Appendix E.8
Memorandum of Agreement (MOA)

MEMORANDUM OF AGREEMENT
AMONG
THE UNITED STATES COAST GUARD,
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - HISTORIC PRESERVATION OFFICE,
NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION, AND
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
REGARDING
THE GOETHALS BRIDGE REPLACEMENT PROJECT
CITY OF ELIZABETH, UNION COUNTY, NEW JERSEY AND
STATEN ISLAND, RICHMOND COUNTY, NEW YORK

WHEREAS, the United States Coast Guard (USCG), an agency within the Department of Homeland Security (DHS), is the federal agency responsible for the processing of a federal bridge permit application by The Port Authority of New York and New Jersey (PANYNJ) in the Goethals Bridge Replacement Project (Proposed Project) pursuant to federal bridge statutes and the USCG Bridge Administration Program, [33 U.S.C. 525-533]; and

WHEREAS, the USCG is the lead federal agency on this project with responsibility for completing the requirements of Section 106 of the National Historic Preservation Act (NHPA); and

WHEREAS, the USCG has established an Area of Potential Effect (APE) for the Proposed Project in accordance with 36 CFR Section 800.16(d) identified in Attachment 1 hereto; and

WHEREAS, the USCG has determined that the Proposed Project will have an adverse effect on the existing Goethals Bridge, the Staten Island Railway Lift Truss Bridge over the Arthur Kill, and the Staten Island Railroad Historic District, which are eligible for listing in the National Register of Historic Places and has consulted with the New Jersey and New York State Historic Preservation Offices (SHPOs) pursuant to 36 CFR Part 800, which are regulations implementing Section 106 of the NHPA (16 U.S.C. Section 470(f)); and

WHEREAS, USCG has determined and the SHPOs have concurred that the project will have no effect on archaeological resources; and

WHEREAS, the USCG has consulted with the PANYNJ, the permit applicant, regarding the effects of the Proposed Project on potential National Register-eligible resources and has invited them to sign this Memorandum of Agreement (MOA) as a signatory party; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), the USCG notified the Advisory Council on Historic Preservation (Council) on May 13, 2009 of its adverse effect determination with specified documentation, and the Council notified the USCG on June 2, 2009 of its decision not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii), contained in Attachment 2; and

WHEREAS, this MOA has been developed with appropriate public involvement, pursuant to 36 CFR 800.2(d) and 800.6(a), the NHPA and its implementing regulations; and in consultation with the Consulting Parties identified in Attachment 3 hereto; and

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

The USCG, shall ensure that the following measures are executed:

STIPULATIONS

1. Project Design Consultation

A. Should an alignment other than the New Alignment South, as depicted in Attachment 4, be chosen as the Environmentally Preferred Alternative, the USCG shall provide formal notification to the signatories to reopen consultation with regard to the identification of historic properties and mitigation of additional adverse effects.

B. The Project Design shall incorporate a design, to minimize visual impacts of the new bridge to historic properties as defined in the *Goethals Bridge Replacement Environmental Impact Statement* (GBR EIS).

C. Bridge design documents will be developed in consultation with SHPOs. The SHPOs review of design documents (plans and specifications) will occur at 60% and 90% design review phases and shall be limited to compatibility of the proposed bridge design details (e.g., lighting, railing, color, etc.) with affected historic properties. The SHPOs will respond within 30 calendar days of receipt of the documentation to any design submission pursuant to this MOA, or it will be concluded that the SHPOs are in agreement with the documents as submitted. Design issues identified by the SHPOs during the 60% design review will be resolved in consultation with SHPOs, the PANYNJ, and the USCG prior to submission of the 90% design document review.

2. Documentation and Curation of Original Documents

A. The PANYNJ and the USCG will locate within their respective collections, original design drawings and other drawings, photographs, and construction documents associated with the Goethals Bridge. To the extent that materials

of the PANYNJ were not destroyed on 9/11, these archival materials relating to the original construction and subsequent improvements to the bridge and toll plaza will be made available to state and local repositories as outlined in 2.B, as originals and/or archival copies.

