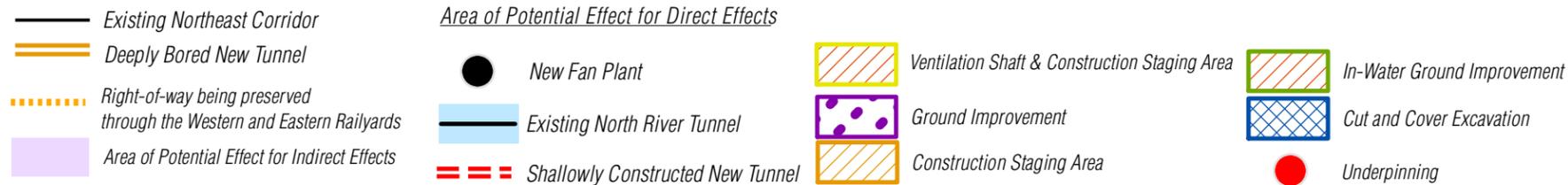
Cut and Cover Excavation

Construction Access Road to Ventilation Shaft Site

Underpinning

0 1,000 FEET







Hudson Tunnel Project – Programmatic Agreement

EXHIBIT C
SECTION 106 CONSULTING PARTIES

Individual/Organization	Contact	Address
New Jersey Historic Preservation Office	Ms. Kate Marcopul, Acting Administrator for Historic Preservation Office / Deputy SHPO	New Jersey Historic Preservation Office New Jersey Department of Environmental Protection Mail Code 501-04B, P.O. Box 420 Trenton, NJ 08625-0420
New York State Historic Preservation Office	Mr. Michael Lynch, Deputy, State Historic Preservation Officer	New York State Historic Preservation Office Peebles Island Resource Center P.O. Box 189, Waterford, NY 12188
NJ TRANSIT	Ms. Dara Callender, Manager, Environmental Compliance Environment, Energy and Sustainability Unit	One Penn Plaza East Newark, NJ 07105-2246
Amtrak	Ms. Johnette Davies, Senior Historic Preservation Specialist	30th Street Station 2955 Market Street, Mailbox 55 Philadelphia, PA 19104
Port Authority of New York and New Jersey	Mr. Steven Plate, Chief of Major Capital Projects	80 Pine Street, 7th Floor New York, NY 10005
Federal Transit Administration	Stephen Goodman, P.E. & Regional Administrator	One Bowling Green, Room 428 New York, NY 10004-1415
U.S. Army Corps of Engineers	James H. Cannon New York District, U.S. Army Corps of Engineers Regulatory Branch	26 Federal Plaza, 19th Floor New York, NY 10278
Advisory Council on Historic Preservation	Sarah Stokely Program Analyst	401 F Street NW, Suite 308 Washington, DC 20001
Delaware Nation	Nekole Alligood, Tribal Historic Preservation Officer	ATTN: Cultural Preservation Department 31064 State Hwy 281, P.O. Box 825 Anadarko, OK 73005
	Kim Penrod, Director, Cultural Resources/106, Archives, Library and Museum	31064 State Hwy 281, P.O. Box 825 Anadarko, OK 73005
Delaware Tribe	Blair Fink and Susan Bachor, Historic Preservation Representatives, Delaware Tribe Historic Preservation Office	P.O. Box 64 Pocono Lake, PA 18347

Hudson Tunnel Project – Programmatic Agreement
Section 106 Consulting Parties

Individual/Organization	Contact	Address
Delaware Tribe of Indians, Oklahoma	Chester Brooks, Chief	Delaware Tribal Headquarters 170 N.E. Barbara, Bartlesville, OK 74006
Eastern Shawnee Tribe of Oklahoma	Chief Glenna Wallace	P.O. Box 350, Seneca, MO 64865
Shawnee Tribe of Oklahoma	Chief Ron Sparkman	P.O. Box 189, 29 South Highway 69A Miami, OK 74355
Stockbridge-Munsee Community of Mohican Indians of Wisconsin	Sherry White, Tribal Historic Preservation Officer	Stockbridge-Munsee Community of Mohican Indians of Wisconsin W13447 Camp 14 Road Bowler, WI 54416
	Bonney Hartley, Tribal Historic Preservation Officer – New York Office	Stockbridge-Munsee Community of Mohican Indians 65 1st Street, Troy, NY 12180
Shinnecock Indian Nation	Bryan Polite, Daniel S. Collins, Sr., & Eugene Cuffee II, Trustees,	Shinnecock Indian Nation Tribal Office P.O. Box 5006, Southampton, NY 11969-5006
Eastern Delaware Nation	Ms. Corrine Remington, Secretary	corrine.remington@yahoo.com
Eastern Lenape Nation of Pennsylvania	Ms. Doris Pieschel, Secretary. Note: This letter was returned to FRA as undelivered as Ms. Pieschel is deceased. Research could not find if this group still existed.	#37, 1523 E. Newport Road, Lititz, PA 17543
Nanticoke Lenni-Lenape Indians of New Jersey	Mr. Mark Gould, Tribal Chairperson	P.O. Box 544, Bridgeton, NJ 08302
Unkechaug Nation	Chief Harry Wallace	207 Poospansk Lane, Mastic, NY 11950
New York City Landmarks Preservation Commission	Ms. Gina Santucci	Municipal Building, 1 Centre Street, 9th Floor, North, New York, NY 10007
Mayor of Hoboken	The Honorable Dawn Zimmer	94 Washington Street, Hoboken, NJ 07030
Hoboken Historic Preservation Commission	Mr. Dennis English, Chairperson	Hoboken City Hall, 94 Washington Street Hoboken, NJ 07030
Hudson County Executive	The Honorable Thomas A. DeGise	583 Newark Avenue, Jersey City, NJ 07306
Mayor of Jersey City	The Honorable Steven M. Fulop	280 Grove Street, Jersey City, NJ 07302
Jersey City Historic Preservation Commission	Mr. Daniel M. Wrieden, Historic Preservation Officer	Division of City Planning, 30 Montgomery Street, 14th Floor, Suite 1400 Jersey City, NJ 07302
Mayor of North Bergen	The Honorable Nicolas Sacco	4233 John F. Kennedy Blvd., Room 100 North Bergen, NJ 07047

Hudson Tunnel Project – Programmatic Agreement
Section 106 Consulting Parties

Individual/Organization	Contact	Address
Mayor of Secaucus	The Honorable Michael J. Gonnelli	Municipal Government Center 1203 Paterson Plank Rd., 2nd Floor Secaucus, NJ 07094
Mayor of Union City	The Honorable Brian Stack	3715 Palisade Avenue, 3rd Floor Union City, NJ 07087
Union City Landmarks Commission	c/o David Spatz, P.P., AICP	Community Housing & Planning Assoc. 60 Friend Terrace, Harrington Park, NJ 07640
Mayor of Weehawken	Mr. Jeff Welz & Mr. Giovanni D. Ahmad	400 Park Avenue, Weehawken, NJ 07087
Weehawken Historical Commission	Ms. Lauren Sherman, Chair	31 Fulton St, Weehawken, NJ 07086
Hudson River Park Trust	Ms. Noreen Doyle Executive Vice President	Pier 40, 2nd Floor, 353 West Street New York, NY 10014
Archaeological Society of New Jersey	President	c/o New Jersey State Museum Bureau of Archaeology & Ethnography 205 State Street, P.O. Box 530 Trenton, NJ 08625-0530
Society for Industrial Archeology	Mr. Jim Mackin, President	Roebing Chapter , 370 Riverside Drive, Apt. 2B, New York, NY 10025
Professional Archaeologists of New York City (PANYC)	Ms. Shelly Spritzer	P.O. Box 1503, Murray Hill Station New York, NY 10156-1503
Hoboken Historical Museum	Mr. Bob Foster, Director	1301 Hudson Street, Hoboken, NJ 07030
Hoboken Quality of Life Coalition, Inc.	Ms. Mary A, Kelly	P.O. Box 1195, Hoboken, NJ 07030
Jersey City Landmarks Conservancy	Mr. Justin Frohwirth, President	P.O. Box 68, Jersey City, NJ 07303-0068
New Jersey Historical Society	Mr. Steve Tettamanti, Executive Director	52 Park Place, Newark, NJ 07102
Weehawken Historical Society	Samuel Gato, President	sdgarchive@gmail.com
Riverkeeper, Inc.	Mr. Paul Gallay, President and Hudson Riverkeeper	20 Secor Road, Ossining, NY 10562
Anthracite Railroads Historical Society	Mr. Walter Hoffmann, President	P.O. Box 519, Lansdale, PA 19446
Erie Lackawanna Historical Society	Mr. Michael J. Connor, President c/o David Start, Membership Chairman	22 Ice Plant Road, Lafayette, NJ 07848-2403
National Railway Historical Society, Inc. North New Jersey Chapter	Mr. Bruce Russell	84 Arnold Terrace, South Orange, NJ 07079

Hudson Tunnel Project – Programmatic Agreement
Section 106 Consulting Parties

Individual/Organization	Contact	Address
National Railway Historical Society Jersey Central Chapter	Michael C. Sudol Jr., Secretary	PO Box 700, Clark, NJ 07066
Railway & Locomotive Historical Society, New York Chapter	Mr. Tommy Meehan, Chairman	42 Portland Pl, Fl. 2, Yonkers NY 10703-2206
Pennsylvania Railroad Technical & Historical Society Philadelphia Chapter	Mr. Steve Staffieri, President	P.O. Box 356, Merion Station, PA 19066-9998
Tri-State Railway Historical Society, Inc.	Mr. Michael Del Vecchio, President	P.O. Box 1217, Morristown, NJ 07962
United Railroad Historical Society of New Jersey	Mr. Larry Gross, President	104 Morris Ave, Boonton Township, NJ 07005

Hudson Tunnel Project – Programmatic Agreement

EXHIBIT D

Historic Properties in the APE

- Exhibit D-1: Historic Properties in the APE: New Jersey
- Exhibit D-2: Historic Properties in the APE: New York



- Historic Properties*
1. North (Hudson) River Tunnels
 2. Pennsylvania Railroad New York to Philadelphia Historic District
 3. New Jersey Midland Railway/New York Susquehanna and Western Railroad Historic District
 4. Erie Railroad Main Line Historic District
 5. Jersey City Waterworks Historic District
 6. Substation No. 3, Pennsylvania Railroad
 7. Charles X. Harris House and Studio
 8. Residence at 320-324 Mountain Road

— Existing Northeast Corridor
 — New Deeply Bored Tunnel
 Area of Potential Effect for Indirect Effects

1 Historic Property

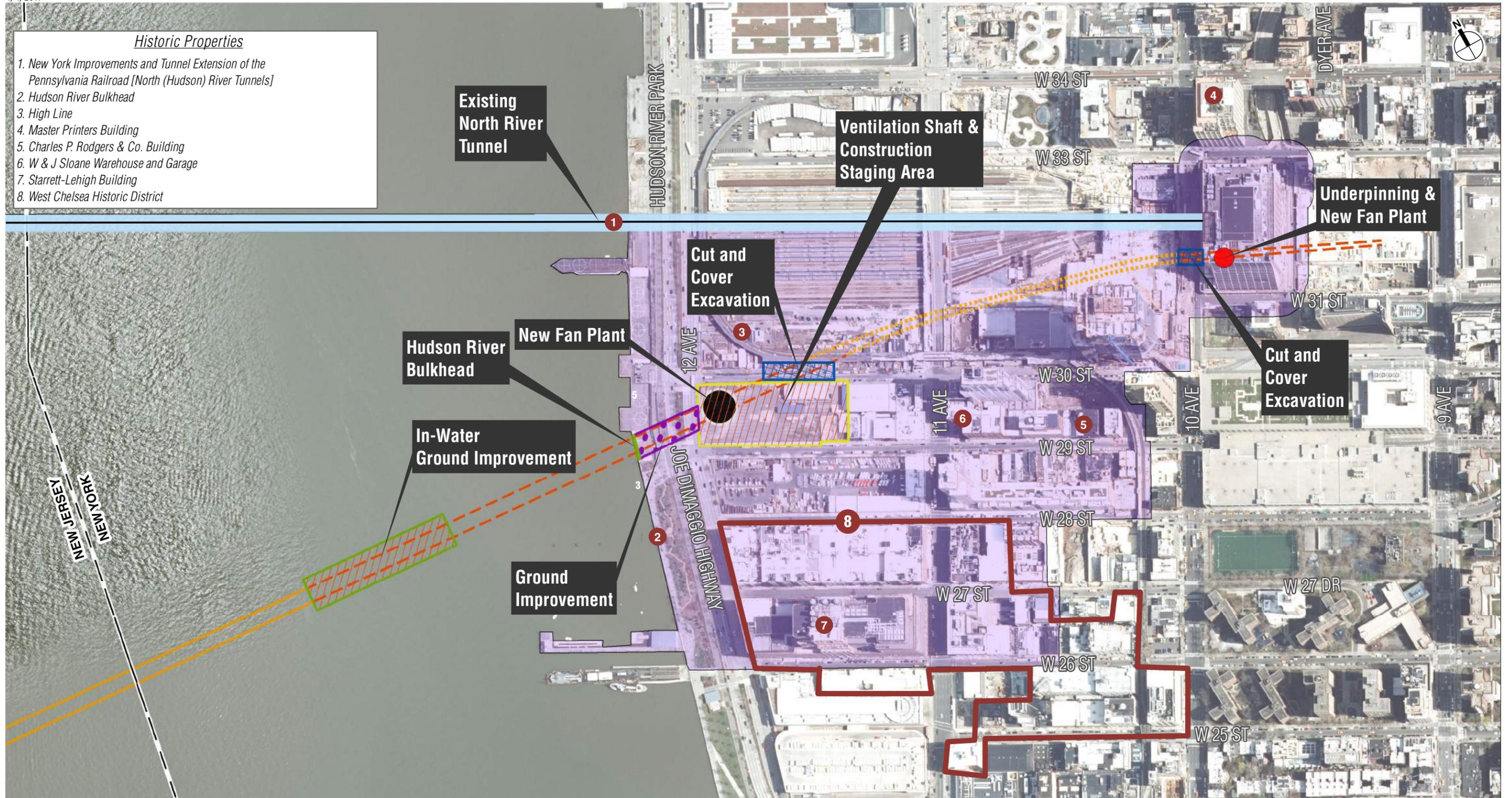
Area of Potential Effect for Direct Effects

- Access Road for New Surface Tracks
- New Surface Tracks
- Tunnel Portal
- New Fan Plant
- Existing North River Tunnel
- ▨ Ventilation Shaft & Construction Staging Area
- ▨ Ground Improvement
- ▨ Construction Staging Area
- ▨ Cut and Cover Excavation
- Construction Access Road to Ventilation Shaft Site
- Underpinning



Historic Properties

1. New York Improvements and Tunnel Extension of the Pennsylvania Railroad [North (Hudson) River Tunnels]
2. Hudson River Bulkhead
3. High Line
4. Master Printers Building
5. Charles P. Rodgers & Co. Building
6. W & J Sloane Warehouse and Garage
7. Starrett-Lehigh Building
8. West Chelsea Historic District



1 Historic Property

- Existing Northeast Corridor
- Deeply Bored New Tunnel
- Right-of-way being preserved through the Western and Eastern Railyards
- Area of Potential Effect for Indirect Effects

Area of Potential Effect for Direct Effects

- New Fan Plant
- Existing North River Tunnel
- Shallowly Constructed New Tunnel

- ▨ Ventilation Shaft & Construction Staging Area
- ▨ Ground Improvement
- ▨ Construction Staging Area
- ▨ In-Water Ground Improvement
- ▨ Cut and Cover Excavation
- Underpinning

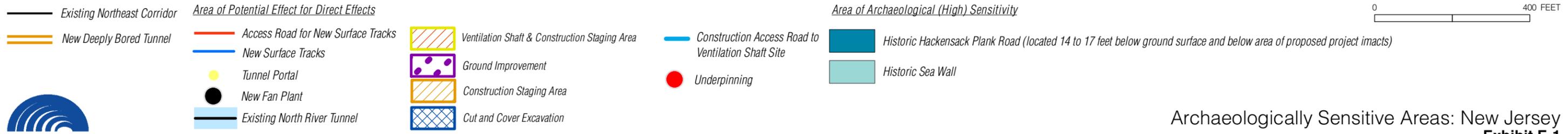
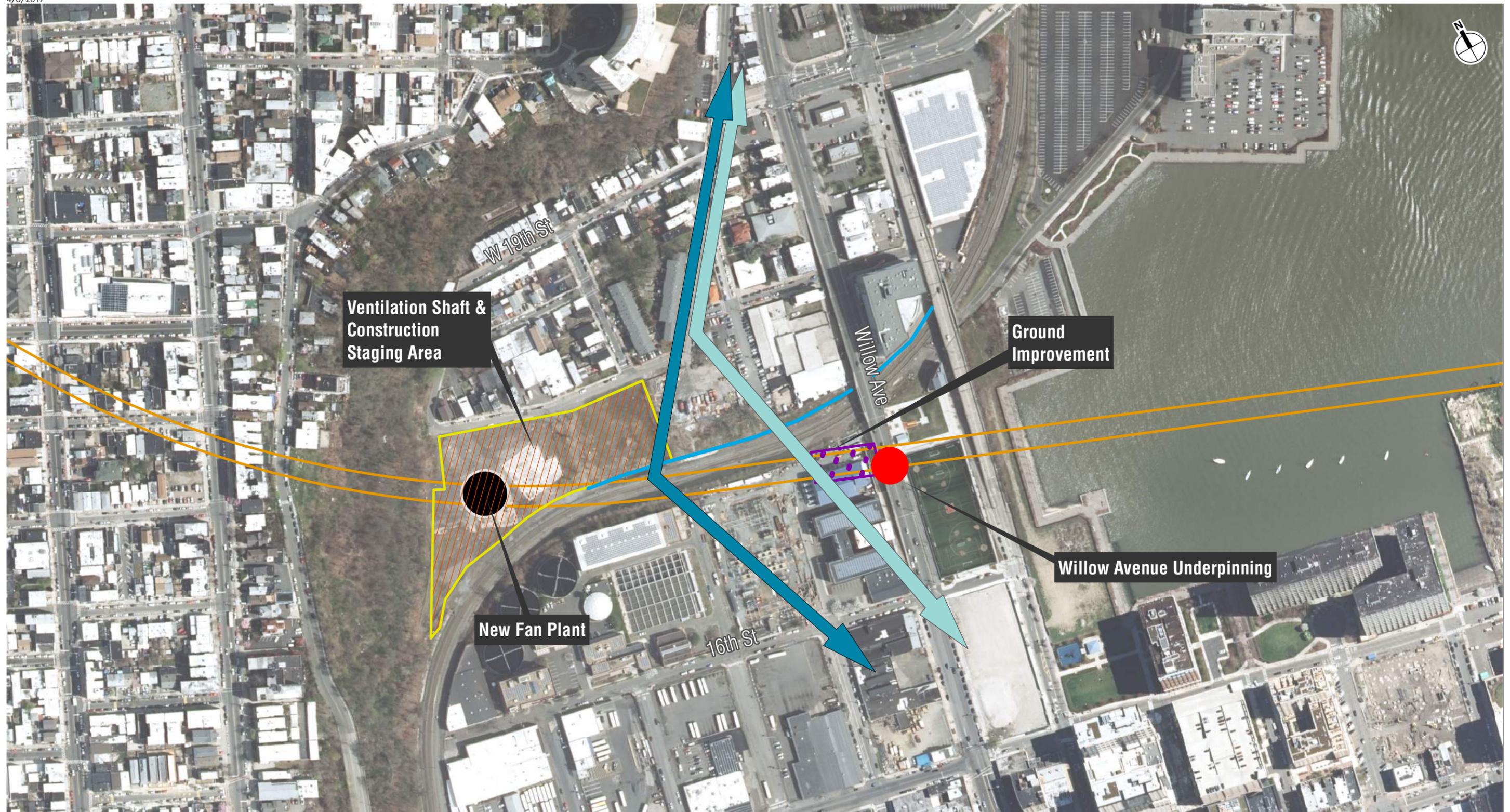
Hudson Tunnel Project – Programmatic Agreement

EXHIBIT E

Archaeologically Sensitive Areas

Exhibit E-1: Archaeologically Sensitive Areas: New Jersey

Exhibit E-2: Archaeologically Sensitive Areas: New York





- Existing Northeast Corridor
- Deeply Bored New Tunnel
- Right-of-way being preserved through the Western and Eastern Railyards

Area of Potential Effect for Direct Effects

- New Fan Plant
- Existing North River Tunnel
- Shallowly Constructed New Tunnel
- Underpinning

- Construction Staging Area
- In-Water Ground Improvement
- Cut and Cover Excavation
- Ground Improvement

- Area of Archaeological Sensitivity

0 400 FEET





APPENDIX 9-2

Historic and Archaeological Resources: Agency Correspondence

Summary of Section 106
Consulting Parties and Correspondence



June 6, 2017
Hudson Tunnel Project
Section 106 Consulting Parties and Correspondence

Consulting Party/Contact Information	Outgoing	Incoming/Response
<p>Ms. Kate Marcopul Acting Administrator for Historic Preservation Office / Deputy SHPO New Jersey Historic Preservation Office New Jersey Department of Environmental Protection Mail Code 501-04B P.O. Box 420 Trenton, NJ 08625-0420</p>	5/12/2016: Laura Shick, FRA to Kate Marcopul – Section 106 Initiation Letter with draft Consulting Parties list	7/6/2016: Kate Marcopul to Laura Shick, FRA - Concurrence with and addition to list of Consulting Parties
	12/9/16: Laura Shick, FRA to Kate Marcopul – Submission of Proposed Area of Potential Effects Memorandum	1/13/2017: Kate Marcopul - Concurrence with the proposed Area of Potential Effects
	1/27/2017: Laura Shick, FRA to Kate Marcopul - Submission of New Jersey HARBS/EA and Phase 1A reports	3/6/2017: Kate Marcopul to Laura Shick, FRA - Concurrence with previously identified historic architectural resources, comments on Recommended-NRHP eligible properties, concurrence with Effects as stated in New Jersey HARBS/EA report. Comments and revisions with respect to areas identified as archaeologically sensitive and where testing/monitoring should be implemented as identified in the New Jersey Phase 1A report.
	4/7/2017: Laura Shick, FRA to Kate Marcopul – Submission of draft Programmatic Agreement	4/18/2017: Kate Marcopul to Laura Shick, FRA – Minor comments on the draft Programmatic Agreement
	5/18/2017: A. Michael Pappalardo, AKRF to Vincent Maresca, NJHPO – Request regarding how to treat potential Penn Station remains in the Hackensack Meadowlands	5/23/2017: Vincent Maresca, NJHPO to A. Michael Pappalardo, AKRF – discussion of whether Penn Station remains could meet National Register criteria and if they are not a historic property, they do not need to be considered under Section 106 and in the Programmatic Agreement, and recommendation that the remains not be included in the Programmatic Agreement

Consulting Party/Contact Information	Outgoing	Incoming/Response
<p>Mr. Michael Lynch Deputy, State Historic Preservation Officer New York State Historic Preservation Office Peebles Island Resource Center P.O. Box 189 Waterford, NY 12188</p>	<p>5/12/2016: Laura Shick, FRA to Ruth Pierpont – Section 106 Initiation Letter with draft Consulting Parties list</p>	<p>6/8/2016: Olivia Brazee to Amishi Castelli, FRA - Concurrence with Consulting Parties list and addition of 1 additional Consulting Party</p>
	<p>12/9/16: Laura Shick, FRA to Ruth Pierpont – Submission of Proposed Area of Potential Effects Memorandum</p>	<p>12/19/2016: Olivia Brazee to Amishi Castelli, FRA – Concurrence with the proposed Area of Potential Effects</p>
	<p>1/26/2017: Laura Shick, FRA to Michael Lynch – Submission of New York HARBS/EA and Phase 1A reports</p>	<p>2/17/2017: Olivia Brazee to Amishi Castelli, FRA – Concurrence with findings and recommendations of the New York HARBS/EA report.</p>
		<p>2/24/2017: Philip Perazio to Amishi Castelli, FRA - Concurrence with the findings and recommendations of the New York Phase 1A report and with emphasis added that testing in advance of construction as opposed to monitoring during construction is preferred whenever feasible.</p>
	<p>3/24/2017: Mohammed Nasim, Amtrak to Michael Lynch – Request of concurrence for geotechnical boring within Hudson River Bulkhead for preliminary engineering</p>	<p>3/28/2017: Philip Perazio via NYSHPO CRIS – no objection to boring</p>
	<p>4/7/2017: Laura Shick, FRA to Michael Lynch – Submission of draft Programmatic Agreement</p>	<p>5/2/2017: Olivia Brazee to Amishi Castelli, FRA – minor comments on the draft Programmatic Agreement.</p>
<p>Ms. Johnette Davies Senior Historic Preservation Specialist Amtrak 30th Street Station 2955 Market Street, Mailbox 55 Philadelphia, PA 19104</p>	<p>8/5/2016: Laura Shick, FRA to Johnette Davies - Section 106 Consulting Party Invitation letter</p>	<p>8/16/2016: Accepts Consulting Party status, contact: Johnette Davies</p>
	<p>3/17/2017: Laura Shick, FRA to Johnette Davies – Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	
	<p>4/7/2017: Laura Shick, FRA to Johnette Davies – Invite Amtrak to be an invited signatory to the Programmatic Agreement and submission of draft Programmatic Agreement</p>	<p>5/9/2017: Johnette Davies to Laura Shick, FRA – Accepts FRA’s invitation to become a signatory to the Programmatic Agreement and provision of comments on the draft Programmatic Agreement</p>
<p>Mr. Steven Plate Chief of Major Capital Projects</p>	<p>8/5/2016: Laura Shick, FRA to Steven Plate- Section 106 Consulting Party</p>	

