

**PROJECT PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES COAST GUARD,
NEW JERSEY STATE HISTORIC PRESERVATION OFFICER,
AND NEW JERSEY TURNPIKE AUTHORITY
REGARDING THE
NEWARK BAY-HUDSON COUNTY EXTENSION IMPROVEMENTS PROGRAM,
INTERCHANGES 14 TO 14A/NEWARK BAY BRIDGE REPLACEMENT
AND ASSOCIATED IMPROVEMENTS
NEWARK BAY MP 3.8
BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE & JERSEY CITY,
HUDSON COUNTY, NEW JERSEY**

WHEREAS, the New Jersey Turnpike Authority (“Authority”) proposes a project to reconstruct the portion of the Newark Bay-Hudson County Extension (NB-HCE) between Interchanges 14 and 14A to improve the long-term integrity of structures, including that of the Newark Bay Bridge (also known as the Vincent R. Casciano Memorial Bridge) over Newark Bay (“Newark Bay Bridge”) in the City of Newark, Essex County and the City of Bayonne and City of Jersey City, Hudson County, New Jersey (“Project”); and

WHEREAS, the Project involves the replacement of the existing four-lane, multi-span structure (i.e., the Newark Bay Bridge) with a new four-lane westbound structure in a parallel alignment north of the existing alignment, and a new eastbound, four-lane multi-span structure in the same approximate alignment as the existing structure (i.e., the Newark Bay Bridge), as well as roadway realignment and improvements on the NB-HCE east and westbound between Interchange 14 and 14A, and various drainage and stormwater improvements; and

WHEREAS, the United States Coast Guard (“USCG”), with jurisdiction over the navigable waterways of the United States, plans to issue a Bridge Permit approving the location and plans for the proposed replacement of the Newark Bay Bridge, pursuant to The General Bridge Act of 1946, as amended (33 U.S.C. § 525-533); and

WHEREAS, the USCG has determined that the Project constitutes an undertaking under Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306101 *et seq*) (NHPA), as amended and re-codified, and its implementing regulations at 36 CFR § 800 (hereinafter collectively referred to as Section 106); and

WHEREAS, pursuant to 36 CFR § 800.4, the USCG in consultation with the New Jersey Historic Preservation Officer (“NJHPO”) identified the Area of Potential Effects (“APE”) for the Project, and determined that the APE will be the areas where potential effects on historic properties caused by the Project may occur (see Attachments 1 and 2); and

WHEREAS, a Phase I archaeological survey and Intensive-level historic architectural survey report and a Supplemental Phase I archaeological survey and Geotechnical Boring Review were prepared for the Project (Richard Grubb & Associates, Inc. 2023a, 2023b) identified the following seven historic properties listed in or eligible for listing in the National Register of Historic Places (“NRHP”) within the APE: Newark and Elizabeth Branch of the Central Railroad of New Jersey Historic District (SHPO Opinion: 8/30/2000), Pennsylvania Railroad New York Bay Branch Historic District (SHPO Opinion:

12/18/2019), Lehigh Valley Railroad Historic District (SHPO Opinion 3/15/2002), Morris Canal historic property (NJR: 11/26/1973; NR: 10/1/1974; SHPO Opinion: 5/27/2004), Newark Bay Bridge (SHPO Opinion: 5/22/2023), Port Authority Administration Building (SHPO Opinion: 5/22/2023), and Site 28-Hd-45 (Jersey Eagle archaeological Site) (a.k.a. The Jersey Eagle Site; SHPO Opinion: 5/17/2013); and

WHEREAS, in a review letter dated January 9, 2024, the NJHPO determined that archaeological monitoring and the preparation of an associated archaeological monitoring protocol is necessary to record and mitigate project-related adverse effects to the Morris Canal historic property at proposed Piers 13-15, a portion of proposed Pier 17, and the eastern abutment for proposed Structure No. N3.73R (Southeast Viaduct); and adjacent to the identified footprint of the Jersey Eagle Site historic property at Basin HUC3-F (if the excavation for the basin outfall pipe trench adjacent to the historic property extends below a depth of 2.3 feet below current ground surface); and

WHEREAS, in a review letter dated January 9, 2024, the NJHPO determined that submission of an Application for Project Authorization to the NJHPO with a technically complete archaeological monitoring protocol for the Morris Canal historic property is necessary for the NJHPO to determine if the proposed undertaking will constitute an encroachment on the Morris Canal historic property at proposed Piers 13-15, a portion of proposed Pier 17, and the eastern abutment for proposed Structure No. N3.73R (Southeast Viaduct); and

WHEREAS, in a review letter dated January 9, 2024, the NJHPO determined that Phase IB archaeological survey is necessary for proposed Basin HUC2-I on the former Marist High School property in the City of Bayonne, Hudson County, New Jersey to determine the presence or absence of archaeological resources in the proposed basin footprint; followed by Phase II archaeological survey to evaluate the NRHP-eligibility of identified archaeological resources, if present at the basin; and Phase III archaeological data recovery or archaeological monitoring to mitigate project-related adverse effects to identified archaeological historic properties in the basin footprint if avoidance through project redesign is not feasible; and

WHEREAS, in a review letter dated January 9, 2024, the NJHPO requested the preparation of an avoidance and protection plan for NJHPO review and approval that details project-related avoidance measures at the Marist High School Site (28-Hd-55) on Block 13, Lot 1 in the City of Bayonne, Hudson County, New Jersey; and