B. The PANYNJ will coordinate with the New Jersey Division of Archives and Records Management and the New York State Archives and Records Administration to identify needs and requirements for permanent curation and public accessibility. The PANYNJ will supply archivally stabilized originals or archival-quality copies of such archival materials to the New Jersey Division of Archives and Records Management and the New York State Archives and Records Administration for their repository. The PANYNJ, for security reasons, will supply such archival materials within six months subsequent to the demolition of the existing bridge. The materials or copies may be housed at the New York Historical Society, the Historical Society of Elizabeth, the Staten Island Historical Society and other repositories and/or libraries.

C. Website application and availability will be applied, as appropriate, to the Goethals Bridge webpage of the PANYNJ website. For security purposes, additions to the Goethals Bridge webpage and other sites will be at the discretion of the PANYNJ.

3. Historic American Engineering Record (HAER)

A. The PANYNJ will provide HAER photographic documentation and accompanying narrative to supplement the HAER aerial photography (HAER NY-305), completed in 1991, in consultation with the National Park Service (NPS). The PANYNJ will defer to the NPS in determining the appropriate levels and standards of HAER documentation, which may include digital photography of the current structure, duplication of historic imagery and drawings, and a historical narrative.

B. Distribution of HAER Documentation. The final HAER documentation will be made available to the United States Library of Congress (LOC), SHPOs, New Jersey State Library, the Elizabeth Public Library, Rutgers University Special Collections, the New York State Library, and the New York Public Library. The PANYNJ will prepare a minimum of three (3) archivally stable copies of the final HAER recordation for distribution to the SHPOs and for submittal to the LOC. The PANYNJ will distribute non-archivally stable copies of the same documentation to the New Jersey State Library, the Elizabeth Public Library, Rutgers University Special Collections, the New York State Library, and the New York Public Library.

4. Goethals Bridge Publication

A. The PANYNJ will commission a book on the Goethals Bridge. The book will be produced in a similar format to the PANYNJ publications on the George

Washington Bridge (Darl Rastorfer, 2006) and the Bayonne Bridge (Darl Rastorfer, 2007).

B. The Goethals Bridge Book will be distributed, two (2) copies each, to the New Jersey State Library, the Elizabeth Public Library, the New York State Library, and the New York Public Library.

5. Documentary Film and Lesson Plans

A. The PANYNJ will commission a documentary film, 24 minutes in length, suitable for a half-hour general public broadcast on networks such as NJN Public Television or Thirteen/WNET New York. The content of the film may incorporate items such as the aspects of the existing Goethals Bridge and its development or history, and why a new bridge is needed. The documentary may include demolition of the bridge, oral histories by workers, and the bridge's impact on transportation and local development.

B. A lesson plan, developed by a qualified curriculum developer, will be produced in conjunction with the documentary film. The lesson plan will satisfy the New York and New Jersey state curricula standards for fourth grade local and state history and/or an aspect of science and/or technology relating to bridge construction and transportation.

C. Distribution of Documentary Film and Educational Materials. The PANYNJ will distribute one (1) copy of the documentary film and lesson plans on DVD (s) and CD(s) to the SHPOs, the New Jersey State Library, the Elizabeth Public Library, Rutgers University Special Collections, the New York State Library, and the New York Public Library as well as additional parties as appropriate.

ADMINISTRATIVE CONDITIONS

1. Project Modifications

If any major changes to the proposed project design occur, such that would alter effects to historic properties other than those addressed in this MOA, the USCG shall consult with the SHPOs in accordance with the provisions of 36 CFR 800.

2. Professional Qualifications

USCG shall ensure that the HAER recordation conducted pursuant to this MOA are carried out by, or under the direct supervision of, a person or persons meeting, at a minimum, the appropriate standards set forth in the *Secretary of the Interior's Professional Qualifications Standards* in accordance with 36 CFR 61 for historians and architectural historians.

3. Dispute Resolution

A. At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised by a signatory, USCG will notify all signatories to the agreement, take the objection into account, and consult as needed to resolve the objection.

B. Disputes regarding the completion of the terms of the MOA, as necessary, shall be resolved by the signatories. If the signatories cannot agree regarding the dispute, the USCG shall then initiate appropriate actions in accordance with the provisions of 36 CFR 800.6(b) and 800.7, as necessary.

C. Modification, amendment, or termination of the MOA, as necessary, shall be accomplished by the signatories in the same manner as the original agreement.

