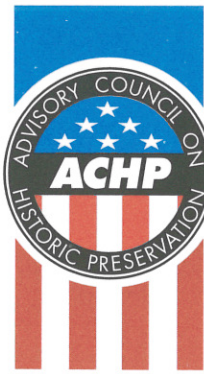


Appendix B: Historic and Cultural Resources

Programmatic Agreement



Preserving America's Heritage

May 6, 2013

RDML Daniel B. Abel
Commander
First Coast Guard District
United States Coast Guard
408 Atlantic Avenue
Boston, MA 02110

Ref: *Bayonne Bridge Navigational Clearance Program (HPO Project #12-0004; 11PR06749)*
Bayonne City, Hudson County, New Jersey and Staten Island Section, Richmond County,
New York

Dear RDML Daniel B. Abel:

Enclosed is your copy of the fully executed Programmatic Agreement for the referenced project. By carrying out the terms of the agreement, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation. An original agreement will remain on file at our office, and we will transmit the remaining originals to Mr. Gary Kassof, Bridge Program Manager.

We commend the United States Coast Guard and the Port Authority of New York and New Jersey for working closely with the consulting parties to resolve the adverse effects of this undertaking on historic properties.

If we may be of further assistance as the Programmatic Agreement is implemented, please contact Ms. Katharine R. Kerr at (202) 606-8534, or via e-mail at kkerr@achp.gov.

Sincerely,

Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

Enclosure

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION – HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY
REGARDING
THE BAYONNE BRIDGE NAVIGATIONAL CLEARANCE PROGRAM,
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY
AND STATEN ISLAND, RICHMOND COUNTY, NEW YORK**

WHEREAS, the United States Coast Guard (USCG), an agency within the Department of Homeland Security (DHS), is the federal agency responsible for processing the application for an amendment to a federal bridge permit submitted by The Port Authority of New York and New Jersey (PANYNJ) for the Bayonne Bridge Navigational Clearance Program (Proposed Undertaking) which proposes to raise the roadway of the Bayonne Bridge in order to provide for sufficient vertical clearance to support Post-Panamax ships, to ensure that the structure meets PANYNJ's seismic safety standards, to meet current highway design standards, and to make improvements for non-vehicular traffic, pursuant to federal bridge statutes and the USCG Bridge Administration Program [General Bridge Act of 1946, 33 U.S.C. 525-533]; and

WHEREAS, USCG intends to fulfill its compliance responsibilities for Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. Section 170 (f)) by executing this Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b)(3) as USCG determined it was warranted for this complex Undertaking in order to allow for a continual assessment of effects in conjunction with the design, construction, and completion of the Proposed Undertaking; and

WHEREAS, the USCG has established an Area of Potential Effect (APE) for the Proposed Undertaking in accordance with 36 CFR § 800.4(a)(1) as identified in Attachment A; and

WHEREAS, the USCG, in consultation with the New Jersey and New York State Historic Preservation Offices (SHPOs), has determined that the Proposed Undertaking will have an adverse effect on the Bayonne Bridge, which is eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, the USCG has determined, in consultation with the SHPOs and having afforded federally recognized Indian tribes the opportunity to comment on the identification of historic resources within the APE, that there are no known archeological resources eligible for the NRHP within the APE; and

WHEREAS, the USCG has consulted with the PANYNJ, the permit applicant, regarding the effects of the Proposed Undertaking on potential NRHP-eligible resources and has invited it to sign this PA as an invited signatory; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the USCG notified the Advisory Council on Historic Preservation (ACHP) on June 7, 2012 of its adverse effect determination with specified documentation, and the ACHP notified the USCG on June 25, 2012 of its decision to participate in the consultation pursuant to 36 CFR § 800.6 (a)(1)(iii), contained in Attachment B (USCG, SHPOs, and the ACHP are each a "Signatory," and PANYNJ is an "Invited Signatory" to the PA and, hereafter are "Signatories"); and

WHEREAS, USCG, in accordance with 36 CFR §§ 800.2(c)(2) and 800.6(c)(3), on March 21, 2012, has invited the federally recognized Indian tribes listed in Attachment C for which the APE may have religious and cultural significance, to be consulting parties to this PA, and