Consulting Party/Contact Information	Outgoing	Incoming/Response
<p>Port Authority of New York and New Jersey 80 Pine Street, 7th Floor New York, NY 10005</p>	<p>Invitation letter</p>	
	<p>3/17/2017: Laura Shick, FRA to Steven Plate – Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	
	<p>4/7/2017: Laura Shick, FRA to Steven Plate – Invite PANYNJ to be an invited signatory to the Programmatic Agreement and submission of draft Programmatic Agreement</p>	<p>5/11/2017: Michael Petralia, PANYNJ to Amishi Castelli, FRA – PANYNJ declines invitation to be a signatory to the Programmatic Agreement</p>
<p>Mr. Stephen Goodman, P.E. & Regional Administrator Federal Transit Administration One Bowling Green, Room 428 New York, NY 10004-1415</p>		<p>12/20/2016: Stephen Goodman, FTA to Kate Marcopul, NJHPO – FTA designating FRA as lead federal agency for Section 106</p>
	<p>3/17/2017: Laura Shick, FRA to Stephen Goodman, P.E. with cc to Donald Burns, FTA – Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	<p>12/20/2016: Stephen Goodman, FTA to Ruth Pierpont, NYSHPO – FTA designating FRA as lead federal agency for Section 106</p>
	<p>4/7/2017: Laura Shick, FRA to Stephen Goodman, P.E. with cc to Donald Burns, FTA – Invite FTA to be an invited signatory to the Programmatic Agreement and submission of draft Programmatic Agreement</p>	<p>5/15/2017: Donald Burns, FTA to Amishi Castelli, FRA – comments on the draft Programmatic Agreement and provision of FTA signatory information</p>
<p>Mr. James H. Cannon New York District, U.S. Army Corps of Engineers Regulatory Branch U.S. Army Corps of Engineers 26 Federal Plaza, 19th Floor New York, NY 10278</p>	<p>4/7/2017: Laura Shick, FRA to James H. Cannon, USACE – Invite USACE to be an invited signatory to the Programmatic Agreement and submission of draft Programmatic Agreement</p>	<p>4/13/2017: James H. Cannon, USACE to Amishi Castelli, FRA – USACE requests to be a signatory to the Programmatic Agreement</p>
		<p>5/15/2017: James H. Cannon, USACE to Amishi Castelli, FRA – Based upon further review of the draft Programmatic Agreement, USACE will review the Hudson Tunnel Project in accordance with Appendix C of Title 33 of the Code of Federal Regulations, Part 325, and will not be a signatory to the Agreement</p>
	<p>5/15/2017: Amishi Castelli, FRA to James H. Cannon, USACE – Requests if USACE</p>	<p>5/22/2017: James H. Cannon, USACE to Amishi Castelli, FRA – USACE is not</p>

Consulting Party/Contact Information	Outgoing	Incoming/Response
	is designating Section 106 responsibilities to FRA, confirmation that USACE will not be a signatory to the Programmatic Agreement, and whether USACE will have any further comments on the Programmatic Agreement	designating Section 106 responsibilities to FRA, confirms USACE will not be a signatory on the Programmatic Agreement, and will not be providing additional comments on the draft Programmatic Agreement
<p>Mr. RJ Palladino, AICP/PP Senior Program Manager NJ TRANSIT Capital Planning One Penn Plaza East - 8th Floor Newark, NJ 07105-2246</p>	<p>4/7/2017: Laura Shick, FRA to RJ Palladino, NJ TRANSIT – Invite NJ TRANSIT to be an invited signatory to the Programmatic Agreement and submission of draft Programmatic Agreement</p>	<p>5/15/2017: RJ Palladino, NJ TRANSIT to Amishi Castelli, FRA – NJ TRANSIT has not removed itself as a potential signatory at this time, and provision of comments on the draft Programmatic Agreement</p>
<p>Ms. Sarah Stokely Program Analyst Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington, DC 20001</p>	<p>3/29/2017: Laura Shick submission of e-form to Advisory Council advising of Adverse Effect and FRA intent to enter into a Programmatic Agreement</p>	<p>4/4/2017: John M. Fowler to Patrick T. Warren, FRA – notification that ACHP will participate in Section 106 consultation. Contact: Sarah Stokely</p>
	<p>5/9/2017: Laura Shick, FRA to Sarah Stokely – Submission of draft Programmatic Agreement</p>	<p>5/31/2017: Charlene Dwin Vaughn, FRA to Laura Shick, FRA – comments on the draft Programmatic Agreement</p>
<p>Ms. Nekole Alligood, Tribal Historic Preservation Officer, ATTN: Cultural Preservation Department Ms. Kim Penrod, Director, Cultural Resources/106, Archives, Library and Museum Delaware Nation 31064 State Highway 281 P.O. Box 825 Anadarko, OK 73005</p>	<p>5/11/2016: Laura Shick, FRA to Nekole Alligood – Section 106 invitation letter for government to government consultation</p>	
	<p>12/9/16: Laura Shick, FRA to Nekole Alligood – Submission of Proposed Area of Potential Effects Memorandum</p>	
	<p>1/31/2017: Laura Shick, FRA to Nekole Alligood – Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	
	<p>4/7/2017: Laura Shick, FRA to Nekole Alligood – Submission of draft Programmatic Agreement</p>	<p>4/12/2017: Kimberly Penrod to Amishi Castelli, FRA – comments on the draft Programmatic Agreement including requesting involvement with, and receipt of, interpretive materials produced and recommendation that a buffer area be delineated in case of an unanticipated discovery, and provision of contact information</p>
<p>Ms. Blair Fink and Ms. Susan Bachor, Historic Preservation</p>	<p>5/12/2016: Laura Shick, FRA to Blair Fink</p>	<p>6/6/2016: Susan Bachor to Amishi Castelli,</p>

Consulting Party/Contact Information	Outgoing	Incoming/Response
Representatives Delaware Tribe Historic Preservation Office Delaware Tribe P.O. Box 64 Pocono Lake, PA 18347	and Susan Bachor– Section 106 invitation letter for government to government consultation	FRA – Delaware Tribe to enter into consultation for the Project
	12/9/16: Laura Shick, FRA to Blair Fink and Susan Bachor – Submission of Proposed Area of Potential Effects Memorandum	
	1/31/2017: Laura Shick, FRA to Blair Fink and Susan Bachor – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
	4/7/2017: Laura Shick, FRA to Blair Fink and Susan Bachor – Submission of draft Programmatic Agreement	
Chester Brooks, Chief Delaware Tribe of Indians, Oklahoma Delaware Tribal Headquarters 170 N.E. Barbara Bartlesville, OK 74006	5/11/2016: Laura Shick, FRA to Chester Brooks – Section 106 invitation letter for government to government consultation	
	12/9/16: Laura Shick, FRA to Chester Brooks – Submission of Proposed Area of Potential Effects Memorandum	
	1/31/2017: Laura Shick, FRA to Chester Brooks– Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
	4/7/2017: Laura Shick, FRA to Chester Brooks – Submission of draft Programmatic Agreement	
Chief Glenna Wallace Eastern Shawnee Tribe of Oklahoma P.O. Box 350 Seneca, MO 64865	8/5/2016: Laura Shick, FRA to Glenna Wallace – Section 106 invitation letter for government to government consultation	
	12/9/16: Laura Schick, FRA to Glenna Wallace – Submission of Proposed Area of Potential Effects Memorandum	3/17/2017: Robin Dushane, THPO to Amishi Castelli, FRA - Concurrence with the proposed Area of Potential Effects
	1/31/2017: Laura Shick, FRA to Glenna Wallace – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
	4/7/2017: Laura Shick, FRA to Glenna Wallace – Submission of draft Programmatic Agreement	

Consulting Party/Contact Information	Outgoing	Incoming/Response
<p>Chief Ron Sparkman Shawnee Tribe of Oklahoma P.O. Box 189 29 South Highway 69A Miami, OK 74355</p>	<p>8/5/2016: Laura Shick, FRA to Ron Sparkman – Section 106 invitation letter for government to government consultation</p>	
	<p>12/9/16: Laura Shick, FRA to Ron Sparkman – Submission of Proposed Area of Potential Effects Memorandum</p>	
	<p>1/31/2017: Laura Schick, FRA to Ron Sparkman– Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	
	<p>4/7/2017: Laura Shick, FRA to Ron Sparkman – Submission of draft Programmatic Agreement</p>	
<p>Stockbridge-Munsee Community of Mohican Indians of Wisconsin Ms. Sherry White, Tribal Historic Preservation Officer Stockbridge-Munsee Community of Mohican Indians of Wisconsin W13447 Camp 14 Road Bowler, WI 54416</p> <p>Ms. Bonney Hartley, Tribal Historic Preservation Officer – New York Office Stockbridge-Munsee Community of Mohican Indians 65 1st Street Troy, NY 12180</p>	<p>5/12/2016: Laura Shick, FRA to Sherry White & Bonney Hartley - Section 106 invitation letter for government to government consultation</p>	<p>6/7/2016: Bonney Hartley to Amishi Castelli, FRA - Request information on extent of new ground disturbance and that cultural resources studies be prepared</p>
	<p>12/9/16: Laura Shick, FRA to Sherry White & Bonney Hartley – Submission of Proposed Area of Potential Effects Memorandum</p>	<p>12/19/2016: Bonney Hartley to Laura Shick & Amishi Castelli, FRA - Concurrence with the proposed Area of Potential Effects</p>
	<p>1/31/2017: Laura Shick, FRA to Sherry White & Bonney Hartley – Submission of New Jersey & New York HARBS/EA and Phase 1A reports</p>	<p>3/6/2017: Bonney Hartley to Laura Shick – No significant cultural resources concerns based on review of the New Jersey and New York Phase 1A reports. Requests continued consultation should the project design change, or in the event of inadvertent discoveries.</p>
	<p>4/7/2017: Laura Shick, FRA to Sherry White & Bonney Hartley – Submission of draft Programmatic Agreement</p>	
<p>Bryan Polite, Daniel S. Collins, Sr., & Eugene Cuffee II, Trustees Shinnecock Indian Nation Tribal Office Shinnecock Indian Nation P.O. Box 5006 Southampton, NY 11969-5006</p>	<p>5/11/2016: Laura Shick, FRA to Bryan Polite, Daniel S. Collins, Sr., & Eugene Cuffee II – Section 106 invitation letter for government to government consultation</p>	
	<p>12/9/16: Laura Shick, FRA to Bryan Polite,</p>	

Consulting Party/Contact Information	Outgoing	Incoming/Response
	Daniel S. Collins, Sr., & Eugene Cuffee II – Submission of Proposed Area of Potential Effects Memorandum 1/31/2017: Laura Shick, FRA to Bryan Polite, Daniel S. Collins, Sr., & Eugene Cuffee II – Submission of New Jersey & New York HARBS/EA and Phase 1A reports 4/7/2017: Laura Shick, FRA to Bryan Polite, Daniel S. Collins, Sr., & Eugene Cuffee II – Submission of draft Programmatic Agreement	
Ms. Corrine Remington, Secretary Eastern Delaware Nation corrine.remington@yahoo.com	8/5/2016: Laura Shick, FRA to Corrine Remington - Section 106 Consulting Party Invitation letter 3/17/2017: Laura Shick, FRA to Corrine Remington – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Ms. Doris Pieschel, Secretary Eastern Lenape Nation of Pennsylvania #37, 1523 E. Newport Road Lititz, PA 17543	8/5/2016: Laura Shick, FRA to Doris Pieschel - Section 106 Consulting Party Invitation letter. Note: This letter was returned to FRA as undelivered as Ms. Pieschel is deceased (per 2016-9-27 FRA email). Research could not find if this group still existed.	
Mr. Mark Gould, Tribal Chairperson Nanticoke Lenni-Lenape Indians of New Jersey P.O. Box 544 Bridgeton, NJ 08302	8/5/2016: Laura Shick, FRA to Mark Gould - Section 106 Consulting Party Invitation letter 3/17/2017: Laura Shick, FRA to Mark Gould – Submission of New Jersey HARBS/EA and Phase 1A reports	
Chief Harry Wallace Unkechaug Nation 207 Poospansk Lane Mastic, NY 11950	8/5/2016: Laura Shick, FRA to Harry Wallace - Section 106 Consulting Party Invitation letter 3/17/2017: Laura Shick, FRA to Harry Wallace – Submission of New York HARBS/EA and Phase 1A reports	
Ms. Gina Santucci New York City Landmarks Preservation Commission	8/5/2016: Laura Shick, FRA to Meenakshi Srinivasan, Chair – Section 106	8/12/2016: Accepts Consulting Party status, contact: Gina Santucci

Consulting Party/Contact Information	Outgoing	Incoming/Response
Municipal Building 1 Centre Street, 9th Floor, North New York, NY 10007	Consulting Party Invitation letter	3/24/2017: Acceptance of the New York HARBS/EA report, concurrence with findings of the New York Phase 1A report, and concurrence with NYSHPO February 24, 2017 comments that archaeological testing should occur before construction if at all possible. Comments signed by Gina Santucci
	3/15/2017: Laura Shick to Gina Santucci – Submission of New York HARBS/EA and Phase 1A reports	
The Honorable Dawn Zimmer Mayor of Hoboken 94 Washington Street Hoboken, NJ 07030	8/5/2016: Laura Shick, FRA to Dawn Zimmer – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Dawn Zimmer – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Dennis English, Chairperson Hoboken Historic Preservation Commission Hoboken City Hall 94 Washington Street Hoboken, NJ 07030	8/5/2016: Laura Shick, FRA to Dennis English – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Dennis English – Submission of New Jersey HARBS/EA and Phase 1A reports	
The Honorable Thomas A. DeGise Hudson County Executive 583 Newark Avenue Jersey City, NJ 07306	8/5/2016: Laura Shick, FRA to Thomas A. DeGise – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Thomas A. DeGise – Submission of New Jersey HARBS/EA and Phase 1A reports	
The Honorable Steven M. Fulop Mayor of Jersey City 280 Grove Street Jersey City, NJ 07302	8/5/2016: Laura Shick, FRA to Steven M. Fulop – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Steven M. Fulop – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Daniel M. Wrieden, Historic Preservation Officer, Division of City Planning	8/5/2016: Laura Shick, FRA to Daniel M. Wrieden – Section 106 Consulting Party	

Consulting Party/Contact Information	Outgoing	Incoming/Response
Jersey City Historic Preservation Commission 30 Montgomery Street 14th Floor, Suite 1400 Jersey City, NJ 07302	Invitation letter	
	3/17/2017: Laura Shick, FRA Daniel M. Wrieden – Submission of New Jersey HARBS/EA and Phase 1A reports	
The Honorable Nicolas Sacco Mayor of North Bergen 4233 John F. Kennedy Blvd., Room 100 North Bergen, NJ 07047	8/5/2016: Laura Shick, FRA to Nicolas Sacco – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA Nicolas Sacco – Submission of New Jersey HARBS/EA and Phase 1A reports	
The Honorable Michael J. Gonnelli Mayor of Secaucus Municipal Government Center 1203 Paterson Plank Rd., 2nd Floor Secaucus, NJ 07094	8/5/2016: Laura Shick, FRA to Michael J. Gonnelli – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA Michael J. Gonnelli – Submission of New Jersey HARBS/EA and Phase 1A reports	
The Honorable Brian Stack Mayor of Union City 3715 Palisade Avenue, 3rd Floor Union City, NJ 07087	8/5/2016: Laura Shick, FRA to Brian Stack – Section 106 Consulting Party Invitation letter	8/15/2016: Accepts Consulting Party status, contact: Brian Stack
	3/17/2017: Laura Shick, FRA to Brian Stack – Submission of New Jersey HARBS/EA and Phase 1A reports	
Union City Landmarks Commission c/o David Spatz, P.P., AICP Community Housing & Planning Assoc. 60 Friend Terrace Harrington Park, NJ 07640	8/5/2016: Laura Shick, FRA to David Spatz – Section 106 Consulting Party Invitation letter	9/21/16: Accepts Consulting Party status, contact: David Spatz, planning consultant for the City of Union City & will be representing the City for Section 106.
	3/17/2017: Laura Shick, FRA to David Spatz – Submission of New Jersey HARBS/EA and Phase 1A reports	3/20/2017: David Spatz to Amishi Castelli, FRA: Accepts conclusions of New Jersey HARBS/EA report.
Mr. Jeff Welz & Mr. Giovanni D. Ahmad Mayor of Weehawken 400 Park Avenue Weehawken, NJ 07087	8/5/2016: Laura Shick, FRA to Richard F. Turner – Section 106 Consulting Party Invitation letter	8/22/2016: Accepts Consulting Party status, contact: Jeff Welz & Giovanni D. Ahmad
	3/17/2017: Laura Shick, FRA to Jeff Welz	

Consulting Party/Contact Information	Outgoing	Incoming/Response
	& Giovanni D. Ahmad – Submission of New Jersey HARBS/EA and Phase 1A reports	
Ms. Lauren Sherman, Chair Weehawken Historical Commission 31 Fulton St Weehawken, NJ 07086	8/5/2016: Laura Shick, FRA to Lauren Sherman – Section 106 Consulting Party Invitation letter	8/27/2016: Accepts Consulting Party status, contact: Lauren Sherman, Chair
	3/17/2017: Laura Shick, FRA to Lauren Sherman – Submission of New Jersey HARBS/EA and Phase 1A reports	
Ms. Noreen Doyle Executive Vice President Hudson River Park Trust Pier 40, 2nd Floor 353 West Street New York, NY 10014	8/5/2016: Laura Shick, FRA to Noreen Doyle – Section 106 Consulting Party Invitation letter	8/23/2016: Accepts Consulting Party status and indicates particular interest in historic float bridge at Pier 66a, historic vessels there, and historic bulkhead. Contact: Noreen Doyle
	3/17/2017: Laura Shick, FRA to Noreen Doyle – Submission of New York HARBS/EA and Phase 1A reports	
	3/24/2017: Mohammed Nasim, Amtrak to Noreen Doyle – Request of concurrence for geotechnical boring within Hudson River Bulkhead for preliminary engineering	
President Archaeological Society of New Jersey c/o New Jersey State Museum Bureau of Archaeology & Ethnography 205 State Street, P.O. Box 530 Trenton, NJ 08625-0530	8/5/2016: Laura Shick, FRA to President – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to President – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Jim Mackin, President Roebing Chapter Society for Industrial Archeology 370 Riverside Drive, Apt. 2B New York, NY 10025	8/5/2016: Laura Shick, FRA to Jim Mackin – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Jim Mackin– Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Ms. Shelly Spritzer Professional Archaeologists of New York City (PANYC) P.O. Box 1503	8/5/2016: Laura Shick, FRA to Shelly Spritzer – Section 106 Consulting Party Invitation letter	

Consulting Party/Contact Information	Outgoing	Incoming/Response
Murray Hill Station New York, NY 10156-1503	3/17/2017: Laura Shick, FRA to Shelly Spritzer– Submission of New York HARBS/EA and Phase 1A reports	
Mr. Bob Foster, Director Hoboken Historical Museum 1301 Hudson Street Hoboken, NJ 07030	8/5/2016: Laura Shick, FRA to Bob Foster – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Bob Foster – Submission of New Jersey HARBS/EA and Phase 1A reports	
Ms. Mary A, Kelly Hoboken Quality of Life Coalition, Inc. P.O. Box 1195 Hoboken, NJ 07030	8/5/2016: Laura Shick, FRA to whom it may concern – Section 106 Consulting Party Invitation letter	9/13/2016: Accepts Consulting Party status, contact: Mary A. Kelly
	3/17/2017: Laura Shick, FRA to Mary A, Kelly – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Justin Frohwirth, President Jersey City Landmarks Conservancy P.O. Box 68 Jersey City, NJ 07303-0068	8/5/2016: Laura Shick, FRA to Justin Frohwirth – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA Justin Frohwirth – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Steve Tettamanti, Executive Director New Jersey Historical Society 52 Park Place Newark, NJ 07102	8/5/2016: Laura Shick, FRA to Steve Tettamanti – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Steve Tettamanti – Submission of New Jersey HARBS/EA and Phase 1A reports	
Samuel Gato, President Weehawken Historical Society sdgarchive@gmail.com	8/5/2016: Laura Shick, FRA to whom it may concern – Section 106 Consulting Party Invitation letter	3/25/2017: Request to be kept informed and offer to provide information. Contact: Samuel Gato, President
	3/28/2017: Laura Shick, FRA to Samuel Gato – Submission of New Jersey HARBS/EA and Phase 1A reports	
Mr. Paul Gallay, President and Hudson Riverkeeper Riverkeeper, Inc. 20 Secor Road Ossining, NY 10562	8/5/2016: Laura Shick, FRA to Paul Gallay – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Paul Gallay – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	

Consulting Party/Contact Information	Outgoing	Incoming/Response
Mr. Walter Hoffmann, President Anthracite Railroads Historical Society P.O. Box 519 Lansdale, PA 19446	8/5/2016: Laura Shick, FRA to Walter Hoffmann – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Walter Hoffmann – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Mr. Michael J. Connor, President c/o David Start, Membership Chairman Erie Lackawanna Historical Society 22 Ice Plant Road Lafayette, NJ 07848-2403	8/5/2016: Laura Shick, FRA to Michael J. Connor c/o David Start – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Michael J. Connor c/o David Start – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Mr. Bruce Russell National Railway Historical Society, Inc. North New Jersey Chapter 84 Arnold Terrace South Orange, NJ 07079	9/30/2016: Laura Shick, FRA to Bruce Russell – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Bruce Russell – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Michael C. Sudol Jr., Secretary National Railway Historical Society Jersey Central Chapter PO Box 700 Clark, NJ 07066	8/5/2016: Laura Shick, FRA to Michael C. Sudol Jr. – Section 106 Consulting Party Invitation letter	8/9/2016: Michael C. Sudol to Katherine Marcopul, NJHPO. Accepts Consulting Party status and is wholly in favor in building an additional railroad tunnel from NJ to Penn Station in NYC. The construction of such a tunnel would allow for more NJ TRANSIT and Amtrak trains to NYC and return
	3/17/2017: Laura Shick, FRA to Michael C. Sudol Jr. – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Mr. Tommy Meehan, Chairman New York Chapter Railway & Locomotive Historical Society 42 Portland Pl, Fl. 2 Yonkers NY 10703-2206	8/5/2016: Laura Shick, FRA to Tommy Meehan – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Tommy Meehan – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	

Consulting Party/Contact Information	Outgoing	Incoming/Response
Mr. Steve Staffieri, President Pennsylvania Railroad Technical & Historical Society Philadelphia Chapter P.O. Box 356 Merion Station, PA 19066-9998	8/5/2016: Laura Shick, FRA to Steve Staffieri – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Steve Staffieri – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Mr. Michael Del Vecchio, President Tri-State Railway Historical Society, Inc. P.O. Box 1217 Morristown, NJ 07962	8/5/2016: Laura Shick, FRA to Michael Del Vecchio – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Michael Del Vecchio – Submission of New Jersey & New York HARBS/EA and Phase 1A reports	
Mr. Larry Gross, President United Railroad Historical Society of New Jersey 104 Morris Ave Boonton Township, NJ 07005	8/5/2016: Laura Shick, FRA to Larry Gross – Section 106 Consulting Party Invitation letter	
	3/17/2017: Laura Shick, FRA to Larry Gross – Submission of New Jersey & New York HARBS/EA and Phase 1A reports – resent via email 3/29/2017 as delivery was not received	

Selected Historic Resources Correspondence



Preserving America's Heritage

May 31, 2017

Ms. Laura Shick
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington D.C. 20590

Ref: *Advisory Council on Historic Preservation's Comments on the Draft Programmatic Agreement for the Proposed Hudson Tunnel Project*

Dear Ms. Shick:

The Advisory Council on Historic Preservation (ACHP) has completed its review of the *Draft Programmatic Agreement among the Federal Railroad Administration, the New Jersey Historic Preservation Officer, the New York Historic Preservation Officer, the Advisory Council on Historic Preservation, the Federal Transit Administration, the U.S. Army Corps of Engineers, the New Jersey Transit Corporation, the National Railroad Passenger Corporation (Amtrak), and the Port Authority of New York & New Jersey Regarding the Hudson Tunnel Project in Hudson County, New Jersey and New York County, New York* submitted to ACHP via email on May 9, 2017. We have developed a summary of comments highlighting the major issues that the Federal Railroad Administration (FRA) will need to consider as it drafts the next version of the Section 106 agreement document. Our comments should be considered along with those submitted by other consulting parties who are participating in the Section 106 consultation process.