4. Completion of Stipulations

A. Stipulations 1, 3 and 4 above will be executed prior to demolition of the existing Goethals Bridge. The USCG will provide a report(s) for review by the SHPOs of items, as completed, with copies of materials produced as satisfaction of the stipulations.

B. Stipulation 2 will be completed after the demolition of the existing bridge. The USCG will provide a report(s) for review by the SHPOs of items, as completed, with copies of materials produced as satisfaction of the stipulations.

C. Stipulation 5 will be ready for distribution within two years after demolition of the existing bridge. A report with a copy of the materials produced as satisfaction of the stipulation will be provided to the SHPOs within one year of completion of the film.

5. Duration

This MOA shall become null and void if construction is not initiated within seven (7) years from the effective date as defined in Administrative Condition 10, unless the signatories agree in writing to an extension. If, after seven (7) years without action, the USCG chooses to continue with the Project, it shall re-initiate its review in accordance with the provisions of 36 CFR 800.

6. Monitoring and Reporting

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

7. Post Review Discoveries

If potential historic properties are discovered other than those named in this Agreement, or unanticipated effects on historic properties found, the signatory parties shall consult in accordance with 36 CFR Section 800.13. In such instances, the terms of this MOA will be reconsidered and may be amended in accordance with Administrative Condition 8 below.

8. Amendments and Non-compliance

If any signatory to this MOA, including any invited signatory, 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 parties to develop an amendment to this MOA pursuant to 36 CFR Sections 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 Administrative Condition 9 below.

9. Termination

If this MOA is not amended following the consultation set out in Administrative Condition 8 above, it may be terminated by any signatory or invited signatory. Within 30 days following termination, USCG shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR Section 800.6(a)(1) or request the comments of the Council under 36 CFR Section 800.7(c) and proceed accordingly.

10. Effective Date

The terms of this agreement will become effective on the date of issuance of a Coast Guard bridge permit for the Goethals Bridge Replacement, subject to appropriate authorization of the Proposed Project.

IN WITNESS WHEREOF, the parties hereto have duly executed this MOA for the Goethals Bridge Replacement Project.

UNITED STATES COAST GUARD

By: _____ Date_____
Daniel A. Neptun, Rear Admiral, U.S. Coast Guard
Commander, First Coast Guard District

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
Daniel D. Saunders
Acting Administrator and Deputy State Historic Preservation Officer

NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

By: _____ Date: _____
Ruth L. Pierpont
Deputy State Historic Preservation Officer