WHEREAS, in accordance with 36 CFR § 800.3 (f)(3), the USCG notified and invited the entities listed in Attachment D to participate in the Section 106 review, including state listed tribal nations with interests in the APE and recognized Consulting Parties who accepted the invitation to participate (also noted in Attachment D), and

WHEREAS, USCG has developed this PA with public involvement, pursuant to 36 CFR §§ 800.2(d) and 800.6(a), including: distribution of historic survey materials to Consulting Parties dated March 21, 2012; a meeting with Consulting Parties to discuss comments on those survey materials on June 5, 2012; public distribution of the Draft Environmental Assessment (DEA) dated January 4, 2013 in accordance with the National Environmental Policy Act (NEPA), which included documentation on impacts to historic resources; three public meetings to hear comments on the DEA and on the Section 106 process, in accordance with the NEPA and NHPA; distribution of proposed measures to resolve adverse effects on January 8, 2013; and a meeting with Consulting Parties to discuss comments on those measures on February 11, 2013; and

WHEREAS, as a result of the comments received from Consulting Parties and the public during the circulation of the draft Programmatic Agreement was incorporated include the Newark Historic Preservation Commission as a repository for archival materials and project documentation and the inclusion of the development of adult education materials.

WHEREAS, the USCG, on behalf of PANYNJ, conducted design consultation with SHPOs at the 50% design review phase through correspondence dated May 11, 2012 and July 11, 2012 and at the 90% design review phase through correspondence dated October 5, 2012 and January 25, 2013; and

NOW, THEREFORE, the USCG, the SHPOs, the ACHP, and the PANYNJ agree that the Proposed Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Proposed Undertaking on historic properties.

STIPULATIONS

The USCG, in coordination with PANYNJ, shall ensure that the following measures are carried out.

1. Protection of Historic Properties

- A. The PANYNJ shall ensure that project construction will avoid or minimize adverse effects on historic properties within 90 feet of the Bayonne Bridge as defined in the Technical Policy and Procedure Notice (TPPN) #10/88 of the New York City Building Code. The PANYNJ shall prepare a Construction Protection Plan for these properties (listed below and agreed upon by all parties), and will submit this Plan to the SHPOs for review within two months of execution of this PA. Historic properties within the 90-foot distance include:
 - i. Historic main arch span of the Bayonne Bridge scheduled to remain;
 - ii. 70-76 Avenue A, Bayonne, New Jersey; and
 - iii. Portion of St. Mary's of the Assumption Church Cemetery, Port Richmond, New York located within the work zone.
- B. The PANYNJ shall monitor the historic properties listed above, consistent with a Construction Protection Plan to be developed with SHPOs and submitted to the ACHP, throughout construction to assess if any alterations have been caused by the Proposed Undertaking.
- C. The PANYNJ will conduct a Pre-Construction Condition survey of each historic property (listed above) and shall prepare a final summary report after construction is complete to assess if any alterations have been caused by the Proposed Undertaking. The final summary report will be submitted to the USCG and the SHPOs for review six months after construction is completed.
- D. The USCG and the PANYNJ shall ensure the geographic position and description of Vessel 36 (located approximately 1,200 feet east of the Archaeological APE and eligible for listing on the NRHP) are provided to the National Oceanic and Atmospheric Administration for proper marking on all nautical charts and is noted in project bid documents.
- E. The PANYNJ shall develop, within three months of execution of this PA, an Unanticipated Archaeological Discovery program, in consultation with the SHPOs, accommodating federally recognized Indian tribes participation as appropriate, and incorporate it into the appropriate project documents.

2. Documentation and Curation

Materials produced to evidence compliance with these stipulations will be distributed in accordance with the stipulations below, unless otherwise stated, within two (2) years after the completion of the Proposed Undertaking. The PANYNJ will provide a report with a copy of the materials produced as satisfaction of the stipulations to the USCG and SHPOs within two (2) years of completion of the Proposed Undertaking.