WHEREAS, an Archaeological Monitoring Protocol dated April 30, 2024 was submitted to the NJHPO that outlines the documentation tasks that will be conducted to record elements of the Morris Canal historic property at proposed Piers 13-15, a portion of Pier 17, and the eastern abutment for Structure No. N3.73R (Southeast Viaduct) and for stormwater management basin HUC3-F if the excavation for the outfall pipe trench extends below a depth of 2.3 feet below ground surface adjacent to the Jersey Eagle Site (Richard Grubb & Associates, Inc. 2024). The protocol also included an unanticipated discovery of human remains protocol; and

WHEREAS, the USCG issued a Public Notice to the NJHPO on May 9, 2024 and specified that a Programmatic Agreement would be developed to resolve adverse effects and conclude the Section 106 process;

WHEREAS, in a review letter dated May 28, 2024, the NJHPO accepted the Archaeological Monitoring Protocol; and

WHEREAS, in a review letter dated June 13, 2024, the NJHPO concurred that additional consultation is necessary in the development of a Programmatic Agreement with any consulting parties that may wish to participate and to identify any additional mitigation measures that may be necessary; and

WHEREAS, the USCG in consultation with the NJHPO has determined that the proposed undertaking will have an adverse effect on the Newark Bay Bridge (SHPO Opinion: 5/22/2023), as it will result in the demolition and replacement of the structure which is not in conformance with the Secretary of Interior's *Standards for the Treatment of Historic Properties*; and

WHEREAS, the USCG has invited the City of Newark, City of Newark Landmarks and Historic Preservation Commission, City of Bayonne, City of Bayonne Historic Preservation Commission, City of Jersey City Historic Preservation Commission, the Hudson County Executive, Hudson County Open Space, Recreation and Historic Preservation, Essex County Executive, Essex County Department of Parks, Recreation, and Cultural Affairs, Newark Historical Society, Bayonne Historical Society, Preservation New Jersey, New Jersey Historical Society, Society for Industrial Archaeology, Archaeological Society of New Jersey, Canal Society of New Jersey, Hudson County Genealogical & Historical Society, Hudson County Office of Cultural & Heritage Affairs/Tourism Development, and the Jersey City Landmarks Conservancy to consult regarding the effects of the Project on historic properties and [results of invitation] (See Attachment 3) [*This section will be updated upon USCG's completion of Section 106 consultation*]; and

WHEREAS, the USCG has invited the Delaware Nation; the Shawnee Tribe of Oklahoma; the Shawnee Tribe; the Stockbridge Munsee Community; and the Delaware Tribe of Indians to consult on historic properties which may have religious and cultural significance, and [concerns were expressed or not] (See Attachment 4) [*This section will be updated upon USCG's completion of Section 106 consultation*]; and

WHEREAS, through consultation with the NJHPO and other consulting parties, the USCG has considered alternatives to avoid or minimize potential adverse effects to identified historic properties, and has determined that the proposed Project is the only feasible and prudent alternative; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the USCG has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP, by letter dated [DATE], has chosen [to/not to] participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) in a letter dated [DATE] [*This section will be updated upon USCG's completion of notifying the ACHP*]; and

WHEREAS, the USCG has consulted with the Authority regarding the effects of the Project on historic properties and the Authority has agreed to sign this Programmatic Agreement ("PA") as an invited signatory; and

WHEREAS, the USCG in consultation with the NJHPO and Authority has determined that the development of a PA, in accordance with 36 CFR § 800.14(b)(1)(ii), is warranted because effects of the undertaking on archaeological resources are not fully known; and

NOW, THEREFORE, the USCG, NJHPO, and Authority agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The Authority, on behalf of the USCG, shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION OF ARCHAEOLOGICAL HISTORIC PROPERTIES

- A. The USCG will ensure that a Phase IB archaeological survey is undertaken within proposed Basin HUC2-I on the former Marist High School property in the City of Bayonne, Hudson County, New Jersey to determine the presence or absence of archaeological resources. Due to the potential for extensive imported fill within the proposed basin footprint, the Phase IB archaeological survey will be facilitated by the use of mechanically excavated trenches to enable hand excavation of shovel test pits within buried, intact soils, if present. If buried natural soils with the potential to contain cultural material are present beyond a depth of 5 feet below grade, a backhoe will be utilized to recover soil samples that will be passed through 1/4-inch wire mesh cloth to facilitate recovery of cultural material, if present. A Phase IB archaeological survey report that complies with the NJHPO reporting and survey standards shall be completed. The USCG shall distribute the Phase IB archaeological survey report to the NJHPO and consulting parties, including Federally recognized Native American Tribal Nations, as necessary.
- B. In the event intact archaeological resources are identified during the Phase IB archaeological survey, a Phase II archaeological survey may be determined necessary within archaeological site boundaries. The methodology employed for a Phase II archaeological survey will be detailed in a Phase II archaeological survey work plan to be reviewed and approved by USCG and NJHPO prior to the commencement of any Phase II archaeological survey fieldwork. The USCG shall distribute the work plan to consulting parties, including Federally recognized Native American Tribal Nations, as warranted. The Phase II archaeological survey will evaluate the NRHP eligibility of identified archaeological sites found in the footprint of proposed Basin HUC2-I on the former Marist High School property to enable an assessment on the Undertaking's potential to affect identified archaeological properties. A Phase II archaeological survey report shall be completed that conforms to the reporting and survey standards of the NJHPO. The USCG shall distribute the Phase II archaeological survey report to consulting parties, including Federally recognized Native American Tribal Nations, as warranted.
- C. The USCG will consult with the NJHPO regarding the need, where appropriate, to prepare recovered archaeological assemblages for curation and storage in a facility that meets 36 C.F.R. Part 79 guidelines.

