

Norwalk Historical Commission
May 24, 2017, 7PM EST
Norwalk Historical Society Museum
141 East Ave
Norwalk, CT

1. Call to Order
2. Acceptance of Minutes: Regular Meeting: April 26, 2017
3. Public Participation – three-minute limit per speaker
4. Chairman's Report – Commissioner Westmoreland
5. Reports – Boards
 - A. Norwalk Historical Society – Diane Jellerette
 - B. Lockwood Mathews Mansion Museum – Susan Gilgore
6. Reports
 - A. Buildings – Commissioner Westmoreland
 - B. Cemeteries – Commissioner Cuzzone
Pine Island Cemetery Brochure
 - C. Finance – Commissioner Betts
7. Old Business

Approve [Reject] the MEMORANDUM OF AGREEMENT AMONG THE FEDERAL TRANSIT ADMINISTRATION, THE CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER REGARDING THE WALK BRIDGE REPLACEMENT PROJECT, NORWALK, CONNECTICUT, STATE PROJECT 301-176. Authorize the Chairman of the Historical Commission to sign the agreement.

Approve [Reject] the MEMORANDUM OF AGREEMENT AMONG THE FEDERAL TRANSIT ADMINISTRATION, THE CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER REGARDING THE CP-243 UNIVERSAL INTERLOCKING PROJECT NORWALK AND WESTPORT, CONNECTICUT STATE PROJECT 0301-0181. Authorize the Chairman of the Historical Commission to sign the agreement.

Approve [Reject] the MEMORANDUM OF AGREEMENT AMONG THE FEDERAL TRANSIT ADMINISTRATION, THE CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER REGARDING THE DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT NORWALK, CONNECTICUT STATE PROJECT 0301-0180. Authorize the Chairman of the Historical Commission to sign the agreement.

8. New Business
9. Adjournment

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
WALK BRIDGE REPLACEMENT PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 301-176**

WHEREAS, the Connecticut Department of Transportation (CTDOT), an agency of the State of Connecticut, proposes the replacement of the Walk Bridge, also known as the Norwalk River Railroad Bridge and State Bridge No. 04288R, across the Norwalk River in Norwalk, Connecticut (the Undertaking); and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA) is providing funding for the Undertaking, making it subject to the provisions of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA) and its implementing regulations, 36 C.F.R. Part 800, et. seq.; and

WHEREAS, the Undertaking is not a Tier 2 Project in accordance with the Programmatic Agreement regarding the Northeast Corridor (NEC) FUTURE Investment Program and is an independent project on the NEC; and

WHEREAS, CTDOT has prepared technical reports, *Historic Resources Evaluation Report, Walk Bridge Replacement Project* August 2016 and *Archaeological Sensitivity Assessment, Walk Bridge Replacement Project* August 2016 (collectively, the Technical Reports) for historic above-ground resources and archaeological resources potentially affected by the Undertaking, which Technical Reports have been reviewed and approved by FTA and the Connecticut State Historic Preservation Office (CTSHPO); and

WHEREAS, CTDOT has prepared an Archaeological Treatment Plan (Appendix A) to address areas of archaeological sensitivity identified in the archaeological technical reports, as well as areas of sensitivity that could be identified as part of ongoing actions associated with the Undertaking, which plan has been reviewed and approved by FTA and CTSHPO and has been incorporated into this Memorandum of Agreement (MOA) as Appendix A; and

WHEREAS, this Agreement was developed with appropriate public involvement (pursuant to 36 CFR 800.2[d] and 800.6[a]) both coordinated with the scoping, public review and public hearings conducted to comply with NEPA and its implementing regulations and through public meetings to comply with NHPA and its implementing regulations; and in consultation with the CTSHPO, the Advisory Council on Historic Preservation and (pursuant to 36 CFR 800.2[d] and 800.6[a]) additional invited Consulting Parties; and

WHEREAS, the public has had an opportunity to comment on the Undertaking and the findings set forth in the Undertaking's associated Technical Reports; and

WHEREAS, the Norwalk Historical Commission, the Norwalk Historical Society, the Norwalk Preservation Trust, and the SONO Switch Tower Museum have participated in the consultation process pursuant to 36 C.F.R. Part 800, have been invited to concur in this MOA, and will continue to be consulted in the implementation of the MOA; and

WHEREAS, the Tribal Historic Preservation Officers (THPOs) of the Mashantucket Pequot Tribal Nation and the Mohegan Tribe of Indians of Connecticut have participated in the consultation process pursuant to 36 C.F.R. Part 800, have been invited to concur in this MOA;

WHEREAS, FTA in consultation with CTSHPO has defined the Area of Potential Effect of the Undertaking as shown on the attached map (Appendix B); and

WHEREAS, FTA, in consultation with CTSHPO, has (i) determined that the Undertaking will have unavoidable adverse effects pursuant to 36 C.F.R. Part 800.5 to properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP) and are enumerated in the attached table (Appendix C) (collectively, the Historic Properties); and

WHEREAS, FTA has notified the Advisory Council on Historic Preservation (the Council) of the adverse effects on the Historic Properties that were identified in the Technical Reports and the Council has elected not to participate in consultation; and

NOW, THEREFORE, FTA, CTDOT, and CTSHPO agree that the Undertaking shall be implemented with the following Stipulations to ensure that effects to the Historic Properties are taken into account:

STIPULATIONS:

FTA will ensure that the terms of this MOA are carried out and will require, as a condition of any approval of federal funding for the Undertaking, adherence to the stipulations set forth herein.

1. Prior to demolition, CTDOT shall contact the Historic American Engineering Record (HAER) for advice as to the level of documentation that would be appropriate for recording the Walk Bridge. CTDOT shall retain a qualified consultant to prepare the documentation of the Walk Bridge as specified in HAER's response. CTDOT shall submit the documentation to FTA and CTSHPO for review and shall revise the documentation according to any comments. CTDOT shall submit the revised documentation to HAER and provide CTSHPO with two copies of the documentation upon completion.

2. When track access is granted to view individual catenary structures and prior to demolition, CTDOT shall determine whether the documentation entitled "New Haven Railroad Catenary System," prepared by Historical Technologies in 2000 (the 2000 Documentation), adequately represents the catenary structures to be demolished as part of the Undertaking. If the catenary structures that were photographed and described in the 2000 Documentation are essentially identical to those proposed for demolition, CTDOT shall notify CTSHPO of this determination and no further documentation will be necessary. If the catenary structures to be demolished are unique and not adequately represented in the 2000 Documentation, CTDOT will prepare additional written and photographic documentation of the catenary structures to the professional standards of CTSHPO. CTDOT shall submit the documentation to the FTA and CTSHPO for review and revise the documentation according to any comments. CTDOT shall submit the revised documentation to CTSHPO for permanent archiving and public accessibility.

3. CTDOT shall prepare written and photographic documentation of other historic structures on the New Haven Line, within the limits of the Undertaking, to the professional standards of CTSHPO. The documentation will address the high towers, stone retaining walls, interlocking tower (South Norwalk Switch Tower Museum), Fort Point Street Railroad Bridge, and any historic trackside features such as mileposts. The documentation will also provide context views that incorporate the former Norwalk Lock Company buildings, the former Norwalk Iron Works buildings, and the buildings of the South Main and Washington Streets Historic District. CTDOT shall submit the documentation to the FTA and CTSHPO for review and revise the documentation according to any comments. Upon completion, CTDOT shall submit the revised documentation to CTSHPO for permanent archiving and public accessibility.