- A. The PANYNJ and/or the USCG shall locate within their respective collections, to the extent available, original design drawings and other drawings, photographs, and construction documents associated with the Bayonne Bridge (formerly known as the Kill Van Kull Bridge between Bayonne, New Jersey and Port Richmond, New York). To the extent available, these archival materials relating to the original construction and subsequent improvements to the Bridge shall be made available to the SHPOs, New York State Archives and Records Administration, New York Historical Society, New Jersey Historical Society, the Bayonne Historical Society, Newark Historic Preservation Commission, New York Public Library, and the Rutgers University Special Collections Library, as originals and/or archival copies. For security reasons, the PANYNJ may limit the distribution of details related to the historic main arch span of the Bayonne Bridge, which is scheduled to remain.
- B. The PANYNJ shall coordinate with Rutgers University Special Collections Library and the New York State Archives and Records Administration to identify needs and requirements for permanent curation and public accessibility of the original documents of the Bridge. The PANYNJ shall supply archivally-stabilized originals or archival-quality copies of such archival materials to the New Jersey Division of Archives and Records Management and the New York State Archives and Records Administration for their repository. The PANYNJ shall supply such archival materials within six months of the completion of the Undertaking. The materials or copies will be provided to the SHPOs, New York Historical Society, New Jersey Historical Society, the Bayonne Historical Society, Newark Historic Preservation Commission, and New York Public Library.
- C. The PANYNJ shall prepare a time lapse video including imagery of the current Bayonne Bridge design and the execution of the Proposed Undertaking, which will be made available for distribution to the SHPOs, New York Historical Society, Newark Historic Preservation Commission, New Jersey Historical Society, the Bayonne Historical Society, New York Public Library, and the Rutgers University Special Collections Library.
- D. The PANYNJ shall develop, in consultation with the SHPOs, an educational video/documentary about the BBNCP, which includes a history of the Bayonne Bridge, for distribution to public television stations in New York and New Jersey (NJN, Channel Thirteen, or similar).

- E. Documentation and curation materials will be posted to the Bayonne Bridge webpage of the PANYNJ website, as appropriate. For security purposes, additions to the Bayonne Bridge webpage will be at the discretion of the PANYNJ.

3. Historic American Engineering Record (HAER)

Materials produced to evidence compliance with these stipulations will be distributed in accordance with the stipulations below within two (2) years after the completion of the Proposed Undertaking. The PANYNJ will provide a report with a copy of the materials produced as satisfaction of the stipulations to the USCG and SHPOs within two (2) years of completion of the Proposed Undertaking.

- A. The PANYNJ shall update the HAER NJ-66 package, completed in 1987, of the Bridge in consultation with the National Park Service (NPS) and SHPOs as appropriate. The PANYNJ will defer to the Northeast Region of the NPS in determining the appropriate levels and standards of HAER documentation, which may include digital photographs of the current structure, duplication of historic imagery and drawings, and a historical narrative.
- B. The PANYNJ will prepare a minimum of three (3) archivally-stable copies of the final HAER package for distribution to the Rutgers University Special Collections Library, SHPOs, and the Library of Congress. The PANYNJ will distribute non-archivally stable copies of the same documentation to the New York Historical Society, New Jersey Historical Society, the Bayonne Historical Society, Newark Historic Preservation Commission, New York Public Library, and the Rutgers University Special Collections Library.

4. Bayonne Bridge Publication

Materials produced to evidence compliance with these stipulations will be distributed in accordance with the stipulations below within two (2) years after the completion of the Proposed Undertaking. The PANYNJ will provide a report with a copy of the materials produced as satisfaction of the stipulations to the USCG and NJ and NY SHPOs within two (2) years of completion of the Undertaking.

- A. The PANYNJ shall distribute copies of the previously published history of the Bayonne Bridge (*Bayonne Bridge: A Landmark by Land, Sea and Air*. Darl Rastorfer, 2007) commissioned by the PANYNJ for the 75th anniversary of the bridge to local communities. Two (2) copies each shall be sent to the New York Historical Society, New Jersey Historical Society, the Bayonne Historical Society, Newark Historic Preservation

Commission, New York Public Library, and the Rutgers University Special Collections Library.

5. Lesson Plans

Materials produced to evidence compliance with these stipulations will be distributed in accordance with the stipulations below within two (2) years after the completion of the Proposed Undertaking. The PANYNJ will provide a report with a copy of the materials produced as satisfaction of the stipulations to the USCG and SHPOs within two (2) years of completion of the Undertaking.

