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Prepared for:

Cultural Resources Management Plan (version 2) of
the
Construction Environmental Protection Program
Fulton Street Transit Center

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I. INTRODUCTION

The Fulton Street Transit Center (FSTC) is an MTA Capital Construction project to design and construct a readily identified transit hub in Lower Manhattan. This transit hub will serve as a central connector to 12 subway lines between William Street to the east and Church Street to the west. It consists of a number of components, most significantly the development of a new transit center at Broadway and Fulton Street which adaptively reuses the Corbin Building (listed on the National Register of Historic Places), rehabilitation of the 4/5 Fulton Street Station (eligible for listing on the National Register of Historic Places [NRHP] and a New York City Landmark[NYCL]), proposed connections from the station to the new transit center, and an underground connector below Dey Street that links the new transit hub to the new PATH Terminal at the World Trade Center site.

The construction contracts for the FSTC project have been organized into four packages (in the planning stage there were originally six) as follows:

- Contract Package 1: 2/3 Station Rehabilitation and 4/5 Southern Entrances;
- Contract Package 2: Dey Street Concourse Structural Box, R/W Underpass, 4/5 Underpass; abatement and deconstruction of 189 Broadway, and Dey Street Entrance Substructure;
- Contract Package 3: Deconstruction of 4 buildings on the Transit Center site and abatement, probing in Corbin Building, replacement of window bays;
- Contract Package 4: New Transit Center, Corbin Building Restoration, R/W-E Connector, architectural finishes to A/C, J/M/Z, 4/5 and R/W stations, Dey Street Concourse finishes, and Dey Street Entrance Superstructure.

Construction for both Contracts 1 and 2 is underway. Work for Contract 1 is anticipated to be complete in September 2007, and the work was determined not to have any potential impact on cultural resources. Work for Contract 2 is expected to be completed in April 2008 and includes the construction of a new pedestrian passageway under Dey Street between Broadway and Church Street to connect the new Transit Center to the new PATH Terminal at the World Trade Center Site, creation of underpasses for the R/W and 4/5 subway lines, deconstruction of 189 Broadway, and construction of the Dey Street Entrance Substructure.

A CRMP for Contract 2 was prepared and accepted by SHPO in November 2005.

This CRMP encompasses Contract 2 and the two remaining contracts for the project, Contracts 3 and 4. Contract 3 includes the deconstruction and abatement for hazardous materials of the four buildings between Fulton and John Streets along the east side of Broadway, which are located on the site of the proposed transit center. The site of the Transit Center is located adjacent to the Corbin Building, a historic built property that is being adaptively reused and restored as part of the proposed FSTC project. Contract 3 includes the undertaking of probes and abatement in the Corbin Building to ascertain conditions. This package was advertised in September 2006 and awarded in January 2007. Work for this contract is expected to be completed by August 2007.

Contract 4 consists of the rehabilitation of the Corbin Building and construction of the Transit Center. This contract also includes the reconstructing of the A/C mezzanine at Fulton Street between William Street and Broadway, construction of the Dey Street entrance superstructure, construction of the R/W-E connector, and the architectural finishes for the A/C, J/M/Z, 4/5 and R/W stations as well as the Dey Street Concourse. This package is scheduled to be awarded in January 2008 and anticipated to be completed in 2010.

II. GOALS AND OBJECTIVES OF CRMP

Preparation and implementation of this CRMP allows the MTA to fulfill its obligations under Section 106 of the National Historic Preservation Act (NHPA) of 1966 with regard to the FSTC project (the federal "undertaking") as set forth in the FSTC project's September 2004 Programmatic Agreement (PA). This CRMP sets forth the measures by which cultural resources will be investigated and protected, and/or how adverse effects will be mitigated under the work anticipated to occur under the FSTC project. The goals of this CRMP are as follows:

- Provide a comprehensive list of cultural resources that may be affected by the FSTC project, including archaeological resources and historic built properties;
- Outline the strategies to investigate, protect, and/or mitigate adverse effects to cultural resources, including archaeological resources and historic built properties;
- Designate specific responsibility regarding the implementation of investigation, protection, and mitigation measures;
- Establish consultation and public outreach protocols.

III. LIST OF INVOLVED PARTIES/AGENCIES AND RESPONSIBILITIES

MTA Capital Construction (MTACC), as owner and developer of the FSTC Project, has assembled a team to undertake the execution of work. The MTACC Resident Engineer and Consultant Construction Manager (CCM), described below, will oversee the day-to-day operations at the site and ensure that the contractors adhere to all contract specifications.

A list of responsible parties and the responsibilities of each party with respect to the investigation, protection of cultural resources, and/or mitigation of adverse effects to any such cultural resources, is described below.

III.A MTACC RESIDENT ENGINEER

The MTACC Resident Engineer, or his representative, will be on the construction site at all times, including whenever construction activities have the potential to affect cultural resources, including archaeological resources and historic built properties. The responsibilities of the MTACC Resident Engineer include, but are not limited to the following:

- Ensure that the members of the CRM Team are on site as appropriate when the contractor plans to conduct work in the APE for archaeological resources or APE for historic built properties.
- Ensure that all parties work within OSHA safety guidelines.
- Arrange meetings to be held in advance of construction that would occur in the APEs for archaeological resources and historic built properties so that the appropriate archaeological monitoring efforts, as well as protection measures and monitoring protocols for historic built properties, are understood and implemented. The pre-construction meetings would include representatives from all relevant responsible parties including MTACC, the CCM, the contractor, and the CRM Team.