Specific Comments

Lead Federal Agency

FRA should consider using consistent language in identifying the lead federal agency. Throughout the agreement the lead federal agency is referred to as FRA or Lead Federal Agency. In order to avoid confusion due to the multiple agencies involved with this agreement, the ACHP recommends using FRA when referencing the lead federal agency throughout the agreement.

Whereas Section

Page 1: Second Whereas Clause

Scope of the undertaking

FRA should consider including language explaining the entire scope of the undertaking, and not only

discuss the grant funding provided by FRA.

Page 1: Fourth Whereas Clause

New Jersey Transit

FRA should consider including language that clarifies New Jersey (NJ) Transit's role with the undertaking and state that NJ Transit may be a project sponsor.

Page 1: Fifth Whereas Clause

Section 800.14

FRA should reference which section of 800.14 this programmatic agreement (PA) is adhering to since 800.14 is referenced later in this PA (Page 4; fourth Whereas Clause) as 800.14(b).

Page 2: Third and Fourth Whereas Clauses

Project Sponsor

FRA should clarify in this agreement that the Project Sponsor remains unknown at time of execution of this agreement, that multiple Project Sponsors may be responsible for advancing the project through different stages of the project, and that these multiple Project Sponsors may have different Section 106 responsibilities in this agreement. FRA should identify that this agreement will be amended once the Project Sponsor(s) is selected and the amendment will specify the Section 106 responsibilities for the Project Sponsor(s).

Page 2: Sixth Whereas Clause

Construction of the Project

FRA should consider deleting this Whereas Clause. In the Whereas Clause describing the entire undertaking, construction should be included as part of that description.

Page 2: Ninth Whereas Clause

Federal Transit Administration and United States Army Corps of Engineers

FRA should consider indicating how and when the Federal Transit Administration (FTA) and the United States Army Corps of Engineers (USACE) designated FRA as the lead federal agency (i.e. by letter dated March 1, 2016).

Page 2: Tenth Whereas Clause

Area of Potential Effect

FRA should consider clarifying if the Area of Potential Effect (APE) is for the preferred alternative only, multiple alternatives, or it includes all the alternatives.

Page 2: Eleventh Whereas Clause

Federally recognized Native American tribes

FRA should consider separating this clause into two separate clauses. The first clause would identify all the federally recognized Native American tribes who were invited to participate in Section 106 consultation for the undertaking. This clause can include the specific responses FRA received from this invitation.

In the second clause, FRA should identify which federally recognized Native American tribes will be consulting parties to this undertaking and clarify these Native American tribes will be referenced as the Project Consulting Tribes throughout the rest of this agreement.

Page 3: Fourth Whereas Clause

NJ Transit

FRA should consider removing NJ Transit from this clause. FRA, the lead federal agency, is responsible for making the final determination about the assessment of adverse effects per our Section 106 regulations 36 C.F.R. § 800.5.

If Constructed

FRA should consider removing “if constructed” from this clause. The description of the full undertaking should address the construction phase of this project.

New Jersey Historic Preservation Office and New York State Historic Preservation Office

FRA should consider including how and when the New Jersey Historic Preservation Office (NJHPO) and New York State Historic Preservation Office (NYSHPO) concurred with the adverse effect determination (i.e. by letter dated March 1, 2016).

Page 4: First and Third Whereas Clause

NJ Transit

FRA should consider removing NJ Transit in both Whereas Clauses. Again, FRA, as the lead federal agency, makes the final determination about the identification of historic properties per our Section 106 regulations 36 C.F.R. § 800.4.

Page 4: Third Whereas Clause

Unanticipated Discoveries

FRA should consider referencing the Unanticipated Discoveries Stipulation in this Whereas Clause considering this part of the undertaking will occur in a sensitive area for deeply buried prehistoric resources.

Page 4: Fifth Whereas Clause

Whereas Recommendation

FRA should consider adding a separate Whereas Clause stating how consulting parties participated in the development of the PA. This can be included on Page 4 when discussing the public opportunity to review and provide comments on the draft PA.

Stipulations Section

Page 5: Stipulation

Please insert the following sentence before listing the stipulations:

FRA, in coordination with the Project Sponsor(s), shall ensure that the following measures are carried out:

Page 5: Stipulation I.A

Please delete this section (Stipulation I.A). FRA already is identified as the lead federal agency in the beginning of the agreement.

Page 5: Stipulation I.B

Please delete the following text: “Notwithstanding Stipulation I.A.”

Page 6: Stipulation III

The Lead Federal Agency already has been identified in the beginning of this agreement. Please revise this stipulation to Identification of Project Sponsor and delete all references to identification of the Lead Federal Agency.

Page 6: Stipulation III.B

Please remove this section of the stipulation and insert a separate stipulation for Coordination with Other Federal Agency Reviews. The Coordination with Other Federal Agency Review stipulation can include the following text:

In the event that a federal agency or other agency applies for federal funding or approvals for the Undertaking and the Undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with FRA, NJHPO, NYSHPO, and ACHP. Any necessary modifications will be considered in accordance with the Amendment Stipulation.

Page 6: Stipulation III.C

Please revise this stipulation to require an amendment to the PA if a new Project Sponsor is identified or multiple Project Sponsors are identified. This amendment should include specified Section 106 responsibilities for the new Project Sponsor(s).

Page 7: Stipulation V.A

Please include specific text clarifying the duration and sequencing of the reviews listed in this stipulation.

Page 7: Stipulation V.A.2

Please identify the documentation standards (HABS/HAER and or state standards) for this recordation.

Page 9: Stipulation VI

Please remove NJ TRANSIT when referencing final determinations for potential effects to historic properties. The lead federal agency makes the final determination per our Section 106 regulations 36 C.F.R. § 800.5.

Page 9: Stipulation VI.A.1-2**Page 10: Stipulation VI.B.3****Page 10: Stipulation VI.C.1****Page 11: Stipulation VI.D.1**

Please clarify if consultation will be with the Project Consulting Tribes only and or with other federally recognized Native American tribes.

Page 11: Stipulation VI.D.1

The ACHP recommends that all curation of records and artifacts resulting from the identification and data recovery efforts be done in accordance with 36 CFR 79.

Page 12: Stipulation VII

Please address unanticipated effects on historic properties in this stipulation by including specific text stating procedures to be implemented if previously known historic properties are affected in an unanticipated manner. This can be addressed in the Unanticipated Discoveries Plan.

Page 14: Stipulation IX

Please revise this stipulation to include both emergency situations and natural disasters. FRA should reference the need to adhere to 36 C.F.R. § Section 800.12(b) in the event of a disaster or emergency.

Page 16: Stipulation XII.B

Please clarify exactly when this annual reporting will commence, either when this agreement is executed or when a Project Sponsor(s) is selected.

Page 16: Stipulation XII.C

Please delete this section of the stipulation. This agreement has an amendment stipulation.

Page 16: Stipulation XIII

Please clarify what happens if an adverse effect occurs on a property. If the PA will not include treatment protocols for adverse effects, then an amendment to this agreement may be required that documents the agreed upon strategies to avoid, minimize, or mitigate the adverse effect.

Page 16: Stipulation XIII.B-C, E-G

Please clarify if consultation will be with the Project Consulting Tribes only and or with other federally recognized Native American tribes.

Page 17: Stipulation XIV.A.4

Please define what “expedite” means by including certain timeframes.

Page 18: Stipulation XVII.A

Please include this text after the first line: “that if circumstances change over time and warrant revision of the stipulations.”

Page 25: Advisory Council on historic Preservation Signature Page

The ACHP is a signatory to this agreement. Please delete Invited from the ACHP signature page. Please insert John M. Fowler for the name and Executive Director for the title.

We understand FRA’s desire to move forward with this agreement. This Section 106 agreement document, therefore, should adhere to our regulations and be comprehensive so as to avoid the potential for subsequent procedural challenges. Accordingly, we urge FRA to consider revising the agreement document to address all comments provided by consulting parties. If you have any questions, please contact Sarah Stokely who can be reached at (202) 517-0224 or via e-mail at sstokely@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director, FPLAS
Office of Federal Agency Programs

Enclosure



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 9, 2017

Sarah Stokely
Program Analyst
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Ms. Stokely:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Advisory Council on Historic Preservation (ACHP) to review and provide comments on the draft PA. FRA has also provided the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for review and comment.

Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA respectfully requests that the ACHP expedite its review, if possible, and provide comments on the draft PA by **May 30th**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov, or by phone at (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



May 9, 2017

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
RPD-13
1200 New Jersey Avenue, SE
Washington, DC 20590
Via e-mail: laura.shick@dot.gov

RE: Hudson Tunnel Project
Section 106 Programmatic Agreement

Dear Ms. Shick:

Thank you for the invitation to become a signatory to the Section 106 Programmatic Agreement (PA) for the Hudson Tunnel Project. Amtrak accepts the invitation. We also appreciate the opportunity to review and provide comments on the draft PA. Amtrak's comments are in "track changes" in the attached Word document.

If you have any questions on the enclosed, please feel free to contact me at 215-349-1354 or johnette.davies@amtrak.com. We look forward to further consultation regarding this project.

Sincerely,

A handwritten signature in black ink that reads "Johnette Davies". The signature is written in a cursive style with a large, looped initial "J".

Johnette Davies
Senior Historic Preservation Specialist

cc: Michael Stern, Amtrak Managing Deputy General Counsel
Mohammed Nasim, Amtrak Senior Director Engineering Design



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 2nd, 2017

Ms. Amishi Castelli
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004-1415

Re: FRA
Hudson Tunnel Project
16PR03710

Dear Ms. Castelli:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We have reviewed the draft Programmatic Agreement that was provided to our office on April 10th, 2017. Based upon our review, we offer the following comments:

- Stipulation VI - NYSHPO requests that the results of investigations pursuant to the Archaeological Testing Plan/Archaeological Monitoring Plan (VI.B) should be presented in an interim report, including text and graphics sufficient to support an assessment of the National Register-eligibility of the identified property. This report should be submitted to this office for review and comment as part of the consideration of avoidance or mitigation options. We concur that a full report of all phases of investigation should be submitted once all field work and analysis has been completed (VI.D.2).
- Stipulation VI.D.2 – NYSHPO recommends that the NYAC standards for curation (1994) be followed for collections from archaeological sites in New York State.

If additional information correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/

If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

April 18, 2017

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Ms. Shick,

Thank you for your April 7, 2017 letter and copy of the draft Programmatic Agreement (PA) for the following project:

**Hudson County, Hoboken, Jersey City, North Bergen, Secaucus,
Union City and Weehawken
Hudson Tunnel Project
Federal Railroad Administration**

As Deputy State Historic Preservation Officer, I have the following comments on the draft PA:

Stipulation V. TREATMENT MEASURES FOR HISTORIC ARCHITECTURAL PROPERTIES (page PA-7). Please add a comma following "Stipulation III.A" so that the sentence reads:

"The Lead Federal Agency and the Project Sponsor, identified in accordance with Stipulation III.A.,"

Stipulation VI.D. Curation and Reporting (page PA-11).

The New Jersey Historic Preservation Office does request that all curation of records and artifacts resulting from the archaeological investigations (whether from federal or non-federal lands) be done in accordance with 36 CFR Part 79.

Stipulation X.A. DOCUMENT REVIEW (page PA-14).

Please add an "s" to "Stipulations" before "VI, VIII, and XIII" and add a comma following "XIII" so that the sentence reads:

"Except as specified in Stipulations VII and IX, Signatories and Concurring Parties, and Federally recognized Native American tribes where noted in Stipulations VI, VIII, and XIII,"

SIGNATORY (page PA-23).

Under the signature line, please add:

Katherine J. Marcopul

Deputy State Historic Preservation Officer

Thank you again for providing the opportunity to review and comment on the draft PA. Please reference the HPO project number 16-1650 in any future calls, emails, submission or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Meghan Baratta of my staff at (609) 292-1253 or Meghan.Baratta@dep.nj.gov with any questions on architectural history and Vincent Maresca at (609) 633-2395 or Vincent.Maresca@dep.nj.gov with any questions on archaeology.

Sincerely,



Katherine J. Marcopul
Deputy State Historic
Preservation Officer

KJM/MMB/VM/NZ

Cc:

Amishi Castelli, USDOT Federal Railroad Administration

Donald Burns, USDOT Federal Railroad Administration

Johnette Davies, Amtrak

Jeremy Colangelo-Bryan, NJ TRANSIT

RJ Palladino, AICP, PP, NJ TRANSIT

Dara Callender, P.E., NJ TRANSIT

From: Kimberly Penrod [mailto:kpenrod@delawarenation.com]
Sent: Wednesday, April 12, 2017 12:42 PM
To: Castelli, Amishi (FRA)
Cc: Kimberly Penrod
Subject: RE: FOR REVIEW: Hudson Tunnel Project Section 106 PA

Amishi,

I have a few comments on the Draft PA for consideration:

1. Page 8-B1. Any/all of the interpretive materials produced-The Delaware Nation would like to have a copy for our members to enjoy here at our facility. And printed materials for our archives and museum.
2. Delaware Nation would like to be involved and have a voice with said interpretive materials.
3. Page 12-discussion of unanticipated discoveries—we like to recommend a 50-100ft perimeter (especially if human remains are found). This additional area will help alleviate any “compression issues” from construction equipment.
4. Last—update your files to reflect my contact information from below.

Thanks so much for getting this out to us and we look forward to working with everyone on this project.
Kim

Respectfully,

Kim Penrod
Delaware Nation
Director, Cultural Resources/
106, Archives, Library and Museum
31064 State Highway 281
PO Box 825
Anadarko, OK 73005
(405)-247-2448 Ext. 1403 Office
(405)-924-9485 Cell
kpenrod@delawarenation.com

From: Castelli, Amishi (FRA) [mailto:Amishi.Castelli@dot.gov]
Sent: Friday, April 07, 2017 3:42 PM
To: Nekole Alligood
Cc: Shick, Laura (FRA); 'RPalladino@njtransit.com'; jcowing@akrf.com; Claudia Cooney (ccooney@akrf.com)
Subject: FOR REVIEW: Hudson Tunnel Project Section 106 PA

Good afternoon,

On behalf of Laura Shick, I am transmitting the Programmatic Agreement for a 30-day review. Please note we are requesting **comments be returned by May 9th**. Please also note that we'll be following up this email with a hard copy of the letters and materials.

Please contact me with any questions.

Have a great weekend!
Best, Amishi

Amishi Castelli, Ph.D.

Environmental Protection Specialist

U.S Department of Transportation, Federal Railroad Administration

Office of Program Delivery, Environment and Corridor Planning Division (RPD-13)

One Bowling Green, Suite 429

New York, NY 10004-1415

[617-431-0416](tel:617-431-0416)



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. James H. Cannon
New York District, U.S. Army Corps of Engineers Regulatory Branch
U.S. Army Corps of Engineers
26 Federal Plaza, 19th Floor
New York, NY 10278

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to be a Signatory to the Section 106 Programmatic Agreement and to Review
Draft Programmatic Agreement**

Dear Mr. Cannon:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the U.S. Army Corps of Engineers (USACE) to be an invited signatory to the PA. FRA encourages USACE to be a signatory to the PA because it is anticipated that USACE will grant permits under Section 404 of the Clean Water Act and Section 10 of the

Rivers and Harbors Act, which would be an undertaking pursuant to Section 106. By being a signatory to the PA, USACE recognizes its potential future role related to Project permitting, and demonstrates its commitment to the process established in the PA for continued Section 106 compliance.

In advance of your response, FRA is proactively providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. USACE is not required to be a signatory to the PA. If USACE chooses not to be a signatory to the PA, USACE will continue to be a consulting party and will be provided the opportunity to participate in development of the PA. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to USACE's response as to whether USACE will be signing the PA as well as USACE's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. RJ Palladino, AICP/PP
Senior Program Manager
NJ TRANSIT Capital Planning
One Penn Plaza East - 8th Floor
Newark, NJ 07105-2246

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to be a Signatory to the Section 106 Programmatic Agreement and to Review
Draft Programmatic Agreement**

Dear Mr. Palladino:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

As you are also aware, NJ TRANSIT has participated in the Section 106 process to date for the Project as a consulting party. Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite NJ TRANSIT to be an invited signatory to the PA. FRA encourages NJ TRANSIT to be a signatory to the PA because NJ TRANSIT is co-lead agency for NEPA. By being a signatory to the PA, NJ TRANSIT recognizes its potential future role as a Project Sponsor for final design and construction of the Project and/or future approval role related to Project funding or permitting, and demonstrates its commitment to the process established in the PA for continued Section 106 compliance.

In advance of your response, FRA is proactively providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. NJ TRANSIT is not required to be a signatory to the PA. If NJ TRANSIT chooses not to be a signatory to the PA, NJ TRANSIT will continue to be a consulting party and will be provided the opportunity to participate in development of the PA. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to NJ TRANSIT's response on whether NJ TRANSIT will be signing the PA as well as NJ TRANSIT's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. Steven Plate
Chief of Major Capital Projects
Port Authority of New York and New Jersey
80 Pine Street, 7th Floor
New York, NY 10005

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to be a Signatory to the Section 106 Programmatic Agreement and to Review
Draft Programmatic Agreement**

Dear Mr. Plate:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

As you are also aware, the Port Authority of New York & New Jersey (PANYNJ) has participated in the Section 106 process to date for the Project as a consulting party. Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite PANYNJ to be an invited signatory to the PA. FRA encourages PANYNJ to be a signatory to the PA because PANYNJ has a management and coordination role in the Project and may potentially provide and/or oversee state funding for construction of the Project. By being a signatory to the PA, PANYNJ recognizes its potential future role as a Project Sponsor for final design and construction of the Project and/or future approval role related to Project funding or permitting, and demonstrates its commitment to the process established in the PA for continued Section 106 compliance.

In advance of your response, FRA is proactively providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. PANYNJ is not required to be a signatory to the PA. If PANYNJ chooses not to be a signatory to the PA, PANYNJ will continue to be a consulting party and will be provided the opportunity to participate in development of the PA. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to PANYNJ's response on whether PANYNJ will be signing the PA as well as PANYNJ's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Stephen Goodman, P.E.
Regional Administrator
Federal Transit Administration
One Bowling Green, Room 428
New York, NY 10004-1415

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to be a Signatory to the Section 106 Programmatic Agreement and to Review
Draft Programmatic Agreement**

Dear Mr. Goodman:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

As you are also aware, the Federal Transit Administration (FTA) has participated in the Section 106 process to date for the Project as a consulting party. Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite FTA to be an invited signatory to the PA. FRA encourages FTA to be a signatory to the PA because FTA may have a financial action related to the Project. By being a signatory to the PA, FTA recognizes its potential future role as the Lead Federal Agency for final design and construction of the Project and/or future approval role related to Project funding, and demonstrates its commitment to the process established in the PA for continued Section 106 compliance.

In advance of your response, FRA is proactively providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. FTA is not required to be a signatory to the PA. If FTA chooses not to be a signatory to the PA, FTA will continue to be a consulting party and will be provided the opportunity to participate in development of the PA. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to FTA's response on whether FTA will be signing the PA as well as FTA's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit
Donald Burns, Federal Transit Administration



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Ms. Johnette Davies
Senior Historic Preservation Specialist
Amtrak
30th Street Station
2955 Market Street, Mailbox 55
Philadelphia, PA 19104

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to be a Signatory to the Section 106 Programmatic Agreement and to Review
Draft Programmatic Agreement**

Dear Ms. Davies:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

As you are also aware, Amtrak has participated in the Section 106 process to date for the Project as a consulting party. Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Because FRA has determined that the Project will have an adverse effect on historic properties, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite Amtrak to be an invited signatory to the PA and to provide Amtrak an opportunity to participate in its development. FRA encourages Amtrak to be a signatory to the PA because Amtrak is the owner and operator of the Northeast Corridor (NEC) and the existing North River Tunnel, is responsible for carrying out the preliminary engineering (“PE”) for the Project, and could potentially own the new tunnel. By being a signatory to the PA, Amtrak recognizes its potential future role as a Project Sponsor for final design and construction of the Project and/or future approval role related to Project funding or permitting, and demonstrates its commitment to the process established in the PA for continued Section 106 compliance.

In advance of your response, FRA is proactively providing the draft PA to all signatories, invited signatories, and the Federally-recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30-day review period. Amtrak is not required to be a signatory to the PA. If Amtrak chooses not to be a signatory to the PA, Amtrak will continue to be a consulting party and will be provided the opportunity to participate in development of the PA. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to Amtrak’s response on whether Amtrak will be signing the PA as well as Amtrak’s comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov, or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. Michael Lynch
Deputy, State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Mr. Lynch:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite NYSHPO to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on

comments that may be received on the PA and also based on further review by FRA. FRA looks forward to NYSHPO's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Ms. Marcopul:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite NJHPO to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native

American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to NJHPO's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. Bryan Polite; Daniel S. Collins, Sr.; and Eugene Cuffee, II
Trustees
Shinnecock Indian Nation Tribal Office
PO Box 5006
Southampton, NY 11969-5006

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Sirs:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Shinnecock Indian Nation as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally

recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Shinnecock Indian Nation's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Ms. Bonney Hartley,
Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
65 1st Street
Troy, NY 12180

Ms. Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
W13447 Camp 14 Road
Bowler, WI 54416

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Ms. Hartley and Ms. White:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. In addition, the Stockbridge-Munsee Community of

Mohican Indians of Wisconsin indicated in correspondence from Ms. Hartley to my attention dated March 6, 2017 that they have no significant cultural resources concerns pursuant to Section 106 based on review of the New Jersey and New York Phase 1A reports, and requested continued consultation should the project design change, or in the event of inadvertent discoveries.

Because of the aforementioned adverse effects, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those effects. The purpose of this letter is to invite the Stockbridge-Munsee Community of Mohican Indians of Wisconsin as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Stockbridge-Munsee Community of Mohican Indians of Wisconsin's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Chief Ron Sparkman
Shawnee Tribe of Oklahoma
P.O. Box 189
29 South Highway 69A
Miami, OK 74355

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Chief Sparkman:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Shawnee Tribe of Oklahoma as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting

parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Shawnee Tribe of Oklahoma's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Chief Glenna Wallace
Eastern Shawnee Tribe of Oklahoma
12755 South 705 Road
Wyandotte, OK 74370

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Chief Wallace:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Eastern Shawnee Tribe of Oklahoma as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is

a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Eastern Shawnee Tribe of Oklahoma's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Ms. Blair Fink and Ms. Susan Bachor
Historic Preservation Representatives
Delaware Tribe Historic Preservation Office
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Ms. Fink and Ms. Bachor:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Delaware Tribe as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally

recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Delaware Tribe's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov, or by phone at (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Mr. Chester Brooks
Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Mr. Brooks:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Delaware Tribe of Indians as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally

recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Delaware Tribe of Indians' comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

April 7, 2017

Ms. Neckole Alligood
Tribal Historic Preservation Officer
Delaware Nation
ATTN: Cultural Preservation Department
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005

**Re: Hudson Tunnel Project
Hudson County, New Jersey, and New York County, New York
Invitation to Review Draft Programmatic Agreement**

Dear Ms. Alligood:

As you are aware, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the Project), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). FRA is the lead federal agency for the EIS, as well as Section 106 of the National Historic Preservation Act (36 CFR Part 800). Current grant funding from FRA is for preliminary engineering, identification and evaluation of alternatives, and environmental analysis. Federal funding for final design and construction of the Project has not been identified.

Through the Section 106 consultation process that has occurred to date, FRA has determined that the Project will have an adverse effect on historic properties. This consultation has included the preparation of *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase IA Archaeological Survey* reports by consultants on behalf of FRA and NJ TRANSIT for the Project's Area of Potential Effects (APE) and submission of these reports to Section 106 consulting parties in January and March 2017. The New Jersey State Historic Preservation Officer (NJHPO) and New York State Historic Preservation Officer (NYSHPO) have subsequently provided concurrence and comments on those reports in correspondence dated February 17, February 24, and March 6, 2017. Therefore, FRA, in consultation with NJHPO and NYSHPO, is developing a Programmatic Agreement (PA) for the Project and potential future undertaking in accordance with 36 CFR 800.14(b)(3), to resolve those adverse effects.

The purpose of this letter is to invite the Delaware Nation as a Federally recognized Native American Tribe and Section 106 consulting party for the Project to review and provide comments on the draft

PA. FRA is providing the draft PA to all signatories, invited signatories, and the Federally recognized Native American tribes that have been identified as Section 106 consulting parties for the Project for a 30 day review period. Please note that the enclosed PA is a draft, subject to change, based on comments that may be received on the PA and also based on further review by FRA. FRA looks forward to the Delaware Nation's comments on the draft PA by **May 9, 2017**.

If you have any questions or require additional information, please contact Ms. Amishi Castelli, FRA Environmental Protection Specialist, at amishi.castelli@dot.gov or (617) 431-0416.

Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosure

cc: Amishi Castelli, Environmental Protection Specialist, FRA
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment,
Energy and Sustainability Unit

Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

April 4, 2017

Mr. Patrick T. Warren
Executive Director
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: *Proposed Hudson Tunnel Project*
Hudson County, New Jersey and New York County, New York

Dear Mr. Warren:

In response to a notification by the Federal Railroad Administration (FRA), the Advisory Council on Historic Preservation (ACHP) will participate in consultation to resolve the adverse effects that may result from the referenced undertaking. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations. The criteria are met because the undertaking presents important policy and interpretation questions.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the Executive Director, of our decision to participate in consultation. By copy of this letter, we are also notifying Ms. Marlys Osterhues, Environmental & Corridor Planning Division Chief.

Our participation in this consultation will be handled by Sarah Stokely who can be reached at 202-517-0224 or via e-mail at sstokely@achp.gov. We look forward to working with FRA and other consulting parties on this important project.

Sincerely,



John M. Fowler
Executive Director



March 24, 2017

Michael Lynch
Deputy Commissioner, Historic Preservation
New York State Office of Parks, Recreation and Historic Preservation
P.O. Box 189
Waterford, NY 12188-0189

Reference: Hudson Tunnel Project
Hudson County, NJ and New York County, NY
Approval to Perform Geotechnical Borings on the Hudson River
Bulkhead

Dear Mr. Lynch:

This letter is to request concurrence from your office for the performance of a geotechnical boring within Hudson River Bulkhead for the Hudson Tunnel Project. The proposed Hudson Tunnel alignment is shown in **Attachment A**. The geotechnical boring program is being advanced by Amtrak as part of the Preliminary Engineering (PE) for the Hudson Tunnel Project. Please note, that this is a related but separate effort from the Hudson Tunnel Project National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) and Section 106 Process which is being led by Federal Railroad Administration (FRA) and NJ TRANSIT.

Geotechnical borings are being proposed on land and in water along the project alignment in both New Jersey and New York. The boring proposed within the landside portion of the Hudson River Park on the Hudson River Bulkhead is identified in **Attachment B**. The boring is labeled HTP-NY-001s.

Coordination with the Hudson Park Trust is also being undertaken related to the proposed boring activities in the waterside and landside portions of their property.

Description of Proposed Boring Program

The Gateway Trans-Hudson Partnership (GTHP) will perform the geotechnical borings on behalf of AMTRAK, the Project Owner. GTHP is a joint venture of WSP | Parsons Brinckerhoff, Inc., AECOM USA Inc., and STV Incorporated.

Boring information will be used for both geotechnical and environmental purposes. In addition to collecting boring data and samples for geotechnical characterization, the proposed borings will be monitored for gases during drilling,

and collected soil samples will be chemically analyzed to document environmental conditions.

For the land-based boring, a truck-mounted roto-sonic drill rig will be used to advance the boring through the man-made fill materials comprising the bulkhead by sonic drilling (**Attachment C**). Unlike a rotary drill head, a sonic drill head includes an oscillator which applies a high-frequency vibratory force on the drill string, causing the drill bit to vibrate in addition to being pushed down and rotated. Drilling fluid typically is not necessary with this technique.

Boring Program Duration

The land boring on the bulkhead in Hudson River Park is estimated to require about 2-3 weeks to complete, including *in situ* testing and well installation. Two mobilizations will be required for this boring: a roto-sonic rig for overburden drilling and a truck-mounted rig for rock coring. Total time for mobilization is expected to be about half a day.

It is anticipated that the work will start in April 2017.

The drilling crew will employ all reasonable methods to protect the bulkhead and from damage.

If you have any questions or require additional information, please feel free to contact me at (973) 856-0321 or mohammed.nasim@amtrak.com, or Mr. Phil Rice of GTHP at (212) 465-5256 or ricep@pbworld.com.

Very truly yours,



Mr. Mohammed Nasim, P.E.
Senior Director Engineering Design, Amtrak
Hudson Tunnel Project

Attachments

cc: N. Doyle, HRPT
M. Corrado, Amtrak
O. Brazee, OPRHP
P. Perazio, OPRHP
D. Merwin, OPRHP
P. Rice, GTHP



HUDSON TUNNEL PROJECT

Hudson Tunnel Project Overview

Contract # 9500001023

Attachment A

March, 2017

Submitted to:



Submitted by:

**The Gateway
Trans-Hudson
Partnership**





LEGEND

- - - Existing North River Tunnel
- - - Existing R.O.W. Preservation
- Proposed Hudson Tunnel (Mined)
- Proposed Hudson Tunnel (Cut-and-Cover)
- ▨ Potential Shaft Site & Construction Staging Area
- ▨ Proposed In-Water Construction



TUNNEL PORTAL

NEW JERSEY
NEW YORK

LIRR Eastern
Rail Yard
LIRR Western
Rail Yard
30th St
29th St

Block 675

Hudson River Park
12th Ave

Hudson River

Retaining Wall
Secaucus Rd
Penhorn Creek
County Rd
NYS & W / Norfolk Southern
Tonnelle Ave
Paterson Plank Rd

Willow Ave
Park Ave

NJ

NY



HUDSON TUNNEL PROJECT

New York State Office of Parks, Recreation and Historic Preservation

Contract # 9500001023

Attachment B

March, 2017

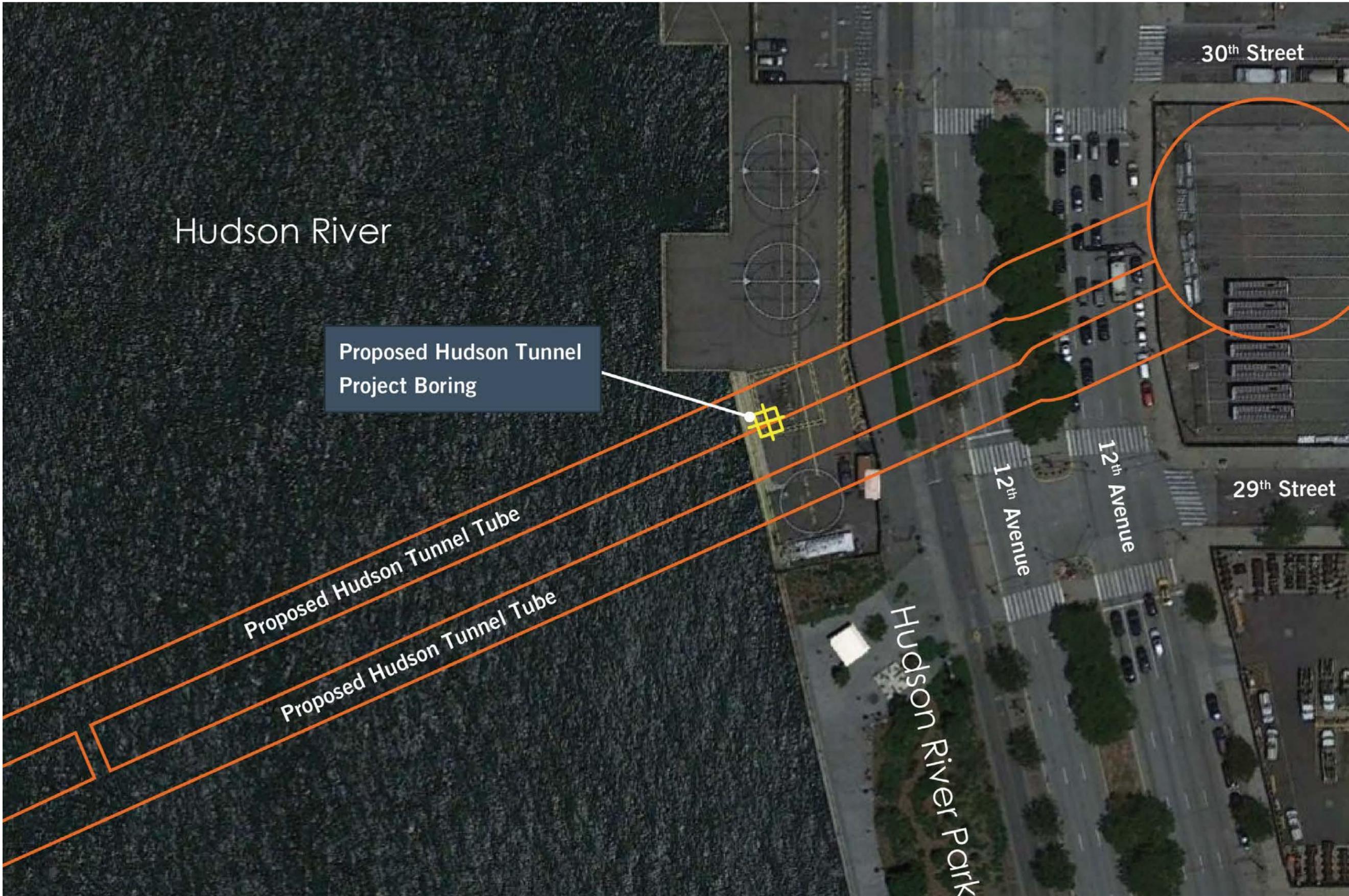
Submitted to:



Submitted by:

**The Gateway
Trans-Hudson
Partnership**





Hudson River

30th Street

Proposed Hudson Tunnel Project Boring

Proposed Hudson Tunnel Tube

Proposed Hudson Tunnel Tube

Hudson River Park

12th Avenue

12th Avenue

29th Street



HUDSON TUNNEL PROJECT

Boring Equipment

Contract # 9500001023

Attachment C

March, 2017

Submitted to:



Submitted by:

**The Gateway
Trans-Hudson
Partnership**



45 ft. H (with rig raised)



45 ft. L

8 ft. W



From: Castelli, Amishi (FRA)
Sent: Friday, March 17, 2017 6:38 PM
To: Robin Dushane
Cc: 'RPalladino@njtransit.com'
Subject: RE: Holland Tunnel Project proposed APE Section 106 Consult

Great, thanks very much! We look forward to working with the Eastern Shawnee THPO office on the next steps in the 106 process. Have a good weekend! -Amishi

From: Robin Dushane [<mailto:RDushane@estoo.net>]
Sent: Friday, March 17, 2017 5:12 PM
To: Castelli, Amishi (FRA)
Subject: Holland Tunnel Project proposed APE Section 106 Consult

Dear Ms. Castelli,

Thank you for informing the Eastern Shawnee Tribe of the proposed project associated with the undertaking referenced above.

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and implementing regulation, 36 CFR 800, "Protection of Historic Properties" the Eastern Shawnee Tribal Historic Preservation Office is responding to your request for concurring with the APE of the project referenced above.

If you have any questions, please feel free to contact this office by phone at 918 533 4104 or by e-mail at rdushane@estoo.net.

Sincerely,

Robin Dushane

Tribal Historic Preservation Officer

Eastern Shawnee Tribe

70500 E 128 Rd.

Wyandotte, OK 74370

918 533 4104-cell

rdushane@estoo.net

IMPORTANT NOTICE: This e-mail message is intended to be received only by persons entitled to receive the confidential information it may contain. E-mail messages from ESTOO.net may contain information that is confidential and legally privileged. Please do not read, copy, forward, or store this message unless you are an intended recipient of it. If you have received this message in error, please forward it to the sender and delete it completely from your computer system.

From: Shick, Laura (FRA)
Sent: Monday, March 06, 2017 12:43 PM
To: 'Bonney Hartley'
Cc: Castelli, Amishi (FRA)
Subject: RE: Hudson Tunnel Project--Hudson County NJ & New York County NY

Thank you, Ms. Hartley.

From: Bonney Hartley [<mailto:Bonney.Hartley@mohican-nsn.gov>]
Sent: Monday, March 06, 2017 12:39 PM
To: Shick, Laura (FRA)
Cc: Castelli, Amishi (FRA)
Subject: Hudson Tunnel Project--Hudson County NJ & New York County NY

Dear Ms. Shick:

I have completed review of the Phase 1A Archaeological studies for the Hudson Tunnel Project for the New York and New Jersey survey areas.

Based on the findings of these reports, Stockbridge-Munsee Community does not have significant cultural resource concerns with the project pursuant to Section 106. Should the project designs change, or in the event of inadvertent discoveries, we request continued consultation.

Kind regards,
Bonney

Bonney Hartley

Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180

[\(518\) 244-3164](tel:5182443164)

Bonney.Hartley@mohican-nsn.gov

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State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE

Governor

BOB MARTIN

Commissioner

KIM GUADAGNO

Lt. Governor

March 6, 2017

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Ms. Shick:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40553-40555), I am providing initial consultation comments on the following proposed undertaking:

**Hudson County, Hoboken, Jersey City, North Bergen, Secaucus,
Union City and Weehawken
Hudson Tunnel Project
Federal Railroad Administration**

Summary (NEW SHPO OPINIONS): The Charles X. Harris House and Studio at 356 Mountain Road, Union City, and the house at 320-324 Mountain Road, Union City are individually eligible for inclusion in the National Register of Historic Places (NRHP). The North River Tunnel, previously identified as both individually eligible for inclusion in the NRHP and contributing to the NRHP-eligible Pennsylvania Railroad New York to Philadelphia Historic District (PRR NYPHD), is considered key contributing to the PRR NYPHD. The proposed undertaking will constitute an adverse effect to the North River Tunnel and the PRR NYPHD. Additional consultation, pursuant to 36 CFR 800.6 Resolution of Adverse Effects, is required to complete the Section 106 process.

The consultation comments below are in reply to the following cultural resource reports received at the Historic Preservation Office (HPO) on January 30, 2017:

Alpert, Lynn and Allee Davis

January 2017

Historic Architectural Resources Background Study (HARBS) and Effects Assessment (EA), Hudson Tunnel Project, Town of Secaucus, Township of North

*Bergen, City of Union City, Township of Weehawken, and City of Hoboken,
Hudson County, New Jersey. Prepared by Richard Grubb & Associates, Inc.*

and

Bulger, Teresa D.
January 26, 2017

*Phase IA Archaeological Survey, Hudson Tunnel Project, Town of Secaucus,
Township of North Bergen, City of Union City, Township of Weehawken, and
City of Hoboken, Hudson County, New Jersey. Prepared by Richard Grubb &
Associates, Inc.*

800.4 Identification of Historic Properties

Historic Architecture

The submitted architectural survey examined 31 previously surveyed or newly identified resources more than 50 years of age inside the Area of Potential Effects (APE) for the project. Six of these resources had been previously determined as eligible for listing in the NRHP: PRR NYPHD (SHPO Opinion 10/2/2002); New Jersey Midland Railway/New York, Susquehanna and Western Railroad Historic District (SHPO Opinions 1/3/2015 and 4/25/2006); Erie Railroad Main Line Historic District (SHPO Opinions 3/6/2006; 2/20/2003 and 3/10/1999); Jersey City Waterworks Historic District (SHPO Opinions 4/2/2013, 2/20/2003, and 5/15/1998); North (Hudson) River Tunnel (SHPO Opinion 11/12/1998); and Substation No. 3, Pennsylvania Railroad (SHPO opinion 9/12/1994).

As a result of the intensive level historic architectural survey, three new resources were recommended as eligible for inclusion in the NRHP: the Willow Avenue Historic District; the Charles X. Harris House and Studio at 356 Mountain Road, Union City; and the house at 320-324 Mountain Road, Union City. **It is my opinion as Deputy State Historic Preservation Officer that the following resources within the APE-Architecture for the proposed undertaking are eligible for listing on the New Jersey and National Registers of Historic Places:**

- The Charles X. Harris House and Studio, 356 Mountain Road, Union City, is eligible for inclusion in the NRHP under Criterion B for its association with noted artist Charles Xavier Harris, who had the house built in 1906 and lived there until 1931. Harris was a nationally-acclaimed artist who had been trained in the Ecole des Beaux-Arts school of painting and who was known for both his paintings and his work to reproduce, restore, and exhibit early American paintings. In addition, the property is significant under Criterion C as a relatively intact example of an early twentieth century artist's home and studio.
- The house at 320-324 Mountain Road, Union City, is eligible for inclusion in the NRHP under Criterion B for its association with two artists, sculptor and inventor Robert Treat Paine from its construction in 1907 until 1912, and architectural sculptors Frank and Raphael Menconi from 1912 until Frank's death in 1928. Robert Treat Paine, trained at the Chicago School of Art and the Art Students League of New York, developed a pantograph machine to assist artists with planning large-scale monuments. The Menconi brothers worked with well-known architects such as McKim, Mead and White to develop sculptures in the Beaux Arts style.

Although the report recommends that the house at 320-324 Mountain Road meets NRHP Criterion C as "a personal reflection and expression of the Menconi's Beaux Arts style," I am not able to fully evaluate the building's architectural significance. It is understandable that the wall around the house undoubtedly made photography difficult; however, the limited views of the

house, combined with the report's reference to alterations, prohibit me from evaluating at this time the house's significance under Criterion C. Because the house is receiving a SHPO Opinion of Eligibility under Criterion B, no further evaluation of Criterion C eligibility is needed at this time.

- The North River Tunnel, previously identified as both individually eligible for inclusion in the NRHP and contributing to the NRHP-eligible PRR NYPHD, is considered key contributing to the PRR NYPHD due to its role in providing rail access into New York City as well as facilitating the PRR's early electrification efforts.

The report recommends that the Willow Avenue Historic District in Weehawken is eligible for inclusion in the NRHP under Criteria A and C and that two buildings within the potential historic district, Baldwin Hose Company No. 1 at 1818 Willow Avenue and the Herme at 1732-34 Willow Avenue, are key contributing buildings within the historic district, although these buildings are evaluated as not individually eligible for inclusion in the NRHP. Based on the information submitted, the Willow Avenue Historic District does not appear to be eligible for inclusion in the National Register of Historic Places, due to the loss of buildings within the potential historic district as well as the alterations to the extant buildings. In addition, neither Baldwin Hose Company No. 1 at 1818 Willow Avenue nor the Herme at 1732-34 Willow Avenue appear to be individually eligible for inclusion in the NRHP. For future reference, it should be noted that in order for a resource within a potential historic district to be considered key, it needs to meet the criteria for inclusion in the NRHP as an individual resource.

Archaeology

The above-referenced Phase IA report provides a comprehensive assessment of the Pre-Contact and historic period archaeological sensitivity within the undertaking's area of potential effects (APE) direct effects. A summary of the archaeological resource potential and archaeological testing methodological recommendations are provided in Table 6.1. *Field testing for the early 19th century Historic Sea Wall is appropriate depending on construction methods. Based on prior archaeological survey, geomorphological resources, and late 19th/20th century dates of construction, no additional archaeological consideration is recommended for the NJJRR Freight Building, NJJRR Interlocking/Signal Tower and two unidentified structures, Felix Mc Ardel House, Arthur Koppel Company et al site, and light industrial buildings locations. A work plan by an archaeologist who meets the Secretary of the Interior's Standards for archaeology for treating the Historic Sea Wall location will need to be developed in the future once project impacts are better understood.*

800.5 Assessing Adverse Effects

I concur with the report's evaluation that the proposed undertaking will not have an adverse effect on the following NRHP-eligible historic resources:

- New Jersey Midland Railway/New York, Susquehanna and Western Railroad Historic District
- Erie Railroad Main Line Historic District
- Jersey City Waterworks Historic District
- Substation No. 3, Pennsylvania Railroad
- Charles X. Harris House and Studio, 356 Mountain Road, Union City
- 320-324 Mountain Road, Union City

I also concur that the proposed changes to the interior of the North River Tunnel, including the demolition and reconstruction of the tunnel's bench walls and removal and replacement of the existing

ballasted track system, will result in an adverse effect to the North River Tunnel as well as to the PRR NYPHD.

Therefore, the HPO looks forward to continuing Section 106 consultation, pursuant to 36 CFR §800.6 (a) Resolution of Adverse Effects, to develop measures/alternatives to avoid, minimize, and/or mitigate the adverse effects. I concur with the report's recommendation that these measures should include development of construction protection measures to ensure that the Bergen Portal and Substation No. 3 are not damaged during construction, HAER documentation of affected portions of the North River Tunnel, and development of appropriate educational material be completed. Additional mitigation may be necessary depending on the outcome of the archeological survey.

FRA should notify the Advisory Council on Historic Preservation of this adverse effect finding, pursuant to 36 CFR §800.6 (a)(1).

Additional Comments

Thank you again for providing the opportunity to review and comment on the potential for the above-referenced undertaking to affect historic properties. Please reference the HPO project number 16-1650 in any future calls, emails, submission or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Meghan Baratta of my staff at (609) 292-1253 or Meghan.Baratta@dep.nj.gov with any questions or architectural history and Vincent Maresca at (609) 633-2395 or Vincent.Maresca@dep.nj.gov with any questions on archaeology.

Sincerely,



Katherine J. Marcopul
Deputy State Historic
Preservation Officer

KJM/MMB/VM/NZ

Cc:

Amishi Castelli, USDOT Federal Railroad Administration
Johnette Davies, Amtrak
Jeremy Colangelo-Bryan, NJ TRANSIT
RJ Palladino, AICP,PP, NJ TRANSIT
Dara Callender, P.E., NJ TRANSIT
Rebecca Reyes-Alicea, USDOT Federal Railroad Administration
Ruth L. Pierpont, New York State Historic Preservation Officer
Steven Plate, Port Authority of New York and New Jersey
Charlene Dwin Vaughn, Advisory Council on Historic Preservation
Nekole Alligood and Jason Ross, Delaware Nation
Blair Fink and Susan Bachor, Delaware Tribe
Chester Brooks, Chief Delaware Tribe of Indians of Oklahoma
Sherry White, Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Bonney Hartley, Stockbridge-Munsee Community of Mohican Indians of New York
Daniel S. Collins, Sr., Shinnecock Indian Nation
Corrine Remington, Eastern Delaware Nation

Doris Pieschel, Eastern Lenape Nation of Pennsylvania
Mark Gould, Nanticoke Lenni-Lenape Indians of New Jersey
Meenakshi Srinivasan, New York City Landmarks Preservation Commission
Dawn Zimmer, Hoboken Mayor's Office
Dennis English, Hoboken Historic Preservation Commission
Steven M. Fulop, Jersey City Mayor's Office
Robert Cotter, PP, FAICP, Jersey City Historic Preservation Commission
Nicolas Sacco, North Bergen Mayor's Office
Michael J. Gonnelli, Secaucus Mayor's Office
Brian Stack, Union City Mayor's Office
David Spatz, Union City Landmarks Commission
Richard F. Turner, Weehawken Mayor's Office
Weehawken Historical Commission
Noreen Doyle, Hudson River Park Trust
Ilene Grossman-Bailey, Archaeological Society of New Jersey
Jim Mackin, Society for Industrial Archeology
S. Spritzer, Professional Archaeologists of New York City
Walter Hoffman, Anthracite Railroads Historical Society
Michael J. Connor, Erie Lackawanna Historical Society
John E. Barth, National Railway Historical Society, Inc.
Tommy Meehan, Railway & Locomotive Historical Society
Steve Staffieri, Pennsylvania Railroad Technical & Historical Society
Michael Del Vecchio, Tri-State Railway Historical Society, Inc.
Larry Gross, United Railroad Historical Society of New Jersey
Richard Wilson, National Railway Historical Society
Thomas A. DeGise, Hudson County Executive
Charles Enyart, Chief, Eastern Shawnee Tribe of Oklahoma
Shawnee Tribe of Oklahoma
Steve Tettamanti, New Jersey Historical Society
Alex Matthiessen, Hudson Riverkeeper
Bob Foster, Hoboken Historical Museum
Justin Frohwirth, Jersey City Landmarks Conservancy
Weehawken Historical Society
Hoboken Quality of Life Coalition



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

February 24, 2017

Ms. Amishi Castelli
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004-1415

Re: FRA
Hudson Tunnel Project
16PR03710

Dear Ms. Castelli:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

SHPO has reviewed the Phase IA archaeological report for this project – *Phase 1A Archaeological Documentary Study, Hudson Tunnel Project, New York, NY* (AKRF, 24 January 2017). We concur with the conclusions and recommendations of this report. We would like to emphasize that testing in advance of construction as opposed to monitoring during construction is preferred whenever feasible. Please continue to consult with this office as the project proceeds.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

cc: Claudia Cooney, AKRF
Amanda Sutphin, LPC

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

February 17, 2017

Ms. Amishi Castelli
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004-1415

Re: FRA
Hudson Tunnel Project
16PR03710

Dear Ms. Castelli:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have reviewed the Revised Historic Architectural Resources Background Study and Effects Assessment report and appendices dated January 24th, 2017, submitted to our office on January 27th, 2017. Based upon our review, we concur with the list of National Register eligible historic resources identified within the Area of Potential Effect, as well as the recommendation that the Westyard Distribution Center/Lerner Building remains ineligible for listing. We concur with the consultant that the building is not NRE due to the recent renovations. Constructed between 1966 (the year a new building permit was issued) and 1969/1970, the 15-story Westyard Distribution Center Building was originally designed in the Brutalist style by David Brody & Associates. In 2015-2016 the building underwent a major renovation that includes a new glass façade, replacing the exposed concrete façade of the Brutalist design. The substantial modifications impact the building's original Brutalist design, and negatively affect the building's integrity of design, materials, and workmanship. Therefore, as a result of this lack of integrity, the building does not meet the NR criteria.