- A. PANYNJ shall coordinate with both New York and New Jersey Departments of Education, to produce a lesson plan and adult education materials, to be developed by a qualified curriculum developer. This lesson plan will satisfy the New York and New Jersey state curricula standards for fourth grade local and state history and/or an aspect of science and/or technology relating to bridge construction and transportation.
- B. The PANYNJ shall distribute one (1) copy of the lesson plans on compact discs to the SHPOs, New York Historical Society, New Jersey Historical Society, the Bayonne Historical Society, New York Public Library, and the Rutgers University Special Collections Library, as well as additional parties, as appropriate. Additional parties may include City of Bayonne and City of Newark school districts. Materials will also be available on the PANYNJ website.

6. Interpretive Exhibits

Materials produced to evidence compliance with these stipulations will be distributed in accordance with the stipulations below within two (2) years after the completion of the Proposed Undertaking. The PANYNJ will provide a report with a copy of the materials produced as satisfaction of the stipulations to the USCG and SHPOs within two (2) years of completion of the Undertaking.

- A. The PANYNJ shall develop signage and exhibits, compliant with accessibility requirements under the Americans with Disabilities Act, intended to inform local residents, visitors, students and others of the history of the Bayonne Bridge within the context of the history of architecture, engineering, navigation and transportation in the port region. The PANYNJ will develop plans for interpretive displays at the locations identified below, including exact locations, text, design, and materials, in coordination with the SHPOs:

- i. A plaque and interpretive signs at both north and south approaches of the bridge and along the shared use path to commemorate the bridge's original design.
- ii. A kiosk with salvaged elements from the bridge will be offered for display at the Snug Harbor Cultural Center & Botanical Garden.
- iii. A kiosk with salvaged elements from the bridge will be offered for display at the Bayonne Community Museum.

7. Re-Dedication Ceremony

- A. PANYNJ shall host a re-dedication ceremony upon completion of the Proposed Undertaking to heighten awareness of the bridge's historical architecture and cultural significance.

8. Eligibility for Listing as a Historic Structure

- A. Within two (2) years after construction is completed, PANYNJ shall evaluate, in consultation with the SHPOs, the eligibility of the Bayonne Bridge taking into account the rehabilitation.

ADMINISTRATIVE CONDITIONS

9. Project Modifications

If there is a modification to the Undertaking which changes the overall nature of the project or alters its effects, the USCG will consult with the SHPOs, PANYNJ, and federally recognized Indian tribes as appropriate, to obtain concurrence on any determinations of eligibility, effects, and resolutions in an abbreviated manner that takes into account the provisions of this PA. The ACHP may be included as appropriate as well. The following procedure shall be followed:

- A. The PANYNJ shall notify the USCG with a description of the modification and/or altered effects. The USCG shall thereafter consult with the SHPOs to determine whether the affected historic properties are eligible for or listed on the NRHP and, if so, whether the Undertaking, as modified, would have an adverse effect on such properties.
- B. If the USCG determines that the modified Undertaking would have an adverse effect, it shall consult further with the signatories to this PA to resolve the adverse effect to develop and evaluate alternatives or further modifications to the Undertaking that could avoid, minimize or mitigate the adverse effects, which consultation shall include appropriate notice to and opportunity for comment by the Consulting Parties listed in Attachment D, and the public.

10. Professional Qualifications

The PANYNJ shall ensure that the HAER recordation conducted pursuant to this PA is carried out by, or under the direct supervision of, a person or persons meeting, at minimum, the appropriate standards set forth in *the Secretary of the Interior's Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines, Professional Qualifications Standards* for historians and architectural historians.

11. Dispute Resolution

Should any Signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, USCG shall consult with such party to resolve the objection. If USCG determines that such objection cannot be resolved, USCG will:

- A. Forward all documentation relevant to the dispute, including the USCG's proposed resolution, to the ACHP. The ACHP shall provide USCG with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USCG shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Signatories, and provide them with a copy of this written response. USCG will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the 30 calendar day time period, USCG may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USCG shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories to the PA, and provide the Signatories with a copy of such written response.
- C. All other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

12. Monitoring and Reporting

Ninety calendar days after issuance of the bridge permit, and annually on that date until this PA expires or is terminated, the USCG, in coordination with the PANYNJ, shall provide to Signatories, a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in PANYNJ's efforts to carry out the terms of this PA.