II. TREATMENT MEASURES FOR ARCHAEOLOGICAL HISTORIC PROPERTIES

The USCG, in consultation with the NJHPO and consulting parties, shall ensure that project-related adverse effects the Undertaking may have on an identified archaeological historic

property in proposed Basin HUC2-I on the former Marist High School property are appropriately mitigated through a Phase III archaeological data recovery effort prior to construction and/or through archaeological monitoring during construction.

In the event Phase III archaeological data recovery is determined to be the most appropriate means to mitigate project-related adverse effects to archaeological historic properties at proposed Basin HUC2-I on the former Marist High School property, the USCG will ensure that a Phase III archaeological data recovery work plan is prepared, submitted to, and approved by the NJHPO prior to the commencement of Phase III archaeological data recovery fieldwork. The work plan for the Phase III will outline the fieldwork and analysis methodology, research questions, curation procedures, reporting means, and public outreach that will be followed during the Phase III archaeological data recovery. The USCG shall distribute the work plan to consulting parties, including Federally recognized Native American Tribal Nations, as warranted. The Phase III archaeological data recovery will collect a sufficient, representative sample to adequately record and document the archaeological property to enable mitigation against project-related adverse effects. A Phase III archaeological data recovery report shall be completed that conforms to the reporting and survey standards of the NJHPO. The USCG shall distribute the Phase III archaeological survey report to consulting parties, including Federally recognized Native American Tribal Nations, as warranted. The NJHPO and USCG will be provided with monthly email summary updates from the start of Phase III fieldwork to the completion of all Phase III tasks. Following the completion of Phase III fieldwork, the USCG shall ensure that a management summary letter is prepared for submission to the NJHPO that briefly details the fieldwork completed and cultural features identified. The letter will request that the archaeological site footprint be released for construction and a timeline for all outstanding data recovery elements (i.e., report, artifact curation, and public outreach) will be conducted in a specified time frame or a timeframe that is amenable to the NJHPO and USCG based on the complexity of the archaeological historic property. All recovered artifacts will be prepared for curation and storage in a facility that meets 36 C.F.R. Part 79 guidelines.

In the event it is determined appropriate to mitigate adverse effects to archaeological historic properties and/or archaeological resources during construction through a process of archaeological monitoring in specific locations, the USCG will ensure that an archaeological monitoring protocol be prepared that meets the NJHPO's standards. The monitoring protocol will outline the specific locations that require monitoring during construction, describe the methods of archaeological resource/historic property documentation, provide a list of project contacts, and detail the methodology for artifact analysis, artifact curation, and reporting. The archaeologist to conduct on-site archaeological monitoring must meet 36 C.F.R. Part 61 standards for archaeology. The location of archaeological monitoring will be displayed on Final Design construction plans with notations referencing the relevant archaeological monitoring protocol, the need for archaeological monitoring in specific locations, and that an archaeological monitor must be given at least three (3) business days advance notice prior to being required on site. The USCG shall distribute the monitoring protocol to consulting parties, including Federally recognized Native American Tribal Nations, as warranted.

On-site archaeological monitoring will occur during the construction phase and will adhere to the NJHPO-approved archaeological monitoring protocol. As determined appropriate through consultation between the USCG and the NJHPO, recovered artifacts will be prepared for curation and storage in a facility that meets 36 C.F.R. Part 79 guidelines.

In the event it is determined that construction has already occurred in an area requiring archaeological monitoring before such monitoring can be undertaken, the NJHPO shall be notified within 24 hours of each occurrence.

III. ARCHAEOLOGICAL MONITORING

The Authority shall ensure that the NJHPO-approved Archaeological Monitoring Protocol will be adhered to document archaeological deposits and features associated with the Morris Canal historic property at proposed Piers 13-15, a portion of proposed Pier 17, and the eastern abutment for proposed Structure No. N3.73R (Southeast Viaduct); and archaeological resources associated with the Jersey Eagle Site historic property, if present, at Basin HUC3-F (if the excavation for the basin outfall pipe trench adjacent to the historic property extends below a depth of 2.3 feet below current ground surface). The Authority will also ensure that the provisions for unanticipated discovery of human remains outlined in the Archaeological Monitoring Protocol will be followed in the event human remains are identified. The Authority shall ensure that the archaeological monitoring report is submitted to the NJHPO within 45 days of the completion of all archaeological monitoring fieldwork tasks.

IV. AVOIDANCE AND PROTECTION MEASURES

The Authority shall ensure an Avoidance and Protection Plan is prepared for NJHPO review and approval that details project-related avoidance measures at the Marist High School Site (28-Hd-55) on Block 13, Lot 1 in the City of Bayonne, Hudson County, New Jersey. Such measures shall protect the footprint of the Marist High School Site (28-Hd-55) from disturbance during construction activities through emplaced engineering controls. The engineering controls determined to be appropriate to enable archaeological resource protection will be detailed on relevant Final Design construction plan sheets that display the site location and in the construction plan notes pages to ensure that the Construction Manager understands that no mechanical excavation and/or use of machinery can occur within the site limits. The NJHPO may request that photographic documentation be submitted that documents installation of the avoidance measures and conditions before, during, and after construction.

In the event archaeological resources or archaeological historic properties identified at Basin HUC2-I on the former Marist High School property will be avoided or that adverse effects will be minimized through project redesign, the Authority shall ensure that an Avoidance and Protection Plan or Minimization Plan is submitted to the NJHPO for review and comment and that such avoidance or minimization elements are documented on Final Design construction plans.