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

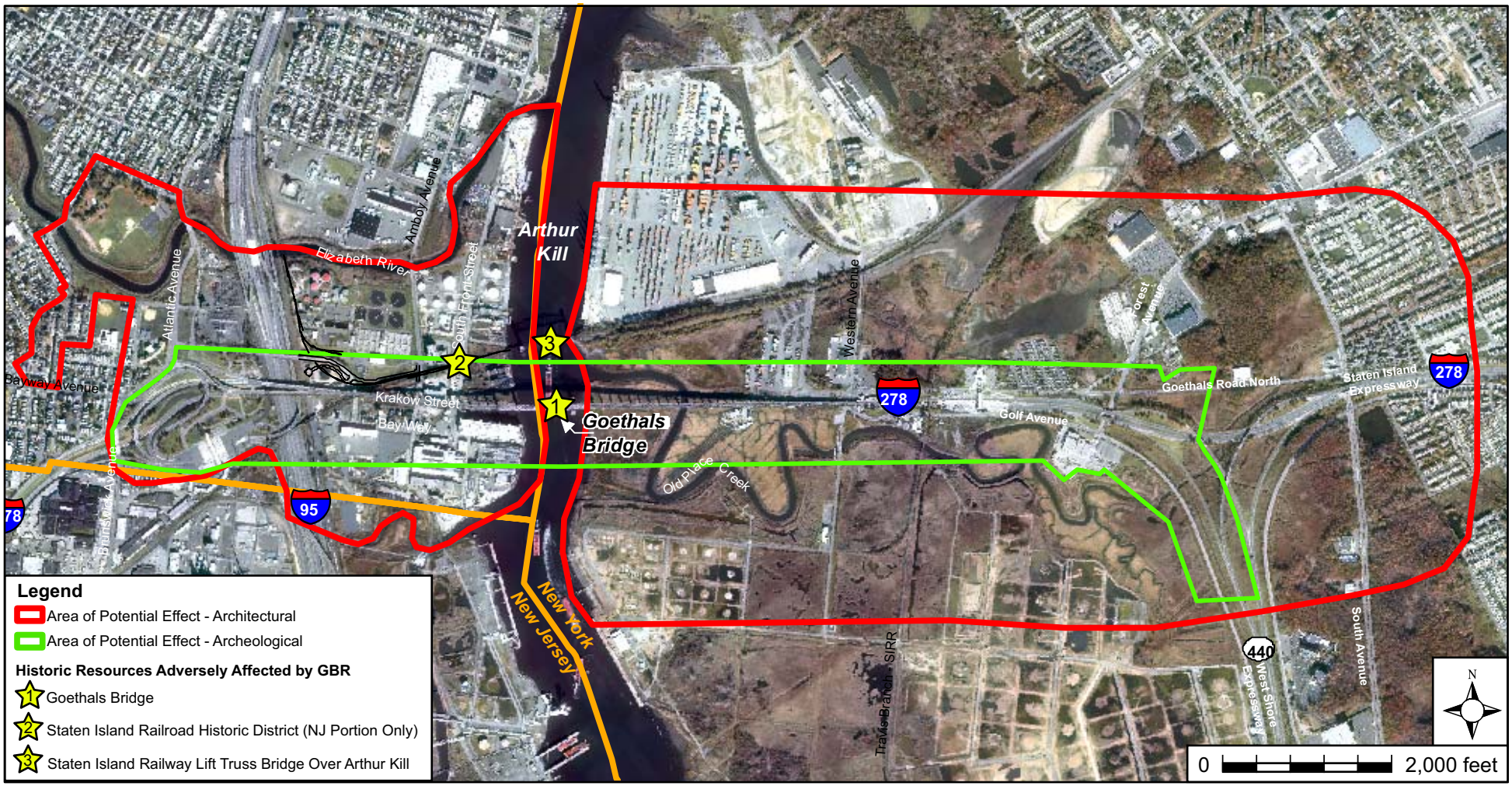
By: _____ Date: _____
Ernesto L. Butcher
Chief Operating Officer

LIST OF ATTACHMENTS

Attachment 1	Area(s) of Potential Effect
Attachment 2	Correspondence from the Advisory Council on Historic Preservation, 2 June 2009
Attachment 3	List of Consulting and Interested Parties
Attachment 4	Preferred Alignment – New Alignment South (based on concept as presented in the GBR EIS)

Attachment 1

Area(s) of Potential Effect



Goethals Bridge Replacement (GBR)
Areas of Potential Effect and Adversely Affected Historic Resources

Sources:
Basemapping: Port Authority of New York and New Jersey, 2002.
Data: The Louis Berger Group,Inc., 2004

Attachment 2

Correspondence from the
Advisory Council on Historic Preservation, 2 June 2009

Preserving America's Heritage

June 2, 2009

Ms. Shelly Sugarman
Chief, Permits Branch
USCG Bridge Program
2100 Second Street SW
Washington, DC 20593-0001

RE: *U.S. Department of Homeland Security, U.S. Coast Guard*
Approval of Goethals Bridge Project
Elizabeth, New Jersey and Staten Island, New York

Dear Ms. Sugarman:

On May 14, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR Part 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the New Jersey and New York SHPOs and any other consulting parties, and related documentation at the conclusion of the consultation process to complete the requirements of Section 106 of the National Historic Preservation Act. Please provide information on how the views of the public and other consulting parties, including Indian tribes, were taken into account when DHS files the final MOA with the ACHP.

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

Thank you for providing the ACHP with your notification of adverse effect. If you have any questions, please contact Blythe Semmer at 202-606-8552 or via e-mail at bsemmer@achp.gov.