13. Post Review Discoveries

Should PANYNJ discover historic properties other than those named in this PA, or if it is determined by the USCG that the APE should be enlarged, or if unanticipated effects

(indirect or cumulative) on historic properties are found, the signatory parties shall consult according to the Unanticipated Archaeological Discovery plan prepared in accordance with Stipulation 1(E) of this agreement. In the event of an unanticipated discovery, the terms of this PA may be reconsidered and amended in accordance with Stipulation 14 below.

14. Additional Federal Agency Involvement in the Undertaking in the Future

In the event that there is additional federal involvement in the Proposed Undertaking, that federal agency will have the option to accept the terms of this PA, without acquiring an amendment, if the federal agency signs as an invited signatory, the USCG must notify the Signatories in advance of the federal agency committing to the terms of this PA.

15. Amendments

This PA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

16. Termination

If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 14. If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any Signatory may terminate the PA upon written notification to the other Signatories.

Once the PA is terminated, and prior to work continuing on the undertaking, USCG must either (a) execute a Memorandum of Agreement pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USCG shall notify the Signatories as to the course of action it will pursue.

17. Duration

This PA shall remain in effect for ten years from the date of execution.

- A. If, prior to the expiration of the ten year period, the USCG deems the project complete and the terms of all Stipulations satisfactorily fulfilled, the PA shall expire. The USCG shall notify all Signatories in writing once this decision has been made.
- B. Should the USCG determine, based upon discussions with any of the signatories, that additional time beyond the ten year duration for the PA is required, the USCG shall notify all signatories to request their written agreement. Upon receipt of written agreement from all signatories, the USCG may notify all parties that it will extend the terms of this PA for an additional five years.

18. Effective Date

The terms of this PA will become effective upon the signature of the ACHP once all other Signatories have signed.


19. Points of Contact

- A. The USCG Point of Contact (POC) will be the Commander, First Coast Guard District, United States Coast Guard, ATTN: Bridge Program Manager, Battery Park Bldg, 1 South Street, New York, NY 10004, at (212) 668-7994, Fax: (212) 668-7967.
- B. The POC for the New Jersey SHPO will be State of New Jersey, Mail Code 501-04B, Department of Environmental Protection, Natural and Historic Resources, Historic Preservation Office, P.O. Box 420, Trenton, NJ 08625-0420 at (609) 984-0176, Fax: (609) 984-0578.
- C. The POC for the New York SHPO will be New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189 at (518) 237-8643, Fax: (518) 233-9049.
- D. The POC for ACHP will be the Director of the Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW Suite 803, Washington, DC 20004; Phone: (202) 606-8503; Fax: (202) 606-5072.
- E. The POC for PANYNJ will be Ms. Joann Papageorgis, Program Director, Bayonne Bridge Navigational Clearance Program, The Port Authority of NY and NJ, 2 Montgomery Street - 4th floor, Jersey City, NJ 07302 at (201) 395-3940, Fax: (201) 395-7409.

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION – HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY
REGARDING
THE BAYONNE BRIDGE NAVIGATIONAL CLEARANCE PROGRAM,
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY
AND STATEN ISLAND, RICHMOND COUNTY, NEW YORK**

EXECUTION of this PA by the USCG, the SHPOs, the ACHP, and the PANYNJ, and the implementation of its terms evidence that the USCG has taken into account the effects of this undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment.

UNITED STATES COAST GUARD



D. B. ABEL
Rear Admiral, U. S. Coast Guard
Commander, First Coast Guard District

Date May 2, 2013

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION – HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION -- HISTORIC
PRESERVATION OFFICE



Daniel D. Saunders
Deputy State Historic Preservation Officer

Date 5/6/13

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION - HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
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NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

Ruth Pierpont DSHPO

Date 5/1/13

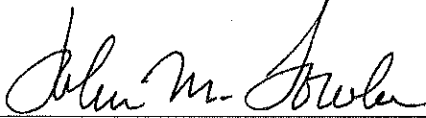
Ruth Pierpont

Deputy State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION – HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
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ADVISORY COUNCIL ON HISTORIC PRESERVATION



John M. Fowler
Executive Director

Date 5/2/13

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD, NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION – HISTORIC PRESERVATION OFFICE, NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE
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CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY
AND STATEN ISLAND, RICHMOND COUNTY, NEW YORK

INVITED SIGNATORY

PORT AUTHORITY OF NEW YORK AND NEW JERSEY


Stephanie Dawson
Acting Chief Operating Officer

Date 5/2/2013

OK:
FORM: BFA
TERMS: J.L.H.