4. CTDOT shall implement the Archaeological Treatment Plan set forth in Appendix A attached to this MOA and hereby incorporated herein in its entirety. If it is determined that archaeological properties that are eligible for listing in the NRHP are present, CTDOT shall consult with FTA and CTSHPO regarding measures to avoid affecting the properties or to mitigate adverse effects on the properties and shall implement the agreed-upon measures.
5. CTDOT shall attempt to solicit interest in obtaining salvaged material from the Undertaking, such as the catenary structures, to be used for public education purposes, from the institutions listed in Appendix D. If it is feasible to do so, CTDOT shall use its best efforts to ensure that the salvaged material is removed in as intact a condition as possible. The recipient shall be required to accept the salvage material in its "AS-IS" condition and assume all liability, costs and expenses related to the salvaged material, including, without limitation, contamination, and storage. If CTDOT determines it is not feasible to salvage the material, CTDOT shall notify FTA and CTSHPO of the reason(s) that salvaging the material would not be feasible and CTDOT's obligation to salvage the material shall cease.
6. CTDOT shall attempt to reuse/repurpose the stone masonry from the existing bridge abutments that will be demolished in the construction of the replacement bridge. If CTDOT determines that it is not feasible to reuse/repurpose the stone, CTDOT shall notify FTA and CTSHPO of the reason(s) that reuse would not be feasible, and CTDOT's obligation to reuse the stone shall cease. Subsequently, CTDOT shall attempt to solicit interest in obtaining the stone masonry to be used for public education purposes, from the institutions listed in Appendix D. If it is feasible to do so, CTDOT shall use its best efforts to ensure that the salvaged material is removed in as intact a condition as possible. The recipient shall be required to accept the salvage material in its "AS-IS" condition and assume all liability, costs and expenses related to the salvaged material, including, without limitation, contamination, and storage. If CTDOT determines it is not feasible to salvage the stone masonry, CTDOT shall notify FTA and CTSHPO of the reason(s) that salvaging the material would not be feasible and CTDOT's obligation to salvage the material shall cease.
7. CTDOT shall develop an Historic Building Protection Plan in coordination with CTSHPO to minimize the effects of construction-period vibration upon nearby historic buildings. The historic buildings to be included in the Plan consist of the Interlocking Tower (South Norwalk Switch Tower Museum) and historic buildings on the north side of Washington Street in the South Main and Washington Streets Historic District, the Former Norwalk Lock Company, the Former Norwalk Iron Works, the circa 1910 commercial buildings at 68 Water Street, and the buildings that comprise the potentially eligible Liberty Square Historic District. The Plan shall be based on FTA's vibration threshold criteria, and shall consist of multiple elements, including (but not limited to) conducting pre-construction inspection of historic buildings, developing and implementing a vibration monitoring program, and conducting post-construction surveys of historic buildings. The plan shall include protective measures to be implemented if monitoring indicates the potential for damage to historic buildings. CTDOT shall prepare a draft technical memorandum documenting the results of the Plan's implementation and shall submit it to CTSHPO and FTA. The final technical memorandum shall be submitted to CTSHPO for permanent archiving and public accessibility.
8. CTDOT shall develop a maximum of two (2) exhibits and/or education programs for institutions and educators in the community, including the Maritime Aquarium. A maximum of \$450,000 will be allocated to the development of the two (2) exhibits and/or education programs. CTDOT shall solicit letters of interest (including scope of work and fee), select the institution(s) to develop the exhibits/education program(s), and submit the scope of work to FTA and CTSHPO for review. Following consultation with and approval by FTA and CTSHPO, CTDOT shall oversee the development and implementation of the exhibits and/or education programs.

- One exhibit will be focused on historic and current movable bridge engineering. The exhibit will include information about the extant WALK Bridge, earlier rail bridges at this location, and the new lift bridge. The public will learn about bridge operation, construction, and function. Hands-on Science, Technology, Engineering, and Math (STEM) educational components will be developed and distributed to local schools to be used in conjunction with school trips to the Maritime Aquarium. Materials will also be provided to the Aquarium to share with and educate visitors.
- A second exhibit will focus on the history of the railroad in the City of Norwalk, especially the WALK Bridge and the archaeological work conducted as part of the project. Photographs, documents, and other materials will be compiled to create the exhibit narrative and visuals. An exhibit will be developed that could be accommodated in any of the historical museums in the City. Associated classroom information will be developed, as well as electronic media that can be shared online with the public.

9. CTDOT shall provide non-federal resources for the restoration of the original iron fencing, gates, and associated masonry located in Mathews Park at the original entrance to the Lockwood-Mathews Mansion on West Avenue in Norwalk. CTDOT shall provide a maximum of \$2,500,000 for the restoration. CTDOT will work with the City of Norwalk, the Norwalk Historical Commission, and the Lockwood Mathews Mansion Museum to develop the scope, including the maximum funding amount, for the restoration of the original fencing, gates, and associated masonry.

10. CTDOT shall prepare documentation for listing the potentially eligible Liberty Square Historic District on the National Register of Historic Places. The Liberty Square Historic District to be listed consists of a row of late 19th-century and early 20th-century commercial buildings (195-201 Liberty Square, 203 Liberty Square, 205 Liberty Square, 207 Liberty Square, 209 Liberty Square, 211 Liberty Square, 213 Liberty Square, and 215 Liberty Square). CTDOT shall submit the documentation to the FTA and CTSHPO for review and revise the documentation according to any comments. Upon completion, CTDOT shall submit the revised documentation to CTSHPO for submittal to the National Park Service in accordance with the requirements of the National Register of Historic Places. The documentation shall be available for permanent archiving and public accessibility.

11. CTDOT shall prepare permanent interpretative panels for outdoor display in the city of Norwalk that will be available for viewing by the public. It is anticipated that the subject of the panels will be related to the history of Walk Bridge, the railroad, railroad engineering and transportation history in Connecticut. CTDOT shall consult with the City of Norwalk and the local historic stakeholders regarding the content and locations of the interpretative panels. CTDOT shall prepare and install a maximum of ten (10) permanent interpretive panels.

11. CTDOT will share Thirty (30), sixty (60), and ninety (90) percent design plans with CTSHPO and concurring parties who will have a thirty (30) day comment period in which to submit their comments to CTDOT. CTDOT will consider these comments as design further progresses.

12. Administrative Stipulations

A. Dispute Resolution

If at any time during the implementation of this MOA, CTDOT or CTSHPO objects to any action proposed or the manner in which the terms of this MOA are implemented and cannot resolve the issue between them, both parties shall immediately notify and consult with FTA in order to resolve the objection. If, within thirty (30) days of such written notice, FTA determines that such objection(s) cannot be resolved, FTA will forward all documentation relevant to the dispute to the Council. Within thirty (30)

days after receipt of all pertinent documentation, the Council will provide FTA with recommendations, which FTA will take into account in reaching a final decision regarding the dispute.

If the Council does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the parties to this MOA.

Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

FTA will notify all parties of its decision in writing before implementation of that portion of the Undertaking that was subject to dispute. FTA's decision will be final.

B. Amendments and Noncompliance

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other signatories to develop an amendment to this MOA pursuant to 36 C.F.R. §§ 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend this MOA, any signatory may terminate this MOA in accordance with Stipulation 12.C.

C. Termination

If this MOA is not amended following the consultation set out in Stipulation 12.B, it may be terminated by any signatory. Within thirty (30) days following termination, FTA shall notify the signatories if it will initiate consultation to execute a new MOA with the signatories under 36 C.F.R. § 800.6(c)(1) or request the comments of the Council under 36 C.F.R. § 800.7(a) and proceed accordingly.

D. Duration

If the terms of this MOA have not been implemented within fifteen (15) years of its execution, this MOA shall be considered null and void. In such event, FTA shall so notify the parties to this MOA and, if FTA chooses to continue with the Undertaking, shall reinstate review of the Undertaking in accordance with 36 C.F.R. Part 800, et. seq.

E. Timely Review

Materials provided by CTDOT to FTA and CTSHPO under Stipulations 1 through 4 shall be reviewed in a timely fashion by FTA and CTSHPO. FTA and CTSHPO will provide CTDOT with requests for revision and any other comments within thirty (30) days of receiving a draft document. CTDOT will revise the materials accordingly and re-submit to FTA and CTSHPO for approval. Disputes regarding revisions shall be resolved as in Stipulation 12.A. If no response is received within the thirty (30) day period, the document will be considered to be approved by the non-responding party.

F. Unanticipated Discoveries

After the execution of this MOA if previously unidentified properties other than those discussed in this MOA are discovered that are eligible for the NRHP or that unanticipated effects on historic properties are found during the implementation of this MOA, CTDOT shall notify FTA, CTSHPO and appropriate concurring parties, and FTA shall follow the procedure specified in 36 C.F.R. 800.13.

G. Execution

Execution of this MOA by FTA, CTDOT, and CTSHPO and implementation of its terms are evidence that FTA has taken into account the effects of the Undertaking on the Historic Properties.

H. Counterparts

This MOA may be signed in counterpart copies, all of which, taken together, shall constitute but one and the same document.

I. Monitoring and Reporting

Each year following the execution of this MOA until it expires, is terminated, or the Stipulations have been fulfilled, CTDOT, on behalf of FTA, shall provide all parties and signatories to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include, as applicable, status of mitigation activities, actions and accomplishments over the past year, any scheduling changes proposed, any problems encountered, and any disputes and/or objections received regarding CTDOT and FTA's efforts to carry out the terms of this MOA.