Sincerely,

LaShavio Johnson

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

Attachment 3

List of Consulting and Interested Parties

Section 106 Consultation for Goethals Bridge Replacement

Updated List of Consulting and Interested Parties

7/21/10

The following is the updated list of consulting and interested parties in light of the future development of a Memorandum of Agreement (MOA) for the proposed Goethals Bridge Replacement (GBR). Any agencies/organizations identified with asterisks ("**") indicates those that will also be signatories of the MOA in addition to the U.S. Coast Guard, as the lead Federal agency for completing the requirements of Section 106 of the National Historic Preservation Act (NHPA), and The Port Authority of New and New Jersey, as the project sponsor.

Consulting Parties

Mr. Reid J. Nelson
Office of Federal Agency Programs
Advisory Council on Historic Preservation (ACHP)
Old Post Office Building
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

** Mr. Dan P. Saunders
Acting Administrator and Deputy State Historic Preservation Officer
New Jersey Department of Environmental Protection - Historic Preservation Office (NJHPO)
Mail Code 501-04B
501 East State Street, 4th Floor
P.O. Box 420
Trenton, NJ 08625-0420

The Honorable James P. Molinaro
Staten Island Borough President
120 Borough Hall
Staten Island, NY 10301

** Ms. Ruth L. Pierpont
Deputy State Historic Preservation Officer
New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP)
Peebles Island P.O. 189
Waterford, NY 12188-0189

Dr. Teresa R. Pohlman, LEED AP
Director, Occupational Safety & Environmental Programs
Office of the Chief Administrative Officer
Department of Homeland Security (DHS)
U.S. Department of Homeland Security
Washington, D.C. 20528

Ms. Mary Ann Miller
Project Manager
U.S. Army Corps of Engineers - New York District (USACE)
Jacob K. Javits Federal Building
26 Federal Plaza, Room 1937
New York, NY 10278-0090

The Honorable Christian Bollwage, Mayor
Office of the Mayor, City of Elizabeth
City Hall of Elizabeth
50 Winfield Scott Plaza
Elizabeth, NJ 07201

Ms. Marta Bede
Senior Project Manager
New York City Economic Development Corporation (NYCEDC)
110 William Street
New York, NY 10038

Environmental Review Coordinator
City of New York Landmarks Preservation Commission (NYCLPC)
1 Centre St., 9N
New York, NY 10007

Dr. Robert Kulikowski
Director
Mayor's Office of Environmental Coordination (OEC)
253 Boradway, 14th Floor
New York, NY 10007

New Jersey Department of Transportation (NJDOT)
200 Stierli Court
Mt. Arlington, NJ 07856-1322

Mr. Tony Sabidussi, Environmental Specialist
Federal Highway Administration -NJ Division
840 Bear Tavern Road, Suite 310
West Trenton, NJ 08628

Mr. Tom Breslin, Senior Operations Manager
Federal Highway Administration -NY Division
Leo W. O'Brien Federal Bldg., Suite 719
Albany, NY 12207

New Jersey Turnpike Authority (NJTA)
P.O. Box 5042
Woodbridge, NJ 07095-5042

New York State Department of Transportation (NYSDOT)
Region 11
Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101

New York City Department of Transportation (NYCDOT)
Mr. Tom Cocola
Staten Island Borough Commissioner
10 Richmond Terrace, Room 300
Staten Island, NY 10301

Mr. John Formosa, Major Projects Manager
Federal Highway Administration – NYC Metropolitan Office
One Bowling Green, Suite 428
New York, NY 10004-1415

Interested Parties

New York Metropolitan Transportation Council (NYMTC)
199 Water Street
22nd Floor
New York, NY 10038-3534

North Jersey Transportation Planning Authority (NJTPA)
One Newark Center, 17th Floor
Newark, NJ 07102

The New Jersey Historical Society
52 Park Place
Newark, NJ 07102

Ms. Susan P. Coen
Director
Union County Division of Cultural & Heritage Affairs
633 Pearl Street
Elizabeth, NJ 07202

Mr. William Frolich
President/Treasurer
Union County Historical Society
116 E. 4th Avenue
Roselle, NJ 07203

Mr. Simeon Bankoff
Executive Directory
Historic Districts Council
232 East 11th Street
New York, NY 10003

New York Railroad Enthusiasts
PO Box 040320
Staten Island, NY 10304

Ms. Michelle Doran-McBean
Elizabeth Historical Society
1139 E. Jersey St. Suite 201
Elizabeth, NJ 07201