We further concur with the assessment of direct and indirect effects, and specifically with the determination that the proposed undertaking will result in a direct Adverse Effect to the National Register eligible New York Improvement and Tunnel Extension of the Pennsylvania Railroad (aka North River Tunnel) and Hudson River Bulkhead resources. Our understanding of the basis for this determination is that the undertaking would result in the removal of interior components of the North River Tunnel that include original physical features such as the bench

walls, which were technologically innovative and are character-defining features of the NRHP-eligible resource, and the ballast track system; and that the two tubes of the new Hudson Tunnel would be bored directly through the foundation of the Hudson River Bulkhead, cutting through the bulkhead's timber piles and riprap, and thus resulting in the removal of original components of the Hudson River Bulkhead.

Finally, we concur with your suggested mitigation items, including HAER recordation of the North River Tunnel and additional mitigation possibly including a published written history and interpretive displays related to the North River Tunnel, documentation of the affected Hudson River Bulkhead during project construction, and the development and implementation of construction protection and monitoring measures avoid inadvertent secondary construction related impacts on the Hudson River Bulkhead structure and on two historic architectural resources, the High Line and Master Printers Building at 406-416 Tenth Avenue, that are located within 90 feet of Project construction.

If additional information correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,



Olivia Brazee
Historic Preservation Technical Specialist
olivia.brazee@parks.ny.gov

via e-mail only



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Ms. Bonney Hartley, Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
65 1st Street
Troy, NY 12180

Ms. Sherry White, Tribal Historic Preservation Officer
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
W13447 Camp 14 Road
Bowler, WI 54416

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Ms. Hartley and Ms. White:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present the cultural resources reports that have been prepared for the Project for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Documentary Study (Phase 1A)* reports have been prepared for New Jersey and New York (a separate HARBS/EA and Phase 1A each for New Jersey and New York, resulting in a total of four reports). These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project’s potential effects on identified resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant

resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line extending to the right.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Mr. Bryan Polite; Daniel S. Collins, Sr.; and Eugene Cuffee, II
Trustees
Shinnecock Indian Nation Tribal Office
PO Box 5006
Southampton, NY 11969-5006

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Sirs:

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Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Chief Ron Sparkman
Shawnee Tribe of Oklahoma
P.O. Box 189
29 South Highway 69A
Miami, OK 74355

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Chief Sparkman:

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Chief Glenna Wallace
Eastern Shawnee Tribe of Oklahoma
12755 South 705 Road
Wyandotte, OK 74370

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Chief Wallace:

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If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Ms. Blair Fink and Ms. Susan Bachor, Historic Preservation Representatives
Delaware Tribe Historic Preservation Office
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Ms. Fink and Ms. Bachor:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present the cultural resources reports that have been prepared for the Project for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Documentary Study* (Phase 1A) reports have been prepared for New Jersey and New York (a separate HARBS/EA and Phase 1A each for New Jersey and New York, resulting in a total of four reports). These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project’s potential effects on identified resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Mr. Chester Brooks
Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Mr. Brooks:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present the cultural resources reports that have been prepared for the Project for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Documentary Study (Phase 1A)* reports have been prepared for New Jersey and New York (a separate HARBS/EA and Phase 1A each for New Jersey and New York, resulting in a total of four reports). These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project’s potential effects on identified resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

January 30, 2017

Ms. Neckole Alligood
Tribal Historic Preservation Officer
Delaware Nation
ATTN: Cultural Preservation Department
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of Cultural Resources reports as part of Section 106 Consultation; (2)
invitation to engage in Government-to-Government Consultation**

Dear Ms. Alligood:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present the cultural resources reports that have been prepared for the Project for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), *Historic Architectural Resources Background Study and Effects Assessment (HARBS/EA)* and *Phase 1A Archaeological Documentary Study (Phase 1A)* reports have been prepared for New Jersey and New York (a separate HARBS/EA and Phase 1A each for New Jersey and New York, resulting in a total of four reports). These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project’s potential effects on identified resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

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available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

**Federal Railroad
Administration**

January 27, 2017

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project— Hudson County, NJ, and New York County, NY:
Submittal of Cultural Resources reports as part of Section 106 Consultation**

Dear Ms. Marcopul:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the "Project") in accordance with the National Environmental Policy Act (NEPA). As per our May 12, 2016 letter, FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), and following the methodology outlined in the *Effect Assessment Methodology for Historic and Archaeological Resources* document submitted to your office, a *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Documentary Study* have been prepared. These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project's potential effects to identified historic architectural and archaeological resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

If you have any questions, or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com.

Sincerely,

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

**Federal Railroad
Administration**

January 26, 2017

Mr. Michael Lynch
Deputy, State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project— Hudson County, NJ, and New York County, NY:
Submission of Cultural Resources reports as part of Section 106 Consultation**

Dear Mr. Lynch:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the "Project") in accordance with the National Environmental Policy Act (NEPA). As per our May 12, 2016 letter, FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), and following the methodology outlined in the *Effect Assessment Methodology for Historic and Archaeological Resources* document submitted to your office, a *Historic Architectural Resources Background Study and Effects Assessment* (HARBS/EA) and *Phase 1A Archaeological Documentary Study* have been prepared. These reports a) identify historic architectural and archaeological resources in the Area of Potential Effects (APE), b) describe the methodologies used to identify historic architectural and archaeological resources in the APE, c) provide assessments of the Project's potential effects to identified historic architectural and archaeological resources, and d) provide recommendations with respect to additional evaluation and mitigation. These reports are enclosed for your review.

If you have any questions, or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com.

Sincerely,

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

Federal Railroad
Administration

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

HISTORIC PRESERVATION OFC

December 9, 2016

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RCVD

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project— Hudson County, NJ, and New York County, NY:
Submittal of Proposed APE as part of Section 106 Consultation**

Dear Ms. Marcopul:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the "Project") in accordance with the National Environmental Policy Act (NEPA). As per our May 12, 2016 letter, FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC.

Pursuant to Section 106 and its implementing regulations (36 CFR 800) and following the methodology in the October 2016 *Effect Assessment Methodology for Historic and Archaeological Resources* submitted to your office, FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project's potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). The proposed Section 106 APE and the proposed study area for assessing the Project's potential impacts on historic properties pursuant to NEPA in the EIS, are the same.

A description of the proposed APE, including the Project's components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

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16-1650-10
A2017-129

Ms. K. Marcopul

2

December 9, 2016

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit

CONCUR


Katherine J. Marcopul
DEPUTY STATE HISTORIC
PRESERVATION OFFICER

1/13/2017
DATE



U.S. Department
Of Transportation
**Federal Transit
Administration**

Region II
New York
New Jersey

One Bowling Green
Room 428
New York, NY 10004-1415
212-668-2170
212-668-2136 (Fax)

December 20, 2016

Ms. Ruth Pierpont
Deputy Commissioner
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Designation of FRA as Lead Federal Agency per 36 CFR 800.2(a)(2)

Dear Ms. Pierpont:

The purpose of this letter is to notify your office that the Federal Transit Administration (FTA) is designating the Federal Railroad Administration (FRA) as the lead federal agency pursuant to 36 CFR 800.2(a)(2) to act on FTA's behalf to fulfil our responsibilities under Section 106 for the proposed Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation are preparing an Environmental Impact Statement (EIS) to evaluate the proposed Project, pursuant to the National Environmental Policy Act of 1969 (NEPA). The FTA is a cooperating agency on the EIS and may also have a financial action on the proposed Project.

The FRA sent letters, dated May 12, 2016, to the New Jersey Historic Preservation Office and New York Historic Preservation Office to initiate consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. §306168) and its implementing regulations (36 CFR 800) for the Hudson Tunnel Project (Project) (see **Attachment**). The Project, an undertaking under Section 106, involves the construction of two new rail tunnels under the Hudson River and new railroad infrastructure in New Jersey and New York to connect the tunnels to the NEC and the rehabilitation of the existing NEC tunnels beneath the Hudson River.

If you have any questions about this designation, please contact Mr. Donald Burns of my staff at donald.burns@dot.gov.

Sincerely,

Stephen Goodman, P.E.
Regional Administrator

Attachment

cc: Rebecca Reyes-Alicea, USDOT Federal Railroad Administration
Amishi Castelli, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, NJ Transit
RJ Palladino, AICP, PP, NJ Transit
Dara Callender, P.E., NJ Transit
Kate Marcopul, New Jersey Department of Environmental Protection
Johnette Davies, Amtrak
Steven Plate, Port Authority of New York and New Jersey
Charlene Dwin Vaughn, Advisory Council on Historic Preservation
Nekole Alligood and Jason Ross, Delaware Nation
Blair Fink and Susan Bachor, Delaware Tribe
Chester Brooks, Chief, Delaware Tribe of Indians, Oklahoma
Harry Wallace, Chief, Unkechaug Nation
Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
Ron Sparkman, Chief, Shawnee Tribe of Oklahoma
Sherry White, Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Bonney Hartley, Stockbridge-Munsee Community of Mohican Indians
Daniel S. Collins, Sr., Shinnecock Indian Nation
Corrine Remington, Eastern Delaware Nation
Doris Pieschel, Eastern Lenape Nation of Pennsylvania
Mark Gould, Nanticoke Lenni-Lenape Indians of New Jersey
Meenakshi Srinivasan, New York City Landmarks Preservation Commission
Dawn Zimmer, Hoboken Mayor's Office
Dennis English, Hoboken Historic Preservation Commission
Steven M. Fulop, Jersey City Mayor's Office
Robert Cotter, PP, FAICP, Jersey City Historic Preservation Commission



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Ruth Pierpont
Deputy Commissioner, Historic Preservation
New York State Historic Preservation Office
Pebbles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Pierpont:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project is located along the New Jersey- and National Register-eligible Pennsylvania Railroad New York to Philadelphia Historic District (Northeast Corridor, Pennsylvania to New York) and includes the North River Tunnel, also New Jersey- and National Register-eligible.

The Notice of Intent announcing the preparation of an EIS, initiation of the scoping period, and the initiation of the Section 106 process for the Hudson Tunnel Project was published in the Federal Register on May 2, 2016. The scoping period will end on May 31st.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is

used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

Statement of Undertaking

The Project, which is also the undertaking for purposes of Section 106, consists of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel's tracks would connect with the NEC to (in New York) the existing rail complex at PSNY.

The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Project includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

Identification of Consulting Parties

Section 106 requires that FRA consult with the New York State Historic Preservation Office (NYSHPO) and New Jersey Historic Preservation Office (NJHPO) to identify parties to participate in the Section 106 process ("consulting parties"). Consulting parties may include local governments, Federally recognized Indian tribes,

and individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected historic properties, or their concern with the undertaking's effects on historic properties. FRA and NJ TRANSIT have identified entities that may be invited to participate in the Section 106 process for the undertaking as consulting parties, in addition to the NYSHPO and NJHPO. In accordance with 36 C.F.R. §800.3, FRA is providing the attached preliminary list of invited consulting parties for your review (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

**Federal Railroad
Administration**

May 12, 2016

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Marcopul:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

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The Notice of Intent announcing the preparation of an EIS, initiation of the scoping period, and the initiation of the Section 106 process for the Hudson Tunnel Project was published in the Federal Register on May 2, 2016. The scoping period will end on May 31st.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

Statement of Undertaking

The Project, which is also the undertaking for purposes of Section 106, consists of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel's tracks would connect with the NEC to (in New York) the existing rail complex at PSNY.

The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Project includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

Identification of Consulting Parties

Section 106 requires that FRA consult with the New Jersey Historic Preservation Office (NJHPO) and New York State Historic Preservation Office (NYSHPO) to identify parties to participate in the Section 106 process (“consulting parties”). Consulting parties may include local governments, Federally recognized Indian tribes, and individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected historic properties, or their concern with the undertaking’s effects on historic properties. FRA and NJ TRANSIT have identified entities that may be invited to participate in the Section 106 process for the undertaking as consulting parties, in addition to the NJHPO and NYSHPO. In accordance with 36 C.F.R. §800.3, FRA is providing the attached preliminary list of invited consulting parties for your review (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
Of Transportation
**Federal Transit
Administration**

Region II
New York
New Jersey

One Bowling Green
Room 428
New York, NY 10004-1415
212-668-2170
212-668-2136 (Fax)

December 20, 2016

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Department of Environmental Protection
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625-0420

Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Designation of FRA as Lead Federal Agency per 36 CFR 800.2(a)(2)

Dear Ms. Marcopul:

The purpose of this letter is to notify your office that the Federal Transit Administration (FTA) is designating the Federal Railroad Administration (FRA) as the lead federal agency pursuant to 36 CFR 800.2(a)(2) to act on FTA's behalf to fulfil our responsibilities under Section 106 for the proposed Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation are preparing an Environmental Impact Statement (EIS) to evaluate the proposed Project, pursuant to the National Environmental Policy Act of 1969 (NEPA). The FTA is a cooperating agency on the EIS and may also have a financial action on the proposed Project.

The FRA sent letters, dated May 12, 2016, to the New Jersey Historic Preservation Office and New York Historic Preservation Office to initiate consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. §306168) and its implementing regulations (36 CFR 800) for the Hudson Tunnel Project (Project) (see **Attachment**). The Project, an undertaking under Section 106, involves the construction of two new rail tunnels under the Hudson River and new railroad infrastructure in New Jersey and New York to connect the tunnels to the NEC and the rehabilitation of the existing NEC tunnels beneath the Hudson River.

If you have any questions about this designation, please contact Mr. Donald Burns of my staff at donald.burns@dot.gov.

Sincerely,

Stephen Goodman, P.E.
Regional Administrator

Attachment

cc: Rebecca Reyes-Alicea, USDOT Federal Railroad Administration
Amishi Castelli, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, NJ Transit
RJ Palladino, AICP, PP, NJ Transit
Dara Callender, P.E., NJ Transit
Ruth Pierpont, New York State Historic Preservation Office
Johnette Davies, Amtrak
Steven Plate, Port Authority of New York and New Jersey
Charlene Dwin Vaughn, Advisory Council on Historic Preservation
Nekole Alligood and Jason Ross, Delaware Nation
Blair Fink and Susan Bachor, Delaware Tribe
Chester Brooks, Chief, Delaware Tribe of Indians, Oklahoma
Harry Wallace, Chief, Unkechaug Nation
Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
Ron Sparkman, Chief, Shawnee Tribe of Oklahoma
Sherry White, Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Bonney Hartley, Sockbridge-Munsee Community of Mohican Indians
Daniel S. Collins, Sr., Shinnecock Indian Nation
Corrine Remington, Eastern Delaware Nation
Doris Pieschel, Eastern Lenape Nation of Pennsylvania
Mark Gould, Nanticoke Lenni-Lenape Indians of New Jersey
Meenakshi Srinivasan, New York City Landmarks Preservation Commission
Dawn Zimmer, Hoboken Mayor's Office
Dennis English, Hoboken Historic Preservation Commission
Steven M. Fulop, Jersey City Mayor's Office
Robert Cotter, PP, FAICP, Jersey City Historic Preservation Commission



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Ruth Pierpont
Deputy Commissioner, Historic Preservation
New York State Historic Preservation Office
Pebbles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Pierpont:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project is located along the New Jersey- and National Register-eligible Pennsylvania Railroad New York to Philadelphia Historic District (Northeast Corridor, Pennsylvania to New York) and includes the North River Tunnel, also New Jersey- and National Register-eligible.

The Notice of Intent announcing the preparation of an EIS, initiation of the scoping period, and the initiation of the Section 106 process for the Hudson Tunnel Project was published in the Federal Register on May 2, 2016. The scoping period will end on May 31st.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is

used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

Statement of Undertaking

The Project, which is also the undertaking for purposes of Section 106, consists of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel's tracks would connect with the NEC to (in New York) the existing rail complex at PSNY.

The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Project includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

Identification of Consulting Parties

Section 106 requires that FRA consult with the New York State Historic Preservation Office (NYSHPO) and New Jersey Historic Preservation Office (NJHPO) to identify parties to participate in the Section 106 process ("consulting parties"). Consulting parties may include local governments, Federally recognized Indian tribes,

and individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected historic properties, or their concern with the undertaking's effects on historic properties. FRA and NJ TRANSIT have identified entities that may be invited to participate in the Section 106 process for the undertaking as consulting parties, in addition to the NYSHPO and NJHPO. In accordance with 36 C.F.R. §800.3, FRA is providing the attached preliminary list of invited consulting parties for your review (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Marcopul:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

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If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

December 19, 2016

Ms. Amishi Castelli
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004-1415

Re: FRA
Hudson Tunnel Project
16PR03710

Dear Ms. Castelli:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed your memorandum and draft report on the proposed Area of Potential Effect (APE) dated December 7th, 2016, submitted to our office on December 12th, 2016. Based upon our review, we concur with the proposed Area of Potential Effect. We note that the National Register-eligible Hudson River Bulkhead is located within the proposed APE, both for direct and indirect effects. Therefore, at this time we recommend inviting the Hudson River Park Trust to be an additional consulting party. The Trust's contact information is below:

Ms. Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40
353 West Street
New York, NY 10014

Ph: (212)627-2020
Cell: (917)661-8756

ndoyle@hrpt.ny.gov

If additional information correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

A handwritten signature in black ink that reads "Olivia Brazee". The signature is written in a cursive, flowing style.

Olivia Brazee
Historic Preservation Technical Specialist
olivia.brazee@parks.ny.gov

via e-mail only

From: Castelli, Amishi (FRA) [mailto:Amishi.Castelli@dot.gov]
Sent: Monday, December 19, 2016 11:03 AM
To: Shick, Laura (FRA); 'Bonney Hartley'
Cc: jcowing@akrf.com; RPalladino@njtransit.com; sholley@akrf.com
Subject: RE: Hudson Tunnel Project APE

Yes, thanks for the confirmation Bonney. Best, Amishi

From: Shick, Laura (FRA)
Sent: Monday, December 19, 2016 9:59 AM
To: 'Bonney Hartley'; Castelli, Amishi (FRA)
Subject: RE: Hudson Tunnel Project APE

Thank you, Bonney.

From: Bonney Hartley [mailto:Bonney.Hartley@mohican-nsn.gov]
Sent: Monday, December 19, 2016 9:56 AM
To: Shick, Laura (FRA); Castelli, Amishi (FRA)
Subject: Hudson Tunnel Project APE

Dear Laura & Amishi:

Stockbridge-Munsee Community does not have concerns with the proposed APE for the Hudson Tunnel Project.

Best,
Bonney

Bonney Hartley

Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180

[\(518\) 244-3164](tel:(518)244-3164)

Bonney.Hartley@mohican-nsn.gov

www.mohican-nsn.gov



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Chief Glenna Wallace
Eastern Shawnee Tribe of Oklahoma
12755 South 705 Road
Wyandotte, OK 74370

Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Chief Wallace:

As we informed you in our correspondence of August 5, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to- Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]).

A description of the proposed APE, including the Project’s components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be

available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Ms. Bonney Hartley, Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
65 1st Street
Troy, NY 12180

Ms. Sherry White, Tribal Historic Preservation Officer
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
W13447 Camp 14 Road
Bowler, WI 54416

Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Ms. Hartley and Ms. White:

As we informed you in our correspondence of May 12, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to- Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]).

A description of the proposed APE, including the Project’s components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line extending to the right.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Mr. Bryan Polite; Daniel S. Collins, Sr.; and Eugene Cuffee, II
Trustees
Shinnecock Indian Nation Tribal Office
PO Box 5006
Southampton, NY 11969-5006

Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Sirs:

As we informed you in our correspondence of May 11, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to- Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]).

A description of the proposed APE, including the Project’s components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be

available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Chief Ron Sparkman
Shawnee Tribe of Oklahoma
P.O. Box 189
29 South Highway 69A
Miami, OK 74355

Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Chief Sparkman:

As we informed you in our correspondence of August 5, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to- Government consultation.

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available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Ms. Blair Fink and Ms. Susan Bachor, Historic Preservation Representatives
Delaware Tribe Historic Preservation Office
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347

Re: Hudson Tunnel Project—Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Ms. Fink and Ms. Bachor:

As we informed you in our correspondence of May 12, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

Pursuant to Section 106 and its implementing regulations (36 CFR 800), FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]).

A description of the proposed APE, including the Project’s components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

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available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Mr. Chester Brooks
Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York: (1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage in Government-to-Government Consultation

Dear Mr. Brooks:

As we informed you in our correspondence of May 11, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to-Government consultation.

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If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Ms. Neckole Alligood
Tribal Historic Preservation Officer
Delaware Nation
ATTN: Cultural Preservation Department
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005

**Re: Hudson Tunnel Project— Hudson County, New Jersey, and New York County, New York:
(1) submittal of proposed APE as part of Section 106 Consultation; (2) invitation to engage
in Government-to-Government Consultation**

Dear Ms. Alligood:

As we informed you in our correspondence of May 11, 2016, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The purpose of this correspondence is to present a proposed Area of Potential Effects for your review, and to reiterate our invitation to engage in Government-to- Government consultation.

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Again, as mentioned in our earlier correspondence, the FRA is available to meet for formal Government-to-Government consultation at your request. Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for

participation in the continuing process to identify cultural resources, effects of the Project on significant resources, and resolution of any adverse effects that may result from the Project. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-0416.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Ms. Ruth Pierpont
Deputy Commissioner, Historic Preservation
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project— Hudson County, NJ, and New York County, NY:
Submittal of Proposed APE as part of Section 106 Consultation**

Dear Ms. Pierpont:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). As per our May 12, 2016 letter, FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC.

Pursuant to Section 106 and its implementing regulations (36 CFR 800) and following the methodology in the October 2016 *Effect Assessment Methodology for Historic and Archaeological Resources* submitted to your office, FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The proposed Section 106 APE and the proposed study area for assessing the Project’s potential impacts on historic properties pursuant to NEPA in the EIS, are the same.

A description of the proposed APE, including the Project’s components and their potential to affect historic properties, a description of the geographic boundaries of the APE, and maps and photographs depicting the APE, are provided in the enclosed December 7, 2016 *Section 106 Documentation: Hudson Tunnel Project: Proposed Area of Potential Effects (APE)* document.

If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is fluid and cursive, with a long horizontal line extending to the right.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and
Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

December 9, 2016

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project— Hudson County, NJ, and New York County, NY:
Submittal of Proposed APE as part of Section 106 Consultation**

Dear Ms. Marcopul:

As you know, the Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). As per our May 12, 2016 letter, FRA and NJ TRANSIT are concurrently conducting the analyses required pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River passenger rail crossing between New Jersey and New York and strengthen the resilience of the NEC.

Pursuant to Section 106 and its implementing regulations (36 CFR 800) and following the methodology in the October 2016 *Effect Assessment Methodology for Historic and Archaeological Resources* submitted to your office, FRA and NJ TRANSIT have determined an Area of Potential Effects (APE) in which to assess the Project’s potential effects on historic properties. A required step in the Section 106 process is determining the APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The proposed Section 106 APE and the proposed study area for assessing the Project’s potential impacts on historic properties pursuant to NEPA in the EIS, are the same.

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If you agree that the proposed APE is appropriate for the undertaking, please kindly indicate your agreement at your earliest convenience. If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and
Sustainability Unit



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

August 5, 2016

Chief Glenna Wallace
Eastern Shawnee Tribe of Oklahoma
12755 South 705 Road
Wyandotte, OK 74370

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

Dear Chief Wallace:

The Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the “Proposed Action”), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). The Proposed Action is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. FRA and NJ TRANSIT will serve as joint lead agencies for the EIS.

The Proposed Action would consist of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel’s tracks would connect with the NEC to (in New York) the existing rail complex at Penn Station New York (PSNY). Please see “Project Background” below for more information on the Proposed Action.

As part of the Hudson Tunnel Project, the FRA will comply with Section 106 of the National Historic Preservation Act (36 CFR Part 800) which requires Federal agencies to consider the effects of their actions on historic properties that are listed in or eligible for listing in the National Register of Historic Places, based on an established consultation process. Participants in Section 106 consultation include FRA, NJ TRANSIT, the New York State Historic Preservation Office (NYSHPO), the New Jersey Historic Preservation Office (NJHPO), Native American tribes, representatives of local governments, and other “Consulting Parties.” FRA, as the lead Federal agency, is contacting you to begin Government-to-Government consultation on this project. FRA is available for formal Government-to-Government consultation at your request.

Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to

identify cultural resources, effects of the Proposed Action on significant resources, and resolution of any adverse effects that may result from the Proposed Action.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the PSNY rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm damage and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Proposed Action includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

The purpose of the Proposed Action is: to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

The FRA and NJ TRANSIT conducted scoping for the Hudson Tunnel Project EIS in May 2016; the scoping period was initiated with a Notice of Intent in the Federal Register on May 2, 2016. Two scoping meetings were held on May 17, 2016, in New York City and on May 19, 2016, in Union, NJ. The full Scoping Document, as well as additional information about the Hudson Tunnel Project, is available on the project website: www.hudsontunnelproject.com.

In closing, we invite you to meet with FRA representatives for the purpose of conducting Government-to-Government consultation and sharing information as the Hudson Tunnel Project is advanced. FRA will be

available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-4016.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line extending to the right.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

August 5, 2016

Chief Ron Sparkman
Shawnee Tribe of Oklahoma
P.O. Box 189
29 South Highway 69A
Miami, OK 74355

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

Dear Chief Sparkman:

The Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the “Proposed Action”), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). The Proposed Action is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. FRA and NJ TRANSIT will serve as joint lead agencies for the EIS.