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
WALK BRIDGE REPLACEMENT PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 301-176**

Federal Transit Administration

By: _____
Mary Beth Mello, Regional Administrator, Region I

Date: _____

Concur: _____
Charles J. Dyer, Regional Counsel

Date: _____

SIGNATORY PAGE

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Connecticut Department of Transportation

By: _____ Date: _____
Thomas J. Maziarz, Bureau Chief, Bureau of Policy and Planning

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Connecticut State Historic Preservation Officer

By: _____
Catherine Labadia, Deputy State Historic Preservation Officer

Date: _____

CONCURRING PARTY

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Tribal Historic Preservation Officer, Mashantucket Pequot Tribal Nation

By: _____ Date: _____
Marissa Turnbull, Tribal Historic Preservation Officer

CONCURRING PARTY

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Tribal Historic Preservation Officer, Mohegan Tribe of Indians of Connecticut

By: _____ Date: _____
James Quinn, Tribal Historic Preservation Officer

CONCURRING PARTY

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Norwalk Historical Commission

By: _____
David Westmoreland, Chairman

Date: _____

CONCURRING PARTY

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Norwalk Historical Society

By: _____
Diane Jellerette, Executive Director

Date: _____

CONCURRING PARTY

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Norwalk Preservation Trust

By: _____
Tod Bryant, President

Date: _____

CONCURRING PARTY

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SONO Switch Tower Museum

By: _____
Anthony White, President

Date: _____

**MEMORANDUM OF AGREEMENT
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**APPENDIX A
ARCHAEOLOGICAL TREATMENT PLAN**

I. INTRODUCTION

The Connecticut Department of Transportation (CTDOT) proposes the replacement of the Norwalk River Railroad Bridge (State Bridge 04288R), also known as the Walk Bridge, across the Norwalk River in Norwalk, Connecticut (the Undertaking). The plans for the Undertaking involve numerous actions that may affect buried archaeological sites which may be eligible for listing in the National Register of Historic Places (NRHP). The actions include the acquisition of at least twenty (20) parcels for use as construction easements, access and staging areas, as well as shoreline, intertidal and underwater actions related to the erection of new bridge footings, submarine electric cables, and construction-related structures.

An archaeological sensitivity assessment (Phase IA) was undertaken of the terrestrial, intertidal and underwater areas that will be affected by the Undertaking. The assessment included review of historic maps, archaeological site files, local histories, census records, environmental data and bathymetric data, as well as a walkover survey. Twenty (20) terrestrial parcels were assessed as having the potential for containing intact buried archaeological remains. Most of the terrestrial parcels are sensitive for historic-period resources based on the land-use history and 19th century development on both sides of the Norwalk River. However, the survival of pre-colonial Native American site remains cannot be ruled out, because substantial portions of the project area were formerly marshlands, inclusive of a mapped "ancient Indian fort" within a current marina formed by filling in the marsh around the fort site. Intertidal and underwater portions of the Area of Potential Effect (APE), outside of the deep regularly-dredged channel, were also assessed as having archaeological sensitivity for pre-colonial Native American sites.

A combination of geoprobe investigation, machine-assisted and manual testing, and archaeological monitoring is recommended for terrestrial parcels to determine whether potentially significant archaeological resources have survived. A combination of vibracores and hand cores is recommended to determine whether potentially significant submerged archaeological resources have survived in intertidal and underwater portions of the APE.

Additional evaluation of areas of archaeological sensitivity will occur as outlined below.

II. EVALUATION OF AREAS OF ARCHAEOLOGICAL POTENTIAL

A. Further Analysis of Archaeological Sensitivity

Additional geotechnical information may become available that indicates that areas designated as archaeologically sensitive in the project-wide archaeological sensitivity report have little or no potential for containing intact archaeological resources. CTDOT shall notify the U.S. Department of Transportation, Federal Transit Administration (FTA) and the Connecticut State Historic Preservation Office (CTSHPO) of these findings. No further archaeological investigations will be undertaken for these areas.

B. Standards for Archaeological Documentation

All archaeological survey, assessment, documentation and mitigation will be conducted according to the CTSHPO's *Environmental Review Primer for Connecticut's Archaeological Resources* and the United States Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*.

C. Assessment of Additional Sensitive Areas

Additional areas of archaeological sensitivity may also be identified as part of ongoing actions associated with the Undertaking. Specific areas of the Undertaking impact identified after completion of the Undertaking-wide archaeological sensitivity assessment survey will be evaluated for their potential to contain NRHP-eligible subsurface terrestrial, intertidal and underwater resources. The assessment survey for additional areas will include documentary research, walkover survey, and evaluation of historical, environmental and bathymetric data. Sensitive areas will undergo testing as per Section II.D. below.

D. Field Testing to Determine Presence or Absence of Archaeological Resources

In areas determined to have terrestrial, intertidal and underwater sensitivity, CTDOT, in consultation with CTSHPO and FTA, shall undertake field testing to identify the presence or absence of archaeological resources (Phase Phase IB) as follows:

1. Phase IB testing will begin with geoprobe, vibracore and hand-testing in terrestrial and intertidal areas already identified as sensitive in the Phase IA survey. This testing will rule out certain areas as too disturbed to contain intact archaeological deposits and will help guide development of a focused, more intensive Phase IB testing plan that will conclusively determine the presence or absence of archaeological resources. These determinations will be included in the Phase IB testing plan identified in section D.2.
2. Prior to intensive Phase IB field testing, CTDOT will submit a plan outlining the proposed methodology for CTSHPO's concurrence. The plan will likely include machine-stripping followed by manual shovel testing, expanded shovel testing in non-paved areas, and underwater archaeological investigation.
3. Subsequent to field testing in sensitive areas, CTDOT shall provide a technical memorandum to FTA, CTSHPO, and local stakeholders in which one of the following conclusions is reached:

- a) The APE does not appear to contain potentially significant NRHP-eligible archaeological resources; or
- b) The APE does contain potentially significant NRHP-eligible archaeological resources.

E. Field Testing to Determine Significance and Extent of Archaeological Resources

If Phase IB testing determines that potentially significant archaeological resources exist in areas that will be impacted by the Undertaking, Phase II field investigations shall be undertaken immediately in order to identify the physical extent of such resources and to determine their significance.

Subsequent to Phase II field testing in sensitive areas, CTDOT shall provide a combined Phase I/II survey technical report to FTA and CTSHPO in which one of the following conclusions is reached:

- 1. The APE contains significant NRHP-eligible archaeological resources; or
- 2. The APE does not contain significant NRHP-eligible archaeological resources.