V. DOCUMENTATION

Prior to the removal, demolition, or alteration of any components of the Newark Bay Bridge, Authority, using the services of a consultant meeting the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-44739] in Architectural History, shall document the existing conditions and setting of the subject bridge to Level III equivalent standards of the Historic American Engineering Record (HAER). In lieu of large format photography, the documentation shall include high-resolution digital photos that meet the National Park

Service's Consolidated and Updated Photograph Policy (2024), the guidelines for which can be found at the following web address: <https://www.nps.gov/subjects/nationalregister/upload/NR-NHL-photo-policy-2024-01-02.pdf>. A minimum of thirty (30) views of the Newark Bay Bridge and its setting shall be produced as part of the documentation. The documentation shall include both archivally stable, 4-inch by 6-inch black and white prints and high-resolution digital RAW and/or TIFF files.

The Level III-like HAER documentation shall include the following tasks:

1. Compile a detailed history and description of the Newark Bay Bridge to include a discussion of the history, significance, and design of the bridge. Printed, graphic, and photographic information regarding the Newark Bay Bridge will be solicited from the public and other sources and, when feasible under copyright law, incorporated into the recordation document. Background research shall be drawn from information included in the NJHPO Intensive-level Survey Form completed for the Newark Bay Bridge and other information obtained through the solicitation of printed, graphic, and photographic sources.
2. Digital photographic documentation shall include, but not be limited to, documentation of the existing conditions and setting of the Newark Bay Bridge consistent with HAER quality standards in accordance with the National Park Service specifications.

The Authority shall prepare and submit a draft version of the documentation to the NJHPO for review and comment within six (6) months of the execution of this PA. The Authority shall ensure that all documentation is completed and accepted by the NJHPO prior to any demolition or construction activities.

In addition to the documentation provided to the NJHPO for archival retention, the Authority shall submit four (4) archivally stable copies of the documentation with a full set of original photographs for distribution to repositories that shall be identified in consultation with the NJHPO. Digital image files shall be provided with each set on a CD-R. A brief explanatory cover letter indicating the specific project for which the Authority is submitting this material will be provided with each copy.

VI. INTERPRETIVE SIGN

The Authority, using the services of a person meeting the Secretary of the Interior's Professional Qualification Standards [48 FR 44738-9] in History and/or Architectural History, shall design and install interpretive signage regarding the history and significance of the Newark Bay Bridge, including the structure's involvement in the construction of the NB-HCE and its design as a cantilevered truss bridge. The signage shall include a colorful panel mounted on a pedestal or wall and the content shall incorporate text as well as historic images, if applicable. The content and design of the signage shall also be developed in consultation with the NJHPO and Consulting Parties and draw upon the research and documentation conducted for the documentation stipulation in this PA. The signage will be installed at publicly accessible locations near the bridge, such as the Richard A. Rutkowski Park in the City of Bayonne. The location, content, size, and text of the signage shall be submitted to the NJHPO for review and approval prior to fabrication. The signage shall be installed within six (6) months of project

completion and photographic verification of installation shall be provided to the NJHPO within thirty (30) days of installation.

ADMINISTRATIVE CONDITIONS

VII. ROLES AND RESPONSIBILITIES

USCG: As a signatory and the lead federal agency, the USCG has authority to execute, amend, and/or terminate the PA. The primary responsibility of the USCG pursuant to 36 C.F.R. § 800.2 (a) (2) is to ensure that the provisions of this PA are carried out. The USCG will conduct government-to-government consultation with Consulting Tribes and participate in the resolution of disputes.

NJHPO: As a signatory with responsibility for regulatory review and compliance, the NJHPO has the authority to execute, amend, and/or terminate the PA. The NJHPO is also responsible for providing formal review and comment for actions requiring the same as part of this PA.

Authority: As an invited signatory, the Authority has the authority to amend and/or terminate the PA and shall ensure that specified stipulations and procedures for which it has assumed responsibility are carried out in accordance with this PA.

VIII. PROFESSIONAL QUALIFICATIONS STANDARDS

The Authority, on behalf of the USCG, will ensure that all work prescribed by this PA is carried out by or under the direct supervision of a person or persons meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-44739] in Archaeology, History, or Architectural History, as appropriate.

IX. UNANTICIPATED DISCOVERIES

All unanticipated historic and pre-contact period archaeological discoveries resulting from Project activities made anywhere on the Project site will be treated in accordance with the regulations set forth at 36 CFR § 800.11 and CFR § 800.13. In the event that unanticipated discoveries of historic period non-Native American archaeological resources are made during execution of the Project, the Authority will cease construction in the area of the discovery and the USCG will notify the NJHPO. In the event that unanticipated discoveries of Native American archaeological resources are made during executions of the Project, Authority will cease construction in the area of the discovery and the USCG will notify all Tribal representatives and the NJHPO. Construction will not resume until such time as the significance, treatment, and disposition of said discoveries can be determined in consultation with consulting parties.

X. TREATMENT OF HUMAN REMAINS

A. If human remains are encountered during construction, the Authority shall require the contractor to immediately halt subsurface disturbance in that portion of the construction area and secure and protect the human remains and any associated funerary objects in place

in such a way that minimizes further exposure or damage to the remains from the elements, looting, and/or vandalism.