Elizabethtown Historical Foundation
PO Box 1
Elizabeth, NJ 07207

Central RR of NJ Historical Society, Inc.
PO Box 4226
Dunellen, NJ 08812

The New-York Historical Society
170 Central Park West
New York, NY 10024

Mr. Frank E. Sanchis, III
Senior Vice-President
The Municipal Art Society of New York
111 W. 57th Street
New York, NY 10019

Chief Jerry Douglas
Delaware Tribe of Indians
Delaware Tribal Offices
170 NE Barbara
Bartlesville, Oklahoma 74006

Dr. Brice Obermeyer
NAGPRA Representative -Delaware Tribe Historic Preservation Office
Emporia State University
Department of Sociology & Anthropology
1200 Commercial Street, Campus Box 4022
Emporia, KS 66801

Ms. Tamara Francis
NAGPRA/Cultural Preservation Director
Delaware Nation of Oklahoma
P.O. Box 825
Anadarko, Oklahoma 73005

Ms. Rebecca A. Hawkings
THPO, Tribal Administrator
Belinda Pryor
Assistant THPO, Assistant Directory Historic Preservation Department
Shawnee Tribe
29 South Highway 69A
Miami, Oklahoma 74354

Mr. John W. Guild, Executive Director
Staten Island Historical Society
441 Clarke Avenue
Staten Island, NY 10306

Mr. James Ferreri
President
Preservation League of Staten Island
52 Port Richmond Avenue
Staten Island, NY 10302

Ms. Karen Kaniatobe
Absentee-Shawnee Tribe Headquarters
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

New Jersey Commission of American Indian Affairs
Rankokus Indian Reservation
P.O. Box 225
Rancocas, NJ 08073

Mr. Mark Gould
Tribal Chairman
Nanticoke Lenni-Lenape Indians of New Jersey
P.O. Box 544
Bridgeton, NJ 08302

Samuel W. Beeler, Ph.D.
Principal Chief
Sand Hill Band of Indians
P.O. Box 955, River Street Station
Patterson, NJ 07544-0955

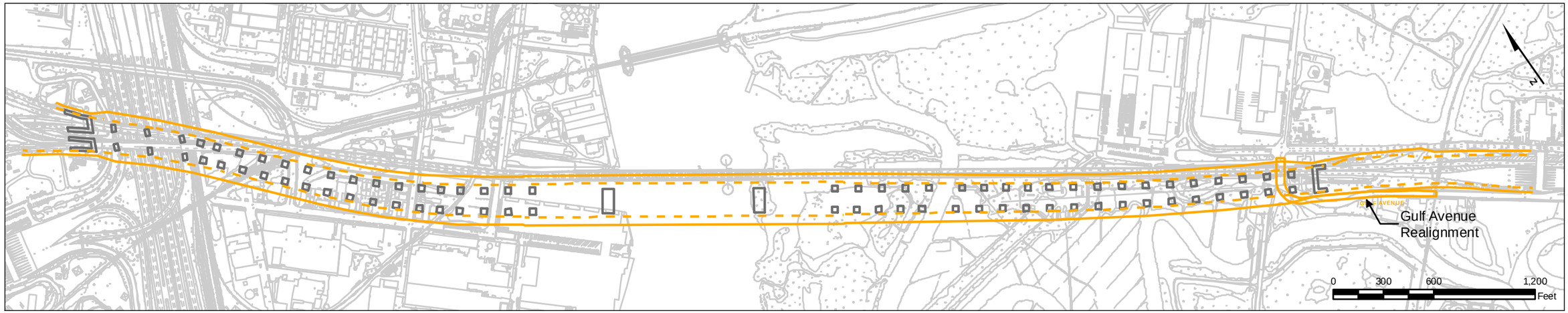
Ms. Claire T. Garland, Director
Sand Hill Indian Historical Association
P.O. Box 444
Lincroft, NJ 07738

Ms. Sherry White, THPO
Stockbridge-Munsee Community Band of Mohican Indians
P.O. Box 70
N. 8476 Mo He Con Nuck Road
Bowler, Wisconsin 54416

Chief Harry B. Wallace
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950

Attachment 4

Preferred Alignment – New Alignment South
(based on concept as presented in the GBR EIS)