F. Mitigation Data Recovery and Curation

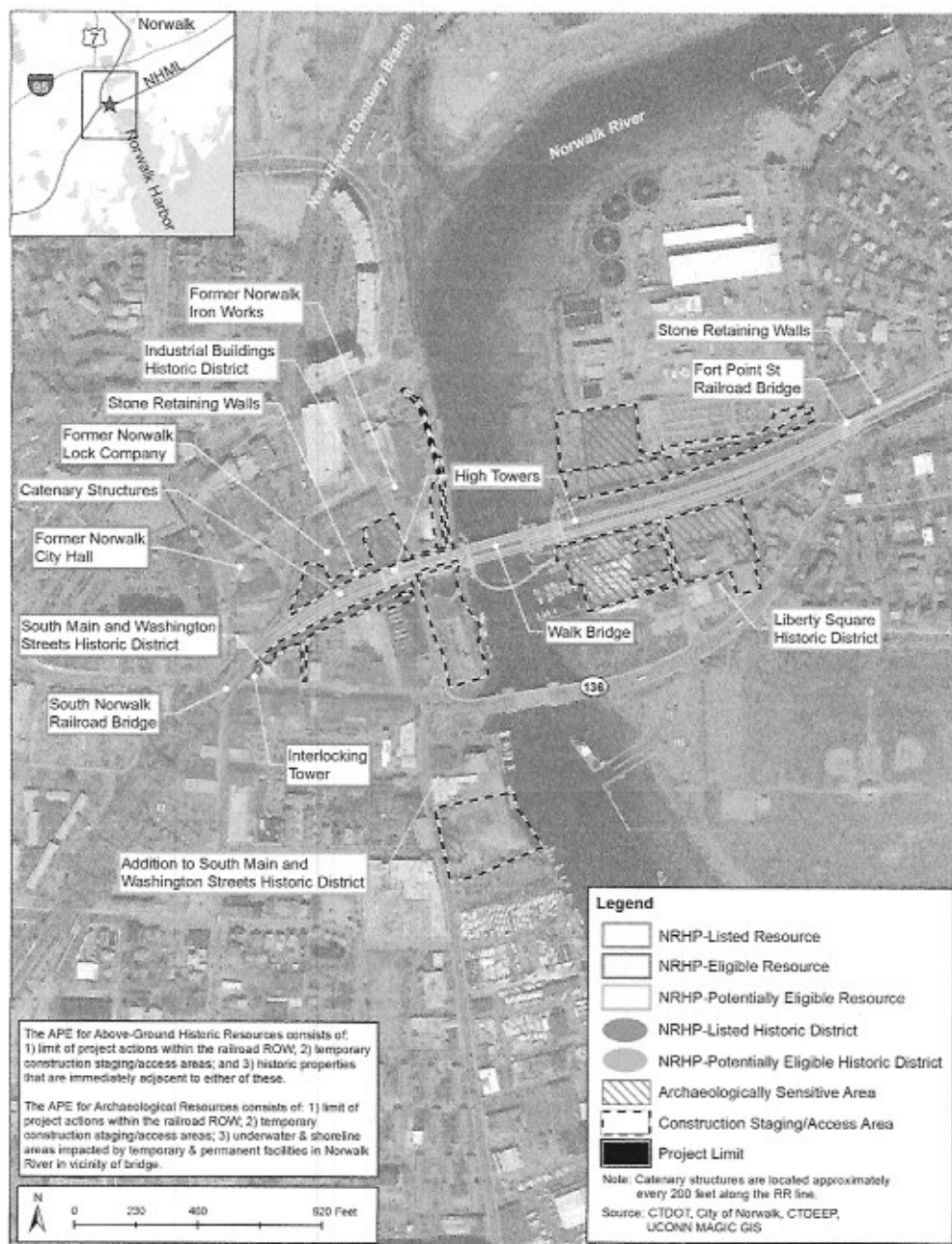
If Phase II field testing determines that significant archaeological resources exist in areas that will be impacted by the Undertaking and that such impacts cannot be avoided, CTDOT, in consultation with FTA and CTSHPO, shall develop and implement appropriate measures to minimize and/or mitigate adverse effects on archaeological resources in the APE. These measures will be implemented prior to any construction or demolition of the area of significant archaeological resources.

- 1. CTDOT and FTA, in consultation with CTSHPO, shall consider measures, such as design modification, for avoidance of significant archaeological resources.
- 2. Should mitigation of an unavoidable archaeological site be required, stipulations may be amended to the MOA to address the mitigation, if deemed necessary by CTDOT and FTA in consultation with CTSHPO.
- 3. In advance of any mitigation or data recovery efforts undertaken for significant archaeological sites in the APE, CTDOT, in consultation with CTSHPO and in coordination with local stakeholders, will develop, in accordance with 36 CFR Part 79, an Analysis and Curation of Material and Records Plan for any archaeological excavations. CTDOT shall be responsible for the implementation of such plan.

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APPENDIX B:

Area of Potential Effect Map



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APPENDIX C:

Historic Properties Adversely Affected by the Undertaking

Property	National Register Status	Effects
Norwalk River Railroad Bridge (Walk Bridge)	Listed	To be replaced: Adverse Effect.
High Towers	Contributing to an eligible linear historic district	To be removed: Adverse Effect.
Catenary Support Structures	Contributing to an eligible linear historic district	Some or all of the existing catenary support structures will be removed: Adverse Effect.
Stone Retaining Walls	Contributing to an eligible linear historic district	To be removed: Adverse Effect.
Fort Point Street Railroad Bridge	Contributing to an eligible linear historic district	To be removed: Adverse Effect.
South Main and Washington Streets Historic District	Listed	Removal/replacement of bridge and high towers will have a visual impact on the district's setting: indirect (visual) Adverse Effect.
Industrial Buildings Historic District	Eligible	Removal of the high towers and removal and replacement of the Walk Bridge, catenary support structures, and stone retaining walls will have a visual impact on the setting of the potentially eligible historic district: Indirect (Visual) Adverse Effect.
Former Norwalk Lock Company, 18 Marshall St.	Eligible	Removal of the high towers and removal and replacement of the Walk Bridge, catenary support structures, and stone retaining walls will have a visual impact on the building's setting: Indirect (Visual) Adverse Effect.
Former Norwalk Iron Works (Maritime Aquarium), 10 North Water St.	Contributing to an eligible historic district	Removal of the high towers and removal and replacement of the Walk Bridge, catenary support structures, and stone retaining walls will have a visual impact on the building's setting: Indirect (Visual) Adverse Effect.

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STATE PROJECT 301-176**

APPENDIX D

**INSTITUTIONS THAT MAY BE INTERESTED IN OBTAINING SALVAGED MATERIALS
FROM THE WALK BRIDGE REPLACEMENT PROJECT**

City of Norwalk Norwalk City Hall 125 East Avenue Norwalk, CT 06851-5125	Connecticut Eastern Railway Museum Eastern CT Chapter, National Railway Historical Society P.O. Box 665 Willimantic, CT 06226-0665
SONO Switch Tower Museum 77 Washington Street Norwalk, CT 06854	Connecticut Trolley Museum P.O. Box 360 East Windsor, CT 06088
Norwalk Historical Society Mill Hill Historic Park 2 East Wall Street, P. O. Box 1640 Norwalk, CT 06851	Danbury Railway Museum 120 White Street Danbury, CT 06810
Lockwood-Mathews Mansion Museum 295 West Avenue Norwalk, CT 06851	Railroad Museum of New England P.O. Box 400 Thomaston, CT 06787-0400
Maritime Aquarium at Norwalk 10 North Water Street Norwalk, CT 06854	The Shoreline Trolley Museum 17 River Street East Haven, CT 06512
	The Valley Railroad Company One Railroad Avenue P.O. Box 452 Essex, CT 06426
	Vernon Depot Park Vernon Parks and Recreation Department 14 Park Place Vernon, CT 06066

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICE
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

WHEREAS, the Connecticut Department of Transportation (CTDOT), an agency of the State of Connecticut, proposes a series of improvements to the New Haven Rail Line in Norwalk and Westport, Connecticut, known as the CP-243 Universal Interlocking Project (the Undertaking); and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA) is providing funding for the Undertaking, making it subject to the provisions of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA) and its implementing regulations, 36 C.F.R. Part 800, et. seq.; and

WHEREAS, the Undertaking is not a Tier 2 Project in accordance with the Programmatic Agreement regarding the Northeast Corridor (NEC) FUTURE Investment Program and is an independent project on the NEC; and

WHEREAS, CTDOT has prepared Technical Reports (*Historic Resources Evaluation Report, CP-243 Interlocking* October 2016 and *Archaeological Sensitivity Assessment, CP243 Interlocking* June 2016) for historic above-ground resources and archaeological resources potentially affected by the Undertaking (collectively, the Technical Reports), which Technical Reports have been reviewed and approved by FTA and the Connecticut State Historic Preservation Office (CTSHPO); and

WHEREAS, CTDOT has prepared an Archaeological Treatment Plan (Appendix A) to address areas of archaeological sensitivity identified in the archaeological technical report, as well as areas of sensitivity that could be identified as part of ongoing actions associated with the Undertaking, which plan has been reviewed and approved by FTA and CTSHPO and has been incorporated into this Memorandum of Agreement (MOA) as Appendix A; and

WHEREAS, the public has had an opportunity to comment on the Undertaking and the findings in the Technical Reports including at a Public Meeting held April 12, 2017; and

WHEREAS, the Norwalk Historical Commission, the Norwalk Historical Society, the Norwalk Preservation Trust, and the SONO Switch Tower Museum have participated in the consultation process pursuant to 36 C.F.R. Part 800, and have been invited to concur in this MOA; and

WHEREAS, the Tribal Historic Preservation Officers (THPOs) of the Mashantucket Pequot Tribal Nation and the Mohegan Tribe of Indians of Connecticut have participated in the consultation process pursuant to 36 C.F.R. Part 800, and have been invited to concur in this MOA;

WHEREAS, FTA in consultation with CTSHPO has defined the Area of Potential Effect of the Undertaking as shown on the attached map (Appendix C); and

WHEREAS, FTA, in consultation with the CTSHPO, has determined that the Undertaking will have unavoidable adverse effects pursuant to 36 C.F.R. Part 800.5 to several historic catenary structures that are eligible for listing in the National Register of Historic Places (NRHP) as contributing components of the former New York, New Haven & Hartford Railroad Line within the project area and as contributing components of the New York, New Haven & Hartford Railroad Electrification and Catenary System, and has identified areas of possible sensitivity for significant archaeological remains (collectively, the Historic Properties); and

WHEREAS, FTA has notified the Advisory Council on Historic Preservation (the Council) of the adverse effects on historic properties that were identified in the Technical Reports and the Council has elected not to participate in consultation;

NOW, THEREFORE, FTA, CTDOT, and CTSHPO agree that the Undertaking shall be implemented with the following Stipulations to ensure that effects to the Historic Properties are taken into account:

STIPULATIONS

FTA will ensure that the terms of this MOA are carried out and will require, as a condition of any approval of federal funding for the Undertaking, adherence to the stipulations set forth herein.