- B. The Authority shall immediately notify the police department with jurisdiction to determine if the discovery is subject to a criminal investigation by law enforcement and notify the signatories within twenty-four (24) hours of the initial discovery.
- C. If a criminal investigation is not appropriate, and the remains are not of Native American origin, the Authority shall develop a research design/treatment plan consistent with all relevant laws, procedures, policies, and guidelines of the NJHPO, and applicable provisions of the New Jersey Cemetery Act of 2003 set forth at N.J.S.A. § 45:27-1 *et seq.* The Authority shall submit the design and plan to the NJHPO for review and approval.
- D. In the event the human remains encountered could be of Native American origin, whether from the pre-contact or historic period, the USCG shall immediately notify and consult with the appropriate Federally recognized Native American Tribal Nations and with the NJHPO to determine the treatment plan for the Native American human remains and any associated funerary objects that complies with the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, set forth at 25 U.S.C. § 3001 *et seq* and the implementing regulations at 43 CFR Part 10.
- E. The Authority shall ensure the contractor shall not proceed with work in the affected area until the USCG, in consultation with the NJHPO and Federally recognized Native American Tribal Nations, as appropriate, determines the appropriate research design/treatment plan or other recommended mitigation measures are completed. However, work outside the area may continue.

XI. EMERGENCY SITUATIONS

Should an emergency situation occur that represents an imminent threat to public health or safety, or creates a hazardous condition and has the potential to affect historic properties, the Authority shall contact the police department with jurisdiction, as needed, as soon as possible and notify the signatories within twenty-four (24) hours of the condition which created the emergency, the immediate action taken in response to the emergency, the effects of the response to historic properties, and, where appropriate, further plans to address the emergency. This shall include provisions for continuing consultation with the NJHPO and consulting parties to identify ways to avoid, minimize, or mitigate potential adverse effects to historic properties.

The signatories shall have seven (7) days to review and comment on the plan(s) for further action. If USCG and the NJHPO do not object to the plan within the review period, then the Authority shall implement the proposed plan(s).

Where possible, the Authority shall ensure that emergency responses allow for future preservation or restoration of historic properties, take into account the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, and include on-site monitoring by the appropriate qualified professional as contained in Stipulation IX.

Immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this PA.

XII. CHANGES IN PROJECT AREA/SCOPE

In the event that the Authority modifies the geographic boundaries of the proposed project area, the scope of the proposed project, or makes significant changes to the project design, the following measures will be implemented in consultation with the signatories:

1. The Authority, in consultation with the USCG, NJHPO, and any consulting parties that wish to participate, will assess and revise the Project APE, as needed, to incorporate any additional areas that have the potential to affect historic resources.
2. The Authority, in consultation with the USCG, NJHPO, and any consulting parties that wish to participate, will carry out additional investigations deemed necessary to identify historic architectural and archaeological properties that may be affected.
3. The Authority, in consultation with the USCG, NJHPO, and any consulting parties that wish to participate, will assess the Project's potential effects on any new historic properties and explore measures to avoid, minimize, or mitigate adverse effects on these properties.
4. The Authority, in consultation with the USCG, NJHPO, will ensure the preparation of appropriate reports and documents, notify Section 106 consulting parties, including Federally recognized Native American Tribal Nations, of any changes in the Project's effects on historic properties, and provide an opportunity to review and comment.
5. If a change in project scope results in potential effects to historic properties not addressed in this PA, USCG will consult with all signatories to amend this PA in accordance with Condition XV.

XIII. DISPUTE RESOLUTION

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

1. Forward all documentation relevant to the dispute, including the USCG's proposed resolution, to the ACHP. The ACHP shall advise the USCG on resolving the dispute within forty-five (45) days of receiving the USCG's documentation. The USCG shall consider the ACHP's advice and respond in writing with the USCG's final decision and copy the signatories to this PA. The USCG will then proceed according to the ACHP's final decision.
2. If the ACHP does not provide its advice regarding the dispute within the forty-five (45) day time period, the USCG may make a decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USCG shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and provide them and the ACHP with a copy of such written response.

3. The signatories remain responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.

XIV. AMENDMENTS

Any signatory to this PA may request, in writing, that it be amended, whereupon the signatories will consult to consider such amendment. This PA may be amended only upon written concurrence of all signatories of this PA. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

XV. TERMINATION

If any signatory to this PA determines that the terms shall not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Condition XII above. If within thirty (30) 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.

Should the agreement be terminated, then, prior to work continuing on the undertaking, the USCG must either (a) execute a new agreement document 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 and other consulting parties as to the course of action it shall pursue.

XVI. DURATION

This PA will expire if its terms are not carried out within ten (10) years from the date of its execution by the last signatory to execute the PA, or upon Project completion, whichever comes first. If within 10 years, the proposed Project is not completed, or its stipulations are not met, the signatories will consult to determine if this PA will be amended, extended, or terminated. Prior to such time, the USCG through the Authority may consult with other signatories to reconsider the terms of the PA and amend it in accordance with Condition XIV above.

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

References

Richard Grubb & Associates, Inc.

- 2023a Phase I Archaeological Survey and Intensive-level Historic Architectural Survey, Interchange 14 to 14A: New Jersey Turnpike Newark Bay-Hudson County Extension Bridge Replacements and Capacity Enhancements Program, Cities of Bayonne and Jersey City, Hudson County, and Newark, Essex County, New Jersey. April 2023. On file at the New Jersey Historic Preservation Office, Trenton, New Jersey.
- 2023b Draft Supplemental Phase I Archaeological Survey and Geotechnical Boring Review, Interchange 14 to 14A: New Jersey Turnpike Newark Bay-Hudson County Extension Bridge Replacements and Capacity Enhancements Program, Cities of Bayonne and Jersey City, Hudson County, New Jersey. November 2023. On file at the New Jersey Historic Preservation Office, Trenton, New Jersey.
- 2024 Archaeological Monitoring Protocol, Newark Bay- Hudson County Extension Interchange 14 to 14A/ Newark Bay Bridge Replacement and Associated Improvements, Cities of Bayonne and Jersey City, Hudson County, New Jersey. November 2023. On file at the New Jersey Historic Preservation Office, Trenton, New Jersey.