ATTACHMENT A: AREA OF POTENTIAL EFFECT (APE)

Project Location Aerial Map with APEs



ATTACHMENT B: ACHP Invitation and Acceptance

U.S. Department of
Homeland Security

United States
Coast Guard



COMMANDANT (CG-BRG)
US COAST GUARD
2100 2ND ST SW STOP 7580
WASHINGTON, DC 20593-7580

Phone: (202) 372-1511
FAX: (202) 372-1914

16590
June 07, 2012

Ms. Charlene Vaughn
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Re: Bayonne Bridge Navigational Clearance Program (BBNCP)

Dear Ms. Vaughn:

Pursuant to 36 CFR § 800.6(a)(1), the Department of Homeland Security (DHS) is notifying the Advisory Council on Historic Preservation (ACHP) that it has determined that the proposed Bayonne Bridge Navigational Clearance Program over the Kill Van Kull between Bayonne, New Jersey and Staten Island, New York, will have an adverse effect on the historic Bayonne Bridge. The United States Coast Guard (USCG), in consultation with the New Jersey and New York State Historic Preservation Offices (SHPO) and the Port Authority of New York and New Jersey (PANYNJ), made the determination. On August 2, 2001, the New Jersey SHPO determined the bridge was eligible for inclusion on the National Register of Historic Places based on Criteria A and C (36 CFR § 60.4). The New York SHPO made the same determination on November 1, 2011. The PANYNJ is the project sponsor and the USCG is the lead Federal agency for consultation under Section 106 of the National Historic Preservation Act (NHPA) and for the preparation of the environmental review in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended.

Initiation letters sent from the USCG to each respective SHPO, New Jersey and New York Tribal Historic Preservation Offices, et al, in February 2012, began the official Section 106 consultation process which has been ongoing ever since. Copies of all of the detailed reports and correspondence are provided in the accompanying CD-ROM for your convenience.

The following milestones have been reached:

- A finding of adverse effect relates to one historic architectural resource: the Bayonne Bridge over the Kill Van Kull.
- A list of eleven (11) consulting and interested parties has been formalized for review by NJSHPO/NYSHPO in advance of the preparation of a Memorandum of Agreement (MOA) including stipulations for mitigation measures.

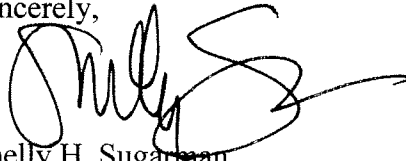
16590
June 07, 2012

- Both the USCG and the New Jersey and New York SHPOs have concurred that the project would not result in impacts to archaeological sites.

Under the NEPA process and the ongoing public outreach, formal public meetings will be held in summer 2012 subsequent to release of the Draft Environmental Assessment (DEA) and start of the public comment period. Dates for these meetings will be selected in the near term. Such meetings will also provide opportunities for involving the public in the Section 106 process, pursuant to 36 CFR § 800.8 for "Coordination with the National Environmental Policy Act".

At this time the DHS requests whether the ACHP wishes to participate in the 106 process pursuant to 36 CFR § 800.6(a) (1) as a signatory to the MOA. Thank you for your assistance in this undertaking. If you have any questions or require additional information, please contact me at 202-372-1511 or by email at Shelly.H.Sugarman@USCG.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelly H. Sugarman', with a long horizontal flourish extending to the right.