1. When track access is granted to view individual catenary structures and prior to demolition, CTDOT shall determine whether the documentation entitled "New Haven Railroad Catenary System," prepared by Historical Technologies in 2000, encompasses the catenary structures to be demolished as part of the Undertaking. If the structures that were photographed and described in that documentation are essentially identical to those proposed for demolition, CTDOT shall notify CTSHPO of this determination and no further documentation will be necessary. If the structures to be demolished are unique and not adequately represented in the 2000 documentation, CTDOT will prepare additional written and photographic documentation of the structures to the professional standards of CTSHPO. CTDOT shall submit the documentation to FTA and CTSHPO for review and revise the documentation according to any comments. CTDOT shall submit the revised documentation to CTSHPO for permanent archiving and public accessibility.

2. CTDOT shall implement the Archaeological Treatment Plan attached to this MOA as Appendix A. If it is determined that archaeological properties that are eligible for listing in the NRHP are present, CTDOT shall consult with FTA, CTSHPO, and consulting parties regarding measures to avoid affecting the properties or to mitigate adverse effects on the properties and shall implement the agreed-upon measures.

3. CTDOT shall attempt to solicit interest in obtaining salvaged material, such as catenary support structures or signals, to be used for public-education purposes, from the institutions listed in Appendix B. Prior to the start of construction, CTDOT shall assess the integrity of the catenary support structures and notify the Institutions listed in Appendix B regarding the availability of potentially salvageable catenary structure(s). Provided that CTDOT receives a written response from an Institution within 30 days of the notification, CTDOT shall, if feasible, make the catenary support structure available. Provided that it is feasible to do so, CTDOT shall use its best efforts to ensure that the salvaged material is removed and delivered in as intact a condition as possible.

The recipient shall be required to accept the salvage material in its "AS-IS" condition and assume all liability, costs and expenses in connection with the salvaged material, including, without limitation, contamination and storage. If CTDOT determines it is not feasible to salvage the material, CTDOT shall notify FTA, CTSHPO, and interested Institutions of the reason(s) that salvaging the material would not be feasible and CTDOT's obligation to salvage the material shall cease.

4. Administrative Stipulations

A. Dispute Resolution

If at any time during the implementation of this MOA, CTDOT or CTSHPO objects to any action proposed or the manner in which the terms of this MOA are implemented and cannot resolve the issue between them, both parties shall immediately notify and consult with FTA in order to resolve the objection. If, within thirty (30) days of such written notice, FTA determines that such objection(s) cannot be resolved, FTA will forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will provide FTA with recommendations, which FTA will take into account in reaching a final decision regarding the dispute.

If the Council does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the parties to this MOA.

Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

FTA will notify all parties of its decision in writing before implementation of that portion of the Undertaking that was subject to dispute. FTA's decision will be final.

B. Amendments and Noncompliance

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other signatories to develop an amendment to this MOA pursuant to 36 C.F.R. §§800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with the stipulation below.

C. Termination

If the MOA is not amended following the consultation set out in this stipulation, it may be terminated by any signatory. Within thirty (30) days following termination, FTA shall notify the signatories if it will initiate consultation to execute a new MOA with signatories under 36 C.F.R. §800.6(c)(1) or request the comments of the Council under 36 C.F.R. §800.7(a) and proceed accordingly.

D. Duration

If the terms of this MOA have not been implemented within ten (10) years of its execution, this MOA shall be considered null and void. In such event, FTA shall so notify the parties to this MOA and, if FTA chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 C.F.R. Part 800.

E. Timely Review

Materials provided by CTDOT to FTA and CTSHPO under Stipulation 1 shall be reviewed in a timely fashion by FTA and CTSHPO. FTA and CTSHPO will provide CTDOT with requests for revision and any other comments within thirty (30) days of receiving a draft document. CTDOT will revise the materials accordingly and re-submit to FTA and CTSHPO for approval. Disputes regarding revisions

shall be resolved as in Stipulation 4.A. If no response is received within the thirty (30) day period, the document will be considered to be approved by the non-responding party.

F. Unanticipated Discoveries

After the execution of this MOA if previously unidentified properties other than those discussed in this MOA are discovered that are eligible for the NRHP or that unanticipated effects on historic properties are found during the implementation of this MOA, CTDOT shall notify FTA, CTSHPO and appropriate concurring parties, and FTA shall follow the procedure specified in 36 C.F.R. 800.13.

G. Execution

Execution of this MOA by FTA, CTDOT, and CTSHPO and implementation of its terms are evidence that FTA has afforded the Council an opportunity to comment on the Undertaking and that FTA has taken into account the effects of the Undertaking on the Historic Properties.

H. Counterparts

This MOA may be signed in counterpart copies, all of which, taken together, shall constitute but one and the same document.

I. Monitoring and Reporting

Each year following the execution of this MOA until it expires, is terminated, or the Stipulations have been fulfilled, CTDOT, on behalf of FTA, shall provide all parties and signatories to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include, as applicable, status of mitigation activities, actions and accomplishments over the past year, any scheduling changes proposed, any problems encountered, and any disputes and/or objections received regarding CTDOT and FTA's efforts to carry out the terms of this MOA.

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

**THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND**

THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER

REGARDING THE

**CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Federal Transit Administration

By: _____
Mary Beth Mello, Regional Administrator, Region 1

Date: _____

Concur: _____
Charles J. Dyer, Regional Counsel

Date: _____

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG**

**THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Connecticut Department of Transportation

By: _____ Date: _____
Thomas J. Maziarz, Bureau Chief, Bureau of Policy and Planning

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Connecticut State Historic Preservation Officer

By: _____
Catherine Labadia, Deputy State Historic Preservation Officer

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Tribal Historic Preservation Officer, Mashantucket Pequot Tribal Nation

By: _____
Marissa Turnbull, Tribal Historic Preservation Officer

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Tribal Historic Preservation Officer, Mohegan Tribe of Indians of Connecticut

By: _____
James Quinn, Tribal Historic Preservation Officer

Date: _____

CONCURRING PARTY

MEMORANDUM OF AGREEMENT

AMONG

THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND

THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER

REGARDING THE

CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181

Norwalk Historical Commission

By: _____
David Westmoreland, Chairman

Date: _____

CONCURRING PARTY

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181

Norwalk Historical Society

By: _____
Diane Jellerette, Executive Director

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG**

**THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND**

**THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE**

**CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Norwalk Preservation Trust

By: _____
Tod Bryant, President

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

SoNo Switch Tower Museum

By: _____
Anthony White, President

Date: _____

**MEMORANDUM OF AGREEMENT
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

APPENDIX A:

Archaeological Treatment Plan

I. INTRODUCTION

The Connecticut Department of Transportation (CTDOT), is constructing a new universal interlocking along the Metro-North New Haven Line (NHL) east of the East Norwalk Station in Norwalk and Westport, Connecticut at Control Point (CP)-243, including installing new signals from the South Norwalk Station to approximately 500 feet east of the Saugatuck River in Westport (the Undertaking). Project plans call for actions that may affect buried archaeological sites which may be eligible for listing in the National Register of Historic Places (NRHP). The actions include grading and filling associated with the construction of a small access road in the construction and access easement located at 10 Norden Place, and intertidal and underwater actions related to the construction of submarine cables trenches in the Saugatuck and Norwalk rivers.

An archaeological sensitivity assessment (Phase IA) was undertaken of the terrestrial, intertidal and underwater areas that will be affected by the undertaking. The assessment included review of historic maps, archaeological site files, local histories, census records, environmental data and bathymetric data, as well as a walkover survey. The construction and access easement parcel at 10 Norden Place was determined to be sensitive for pre-contact and historic-period resources, based on environmental characteristics and land use history. Intertidal and underwater portions of the Area of Potential Effect (APE), outside of the deep regularly-dredged channel in the Norwalk River, were also assessed as having archaeological sensitivity for pre-colonial Native American sites (the Saugatuck River channel has not been as extensively dredged as the Norwalk River channel).