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SIGNATORY

UNITED STATES COAST GUARD

By: _____
Donna Leoce
Bridge Management Specialist

Date: _____

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HUDSON COUNTY, NEW JERSEY**

SIGNATORY

NEW JERSEY HISTORIC PRESERVATION OFFICER

By: _____
Dr. Katherine J. Marcopul
Deputy State Historic Preservation Officer

Date: _____

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HUDSON COUNTY, NEW JERSEY**

INVITED SIGNATORY

NEW JERSEY TURNPIKE AUTHORITY

By: _____
Lisa Navarro
Supervising Engineer

Date: _____

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AMONG
THE UNITED STATES COAST GUARD,
NEW JERSEY STATE HISTORIC PRESERVATION OFFICER,
AND NEW JERSEY TURNPIKE AUTHORITY
REGARDING THE
NEWARK BAY-HUDSON COUNTY EXTENSION IMPROVEMENTS PROGRAM,
INTERCHANGES 14 TO 14A/NEWARK BAY BRIDGE REPLACEMENT
AND ASSOCIATED IMPROVEMENTS
NEWARK BAY MP 3.8
BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE & JERSEY CITY,
HUDSON COUNTY, NEW JERSEY**

CONCURRING PARTY

[ORGANIZATION]

By: _____
[NAME/TITLE]

Date: _____

ATTACHMENT 1: SECTION 106 CONSULTATION DOCUMENTATION

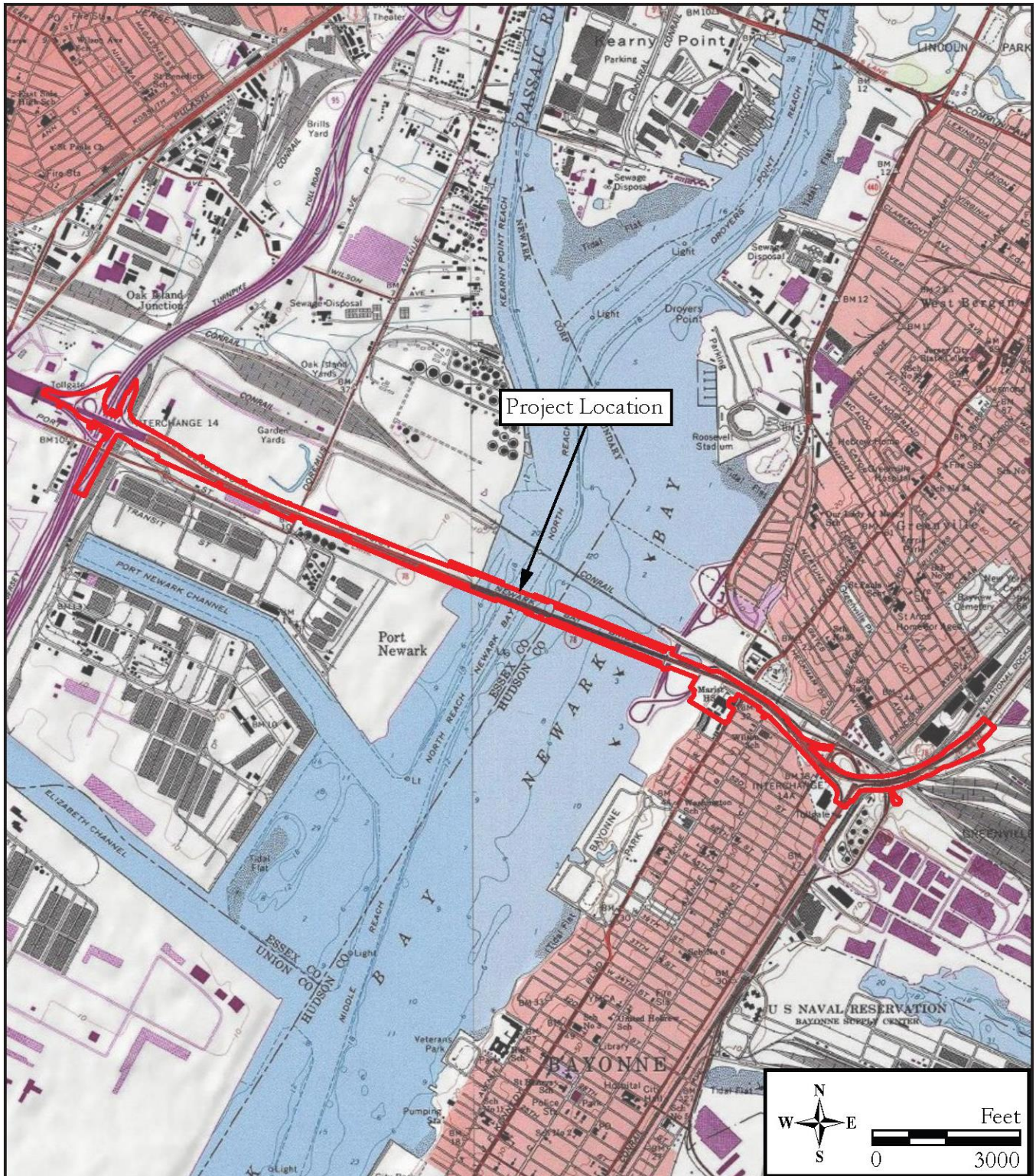
[This list and appended documents will be updated and finalized as the project proceeds through the Section 106 process]