The Proposed Action would consist of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel’s tracks would connect with the NEC to (in New York) the existing rail complex at Penn Station New York (PSNY). Please see “Project Background” below for more information on the Proposed Action.

As part of the Hudson Tunnel Project, the FRA will comply with Section 106 of the National Historic Preservation Act (36 CFR Part 800) which requires Federal agencies to consider the effects of their actions on historic properties that are listed in or eligible for listing in the National Register of Historic Places, based on an established consultation process. Participants in Section 106 consultation include FRA, NJ TRANSIT, the New York State Historic Preservation Office (NYSHP), the New Jersey Historic Preservation Office (NJHPO), Native American tribes, representatives of local governments, and other “Consulting Parties.” FRA, as the lead Federal agency, is contacting you to begin Government-to-Government consultation on this project. FRA is available for formal Government-to-Government consultation at your request.

Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Proposed Action on significant resources, and resolution of any adverse effects that may result from the Proposed Action.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the PSNY rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm damage and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Proposed Action includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

The purpose of the Proposed Action is: to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

The FRA and NJ TRANSIT conducted scoping for the Hudson Tunnel Project EIS in May 2016; the scoping period was initiated with a Notice of Intent in the Federal Register on May 2, 2016. Two scoping meetings were held on May 17, 2016, in New York City and on May 19, 2016, in Union, NJ. The full Scoping Document, as well as additional information about the Hudson Tunnel Project, is available on the project website: www.hudsonstunnelproject.com.

In closing, we invite you to meet with FRA representatives for the purpose of conducting Government-to-Government consultation and sharing information as the Hudson Tunnel Project is advanced. FRA will be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-4016.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



HPO Project# 16-1650-2
HPO- G2016-041

State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

July 6, 2016

Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Ms. Shick:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40553-40555), I am providing initial consultation comments on the following proposed undertaking:

**Hudson Tunnel Project
Hudson County, Hoboken, Jersey City, North Bergen, Secaucus,
Union City and Weehawken
Federal Railroad Administration**

These comments were prepared in response to your submission of a cover letter and supporting documentation initiating consultation pursuant to Section 106 of the National Historic Preservation Act and received by the Historic Preservation Office (HPO) on May 18, 2016.

800.3 Initiation of the Section 106 Process

I concur with the list of consulting parties included in the submission. As always, the documentation of public participation in the evaluation of historical resources and project effects will substantially enhance the quality, timeliness, and public value of the Section 106 consultation.

In addition to the list of consulting parties provided by the U.S. Department of Transportation, the NJ HPO would like to recommend that the additional consulting parties included on the list enclosed also be invited to participate.

We look forward to continuing consultation pursuant to 36 CFR 800.4 Identification of Historic Properties and 36 CFR 800.5 Assessment of Effects.

Thank you for providing the opportunity to review and comment on the submitted documentation. Please do not hesitate to contact Jenna Solomon of my staff at jenna.solomon@dep.nj.gov or (609) 984-0176 with any questions regarding historic architecture, historic districts, and historic landscapes or Vincent Maresca of my staff at vincent.maresca@dep.nj.gov or (609) 633-2395 with questions regarding archaeology. Please reference the HPO project number 16-1650 in any future calls, emails, or written correspondence in order to expedite our review and response.

Sincerely,



Katherine J. Marcopul
Acting Administrator and
Deputy State Historic
Preservation Officer

Cc:

Rebecca Reyes-Alicea, USDOT Federal Railroad Administration
Amishi Castelli, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, NJ Transit
RJ Palladino, AICP,PP, NJ Transit
Dara Callender, P.E., NJ Transit
Ruth L. Pierpont, New York State Historic Preservation Officer
Johnette Davies, Amtrak
Steven Plate, Port Authority of New York and New Jersey
Charlene Dwin Vaughn, Advisory Council on Historic Preservation
Nekole Allgood and Jason Ross, Delaware Nation
Blair Fink and Susan Bachor, Delaware Tribe
Chester Brooks, Chief Delaware Tribe of Indians of Oklahoma
Sherry White, Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Bonney Hartley, Stockbridge-Munsee Community of Mohican Indians of New York
Daniel S. Collins, Sr., Shinnecock Indian Nation
Corrine Remington, Eastern Delaware Nation
Doris Pieschel, Eastern Lenape Nation of Pennsylvania
Mark Gould, Nanticoke Lenni-Lenape Indians of New Jersey
Meenakshi Srinivasan, New York City Landmarks Preservation Commission
Dawn Zimmer, Hoboken Mayor's Office
Dennis English, Hoboken Historic Preservation Commission
Steven M. Fulop, Jersey City Mayor's Office
Robert Cotter, PP, FAICP, Jersey City Historic Preservation Commission

Nicolas Sacco, North Bergen Mayor's Office
Michael J. Gonnelli, Secaucus Mayor's Office
Brian Stack, Union City Mayor's Office
David Spatz, Union City Landmarks Commission
Richard F. Turner, Weehawken Mayor's Office
Weehawken Historical Commission
Noreen Doyle, Hudson River Park Trust
Ilene Grossman-Bailey, Archaeological Society of New Jersey
Jim Mackin, Society for Industrial Archeology
S. Spritzer, Professional Archaeologists of New York City
Walter Hoffman, Anthracity Railroads Historical Society
Michael J. Connor, Erie Lackawanna Historical Society
John E. Barth, National Railway Historical Society, Inc.
Tommy Meehan, Railway & Locomotive Historical Society
Steve Staffieri, Pennsylvania Railroad Technical & Historical Society
Michael Del Vecchio, Tri-State Railway Historical Society, Inc.
Larry Gross, United Railroad Historical Society of New Jersey
Richard Wilson, National Railway Historical Society
Thomas A. DeGise, Hudson County Executive
Charles Enyart, Chief, Eastern Shawnee Tribe of Oklahoma
Shawnee Tribe of Oklahoma
Steve Tettamanti, New Jersey Historical Society
Alex Matthiessen, Hudson Riverkeeper
Bob Foster, Hoboken Historical Museum
Justin Frohwirth, Jersey City Landmarks Conservancy
Weehawken Historical Society
Hoboken Quality of Life Coalition

Recommended Additional Invitations to Participate as Consulting Parties:

Hudson County
Thomas A. DeGise, Executive
583 Newark Avenue
Jersey City, NJ 07306

Eastern Shawnee Tribe of Oklahoma
Chief Charles Enyart
P.O. Box 350
Seneca, MO 64865

Shawnee Tribe of Oklahoma
P.O. Box 189
Miami, OK 74354

New Jersey Historical Society
Steve Tettamanti, Executive Director
52 Park Pl
Newark, NJ 07102

Hudson Riverkeeper
Alex Matthiessen, Executive Director
P.O. Box 130
Garrison, NY 10524

Hoboken Historical Museum
Bob Foster, Director
1301 Hudson St
Hoboken, NJ 07030

Jersey City Landmarks Conservancy
Justin Frohwirth, President
P.O. Box 68
Jersey City, NJ 07303-0068

Weehawken Historical Society
212 Dodd Street
Weehawken, NJ 07087

Hoboken Quality of Life Coalition, Inc.
P.O. Box 1195
Hoboken, NJ 07030

From: "Castelli, Amishi (FRA)" <Amishi.Castelli@dot.gov>
Date: Jun 9, 2016 10:49 AM
Subject: RE: Hudson Tunnel Project-Section 106 initiation
To: "Bonney Hartley" <Bonney.Hartley@mohican-nsn.gov>
Cc: "jcowing@akrf.com" <jcowing@akrf.com>, "RPalladino@njtransit.com" <RPalladino@njtransit.com>

Thank you for the response Bonney – we will continue to keep the Stockbridge-Munsee Mohican Tribe as a consulting party and will provide you information about the extent of ground disturbance when we have it- probably preliminary information in the fall of this year, and more details re: impacts of ground disturbance in spring/summer next year.

Thanks again, and hope all is going well with you! Best, Amishi

From: Bonney Hartley [mailto:Bonney.Hartley@mohican-nsn.gov]
Sent: Tuesday, June 07, 2016 11:27 AM
To: Castelli, Amishi (FRA)
Subject: RE: Hudson Tunnel Project-Section 106 initiation

Dear Amishi,

Thank you for the invitation to consult on the Hudson Tunnel Project. I don't think a consultation meeting is necessary at this time. Our comment is as follows:

- The additional information I would like to request is for more information on the extent of new ground disturbance proposed by the project (i.e. where the project plans to construct outside of the existing ROW into undisturbed soils). If there are any areas that would involve new ground disturbance, we would like to know if cultural resource surveys are planned to assess the likelihood of encountering buried cultural materials.

Thank you,
Bonney

Bonney Hartley

Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180

[\(518\) 244-3164](tel:5182443164)

Bonney.Hartley@mohican-nsn.gov

www.mohican-nsn.gov

Physical Address: 37 1st Street

From: Castelli, Amishi (FRA) [<mailto:Amishi.Castelli@dot.gov>]
Sent: Thursday, May 12, 2016 9:47 PM
To: Sherry White; Bonney Hartley
Cc: RPalladino@njtransit.com; JColangelo-bryan@njtransit.com; Reyes-Alicea, Rebecca (FRA); Johnsen, Michael (FRA); jcowing@akrf.com; Shick, Laura (FRA)
Subject: Hudson Tunnel Project-Section 106 initiation

Good evening,

On behalf of Laura Shick of the Federal Railroad Administration (FRA), I am transmitting the attached letter to initiate Government-to-Government consultation pursuant to Section 106 of the National Historic Preservation Act of 1966 for the Hudson Tunnel Project. Within the attached letter, you will find more information about the project.

The attached letter also gives details about the scoping period currently being conducted. There is a scoping document available on the project website (www.hudsonstunnelproject.com). Please note that the FRA and NJ TRANSIT will hold two public scoping meetings on May 17th in New York City, and May 19th in Union City, NJ.

Please contact me to schedule a consultation meeting, and feel free to reach out with any questions about the project. We look forward to working with you!

Best regards,
Amishi

Amishi Castelli, Ph.D.
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
Office of Program Delivery, Environment and Corridor Planning Division (RPD-13)

One Bowling Green, Suite 429
New York, NY 10004-1415
[617-431-0416](tel:617-431-0416)

From: Castelli, Amishi (FRA) [mailto:Amishi.Castelli@dot.gov]
Sent: Monday, June 06, 2016 11:46 AM
To: Temple University Archaeology
Cc: 'RPalladino@njtransit.com'; jcowing@akrf.com; Reyes-Alicea, Rebecca (FRA); JColangelo-bryan@njtransit.com
Subject: RE: Hudson Tunnel Project

Thanks Susan. We will get you materials shortly, and be in touch re: further coordination. -
Amishi

From: Temple University Archaeology [mailto:temple@delawaretribe.org]
Sent: Monday, June 06, 2016 11:10 AM
To: Castelli, Amishi (FRA)
Subject: Hudson Tunnel Project

Hi, Amishi.

The Delaware Tribe would like to enter into consultation for this project. I am unable to attend either of the meeting dates but would appreciate receiving the materials being presented.

Thank you,
Susan Bachor
Delaware Tribe Historic Preservation Representative
P.O. Box 64
Pocono Lake, PA 18347
temple@delawaretribe.org

***Please note that effective immediately our address has changed.**

This electronic message contains information from the Delaware Tribe of Indians that may be confidential, privileged or proprietary in nature. The information is intended solely for the specific use of the individual or entity to which this is addressed. If you are not the intended recipient of this message, you are notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you received this message in error, please notify the sender then delete this message.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 8, 2016

Ms. Amishi Castelli, Ph.D.
Environmental Protection Specialist
U.S Department of Transportation, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004-1415

Re: FRA
Hudson Tunnel Project
16PR03710

Dear Ms. Castelli:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have reviewed your memoranda initiating consultation and inviting our agency's participation, and also the attached list of potential consulting parties, that were submitted to our office on May 27th, 2016. Based upon our review, we offer the following comment:

1. We confirm our agency's role as a participating agency on the Project
2. Please add the Unkechaug Nation (State recognized) to the list of Potential Consulting Parties. Their contact information is as follows:

Chief Harry Wallace
207 Poospansk Lane
Mastic, NY 11950
(631)281-4143, ext. 100
hwat1@aol.com

We look forward to reviewing your next submission for this project. If additional information and correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/

If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

A handwritten signature in black ink that reads "Olivia Brazee". The signature is written in a cursive style with a large initial "O" and a long, sweeping underline.

Olivia Brazee
Historic Preservation Technical Specialist
olivia.brazee@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Ruth Pierpont
Deputy Commissioner, Historic Preservation
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Pierpont:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project is located along the New Jersey- and National Register-eligible Pennsylvania Railroad New York to Philadelphia Historic District (Northeast Corridor, Pennsylvania to New York) and includes the North River Tunnel, also New Jersey- and National Register-eligible.

The Notice of Intent announcing the preparation of an EIS, initiation of the scoping period, and the initiation of the Section 106 process for the Hudson Tunnel Project was published in the Federal Register on May 2, 2016. The scoping period will end on May 31st.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is

used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

Statement of Undertaking

The Project, which is also the undertaking for purposes of Section 106, consists of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel's tracks would connect with the NEC to (in New York) the existing rail complex at PSNY.

The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Project includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

Identification of Consulting Parties

Section 106 requires that FRA consult with the New York State Historic Preservation Office (NYSHPO) and New Jersey Historic Preservation Office (NJHPO) to identify parties to participate in the Section 106 process ("consulting parties"). Consulting parties may include local governments, Federally recognized Indian tribes,

and individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected historic properties, or their concern with the undertaking's effects on historic properties. FRA and NJ TRANSIT have identified entities that may be invited to participate in the Section 106 process for the undertaking as consulting parties, in addition to the NYSHPO and NJHPO. In accordance with 36 C.F.R. §800.3, FRA is providing the attached preliminary list of invited consulting parties for your review (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



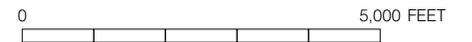
Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



-  Existing North River Tunnel
-  Existing Northeast Corridor





Hudson Tunnel Project
Section 106 Consultation – Potential Consulting Parties

New Jersey Historic Preservation Officer

Kate Marcopul
Acting Administrator for Historic Preservation Office / Deputy SHPO
New Jersey Historic Preservation Office
New Jersey Department of Environmental Protection
Mail Code 501-04B
P.O. Box 420
Trenton, NJ 08625-0420

New York State Historic Preservation Officer

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation / Deputy SHPO
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188

Amtrak

Johnette Davies
Senior Historic Preservation Specialist
Amtrak
30th Street Station
2955 Market Street, Mailbox 55
Philadelphia, PA 19104

Port Authority of New York and New Jersey

Steven Plate
Chief of Major Capital Projects
Port Authority of New York and New Jersey
115 Broadway, 10th Floor
New York, NY 10006

Advisory Council on Historic Preservation (to be invited)

Charlene Dwin Vaughn
Assistant Director, Federal Permitting, Licensing, and Assistance Section
401 F Street NW, Suite 308
Washington, DC 20001

FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES**Delaware Nation**

Nekole Alligood, Tribal Historic Preservation Officer
Jason Ross, Section 106 Manager
Delaware Nation
ATTN: Cultural Preservation Department
P.O. Box 825
31064 State Hwy 281
Anadarko, OK 73005

Delaware Tribe

Blair Fink and Susan Bachor, Historic Preservation Representatives
Delaware Tribe Historic Preservation Office
P.O. Box 64
Pocono Lake, PA 18347

Delaware Tribe of Indians, Oklahoma

Chester Brooks, Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
170 N.E. Barbara
Bartlesville, OK 74006

Stockbridge-Munsee Community of Mohican Indians of Wisconsin

Sherry White, Tribal Historic Preservation Officer
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
W13447 Camp 14 Road
Bowler, WI 54416

Bonney Hartley, Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians
65 1st Street
Troy, NY 12180

Shinnecock Indian Nation

Daniel S. Collins, Sr., Chairperson and Marguerite A. Smith, Esq., Office of Tribal
Trustees/Legal
Shinnecock Indian Nation
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969-5006

OTHER NATIVE AMERICAN TRIBES

Eastern Delaware Nation

Corrine Remington, Secretary
Eastern Delaware Nation
corrine.remington@yahoo.com

Eastern Lenape Nation of Pennsylvania

Doris Pieschel, Secretary
Eastern Lenape Nation of Pennsylvania
21 Cedar Land
Mountville, PA 17554

Nanticoke Lenni-Lenape Indians of New Jersey (State Recognized, NJ)

Mark Gould, Tribal Chairperson
Nanticoke Lenni-Lenape Indians of New Jersey
P.O. Box 544
Bridgeton, NJ 08302

**REPRESENTATIVES OF LOCAL GOVERNMENTS
WHERE THE UNDERTAKING MAY TAKE PLACE**

New York City

New York City Landmarks Preservation Commission

Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th Floor, North
New York, NY 10007

Hoboken, NJ

Hoboken Mayor's Office

Dawn Zimmer
Mayor of Hoboken
94 Washington Street
Hoboken, NJ 07030

Hoboken Historic Preservation Commission

Dennis English, Chairperson
Hoboken Historic Preservation Commission
Hoboken City Hall
94 Washington Street
Hoboken, NJ 07030

Jersey City, NJ

Jersey City Mayor's Office

Steven M. Fulop
Mayor of Jersey City
280 Grove Street
Jersey City, NJ 07302

Jersey City Historic Preservation Commission

Robert Cotter, PP, FAICP, Director, Division of City Planning
Jersey City Historic Preservation Commission
30 Montgomery Street
14th Floor, Suite 1400
Jersey City, NJ 07302

North Bergen, NJ

North Bergen Mayor's Office

Nicolas Sacco
Mayor of North Bergen
4233 John F. Kennedy Blvd., Room 100
North Bergen, NJ 07047

Secaucus, NJ

Secaucus Mayor's Office

Michael J. Gonnelli
Mayor of Secaucus
Municipal Government Center
1203 Paterson Plank Rd., 2nd Floor
Secaucus, NJ 07094

Union City, NJ**Union City Mayor's Office**

Brian Stack
Mayor of Union City
3715 Palisade Avenue, 3rd Floor
Union City, NJ 07087

Union City Landmarks Commission

David Spatz
Union City Landmarks Commission
3715 Palisade Avenue
Union City, NJ 07087

Weehawken, NJ**Weehawken Mayor's Office**

Richard F. Turner
Mayor of Weehawken
400 Park Avenue
Weehawken, NJ 07087

Weehawken Historical Commission

Weehawken Public Library
49 Hauxhurst Avenue
Weehawken, NJ 07086

OTHER AFFECTED PARTIES**Hudson River Park Trust**

Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40, 2nd Floor
353 West Street
New York, NY 10014

OTHER ARCHAEOLOGICAL AND HISTORIC RESOURCE INTEREST GROUPS**Archaeology Interest Groups****Archaeological Society of New Jersey**

Ilene Grossman-Bailey, President
Archaeological Society of New Jersey
c/o New Jersey State Museum Bureau of Archaeology & Ethnography
205 State Street, P.O. Box 530
Trenton, NJ 08625-0530

Society for Industrial Archeology

Jim Mackin, President
Roebling Chapter
Society for Industrial Archeology
370 Riverside Drive, Apt. 2B
New York, NY 10025

Professional Archaeologists of New York City (PANYC)

c/o S. Spritzer
P.O. Box 1503
Murray Hill Station
New York, NY 10156-1503

Railroad History Interest Groups

Anthracite Railroads Historical Society

Walter Hoffmann, President
Anthracite Railroads Historical Society
P.O. Box 519
Lansdale, PA 19446

Erie Lackawanna Historical Society

Michael J. Connor, President
c/o David Start, Membership Chairman
Erie Lackawanna Historical Society
22 Ice Plant Road
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National Railway Historical Society, Inc.

John E. Barth, President
National Railway Historical Society, Inc.
North Jersey Chapter
54 Poplar St
Closter, NJ 07624-1036

Railway & Locomotive Historical Society

Tommy Meehan, Chairman
New York Chapter
Railway & Locomotive Historical Society
42 Portland Pl, Fl 2
Yonkers NY 10703-2206

Pennsylvania Railroad Technical & Historical Society

Steve Staffieri, President
Pennsylvania Railroad Technical & Historical Society
Philadelphia Chapter
P.O. Box 356
Merion Station, PA 19066-9998

Tri-State Railway Historical Society, Inc.

Michael Del Vecchio, President
Tri-State Railway Historical Society, Inc.
P.O. Box 1217
Morristown, NJ 07962

United Railroad Historical Society of New Jersey

Larry Gross, President
United Railroad Historical Society of New Jersey
104 Morris Ave
Boonton Township, NJ 07005

National Railway Historical Society

Mr. Richard Wilson, President
Jersey Central Chapter
National Railway Historical Society
PO Box 700
Clark, NJ 07066



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Kate Marcopul
Acting Administrator for Historic Preservation Office
New Jersey Historic Preservation Office
501 East State Street
Mail Code 501-04B PO Box 420
Trenton, NJ 08625

**Re: Hudson Tunnel Project, Hudson County, NJ, and New York County, NY
Initiation of Section 106 Consultation**

Dear Ms. Marcopul:

By way of this letter, the U.S. Department of Transportation's Federal Railroad Administration (FRA) is initiating consultation with your office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR 800) (Section 106) for the Hudson Tunnel Project (Project). FRA and the New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Project, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 U.S.C. 139. FRA and NJ TRANSIT intend to coordinate the Section 106 process with the NEPA process for the Project.

The Project is intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project is located along the New Jersey- and National Register-eligible Pennsylvania Railroad New York to Philadelphia Historic District (Northeast Corridor, Pennsylvania to New York) and includes the North River Tunnel, also New Jersey- and National Register-eligible.

The Notice of Intent announcing the preparation of an EIS, initiation of the scoping period, and the initiation of the Section 106 process for the Hudson Tunnel Project was published in the Federal Register on May 2, 2016. The scoping period will end on May 31st.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

Statement of Undertaking

The Project, which is also the undertaking for purposes of Section 106, consists of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel's tracks would connect with the NEC to (in New York) the existing rail complex at PSNY.

The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour. Therefore, the Project includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

Identification of Consulting Parties

Section 106 requires that FRA consult with the New Jersey Historic Preservation Office (NJHPO) and New York State Historic Preservation Office (NYSHPO) to identify parties to participate in the Section 106 process (“consulting parties”). Consulting parties may include local governments, Federally recognized Indian tribes, and individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected historic properties, or their concern with the undertaking’s effects on historic properties. FRA and NJ TRANSIT have identified entities that may be invited to participate in the Section 106 process for the undertaking as consulting parties, in addition to the NJHPO and NYSHPO. In accordance with 36 C.F.R. §800.3, FRA is providing the attached preliminary list of invited consulting parties for your review (see **Attachment**).

If you have any questions or need additional information about this undertaking, please contact Ms. Amishi Castelli, Federal Railroad Administration, at Amishi.Castelli@dot.gov or Dara Callender, NJ TRANSIT, dcallender@njtransit.com. FRA looks forward to working with you on this important rail transportation project.

Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



-  Existing North River Tunnel
-  Existing Northeast Corridor



Hudson Tunnel Project
Section 106 Consultation – Potential Consulting Parties

New Jersey Historic Preservation Officer

Kate Marcopul
Acting Administrator for Historic Preservation Office / Deputy SHPO
New Jersey Historic Preservation Office
New Jersey Department of Environmental Protection
Mail Code 501-04B
P.O. Box 420
Trenton, NJ 08625-0420

New York State Historic Preservation Officer

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation / Deputy SHPO
Peebles Island Resource Center
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Waterford, NY 12188

Amtrak

Johnette Davies
Senior Historic Preservation Specialist
Amtrak
30th Street Station
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Philadelphia, PA 19104

Port Authority of New York and New Jersey

Steven Plate
Chief of Major Capital Projects
Port Authority of New York and New Jersey
115 Broadway, 10th Floor
New York, NY 10006

Advisory Council on Historic Preservation (to be invited)

Charlene Dwin Vaughn
Assistant Director, Federal Permitting, Licensing, and Assistance Section
401 F Street NW, Suite 308
Washington, DC 20001

FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES**Delaware Nation**

Nekole Alligood, Tribal Historic Preservation Officer
Jason Ross, Section 106 Manager
Delaware Nation
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P.O. Box 825
31064 State Hwy 281
Anadarko, OK 73005

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Delaware Tribe of Indians, Oklahoma
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Sherry White, Tribal Historic Preservation Officer
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Bonney Hartley, Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians
65 1st Street
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Shinnecock Indian Nation

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Shinnecock Indian Nation
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OTHER NATIVE AMERICAN TRIBES

Eastern Delaware Nation

Corrine Remington, Secretary
Eastern Delaware Nation
corrine.remington@yahoo.com

Eastern Lenape Nation of Pennsylvania

Doris Pieschel, Secretary
Eastern Lenape Nation of Pennsylvania
21 Cedar Land
Mountville, PA 17554

Nanticoke Lenni-Lenape Indians of New Jersey (State Recognized, NJ)

Mark Gould, Tribal Chairperson
Nanticoke Lenni-Lenape Indians of New Jersey
P.O. Box 544
Bridgeton, NJ 08302

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WHERE THE UNDERTAKING MAY TAKE PLACE**

New York City

New York City Landmarks Preservation Commission

Meenakshi Srinivasan, Chair
New York City Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th Floor, North
New York, NY 10007

Hoboken, NJ

Hoboken Mayor's Office

Dawn Zimmer
Mayor of Hoboken
94 Washington Street
Hoboken, NJ 07030

Hoboken Historic Preservation Commission

Dennis English, Chairperson
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Hoboken City Hall
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Hoboken, NJ 07030

Jersey City, NJ

Jersey City Mayor's Office

Steven M. Fulop
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Jersey City Historic Preservation Commission

Robert Cotter, PP, FAICP, Director, Division of City Planning
Jersey City Historic Preservation Commission
30 Montgomery Street
14th Floor, Suite 1400
Jersey City, NJ 07302

North Bergen, NJ

North Bergen Mayor's Office

Nicolas Sacco
Mayor of North Bergen
4233 John F. Kennedy Blvd., Room 100
North Bergen, NJ 07047

Secaucus, NJ

Secaucus Mayor's Office

Michael J. Gonnelli
Mayor of Secaucus
Municipal Government Center
1203 Paterson Plank Rd., 2nd Floor
Secaucus, NJ 07094

Union City, NJ**Union City Mayor's Office**

Brian Stack
Mayor of Union City
3715 Palisade Avenue, 3rd Floor
Union City, NJ 07087

Union City Landmarks Commission

David Spatz
Union City Landmarks Commission
3715 Palisade Avenue
Union City, NJ 07087

Weehawken, NJ**Weehawken Mayor's Office**

Richard F. Turner
Mayor of Weehawken
400 Park Avenue
Weehawken, NJ 07087

Weehawken Historical Commission

Weehawken Public Library
49 Hauxhurst Avenue
Weehawken, NJ 07086

OTHER AFFECTED PARTIES**Hudson River Park Trust**

Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40, 2nd Floor
353 West Street
New York, NY 10014

OTHER ARCHAEOLOGICAL AND HISTORIC RESOURCE INTEREST GROUPS**Archaeology Interest Groups****Archaeological Society of New Jersey**

Ilene Grossman-Bailey, President
Archaeological Society of New Jersey
c/o New Jersey State Museum Bureau of Archaeology & Ethnography
205 State Street, P.O. Box 530
Trenton, NJ 08625-0530

Society for Industrial Archeology

Jim Mackin, President
Roebling Chapter
Society for Industrial Archeology
370 Riverside Drive, Apt. 2B
New York, NY 10025

Professional Archaeologists of New York City (PANYC)

c/o S. Spritzer
P.O. Box 1503
Murray Hill Station
New York, NY 10156-1503

Railroad History Interest Groups

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Anthracite Railroads Historical Society
P.O. Box 519
Lansdale, PA 19446

Erie Lackawanna Historical Society

Michael J. Connor, President
c/o David Start, Membership Chairman
Erie Lackawanna Historical Society
22 Ice Plant Road
Lafayette, NJ 07848-2403

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North Jersey Chapter
54 Poplar St
Closter, NJ 07624-1036

Railway & Locomotive Historical Society

Tommy Meehan, Chairman
New York Chapter
Railway & Locomotive Historical Society
42 Portland Pl, Fl 2
Yonkers NY 10703-2206

Pennsylvania Railroad Technical & Historical Society

Steve Staffieri, President
Pennsylvania Railroad Technical & Historical Society
Philadelphia Chapter
P.O. Box 356
Merion Station, PA 19066-9998

Tri-State Railway Historical Society, Inc.

Michael Del Vecchio, President
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P.O. Box 1217
Morristown, NJ 07962

United Railroad Historical Society of New Jersey

Larry Gross, President
United Railroad Historical Society of New Jersey
104 Morris Ave
Boonton Township, NJ 07005

National Railway Historical Society

Mr. Richard Wilson, President
Jersey Central Chapter
National Railway Historical Society
PO Box 700
Clark, NJ 07066



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Bonney Hartley, Tribal Historic Preservation Officer – New York Office
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
65 1st Street
Troy, NY 12180

Ms. Sherry White, Tribal Historic Preservation Officer
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
W13447 Camp 14 Road
Bowler, WI 54416

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

Dear Ms. Hartley and Ms. White:

The Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the “Proposed Action”), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). The Proposed Action is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. FRA and NJ TRANSIT will serve as joint lead agencies for the EIS.

The Proposed Action would consist of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel’s tracks would connect with the NEC to (in New York) the existing rail complex at Penn Station New York (PSNY). Please see “Project Background” below for more information on the Proposed Action.

As part of the Hudson Tunnel Project, the FRA will comply with Section 106 of the National Historic Preservation Act (36 CFR Part 800) which requires Federal agencies to consider the effects of their actions on historic properties that are listed in or eligible for listing in the National Register of Historic Places, based on an established consultation process. Participants in Section 106 consultation include FRA, NJ TRANSIT, the New York State Historic Preservation Office (NYSHPO), the New Jersey Historic Preservation Office (NJHPO), Native American tribes, representatives of local governments, and other “Consulting Parties.” FRA,

as the lead Federal agency, is contacting you to begin Government-to-Government consultation on this project. FRA is available for formal Government-to-Government consultation at your request.

Through consultation, we hope to incorporate into the Section 106 process your concerns regarding resources of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the Proposed Action on significant resources, and resolution of any adverse effects that may result from the Proposed Action.

The FRA would also like to notify you that the scoping period for the Hudson Tunnel Project was initiated with a Notice of Intent in the Federal Register on May 2, 2016. Please note that two scoping meetings will be held on the Proposed Action:

- May 17, 2016 at the Hotel Pennsylvania, Gold Ballroom, 3rd Floor, 401 Seventh Avenue at West 33rd Street, New York, New York 10001.
- May 19, 2016 at Union City High School, 2500 Kennedy Boulevard, Union City, NJ 07087.

Each meeting will consist of an afternoon (3-5 PM) and evening (6-8PM) session, with presentations at 4PM and 7PM. Agency representatives and members of the public will be able to review information about the Hudson Tunnel Project, talk informally with members of the study staff, and formally submit comments to the FRA (to a stenographer or in writing). Additional information about the Hudson Tunnel Project, including the full Scoping Document, is available on the project website: www.hudsontunnelproject.com.

Project Background

The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel. **Figure 1**, attached, illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the existing tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. The existing NEC tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the PSNY rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The new tunnel would be located close to, and south of, the existing NEC tracks and existing tunnel.

Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm damage and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

To perform the needed rehabilitation in the existing North River Tunnel, each of the tunnel's two tubes will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday train service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum

capacity of 24 peak direction trains per hour. Therefore, the Proposed Action includes construction of two new rail tubes beneath the Hudson River that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation.

The purpose of the Proposed Action is: to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

In closing, we reiterate our invitation to you to meet with FRA representatives for the purpose of conducting Government-to-Government consultation and sharing information as the Hudson Tunnel Project is advanced. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

If you have any questions regarding this matter or are interested in formal Government-to-Government consultation, please contact Ms. Amishi Castelli of the Federal Railroad Administration at Amishi.Castelli@dot.gov or 617-431-4016.

Sincerely,



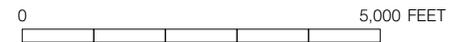
Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
Jeremy Colangelo-Bryan, Chief of Planning, NJ TRANSIT Capital Planning
RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning
Dara Callender, P.E., Manager, Environmental Compliance, NJ TRANSIT Environment, Energy and Sustainability Unit



-  Existing North River Tunnel
-  Existing Northeast Corridor





U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 12, 2016

Ms. Blair Fink and Ms. Susan Bachor, Historic Preservation Representatives
Delaware Tribe Historic Preservation Office
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

Dear Ms. Fink and Ms. Bachor:

The Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the “Proposed Action”), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 C.F.R. 1500-1508), and FRA NEPA procedures (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). The Proposed Action is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. FRA and NJ TRANSIT will serve as joint lead agencies for the EIS.

The Proposed Action would consist of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River. The project site extends from (in New Jersey) the interlocking east of the Secaucus station where the new tunnel’s tracks would connect with the NEC to (in New York) the existing rail complex at Penn Station New York (PSNY). Please see “Project Background” below for more information on the Proposed Action.

As part of the Hudson Tunnel Project, the FRA will comply with Section 106 of the National Historic Preservation Act (36 CFR Part 800) which requires Federal agencies to consider the effects of their actions on historic properties that are listed in or eligible for listing in the National Register of Historic Places, based on an established consultation process. Participants in Section 106 consultation include FRA, NJ TRANSIT, the New York State Historic Preservation Office (NYSHPO), the New Jersey Historic Preservation Office (NJHPO), Native American tribes, representatives of local governments, and other “Consulting Parties.” FRA, as the lead Federal agency, is contacting you to begin Government-to-Government consultation on this project. FRA is available for formal Government-to-Government consultation at your request.

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Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
Amishi Castelli, Environmental Protection Specialist, USDOT Federal Railroad Administration
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-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 11, 2016

Mr. Bryan Polite; Daniel S. Collins, Sr.; and Eugene Cuffee, II
Trustees
Shinnecock Indian Nation Tribal Office
PO Box 5006
Southampton, NY 11969-5006

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

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Sincerely,



Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

Enclosures

cc: Rebecca Reyes-Alicea, Northeast Corridor Joint Program Advisor, USDOT Federal Railroad Administration
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-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 11, 2016

Mr. Chester Brooks
Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the Hudson Tunnel Project; Hudson County, New Jersey, and New York County, New York

Dear Mr. Brooks:

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Laura Shick
Federal Preservation Officer
U.S. Department of Transportation, Federal Railroad Administration
Environmental & Corridor Planning Division
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Enclosures

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-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

May 11, 2016

Ms. Neckole Alligood
Tribal Historic Preservation Officer
Delaware Nation
ATTN: Cultural Preservation Department
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005

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-  Existing North River Tunnel
-  Existing Northeast Corridor

0 5,000 FEET



APPENDIX 9-3

Area of Potential Effects Memorandum

Hudson Tunnel Project
Section 106 Documentation
Proposed Area of Potential Effects (APE)
December 9, 2016

I Project Overview and Background

The Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) for the Hudson Tunnel Project (the “Project”) in accordance with the National Environmental Policy Act (NEPA). As described in the Notice of Intent (*Federal Register, May 2, 2016, Vol. 81, No. 84*), the Project is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project would consist of construction of a new rail tunnel under the Hudson River connecting to the existing tracks at Penn Station New York (PSNY), including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel (the North River Tunnel) beneath the Hudson River. FRA and NJ TRANSIT are coordinating the NEPA process for the Project with compliance with Section 106 of the National Historic Preservation Act (Section 106).

On October 31, 2016 the FRA and NJ TRANSIT announced that they had identified a Preferred Alternative for the Project. The Project, which is also the undertaking for purposes of Section 106, would include the following major components:

- Two new surface tracks parallel to the south side of the NEC beginning east of Secaucus Junction station in Secaucus, New Jersey;
- A new tunnel with two tracks in two separate tubes beneath the Palisades and continuing east of the Palisades beneath Hoboken, New Jersey, and beneath the Hudson River to Manhattan. In New Jersey, the tunnel would begin at a portal in the western slope of the Palisades near Tonnelle Avenue (US Routes 1 & 9), in North Bergen, New Jersey. The new portal would be approximately 600 feet south of the existing North River Tunnel portal.
- A new tunnel ventilation shaft and fan plant in Hoboken, New Jersey, on land NJ TRANSIT previously acquired for another project, the Access to the Region’s Core (ARC) project. The vent shaft/building would provide fresh air to the tunnels and exhaust smoke during emergencies.
- Two new tracks continuing in Manhattan, New York, beneath Hudson River Park and NYS Route 9A (West Side Highway) to meet the underground right-of-way being preserved by Amtrak through the John D. Caemmerer Yard (Western and Eastern Rail Yards) in Manhattan.
- A new tunnel ventilation shaft and fan plant at Route 9A and West 30th Street in Manhattan.
- A new fan plant beneath the Lerner Building at 450 West 33rd Street in Manhattan, New York.
- Two new tracks running through the right-of-way being preserved through the Western and Eastern Rail Yards, to connect to the existing approach tracks that serve PSNY.

- Track connections to the existing approach tracks that lead into PSNY.
- Rehabilitation of the existing North River Tunnel.

The new tunnel would be constructed predominantly using Tunnel Boring Machine (TBM) technology, with construction staging areas located at the tunnel portal and vent shaft site in New Jersey. The staging area at the tunnel portal in New Jersey would also be used for rehabilitation of the existing tunnel once the new tunnel is complete. A construction staging site would also be located at the vent shaft site in Manhattan. In-water construction activities would be required to modify river bottom soils in order to construct a segment of the tunnel that must be relatively shallow beneath the Hudson River; these activities would occur in a small area of the Hudson River near the Manhattan shoreline.

Once the North River Tunnel rehabilitation is complete, both the old and new tunnel would be in service, providing redundant capacity and increased operational flexibility for Amtrak and NJ TRANSIT.

II Development of the Area of Potential Effects

Section 106 requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effects (APE), which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). Historic properties are buildings, structures, sites, objects, or districts that are listed in or eligible for listing in the National Register of Historic Places (NRHP). The APE is influenced by the scale and nature of an undertaking.

The proposed APE described herein has been developed by FRA and NJ TRANSIT to account for potential direct and indirect effects of the Project on historic properties, based on the conceptual design for the Project available at this time. One APE is proposed, which has been subdivided to indicate the areas in which the Project could cause potential direct effects and the areas in which the Project could cause potential indirect effects. In general, potential effects on historic properties can include both direct physical effects—subsurface disturbance of buried resources, demolition, alteration, or damage from construction of a resource—and indirect effects, such as the isolation of a historic property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context (e.g., contextual effects).¹ Adverse effects can occur if a project would cause a change in the quality of a property that qualifies it for inclusion in the NRHP.

FRA and NJ TRANSIT anticipate that the following types of construction activities and permanent features would be necessary for the Project:

- Construction of a new tunnel under the Palisades in New Jersey, beginning at a portal east of Tonnelle Avenue and continuing under the Hudson River, containing two new tracks in two separate tubes (via TBM)

¹ National Register Bulletin, Defining Boundaries for National Register Properties, prepared by the National Park Service.

- Rehabilitation of the existing passenger rail tunnel under the Hudson River, the North River Tunnel
- Construction of new surface tracks along and connecting to the existing NEC, including a segment of retained fill, segments of embankment, and new viaduct segments
- Construction of an access road for new surface tracks in Secaucus and North Bergen in New Jersey south of the existing NEC, including a temporary access road for use during construction as well as a permanent access road in some locations for use by Amtrak maintenance crews.
- A construction access road to the ventilation shaft site in Hoboken in New Jersey to facilitate truck movements to and from the site. Two potential routes for that access road are being evaluated.
- Cut and cover excavation for a section of the new tunnel between Tonnelle Avenue and Paterson Plank Road in North Bergen, New Jersey and sections of the new tunnel beneath West 30th Street and Tenth Avenue in Manhattan, New York
- Construction staging areas east and west of Tonnelle Avenue in North Bergen, New Jersey and south of West 18th Street in Hoboken, New Jersey and on the block bounded by Eleventh and Twelfth Avenues and West 29th and West 30th Streets in Manhattan, New York
- Ventilation shafts to be constructed at a location south of West 18th Street in Hoboken, New Jersey and on the block bounded by Eleventh and Twelfth Avenues and West 29th and West 30th Streets in Manhattan, New York
- New fan plants at the ventilation shaft sites in Hoboken, New Jersey and Manhattan, New York and a new fan plant beneath and within the Lerner Building in Manhattan, New York
- Ground improvements between the proposed construction staging area and Willow Avenue in Hoboken, New Jersey and between the Hudson River bulkhead and Route 9A/Twelfth Avenue in Manhattan, New York
- Underpinning of structures which includes the Willow Avenue Bridge in Hoboken, New Jersey and the Lerner Building at 450 West 33rd Street in Manhattan, New York
- In-water ground improvement within the Hudson River
- Construction through the Hudson River bulkhead in Manhattan, New York
- Installation of tracks and infrastructure within the right-of-way being preserved through the Western and Eastern Rail Yards in Manhattan, New York

The following two components of the Project do not have the potential to affect historic properties and, therefore, an APE for Direct and Indirect Effects has not been defined for these Project components:

- Deeply Bored Hudson Tunnel: The portions of the new tunnel that would be deeply bored in New Jersey beneath the Palisades, the land area east of the Palisades, and beneath the river to a point just east of the New Jersey/New York State Line in the Hudson River in New York are not included in the APE as construction impacts associated with boring in the bedrock or tunneling in the deep sediments of the Hudson River do not have the potential to affect archaeological and historic resources because:
 - Archaeological and historic resources are not anticipated to be located within the rock or deep soils being bored in these areas.

- Based on analyses conducted as part of a previous project, because of the tunnel's depth (approximately 250 to 300 feet beneath the Palisades, and 80 feet below the land surface in Hoboken, New Jersey between the Palisades and the New Jersey shoreline of the Hudson River), TBM operations and operations of trains within the completed tunnel in these areas would not result in vibration impacts to structures above.²
- Installation of tracks and infrastructure within the right-of-way being preserved through the Western and Eastern Rail Yards in Manhattan: Amtrak is currently constructing an underground right-of-way preservation project that consists of a concrete casing beneath the Eastern and Western Railyards in Manhattan to preserve the right-of-way for trains to reach PSNY from a new Hudson River tunnel. The concrete casing extends through the Western Railyard from West 30th Street to Eleventh Avenue, beneath Eleventh Avenue, and through the Eastern Railyard to Tenth Avenue. The right-of-way preservation project is being completed separately from the Hudson Tunnel Project and has previously been evaluated pursuant to NEPA in Environmental Assessments dated March 2013 and August 2014, both of which included Section 106 review³. The Hudson Tunnel Project would install tracks and equipment within this concrete casing, which does not have the potential to affect historic or archaeological resources.

The proposed APE for the Project components that have the potential to affect historic properties is discussed in greater detail below. The locations of these Project components – where direct effects could occur – and the areas delineated to assess potential indirect effects of the Project on historic properties are depicted in **Figures 1 and 2**.

² Federal Transit Administration - U.S. Department of Transportation and NJ TRANSIT. *Access to the Region's Core in Hudson County, New Jersey and New York County, New York Final Environmental Impact Statement*, October 2008. Table 5.7-1: TBM Vibration Levels of Chapter 5.7, "Construction-Related Noise and Vibration Impacts" of the *Final Environmental Impact Statement* provides the anticipated peak particle velocity (PPV) values (inches per second or "in/sec") for TBM diameter types and the tunneling mediums (which include bedrock, glacial till/dense sand, soft river silt/clay) representative of the potentially affected areas in New Jersey, the Hudson River, and New York for that project. The PPV values in Table 5.7-1 for tunneling via TBM in bedrock at a distance of 200 feet and in glacial till/dense sand and soft river silt/clay at a distance of 82 feet are well below the Federal Transit Administration's vibration damage threshold for "fragile buildings," established at 0.2 inches in/sec and "extremely fragile" buildings, established at 0.12 in/sec (*Transit Noise and Vibration Impact Assessment*, FTA-VA-90-1003-06, May 2006). As shown in Table 5.7-1, a TBM with an 8 meter diameter utilized in bedrock would have a PPV value of 0.0072 in/sec at a distance of 200 feet and a PPV value of 0.015 in/sec and 0.0015 in/sec at a distance of 82 feet in glacial till/dense sand and soft river silt/clay, respectively. The PPV values for the proposed Hudson Tunnel Project would be anticipated to be similar or less, as the Project includes tunneling via TBM beneath the Palisades in bedrock at depths of 250 to 300 feet, and tunneling via TBM through bedrock, glacial till, and silty sands below the land surface between the Palisades and the New Jersey Hudson River shoreline at a depth of 80 feet.

³ National Railroad Passenger Corporation (Amtrak) and Federal Railroad Administration (FRA). *Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York, March 2013 and Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York, August 2014*.

III Description of Project Components and the Proposed Area of Potential Effects

Direct effects may include physical alteration, damage or demolition of an historic property. The area where there is the potential for the Project to cause direct effects includes locations where construction of Project components would occur, with the exception of the two Project components mentioned above—the deeply bored new tunnel and installation of tracks and infrastructure within the right-of-way being preserved through the Western and Eastern Rail Yards.

The proposed APE for Indirect Effects was developed to encompass any potential indirect effects resulting from Project construction activities and permanent features such as noise, vibration, and changes in visual qualities and setting. Indirect effects include the introduction of elements in the setting of a historic property that may alter any of the characteristics that qualify the subject historic property for inclusion in the NRHP in a manner that would diminish the property’s historic significance and integrity. Examples of adverse effects that are indirect provided in 36 CFR § 800.5 (a)(2) include, but are not limited to, “change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance,” and the “introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features.” Indirect adverse effects can occur when the introduction of project elements isolates a historic property from components in the resource’s setting with which it had a meaningful historical association. Indirect adverse effects can also occur when project elements would change a historic property’s setting or overall feeling, through the introduction of noise, traffic, or incompatibly designed built features in its immediate vicinity.

The proposed APE for Indirect Effects takes into account potential construction-related effects, such as noise and vibration, that could occur to proximate historic properties, as well as the visibility of above-grade Project components, including the addition of new tracks and a construction access road along the NEC west of the Palisades in New Jersey, construction of a new tunnel portal in New Jersey, and the construction of fan plants in New Jersey and New York. The proposed APE for Indirect Effects includes the geographic area in which the Project may cause changes in the character of historic properties, if they exist. The proposed APE for Indirect Effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. For the permanent visual components of the Project, the proposed APE encompasses a larger area, to account for potential visual impacts. The delineation of the APE for Indirect Effects takes into consideration topography, vegetation, and other intrusions (such as the existing built environment) that diminish sight lines. Field reconnaissance and information regarding the characteristics of the Project components were utilized to determine the proposed APE for Indirect Effects for the permanent visual components of the Project.

Rehabilitation of North River Tunnel

Work associated with rehabilitation of the existing North River Tunnel is included in the proposed APE for Direct Effects, since the North River Tunnel is a known National Register eligible property. However, as the work is anticipated to occur within the existing tunnel, there would be no potential for the rehabilitation work to affect archaeological resources.

Work associated with rehabilitation of the North River Tunnel would not introduce any permanent visual components of the Project above grade, as work would be undertaken within the existing tunnel. The

proposed APE will include a 100-foot buffer to account for potential construction-related impacts (e.g., construction vibration) in the vicinity of the existing tunnel portal in New Jersey, where materials and construction equipment are anticipated to be transported in and out of the tunnel and where it is also possible that a temporary trestle would be constructed over the NEC to transfer materials and equipment for the tunnel rehabilitation.

Construction of New Surface Tracks Along and Connecting to the Existing NEC

Work areas associated with the construction of the new surface tracks on a segment of retained fill, a segment of embankment, and a new viaduct segment and their connection to the NEC are included in the APE for Direct Effects, as at-grade and subsurface ground disturbance is expected to occur during these activities, which could directly impact archaeological resources if any are present.

The construction of the new surface tracks alongside the existing NEC has the potential to introduce permanent visual components that could result in indirect effects on historic properties. In the area east of Secaucus Road in North Bergen, New Jersey, the existing NEC tracks and associated railroad infrastructure limit the potential for visual impacts to the north and east, as the new tracks would be constructed south of the existing NEC. For this reason, the proposed APE for Indirect Effects in this area is limited to a 100-foot buffer to account for potential construction-related impacts. At Tonnelle Avenue in North Bergen, New Jersey, in the location of a new bridge under which the new tracks would pass, the proposed APE for Indirect Effects has been expanded to account for the visibility of this permanent Project feature (see **Figures 1, 3 and Figure 4, Photograph 2**). Where the proposed tracks join with the existing NEC right-of-way in the vicinity of Secaucus Road and west, there is potential for visibility of the Project on both sides of the NEC.

Access Road for New Surface Tracks

An access road is proposed alongside the new surface tracks in Secaucus and North Bergen, New Jersey, and is included in the proposed APE for Direct Effects because creation of the access road would involve ground disturbance, which could directly impact archaeological resources if any are present (see **Figure 1; Figure 4, Photograph 3; and Figures 5 and 6**).

The access road would have temporary (for construction access) and permanent (for maintenance) sections. Permanent portions of the access road would not be expected to have any greater visibility than the construction of the new surface tracks alongside the NEC, and, therefore, the proposed APE for Indirect Effects falls within the APE for Indirect Effects for the construction of the new surface tracks along and connecting to the NEC, described above.

Cut and Cover Excavation

Cut-and-cover construction is a proven method typically undertaken for shallow tunnels, where a trench is excavated and the tunnel is constructed within the trench. The walls of the trench are typically supported by metal sheeting and cross-beams to prevent collapse. Work in areas where tunnel cut-and-cover activities would occur are included in the proposed APE for Direct Effects as these areas would require ground disturbance which has the potential to directly impact archaeological resources if any are present. These locations include the area of tunnel between Tonnelle Avenue and Paterson Plank Road at the location of the tunnel portal in North Bergen, New Jersey, and at the tunnel alignment as it crosses both

West 30th Street and Tenth Avenue in Manhattan, New York (see **Figures 1 through 3 and Figure 10**). Work in areas where tunnel cut-and-cover activities would occur would not introduce any permanent above-ground visual components. As such, the proposed APE for Indirect Effects for this Project component is limited to a 100-foot buffer to account for potential construction-related impacts.