Shelly H. Sugarman
Chief, Permits Division
U.S. Coast Guard Bridge Program

Enclosures: 1) Correspondence letters
2) Phase 1A Archaeological Assessment w/Addendum, Bayonne, Hudson County, NJ
3) Phase 1A Archaeological Assessment, Staten Island, Richmond County, NY
4) Historic Resources Survey Report – NY
5) Intensive Level Survey Report - NJ

Copy: Joann Papageorgis, PANYNJ
David Reese, (DHS)
Ed Wandelt, (USCG-CG-47)
Gary Kassof, (USCG-D1)
Daniel Saunders, (NJSHPO)
Beth Cumming, (NYSHPO)

Milford Wayne Donaldson, FAIA
Chairman

Clement A. Price Ph.D.
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

June 25, 2012

Admiral Robert J. Papp, Jr.
Commandant, U.S. Coast Guard
Coast Guard Headquarters
2100 Second Street, SW; Stop 7101
Washington, DC 20593-7101

**Ref: Bayonne Bridge Navigational Clearance Program (HPO Project #12-0004; 11PR06749)
Bayonne City, Hudson County, New Jersey; Staten Island Section, Richmond County, New York**

Dear ADM Papp:

In response to a notification by the the U.S. Coast Guard Bridge Program, the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Memorandum of Agreement for the proposed Bayonne Bridge Navigational Clearance Program, New Jersey and New York. 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 for this proposed undertaking because it presents important questions of policy and interpretation and has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Ms. Shelly H. Sugarman, Chief, Permits Division, of this decision.

Our participation in this consultation will be handled by Ms. Katharine R. Kerr who can be reached at (202) 606-8534 or via e-mail at kkerr@achp.gov. We look forward to working with your agency and other consulting parties to consider alternatives to this undertaking that could avoid, minimize, or mitigate potential adverse effects on historic properties and to reach a Memorandum of Agreement.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

ATTACHMENT C: Federally Recognized Indian Tribes Invited to
Participate as a Consulting Party

- Delaware Nation Cultural Preservation Office
- Delaware Nation Cultural Preservation Department
- Delaware Tribe of Indians
- Delaware Tribe of Indians Historic Preservation Office
- Delaware Tribe of Indians
- Shinnecock Nation
- Stockbridge-Munsee Community Band of Mohican Indians

ATTACHMENT D: Section 106 Consulting Parties

<u>Invited Organizations</u>	<u>Response</u>
U.S. Coast Guard	
Advisory Council on Historic Preservation	
New Jersey Historic Preservation Office	Accepted
New York State Historic Preservation Office	
Absentee-Shawnee Tribe of Oklahoma	
Cherokee Nation of New Jersey	Accepted
Cherokee Tribe of New Jersey	
Delaware Nation Cultural Preservation Office	
Delaware Nation, Cultural Preservation Department	
Delaware Tribe of Indians	
Delaware Tribe of Indians Historic Preservation Office	
Delaware Tribe of Indians	
Nanticoke Lenni-Lenape Indians of New Jersey	
Powhatan Renape Nation, care of New Jersey Department of State	
Ramapough Lenape Nation	
Sand Hill Band of Indians	
Sand Hill Indian Historical Association	Accepted
Shawnee Tribe of Oklahoma, Historic Preservation Department	
Shawnee Tribe of Oklahoma, Historic Preservation Department	
Shinnecock Nation	
Shinnecock Nation	
Stockbridge-Munsee Community Band of Mohican Indians	
Unkechaug Nation	
Bayonne Historical Society Inc.	Accepted
Bayonne Historic Preservation Commission	Accepted
City of Bayonne	Accepted
Engineering & Industrial Heritage, PC	
Historic Districts Council	
Hudson County Office of Cultural Affairs and Tourism	Accepted

Landmarks Preservation Commission	Accepted
Metropolitan Section, American Society of Civil Engineers - New York Section	
Metropolitan Waterfront Alliance	Accepted
Municipal Arts Society	Accepted
National Trust for Historic Preservation	
New York Landmarks Conservancy	Accepted
Office of the Borough President of Staten Island	Accepted
Preservation New Jersey	
Preservation League of New York State	
Preservation League of Staten Island	
Professional Archaeologists of New York City, Inc. (PANYC)	
Society for Industrial Archaeology	
Staten Island Historian	
13th Congressional District of New Jersey	
13th Congressional District of New York	Accepted
City of Newark	
Newark Preservation and Landmarks Commission	Accepted
Ironbound Community Corporation	Accepted