- *USCG Section 106 Consultation Letter to NJHPO, with URL link to attachments including Phase I archaeological survey and Intensive-level historic architectural survey, Draft supplemental Phase I archaeological survey and geotechnical boring review, and Archaeological monitoring protocol (insert date)*
- *NJHPO response letter (insert date for response to USCG Section 106 Consultation Letter)*
- *ACHP response letter (insert date)*

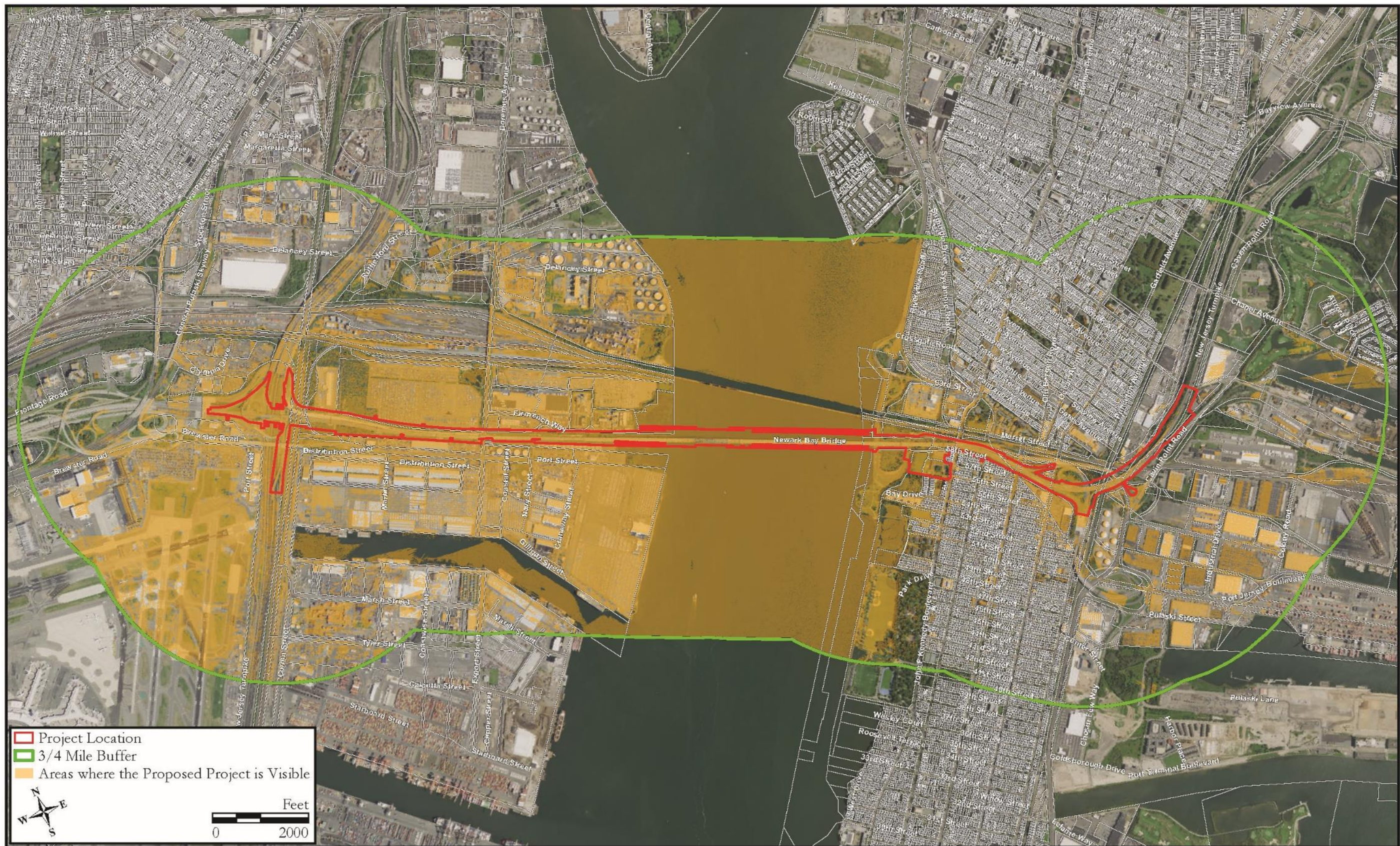
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ATTACHMENT 2: AREA OF POTENTIAL EFFECTS (APE)