Geoprobe investigation and archaeological monitoring is recommended for the access road portion of the construction and access easement parcel to determine whether potentially significant archaeological resources have survived. A combination of vibracores and hand cores is recommended to determine whether potentially significant submerged archaeological resources have survived in intertidal and underwater portions of the APE.

Additional evaluation of areas of archaeological sensitivity will occur as outlined below.

II. EVALUATION OF AREAS OF ARCHAEOLOGICAL POTENTIAL

A. Further Analysis of Archaeological Sensitivity

Additional geotechnical information may become available that indicates that areas designated as archaeologically sensitive in the project-wide archaeological sensitivity report have little or no potential for containing intact archaeological resources. CTDOT shall notify FTA and CTSHPO of these findings. No further archaeological investigations will be undertaken for these areas.

B. Standards for Archaeological Documentation

All archaeological survey, assessment, documentation and mitigation will be conducted according to CTSHP's *Environmental Review Primer for Connecticut's Archaeological Resources* and the United States Secretary of the Interior's *Standards for Archaeology and Historic Preservation*.

C. Assessment of Additional Sensitive Areas

Additional areas of archaeological sensitivity may also be identified as part of ongoing actions associated with the Undertaking. Specific areas of the Undertaking impact identified after completion of the Undertaking-wide archaeological sensitivity assessment survey will be evaluated for their potential to contain NRHP-eligible subsurface terrestrial, intertidal and underwater resources. The assessment survey for additional areas will include documentary research, walkover survey, and evaluation of historical, environmental and bathymetric data. Sensitive areas will undergo testing as per Section II.D.

D. Field Testing to Determine Presence or Absence of Archaeological Resources

In areas determined to have terrestrial, intertidal and underwater sensitivity, CTDOT, in consultation with the CTSHP and FTA, shall undertake field testing to identify the presence or absence of archaeological resources (Phase IB testing):

1. The testing will begin with geoprobe, vibracore and hand-testing in terrestrial and intertidal areas already identified as sensitive in Phase IA survey. This testing will not supplant Phase IB testing, but will rule out certain areas as too disturbed to contain intact archaeological deposits and will help guide development of a focused, more intensive Phase IB testing plan that will conclusively determine the presence or absence of archaeological resources. These determinations will be included in the Phase IB testing plan called for in Section D.2.
2. Prior to the intensive field testing, CTDOT will submit a Phase IB testing plan outlining the proposed methodology for CTSHP's concurrence. The plan will likely include machine-stripping followed by manual shovel testing, expanded shovel testing in non-paved areas, and underwater archaeological investigation.
3. Subsequent to field testing in sensitive areas, CTDOT shall provide a technical memorandum to FTA and CTSHP in which one of the following conclusions is reached:
 - i. The APE does not appear to contain potentially significant (NRHP-eligible) archaeological resources;
 - ii. The APE does contain potentially significant (NRHP-eligible) archaeological resources.

E. Field Testing to Determine Significance and Extent of Archaeological Resources

If Phase IB field testing determines that potentially significant archaeological resources exist in areas that will be impacted by the undertaking, Phase II field investigations shall be undertaken immediately in order to identify the physical extent of such resources and to determine their significance.

Subsequent to Phase II field testing in sensitive areas, CTDOT shall provide a combined Phase I/II survey technical report to FTA and CTSHP in which one of the following conclusions is reached:

- i. The APE contains significant (NRHP-eligible) archaeological resources;

- ii. The APE does not contain significant (NRHP-eligible) archaeological resources.

F. Mitigation Data Recovery and Curation

If Phase II field testing determines that significant archaeological resources exist in areas that will be impacted by the Undertaking and that such impacts cannot be avoided, CTDOT, in consultation with FTA and CTSHPO, shall develop and implement appropriate measures to minimize and/or mitigate adverse effects on archaeological resources in the APE. These measures will be implemented prior to any construction or demolition of the area of significant archaeological resources.

1. CTDOT and FTA, in consultation with CTSHPO, shall consider measures, such as design modification, for avoidance of significant archaeological resources.
2. In advance of any mitigation or data recovery efforts undertaken for significant archaeological sites in the APE, CTDOT, in consultation with CTSHPO, will develop, in accordance with 36 CFR Part 79, an Analysis and Curation of Material and Records Plan for any archaeological excavations. CTDOT shall be responsible for the implementation of such a plan, as appropriate.

**MEMORANDUM OF AGREEMENT
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

APPENDIX B:

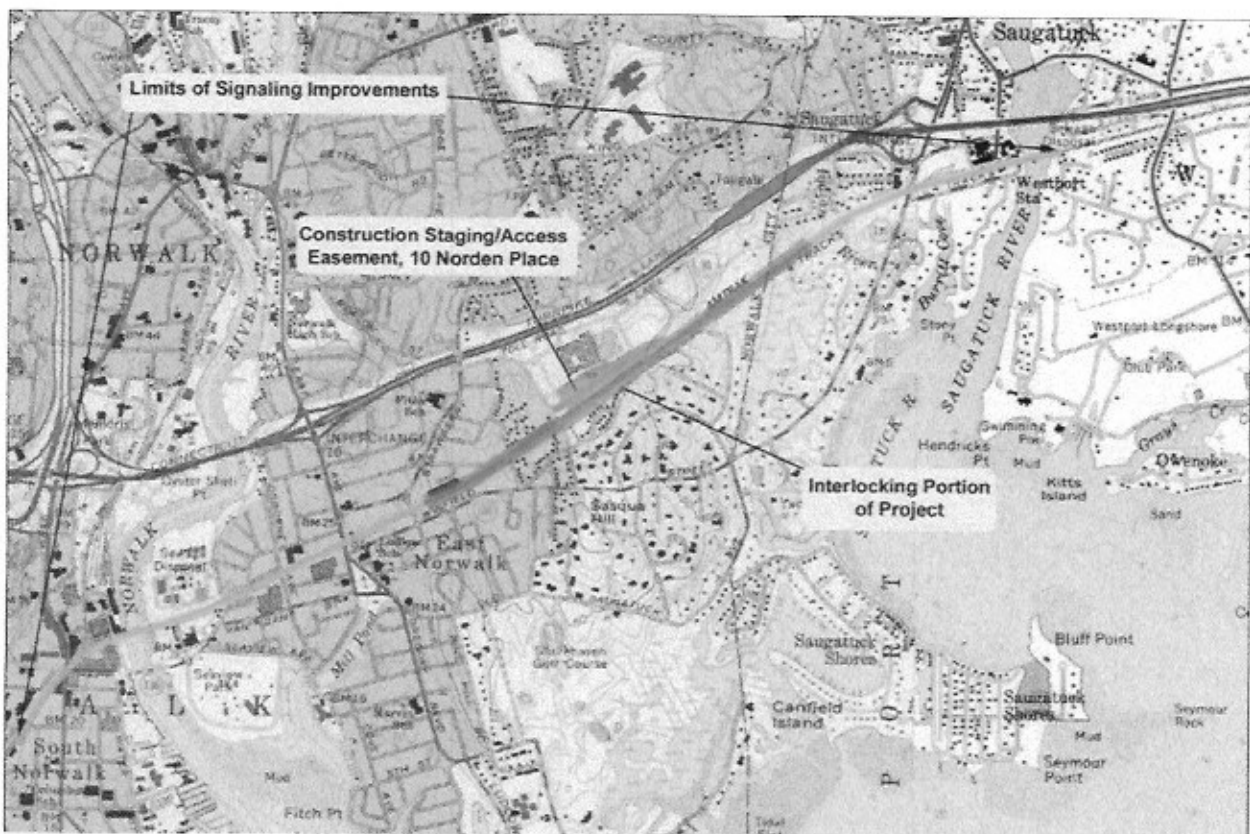
**INSTITUTIONS THAT MAY BE INTERESTED IN OBTAINING SALVAGED MATERIALS
FROM THE WALK BRIDGE REPLACEMENT PROJECT**