New Tunnel Portal

The new tunnel would begin at a new tunnel portal in the face of the Palisades in North Bergen, New Jersey, east of Tonnelle Avenue (see **Figures 1, 3 and 9**). The proposed APE for Direct Effects includes the location of the tunnel portal where excavation would occur. The proposed APE for Indirect Effects for this permanent visual component encompasses a 100-foot buffer area that accounts for potential construction-related impacts, and has also been adjusted to include a larger area east of Tonnelle Avenue and north and south of the proposed tunnel portal to account for the potential visibility of the new tunnel portal.

Construction Staging Areas

The construction staging areas in New Jersey and in New York are included in the proposed APE for Direct Effects as at-grade and subsurface ground disturbance would occur in these areas, which could directly impact archaeological resources if any are present. Construction staging areas are anticipated to be located:

- East and west of Tonnelle Avenue in North Bergen in New Jersey (see **Figures 1 and 3; Figure 4, Photograph 2 and Figure 7, Photograph 8**),
- South of West 18th Street in Hoboken, New Jersey (see **Figure 1 and Figure 7, Photograph 9**), and
- On the block bounded by Twelfth and Eleventh Avenues and West 28th and West 29th Streets in Manhattan, New York (see **Figure 2; Figure 10, Photograph 1 and Figure 11, Photograph 3**).

The construction staging areas in New Jersey and New York would not introduce any permanent visual components. Therefore, the proposed APE for Indirect Effects for this Project component is limited to a 100-foot buffer to account for potential construction-related impacts.

Ventilation Shafts and Fan Plants

The APE for Direct Effects includes the sites where ventilation shafts would be constructed, which would include approximately 125-foot-diameter shafts leading from the tunnel to the surface as well as fan plant buildings constructed above the shafts, since at-grade and subsurface ground disturbance would occur, and could directly impact archaeological resources if any are present. In New Jersey, a ventilation shaft and fan plant is proposed on a site south of West 18th Street in Hoboken (where a construction staging area is also proposed) (see **Figure 1 and Figure 7, Photograph 9**). In New York, the ventilation shaft and associated fan plant is proposed on the block bounded by Twelfth and Eleventh Avenues and West 29th and West 30th Streets, where a construction staging area is also proposed (see **Figure 2 and Figure 11, Photograph 3**).

The sites where permanent ventilation shafts and associated fan plants would be constructed are also included in the proposed APE for Indirect Effects as the proposed fan plant buildings could stand up to 65 feet above grade in New Jersey and 150 feet above grade in New York and would constitute permanent

visual components that could affect the context or setting of nearby architectural historic properties, if any are present. For the proposed fan plant building in New Jersey, the proposed APE for Indirect Effects includes buildings south to 16th Street, east to Willow Avenue, and north to West 19th Street, as well as certain properties to the north and west along the ridge of the Palisades that have direct lines of sight to the area below that are not blocked by existing vegetation or other intrusions. For the fan plant building proposed on the block bounded by Twelfth and Eleventh Avenues and West 29th and West 30th Streets in New York, the proposed APE for Indirect Effects includes properties south to West 26th Street, portions of the Western and Eastern Railyards to the north, and properties between Eleventh and Tenth Avenues to the east.

In addition, a fan plant is proposed beneath and within the Lerner Building at 450 West 33rd Street (between Dyer and Tenth Avenues and West 31st and West 33rd Streets) in Manhattan to provide ventilation from the portion of the new tunnel between the proposed Twelfth Avenue ventilation building and PSNY's existing "A" Yard (see **Figure 2 and Figure 10, Photograph 2**). It is anticipated that new horizontal slats (venting louvers) would be installed on a façade of the Lerner Building for intake and exhaust of air from the fan plant. Therefore the proposed APE for this Project component consists of the Lerner Building itself as well as the properties surrounding the building from which the Lerner Building is visible.

Construction Access Road for Ventilation Shaft Site in New Jersey

A construction access road to provide truck access to the Hoboken construction staging site is proposed along the north side of the existing NJ TRANSIT Hudson-Bergen Light Rail (HBLR) in Hoboken, New Jersey (see **Figure 1**). The route would connect the local roadway system to the shaft site using the local roadways of Willow Avenue and Park Avenue and this new access road to be constructed. Trucks would be routed to the staging area via either southbound Park Avenue (adjacent to the Park Avenue viaduct) or southbound Willow Avenue (adjacent to the Willow Avenue viaduct) and would leave the staging area via northbound Willow Avenue (adjacent to the Willow Avenue viaduct). If the southbound Willow Avenue route is used, this would require demolition of the corner of a large building located north of the HBLR on the west side of Willow Avenue. (1714 Willow Avenue). The large building occupies almost a full block; the area that would have to be demolished would be a small one-story extension to the building. The new construction access road is included in the proposed APE for Direct Effects because creation of the access road would involve ground disturbance, which could directly impact archaeological resources if any are present, and because of the potential for demolition of a portion of a standing structure.

The construction access road would not introduce any permanent visual components. The proposed APE for Indirect Effects for this Project component is primarily limited to a 100-foot buffer to account for potential construction-related impacts but also includes the blocks to the north, west, south, and east of the block containing the building extension that may be demolished, to account for visual change associated with the potential demolition.

Ground Improvement

Work at ground improvement locations in New Jersey and New York are included in the proposed APE for Direct Effects as this Project component would include subsurface ground disturbance to stabilize

soils that could directly impact archaeological resources if any are present. In New Jersey, work is anticipated to occur in selected locations along the tunnel route between the construction staging area and Willow Avenue in Hoboken (see **Figure 1 and Figure 8, Photograph 10**). In New York, ground improvements are anticipated along the tunnel route between the Hudson River bulkhead and the eastern edge of Route 9A / Twelfth Avenue (see **Figure 2; Figure 11, Photograph 4 and Figure 12, Photograph 5**).

Work at ground improvement locations consists of construction activities that would not introduce any permanent visual components upon Project completion. As such, the proposed APE for Indirect Effects for this Project component is limited to a 100-foot buffer to account for potential construction-related impacts.

Underpinning of Structures

Underpinning, which consists of the strengthening of the below grade foundations of an existing building or structure, may be required for certain structures in New Jersey and in New York. In Hoboken, New Jersey, underpinning of the Willow Avenue viaduct may be required above the tunnel alignment (see **Figure 1 and Figure 8, Photograph 11**). In New York, underpinning may be required beneath the Lerner Building at 450 West 33rd Street (between Dyer and Tenth Avenues and West 31st and West 33rd Streets) because of changes to track layout beneath the building (see **Figure 2 and Figure 10, Photograph 2**).

Underpinning the foundations of the Willow Avenue Bridge and the Lerner Building would not result in permanent visible components. Therefore, the proposed APE for Indirect Effects for this work is limited to a 100-foot buffer to account for potential construction-related impacts.

In-Water Ground Improvement in the Hudson River in New York

As the new tunnel passes beneath the Hudson River in New York, one segment of the tunnel would require ground improvement to the river bottom because the tunnel would be relatively shallow in this location. This work would result in ground-disturbing activities that could directly impact archaeological resources if any are present.

Work within the Hudson River would not result in permanently visible Project components and, therefore, an APE for Indirect Effects was not delineated for this Project component. The proposed APE for Direct Effects for this Project component consists of the limits of the ground disturbance itself.

Shallowly Bored Hudson Tunnel in the Hudson River in New York

Because the new bored tunnel in the Hudson River would be more shallowly bored in relation to the existing river bottom near the New York shoreline, the proposed APE in the Hudson River will extend from the western side of the area of proposed in-water construction to the western face of the Hudson River bulkhead. Portions of the Hudson River riverbed and buried potentially Holocene-era sediments would be disturbed in this area.

As work within the Hudson River would not result in permanent visible components, an APE for Indirect Effects was not delineated and the proposed APE for Direct Effects for this Project component includes the location of the proposed tunnel work itself.

Construction through the Manhattan Bulkhead in New York

Construction of the new tunnel would require that the TBM pass directly through the pile foundation of the existing National Register-eligible Hudson River bulkhead (see **Figure 2 and Figure 11, Photograph 4**). The location where the TBM will pass through the bulkhead foundation is included in the proposed APE for Direct Effects because the tunneling activity would directly affect this structure. This work would occur entirely underground and would not be visible, and therefore, the proposed APE for Indirect Effects for this Project component is limited to a 100-foot buffer to account for potential construction-related impacts.

IV Summary of Project Components and Proposed APE

The Project components and the associated APE for each component are summarized in Table 1, below.

**Table 1
Summary of APE**

Project Component	Location	Direct Effects APE	Indirect Effects APE
Deeply Bored Hudson Tunnel	NJ, NY		
Right-of-Way Being Preserved through the Western and Eastern Railyards	NY		
Rehabilitation of North River Tunnel	NJ, NY	✓	
New Surface Tracks Along NEC	NJ	✓	✓
Access Road for New Surface Tracks	NJ	✓	✓
Cut and Cover Excavation	NJ, NY	✓	✓
New Tunnel Portal	NJ	✓	✓
Construction Staging Areas	NJ, NY	✓	✓
Ventilation Shafts	NJ, NY	✓	✓
Fan Plants	NJ, NY	✓	✓
Construction Access Road for Ventilation Shaft Site	NJ	✓	✓
Ground Improvement	NJ, NY	✓	✓
Underpinning of Structures	NJ, NY	✓	✓
In-Water Ground Improvement	NY	✓	
Shallowly Bored Hudson Tunnel in Hudson River	NY	✓	
Construction Through Manhattan Bulkhead	NY	✓	✓

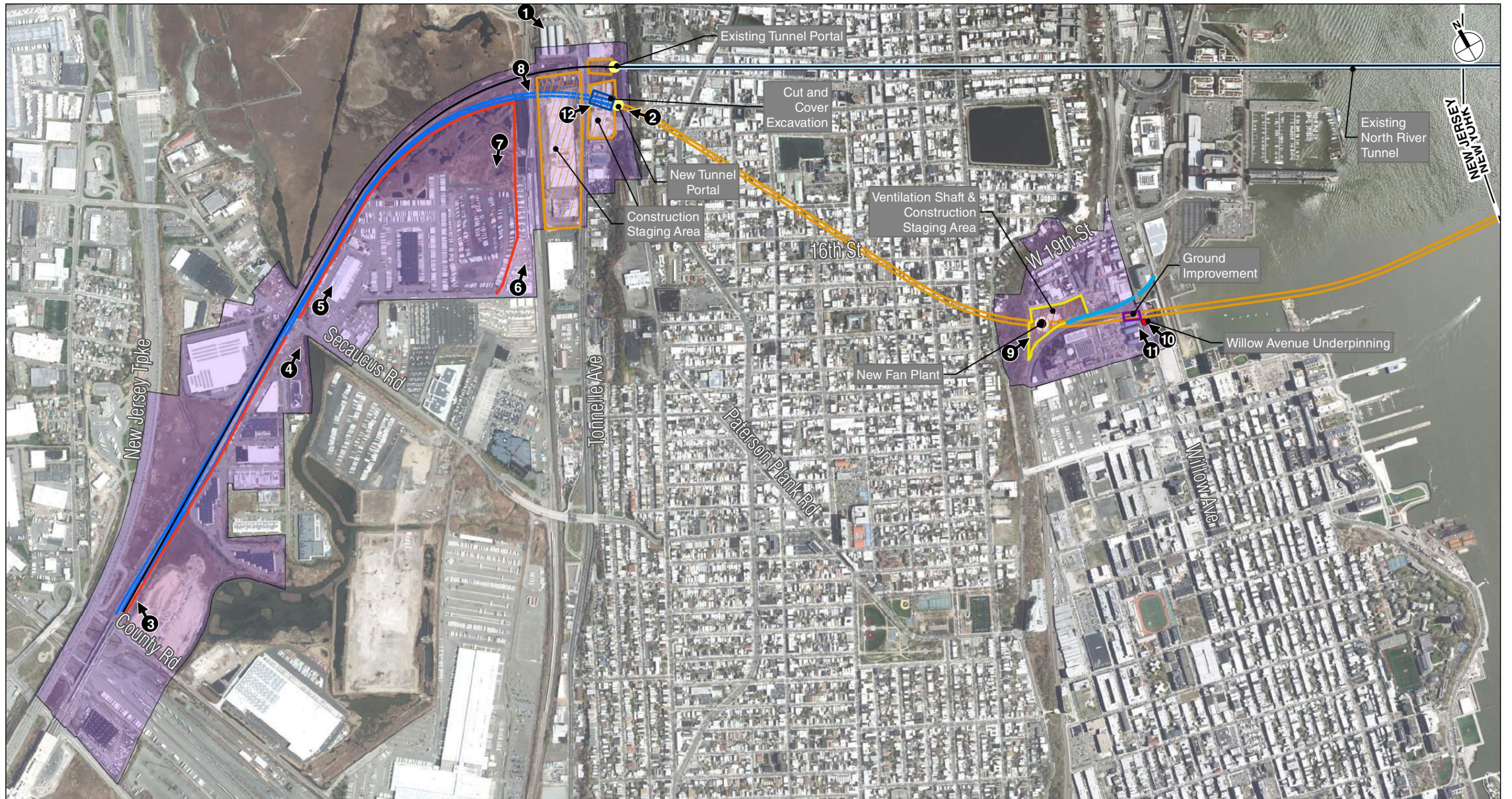


 Photo Reference No. and View Direction (see Figures 3-9)
 Existing Northeast Corridor
 New Deeply Bored Tunnel


 Area of Potential Effect for Indirect Effects

Area of Potential Effect for Direct Effects

-  Access Road for New Surface Tracks
-  New Surface Tracks
-  Tunnel Portal
-  New Fan Plant
-  Existing North River Tunnel
-  Ventilation Shaft & Construction Staging Area
-  Ground Improvement
-  Construction Staging Area
-  Cut and Cover Excavation
-  Construction Access Road to Ventilation Shaft Site
-  Underpinning

0 1,000 FEET

Area of Potential Effects - New Jersey
Figure 1

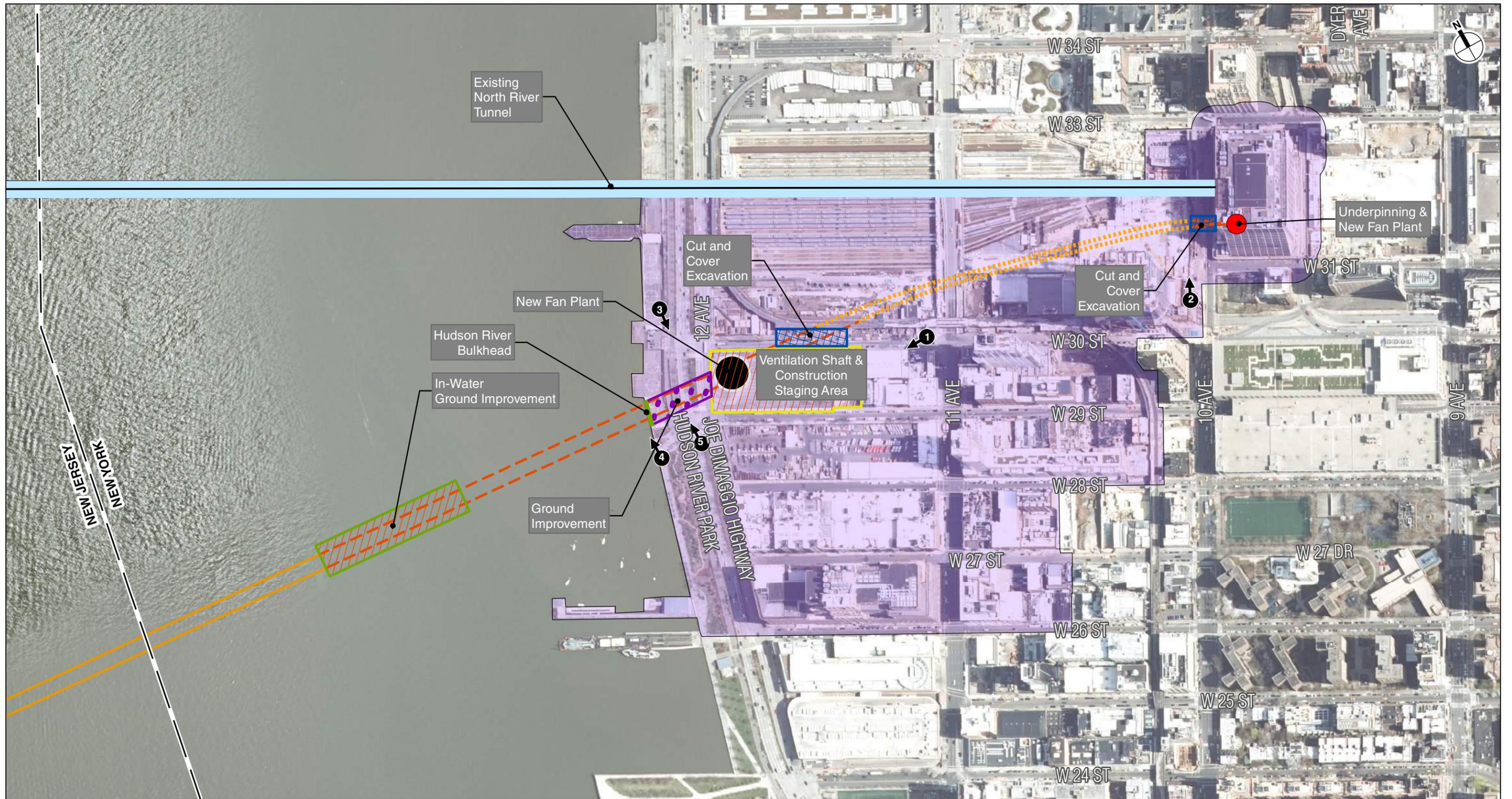


 Photo Reference No. and View Direction (see Figures 10-12)
 Existing Northeast Corridor
 Deeply Bored New Tunnel

 Right-of-way being preserved through the Western and Eastern Railyards
 Area of Potential Effect for Indirect Effects

Area of Potential Effect for Direct Effects
 New Fan Plant
 Existing North River Tunnel
 Shallowly Constructed New Tunnel

 Ventilation Shaft & Construction Staging Area
 Ground Improvement
 Construction Staging Area

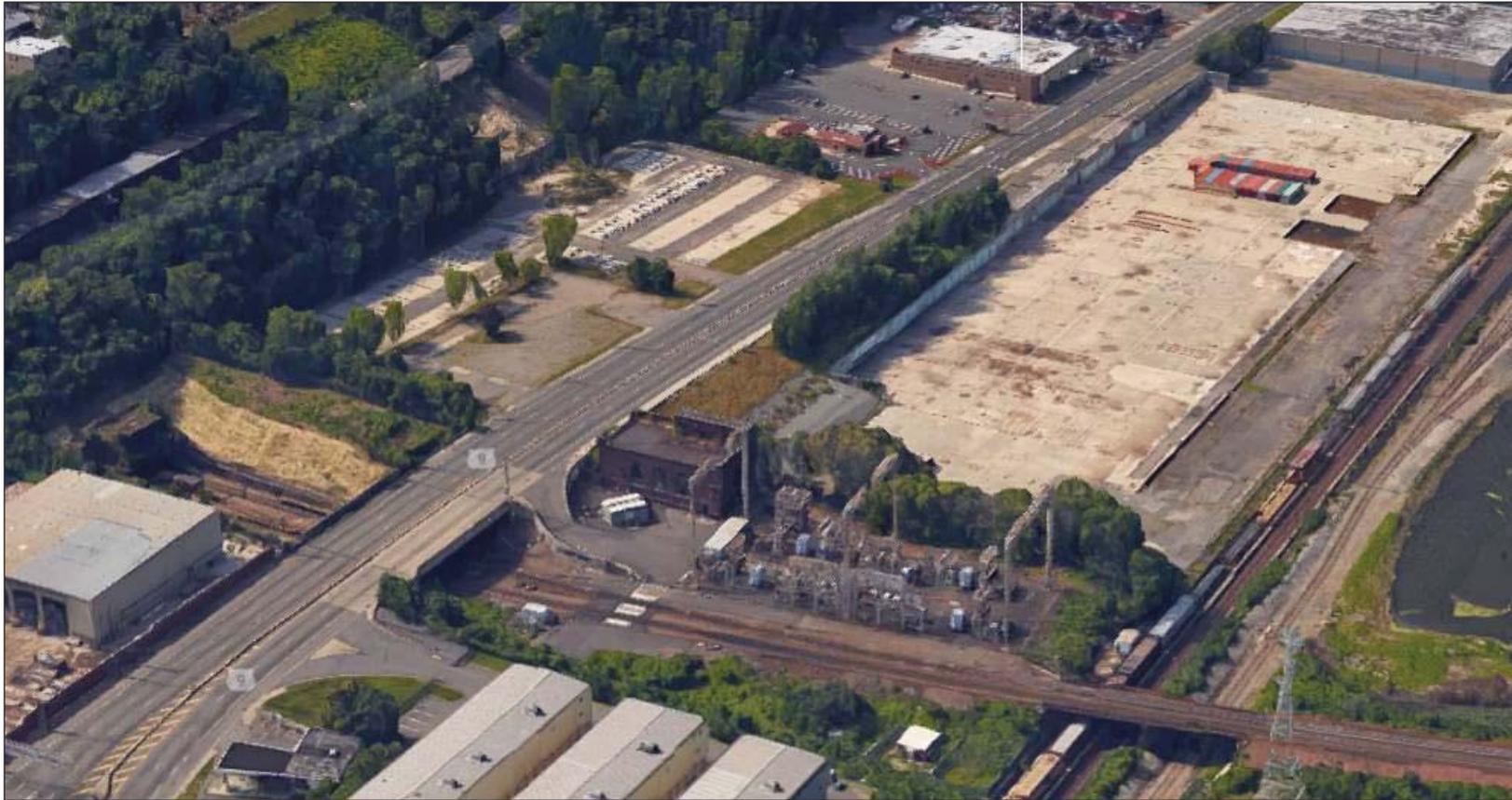
 In-Water Ground Improvement
 Cut and Cover Excavation
 Underpinning

0 1,000 FEET



Area of Potential Effects - New York
Figure 2

Source: Google Imagery, 2016.



Location: North Bergen, NJ

Aerial view southeast of the existing tunnel portal, Tonnelle Avenue, and proposed locations of the new tunnel portal and construction staging areas.

1

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northwest from Paterson Plank Road of the existing NEC, Tonnelle Avenue, and proposed construction staging areas east and west of Tonnelle Avenue.

2

Location: Secaucus, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northeast from County Road of the existing NEC and the location of the proposed access road.

3

Location: Secaucus, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northeast on Penhorn Avenue, west of Secaucus Road, of the existing NEC and location of a proposed entry to the access road.

4

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northeast from Secaucus Road of the existing NEC and location of a proposed entry to the access road.

5

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: October 28, 2016



View northeast in the location of the proposed access road, north of 16th Street. 6

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: October 28, 2016



View southwest of the location of the proposed access road within the Hackensack Meadowlands. 7

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View southeast of the locations of the proposed construction staging area west of Tonnelle Avenue.

8

Location: Hoboken, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View east of the location of the ventilation proposed shaft site and construction staging area.

9

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northwest of the location of potential ground improvements west of Willow Avenue. 10

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View north of the potential underpinning location at the Willow Avenue Bridge. 11

Location: North Bergen, NJ
Photographer: Teresa D. Bulger, RGA, Inc.
Date: November 4, 2016



View northeast of the proposed new tunnel portal location. 12

Location: Manhattan, NY
Photographer: Claudia Cooney, AKRF, Inc.
Date: October 11, 2016



View southwest on West 30th Street west of Eleventh Avenue, including the block where the proposed ventilation shaft site and construction staging area would be located.

1

Location: Manhattan, NY
Photographer: Claudia Cooney, AKRF, Inc.
Date: October 11, 2016



View northeast on Tenth Avenue, including the Lerner Building on the east side of Tenth Avenue between West 31st and West 33rd Streets.

2

Location: Manhattan, NY
Photographer: Erica Mollon, AKRF, Inc.
Date: November 30, 2016



View southeast at Twelfth Avenue and West 30th Street of the location of the proposed ventilation shaft site, fan plant, and construction staging area.

3

Location: Manhattan, NY
Photographer: Erica Mollon, AKRF, Inc.
Date: November 30, 2016



View north at the the Hudson River bulkhead in the location where the new tunnel would cross through the bulkhead and where ground improvements would also be needed to construct the tunnel.

4

Location: Manhattan, NY
Photographer: Erica Mollon, AKRF, Inc.
Date: November 30, 2016



View north on Route 9A/Twelfth Avenue towards the location where ground improvements would occur to construct the new tunnel. The location of the proposed ventilation shaft site and fan plant is on the right.