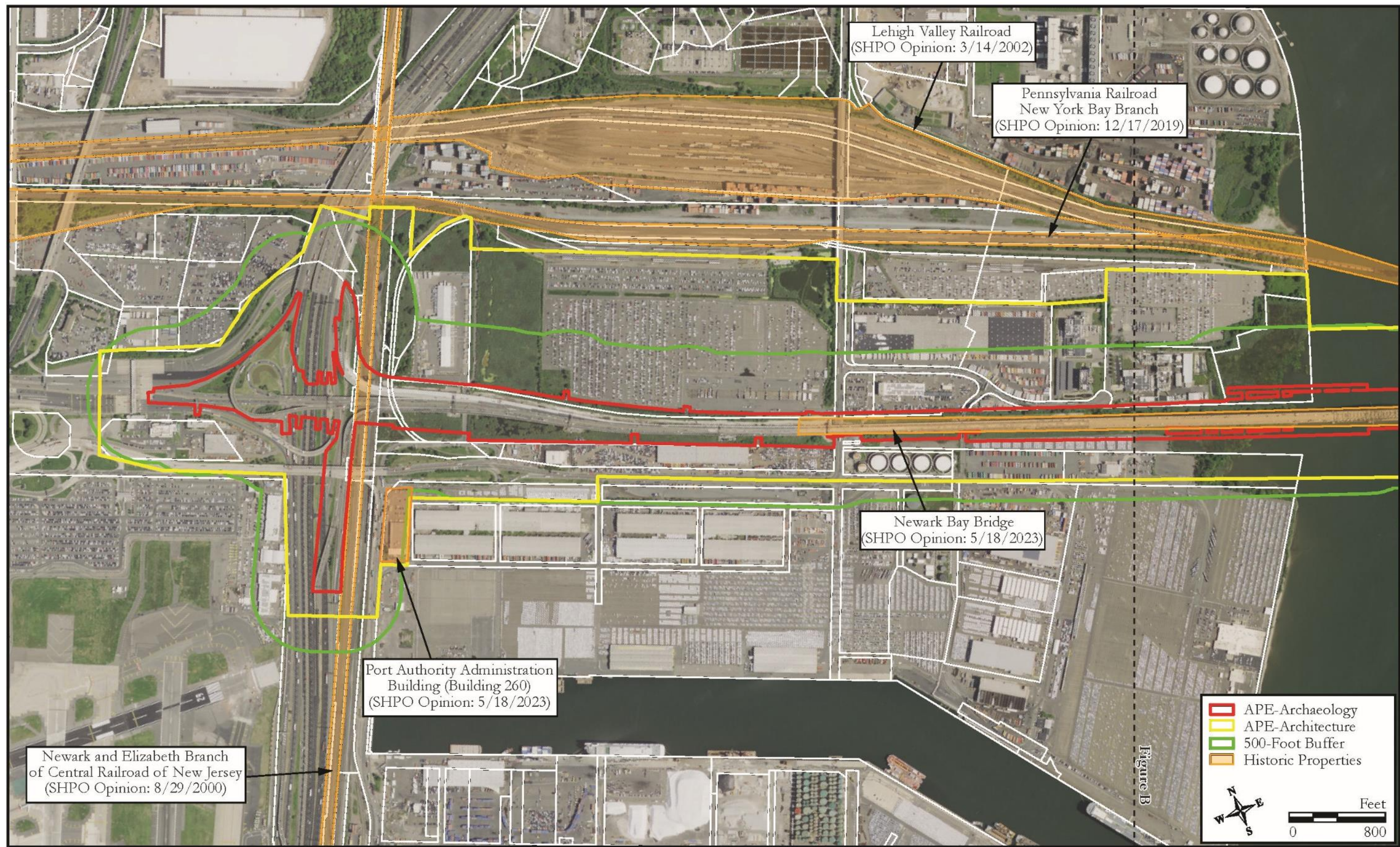
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Attachment 2 – Figure 1: Project Location.



Attachment 2 – Figure 2: Area of Potential Effects with ¾-mile Viewshed Buffer.



Attachment 2 – Figure 3a: Area of Potential Effects with 500-foot Buffer and Previously Identified Historic Properties.



Attachment 2 – Figure 3b: Area of Potential Effects with 500-foot Buffer and Previously Identified Historic Properties.



Attachment 2 – Figure 3c: Area of Potential Effects with 500-foot Buffer and Previously Identified Historic Properties.

ATTACHMENT 3: SECTION 106 CONSULTING PARTIES CORRESPONDENCE

[This list and appended documents will be updated and finalized as the project proceeds through the Section 106 process]

- *The USCG invited the following organizations as Section 106 consulting parties:*
 - *City of Newark*
 - *City of Newark Landmarks and Historic Preservation Commission*
 - *City of Bayonne*
 - *City of Bayonne Historic Preservation Commission*
 - *City of Jersey City Historic Preservation Commission*
 - *Hudson County Executive*
 - *Hudson County Open Space, Recreation and Historic Preservation*
 - *Essex County Executive*
 - *Essex County Department of Parks, Recreation, and Cultural Affairs*
 - *Newark Historical Society*
 - *Bayonne Historical Society*
 - *Preservation New Jersey*
 - *New Jersey Historical Society*
 - *Society for Industrial Archaeology*
 - *Archaeological Society of New Jersey*
 - *Canal Society of New Jersey*
 - *Hudson County Genealogical & Historical Society*
 - *Hudson County Office of Cultural & Heritage Affairs/Tourism Development*
 - *Jersey City Landmarks Conservancy*

- *[ORGANIZATION] Response [Letter/Email] (Insert Date)*

* Consulting Party; invited to sign as Concurring Party

ATTACHMENT 4: SECTION 106 CONSULTING PARTIES TRIBAL CORRESPONDENCE

[This list and appended documents will be updated and finalized as the project proceeds through the Section 106 process]

List of Associated Federally Recognized Tribal Nations

- *Delaware Nation*
 - *Delaware Tribe of Indians*
 - *Absentee Shawnee Tribe of Oklahoma*
 - *Shawnee Tribe*
 - *Stockbridge Munsee Community*
-
- *USCG letters to the Invited Tribes (Insert Date)*
 - *[TRIBE] Response [Letter/Email] (Insert Date)*

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