City of Norwalk Norwalk City Hall 125 East Avenue Norwalk, CT 06851-5125	Connecticut Eastern Railway Museum Eastern CT Chapter, National Railway Historical Society P.O. Box 665 Willimantic, CT 06226-0665
SONO Switch Tower Museum 77 Washington Street Norwalk, CT 06854	Connecticut Trolley Museum P.O. Box 360 East Windsor, CT 06088
Norwalk Historical Society Mill Hill Historic Park 2 East Wall Street, P. O. Box 1640 Norwalk, CT 06851	Danbury Railway Museum 120 White Street Danbury, CT 06810
Lockwood-Mathews Mansion Museum 295 West Avenue Norwalk, CT 06851	Railroad Museum of New England P.O. Box 400 Thomaston, CT 06787-0400
Maritime Aquarium at Norwalk 10 North Water Street Norwalk, CT 06854	The Shoreline Trolley Museum 17 River Street East Haven, CT 06512
	The Valley Railroad Company One Railroad Avenue P.O. Box 452 Essex, CT 06426
	Vernon Depot Park Vernon Parks and Recreation Department 14 Park Place Vernon, CT 06066

MEMORANDUM OF AGREEMENT
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181

APPENDIX C:

Area of Potential Effect Map



**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

WHEREAS, the Connecticut Department of Transportation (CTDOT), an agency of the State of Connecticut, proposes a series of improvements to approximately one mile of the Danbury Branch Line of the New Haven Railroad line, known as the Danbury Line (the Undertaking); and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA) is providing funding for the Undertaking, making it subject to the provisions of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA) and its implementing regulations, 36 C.F.R. Part 800, et. seq.; and

WHEREAS, the Undertaking is not a Tier 2 Project in accordance with the Programmatic Agreement regarding the Northeast Corridor (NEC) FUTURE Investment Program and is an independent project on the NEC; and

WHEREAS, CTDOT has prepared technical reports (*Historic Resources Evaluation Report, Danbury Dock Yard Improvements* October 2016 and *Archaeological Assessment Survey, Danbury Dock Yard Improvements* June 2016; collectively, the Technical Reports) for historic above-ground resources and archaeological resources potentially affected by the Undertaking, which Technical Reports have been reviewed and approved by FTA and the Connecticut State Historic Preservation Office (CTSHPO); and

WHEREAS, subsequent to the preparation of the Technical Reports, evolution of the project design required a supplementary memorandum on archaeological effects, which memorandum, entitled "Phase 1A Cultural Resources Assessment, Danbury Dock Yard Improvements at Crescent Street and Science Drive" dated March 8, 2017; and

WHEREAS, the public has had an opportunity to comment on the Undertaking and the findings in the Technical Reports including at a Public Meeting held April 12, 2017; and

WHEREAS, the Norwalk Historical Commission, the Norwalk Historical Society, the Norwalk Preservation Trust, and the SONO Switch Tower Museum have participated in the consultation process pursuant to 36 C.F.R. Part 800, and have been invited to concur in this Memorandum of Agreement (MOA); and

WHEREAS, the Tribal Historic Preservation Officers (THPOs) of the Mashantucket Pequot Tribal Nation and the Mohegan Tribe of Indians of Connecticut have participated in the consultation process pursuant to 36 C.F.R. Part 800, and have been invited to concur in this MOA; and

WHEREAS, FTA in consultation with CTSHPO has defined the Area of Potential Effect of the Undertaking as shown on the attached map (Appendix B); and

WHEREAS, FTA, in consultation with the CTSHPO, has determined that the Undertaking will have unavoidable adverse effects pursuant to 36 C.F.R. Part 800.5 on several historic catenary structures that are eligible for listing in the National Register of Historic Places (NRHP) as contributing components of the Danbury Line within the project limits (collectively, the Historic Properties); and

WHEREAS, FTA has notified the Advisory Council on Historic Preservation (the Council) of the adverse effects on the Historic Properties that were identified in the Technical Reports the Council has elected not to participate in consultation;

NOW, THEREFORE, FTA, CTDOT, and CTSHPO agree that the Undertaking shall be implemented with the following Stipulations to ensure that effects to the Historic Properties are taken into account:

STIPULATIONS

FTA will ensure that the terms of this MOA are carried out and will require, as a condition of any approval of federal funding for the Undertaking, adherence to the stipulations set forth herein.

1. When track access is granted to view individual catenary structures and prior to demolition, CTDOT shall prepare written and photographic documentation of historic structures on the Danbury Line, within the limits of the Undertaking, to the professional standards of CTSHPO. The documentation will address historic bridges, catenary support structures, retaining walls, and any historic trackside features such as mileposts. The documentation will also provide context views that incorporate the former Norwalk Lock Company buildings and the former R&G Corset Factory. CTDOT shall submit the documentation to FTA and CTSHPO for review and revise the documentation according to any comments. CTDOT shall submit the revised documentation to CTSHPO for permanent archiving and public accessibility.

2. CTDOT shall attempt to solicit interest in obtaining salvaged material, such as catenary support structures or signals, to be used for public-education purposes, from the Danbury Railway Museum (Museum). Prior to the start of construction, CTDOT shall assess the integrity of the catenary support structures and notify the Museum regarding the availability of potentially salvageable catenary structure(s). Provided that CTDOT receives a written response from the Museum within 30 days of the notification, CTDOT shall, if feasible, make the catenary support structure available. Provided that it is feasible to do so, CTDOT shall use its best efforts to ensure that the salvaged material is removed and delivered in as intact a condition as possible.

The recipient shall be required to accept the salvage material in its "AS-IS" condition and assume all liability, costs and expenses in connection with the salvaged material, including, without limitation, contamination and storage. If CTDOT determines it is not feasible to salvage the material, CTDOT shall notify FTA and CTSHPO of the reason(s) that salvaging the material would not be feasible and CTDOT's obligation to salvage the material shall cease.

3. CTDOT shall implement the Archaeological Treatment Plan set forth in Appendix A attached to this MOA and hereby incorporated herein in its entirety. CTDOT shall ensure that human remains or other evidence of burials shall be treated in accordance with Connecticut General Statutes Sections 10-388 and 19a-295-319. If it is determined that archaeological properties that are eligible for listing in the NRHP are present CTDOT shall consult with FTA, CTSHPO, and consulting parties regarding measures to avoid affecting the properties or to mitigate adverse effects on the properties and shall implement agreed upon measures.

4. Administrative Stipulations

A. Dispute Resolution

If at any time during the implementation of this MOA, CTDOT or CTSHPO objects to any action proposed or the manner in which the terms of this MOA are implemented and cannot resolve the issue between them, both parties shall immediately notify and consult with FTA in order to resolve the objection. If, within thirty (30) days of such written notice, FTA determines that such objection(s) cannot be resolved, FTA will forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will provide FTA with recommendations, which FTA will take into account in reaching a final decision regarding the dispute.

If the Council does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the parties to this MOA. Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

FTA will notify all parties of its decision in writing before implementation of that portion of the Undertaking that was subject to dispute. FTA's decision will be final.

B. Amendments and Noncompliance

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other signatories to develop an amendment to this MOA pursuant to 36 C.F.R. §§800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation 4.C.

C. Termination

If the MOA is not amended following the consultation set out in Stipulation 4.B, it may be terminated by any signatory. Within thirty (30) days following termination, FTA shall notify the signatories if it will initiate consultation to execute a new MOA with signatories under 36 C.F.R. §800.6(c)(1) or request the comments of the Council under 36 C.F.R. §800.7(a) and proceed accordingly.

D. Duration

If the terms of this MOA have not been implemented within ten (10) years of its execution, this MOA shall be considered null and void. In such event, FTA shall so notify the parties to this MOA and, if FTA chooses to continue with the Undertaking, shall reinstate review of the Undertaking in accordance with 36 C.F.R. Part 800.

E. Timely Review

Materials provided by CTDOT to FTA and CTSHPO under Stipulations 1 and 3 shall be reviewed in a timely fashion by FTA and CTSHPO. FTA and CTSHPO will provide CTDOT with requests for revision and any other comments within thirty (30) days of receiving a draft document. CTDOT will revise the materials accordingly and re-submit to FTA and CTSHPO for approval. Disputes regarding revisions shall be resolved as in Stipulation 4.A. If no response is received within the thirty (30) day period, the document will be considered to be approved by the non-responding party.

F. Unanticipated Discoveries

After the execution of this MOA if previously unidentified properties other than those discussed in this MOA are discovered that are eligible for the NRHP or that unanticipated effects on historic properties are found during the implementation of this MOA, , CTDOT shall notify FTA, CTSHPO and appropriate concurring parties, and FTA shall follow the procedure specified in 36 C.F.R. 800.13.

G. Execution

Execution of this MOA by FTA, CTDOT, and CTSHPO and implementation of its terms are evidence that FTA has afforded the Council an opportunity to comment on the Undertaking and that FTA has taken into account the effects of the Undertaking on the Historic Properties.

H. Counterparts

This MOA may be signed in counterpart copies, all of which, taken together, shall constitute but one and the same document.