Legend

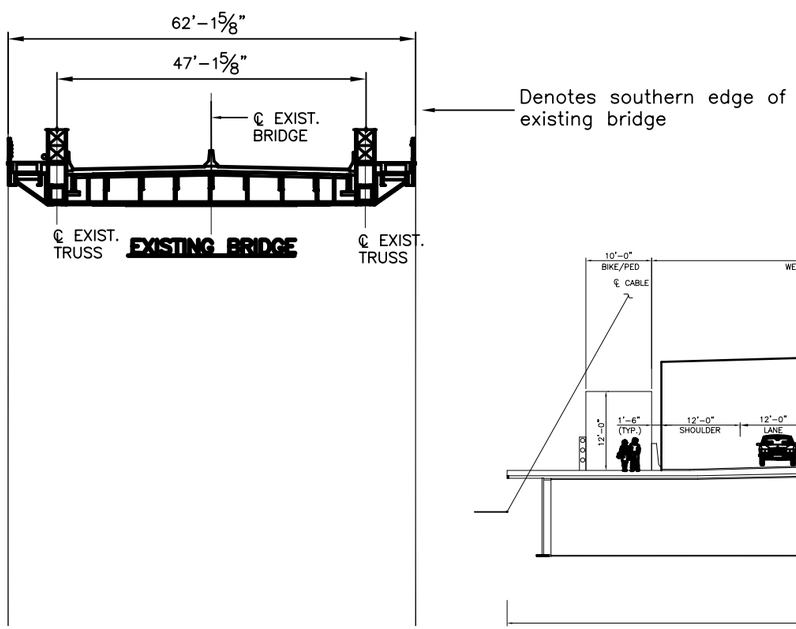
New Alignment South

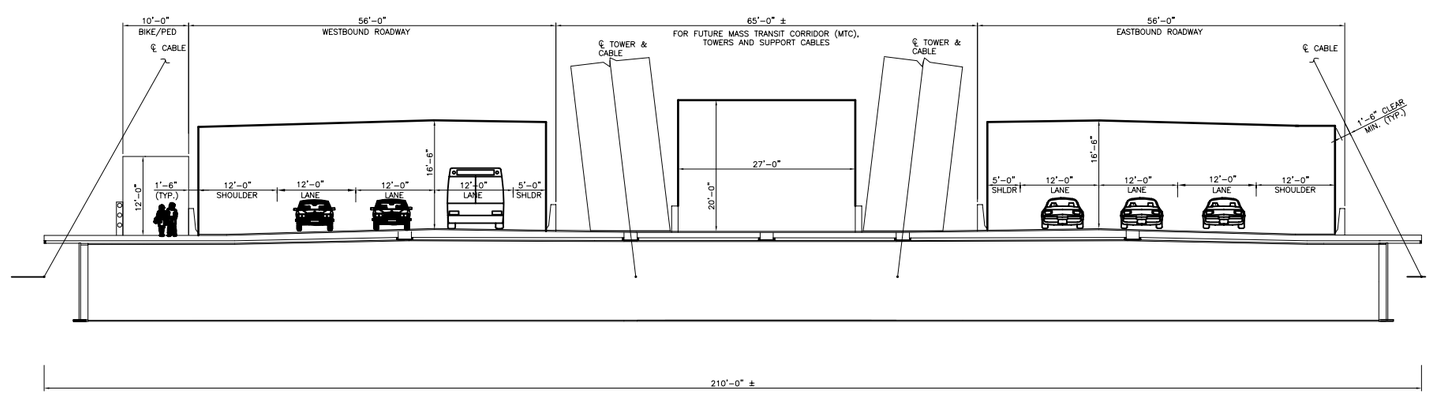
Alignments

- Buffer / Right - of - Way - New Alignment South
- Edge of Structure - New Alignment South

Bridge Structures

- Pier/Tower





Notes:
1. Graphic indicates only horizontal relationship of proposed bridge alignment, since both would be the same elevation.
2. Existing bridge to be demolished after half of the new replacement bridge is built.

Source: Topography - PANYNJ, 2006. Design - HNTB, 2009.

Goethals Bridge Replacement EIS

FIGURE 3.3-1

New Alignment South and Cross Section

United States Coast Guard