I. Monitoring and Reporting

Each year following the execution of this MOA until it expires, is terminated, or the Stipulations have been fulfilled, CTDOT, on behalf of FTA, shall provide all parties and signatories to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include, as applicable, status of mitigation activities, actions and accomplishments over the past year, any scheduling changes proposed, any problems encountered, and any disputes and/or objections received regarding CTDOT and FTA's efforts to carry out the terms of this MOA.

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

Federal Transit Administration

By: _____
Mary Beth Mello, Regional Administrator, Region 1

Date: _____

Concur: _____
Charles J. Dyer, Regional Counsel

Date: _____

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
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NORWALK, CONNECTICUT
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Connecticut Department of Transportation

By: _____ Date: _____
Thomas J. Maziarz, Bureau Chief, Bureau of Policy and Planning

SIGNATORY PAGE

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NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

Connecticut State Historic Preservation Officer

By: _____
Catherine Labadia, Deputy State Historic Preservation Officer

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
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DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

Tribal Historic Preservation Officer, Mashantucket Pequot Tribal Nation

By: _____
Marissa Turnbull, Tribal Historic Preservation Officer

Date: _____

CONCURRING PARTY

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AMONG
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THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
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DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
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Tribal Historic Preservation Officer, Mohegan Tribe of Indians of Connecticut

By: _____
James Quinn, Tribal Historic Preservation Officer

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
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THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
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DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

Norwalk Historical Commission

By: _____
David Westmoreland, Chairman

Date: _____

CONCURRING PARTY

MEMORANDUM OF AGREEMENT

AMONG

**THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND**

THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,

REGARDING THE

DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT

NORWALK, CONNECTICUT

STATE PROJECT 0301-0180

Norwalk Preservation Trust

By: _____
Tod Bryant, President

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG**

**THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

SONO Switch Tower Museum

By: _____
Anthony White, President

Date: _____

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
AND
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CP-243 UNIVERSAL INTERLOCKING PROJECT
NORWALK AND WESTPORT, CONNECTICUT
STATE PROJECT 0301-0181**

Norwalk Historical Society

By: _____
Diane Jellerette, Executive Director

Date: _____

**MEMORANDUM OF AGREEMENT
REGARDING THE
DANBURY BRANCH IMPROVEMENTS AT DOCK YARD PROJECT
NORWALK, CONNECTICUT
STATE PROJECT 0301-0180**

APPENDIX A:

Archaeological Treatment Plan

I. Introduction

The Federal Transit Administration (FTA), through the Connecticut Department of Transportation (CTDOT), is proposing a series of improvements on the Danbury Branch Line, located just north of the branch line's connection to the New Haven Line (NHL) at NHL Milepost (MP) 41.3, a locale known as Dock Yard in the South Norwalk section of Norwalk, Connecticut (the Undertaking). Construction will take place between MP 0 and MP 1 on the Danbury Branch line. The purpose of the project is to improve operations along the NHL, including accommodating Express-Local train overtakes and limited headways between trains. This work will facilitate rail projects on the NHL, especially related to track outages, while maintaining rail service throughout the area. Project improvements include the installation of new storage tracks and track renewal, the installation of a new overhead contact system (OCS) that extends the electrified territory, upgrades to the fiber-optic and signal systems, underground electrical conduits, construction of a balancing station, and catenary structure improvements. Most work will be conducted within the existing railroad right-of-way (ROW).

This archaeological treatment plan addresses one aspect of the Dock Yard project namely: 1) installation of new catenary structures along the rail line in the vicinity of Crescent Street, and 2) reconstruction of the grade crossing at the junction of Crescent Street and Science Drive. The latter is being conducted to facilitate and accommodate utility conduits for the City of Norwalk. The Norwalk Historical Commission has expressed concern that potential human burials associated with the historic-period Pine Island Cemetery, across Crescent Street from the grade crossing (Figure 1), may be impacted by the proposed action.

The project will receive funding from the FTA, requiring consultation with the State Historic Preservation Office (CTSHPO) and local historic stakeholders regarding possible impacts to significant historic and archaeological resources under Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act. These regulations require that effects to historic resources which are listed in or eligible for listing in the National Register of Historic Places (NRHP) be considered. The current project has the potential to impact unmarked graves associated with the Pine Island Cemetery, which is listed in the State Register of Historic Places (SRHP). Cemetery-related actions may require coordination and consultation with the Office of State Archaeology (OSA), as per Connecticut General Statutes, Sections 10-388 and 19a-295-319, related to human burials.

The Pine Island Cemetery was listed in the Connecticut State Register of Historic Places in 2010. The Significance Criteria for listing in the Connecticut State Register are identical to National Register Criteria A, C and D. Therefore, listing on the State Register can be taken as an implicit finding by CTSHPO that the cemetery is National Register-eligible. This cemetery preserves at least 885 recorded burials, dating from the early 18th century into the early 20th century, indicating that the cemetery qualifies

as an “ancient burial ground” under state statute. In 1708, the Town of Norwalk granted residents on the west side of the Norwalk River, “a piece of ground for a burying place, on any convenient piece of land in commons,” that became the Pine Island Cemetery. A 2016 Ground Penetrating Radar (GPR) survey of a portion of the cemetery by the City of Norwalk identified possible unmarked burials.

Recent geotechnical investigations in the APE indicate that much of the ground beneath the existing Danbury rail line is the result of approximately three meters of filling activities. However, in the area just south of Science Road, directly across from Pine Island Cemetery, the fill is relatively shallow, approximately one meter deep. It is possible that original ground surfaces, or near surface materials, are preserved below this fill event, including unmarked burials.

II. Evaluation of Areas of Archaeological Potential

A. Further Analysis of Archaeological Sensitivity

Based on the results of the Phase IA assessment, there is a moderate to high potential for unmarked graves to be present in the APE. Due to previous construction-related disturbance, some graves may have been destroyed or damaged. Geotechnical data suggest that intact soils may be present in part of the APE. A GPR prospection survey of the APE will be conducted to determine whether anomalies are present which may indicate graves. This survey would build on the GPR conducted by the City in 2016. If anomalies are found in the APE, CTDOT will consult with the OSA, CTSHPO, FTA, and the City of Norwalk to determine the next course of action.

B. Standards for Archaeological Documentation

All archaeological survey, assessment, documentation and mitigation will be conducted according to the CTSHPO’s *Environmental Review Primer for Connecticut’s Archaeological Resources*, CTDOT’s *The Requirements for Cultural Resource Survey Work Mandated Through CTDOT OEP*, the United States Secretary of the Interior’s *Standards and Guidelines for Archaeology and Historic Preservation*, and Connecticut General Statutes, Sections 10-388 and 19a-295-319.

C. Assessment of Additional Sensitive Areas

Additional areas of archaeological sensitivity may also be identified as part of ongoing actions associated with the Undertaking. Specific areas of Undertaking identified after completion of the project-wide archaeological sensitivity assessment survey will be evaluated for their potential to contain National Register of Historic Places (NRHP)-eligible subsurface terrestrial resources. The assessment survey for additional areas will include documentary research, walkover survey, and evaluation of historical, environmental and bathymetric data. Sensitive areas may undergo testing to mitigate the loss of cultural resources.

D. Field Testing to Determine Presence or Absence of Archaeological Resources (Phase IB/GPR)

In areas determined to have archaeological sensitivity, such as the immediate vicinity of Pine Island Cemetery, CTDOT, in consultation with CTSHPO, FTA, and the Office of State Archaeology (OSA), proposes to undertake field testing to identify the presence or absence of archaeological resources (Phase IB), in this case unmarked burials, as follows:

1. Phase IB survey will consist of GPR investigations of the APE near the Pine Island Cemetery, from replacement Catenary Structure 23 to replacement Catenary Structure 32A, including the

area of conduit installation along Science Road at the junction with Crescent Street. This survey will be conducted to identify potential grave shafts.

2. Following the completion of the Phase IB Survey, CTDOT shall provide a technical report to FTA, OSA, CTSHPO, and local stakeholders in which one of the following conclusions is reached:
 - a. The APE contains archaeological human remains, as per Connecticut General Statutes, Section 1-38; or
 - b. The APE does not contain archaeological human remains, as per Connecticut General Statutes, Sections 10-388 and 19a-295-319.
3. If GPR anomalies are found in the APE, CTDOT will consult with OSA, City of Norwalk, CTSHPO, and FTA on mitigation strategies.

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APPENDIX B:

Area of Potential Effect Map