- The MTACC Resident Engineer will ensure that requests and recommendations made by the CRM Team are responded to in a timely manner and before any work that is scheduled to occur that could affect cultural resources is commenced. If a recommendation from the CRM Team

cannot be accommodated, the MTACC Resident Engineer will respond in writing indicating why the request or recommendation cannot be accommodated and include the rationale.

III.B MTACC ENVIRONMENTAL COMPLIANCE OFFICER

MTACC Environmental Services will oversee the responsibilities of the CRM Team, the CCM and the Contractor. The responsibilities of MTACC Environmental Compliance with respect to archaeological resources and historic built properties include, but are not limited to, the following:

- Ensure that the stipulations of the FSTC project's Programmatic Agreement are implemented with respect to archaeological resources and historic standing structures, including submitting semi-annual progress reports to SHPO, LPC, and the FSTC project's Section 106 consulting parties.
- Serve as the point of contact with the MTACC Resident Engineer on all issues related to archaeological resources and historic built properties.
- Serve as the point of contact with the SHPO, New York City Landmarks Preservation Commission, and Section 106 Consulting Parties, including the Lower Manhattan Emergency Preservation Fund (SMEPF) and the Municipal Art Society (MAS).

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III.C CULTURAL RESOURCES MANAGEMENT (CRM) TEAM

The role of the CRM Team is to provide guidance, support, and technical expertise to MTACC in matters relating to archaeological resources and historic built properties. The CRM Team is composed of a group of qualified professionals that meet the Secretary of the Interior's Professional Qualification Standards (36 CFR 61 Appendix A). The team includes professional archaeologists, historic preservationists, historic preservation architect, a forensic archaeologist, material conservationists, and preservation engineers. The responsibilities of the CRM Team include, but are not limited to, the following:

- Review proposed construction methods where there is the potential for construction work to affect archaeological resources and historic built properties.

- Develop specific archaeology protocols to monitor work that will occur in archaeologically sensitive areas.
- Review proposed protection measures and types of monitoring equipment and placement (such as vibration, tilt, settlement, and crack monitors) where the construction has the potential to affect historic standing structures.
- Prepare recommendations for protection and monitoring if methods proposed by the Contractor are insufficient.

- Be on site at all times when there is a potential for archaeological resources or historic built properties to be affected by the construction, and undertake the responsibility to monitor all construction activity that could affect such properties. CRM Team archaeological monitors will be on site at all times when subsurface work occurs in archaeologically sensitive areas. CRM Team historic preservationists will be on site at all times when construction occurs within historic structures, including the Corbin Building and the 4/5 Fulton Street Station, and work could affect the historically and architecturally significant elements of these historic built properties. CRM Team historic preservationists will also make site visits as appropriate when construction work occurs in the vicinity of historic built properties.

- Review all monitoring data with respect to vibration, tilt, settlement, and crack monitors located within historic buildings. Should an anomaly be noted in the readings, the CRM Team will immediately bring it to the attention of the MTACC Resident Engineer and MTACC Environmental Services.

- Have representatives available to attend meetings including: 1) pre-construction meetings to be held in advance of work that could affect archaeological and historic built properties, to be set up by the MTACC Resident Engineer; 2) construction progress meetings; and 3) meetings with SHPO, LPC, and consulting parties.

- Review changes in design to evaluate the potential effects of any such changes on archaeological resources and historic built properties and make recommendations to MTACC on measures by which any adverse effects could be avoided or minimized.

- Assist the MTACC Environmental Compliance Unit in preparing semi-annual reports to SHPO, LPC, and the Consulting Parties as set forth in the FSTC Project's Programmatic Agreement.

The CRM Team is led by:

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III.E CONTRACTOR

The Contractor will conduct all on-site construction activities. The Contractor's responsibilities include, but are not limited, to the following:

- Provide a schedule to the CCM and MTACC Resident Engineer. Schedules will include four week "look-aheads" that will be distributed to the CRM Team so that the Team can determine the timing and requirements of protective measures and on-site monitoring.
- As directed by the MTACC Resident Engineer, provide heavy equipment and assistance with large-scale excavations and retrieval of large archaeological artifacts if any are encountered during construction activities, as well as provide items such as shelter and lighting that may be needed for recovery of archaeological resources.
- As directed by the MTACC Resident Engineer, provide assistance to the CRM Team with respect to historic built properties, including site access and equipment such as ladders and lighting, to assist the CRM Team in performing inspections of the exteriors and interiors of historic built properties as appropriate.
- In the event of an unanticipated archaeological discovery, these are the protocols:

I. Stop Activities

- a. If archaeological resources are uncovered during a construction activity, the Contractor will stop all activity within the immediate vicinity of the discovery, unless immediate safety concerns are an issue (e.g. if a discovery is made during deep excavation or under unstable soil/rock conditions, then some stabilization and worker-safety measures will occur first to ensure the safety of the CRM inspection team). The Contractor will immediately notify the MTA CC Engineer.

- b. After work stoppage at the potential site, the MTA CC Engineer will then inspect the finding and summon MTA CC Environmental and the CRM to the site. The MTA CC Engineer will direct the CRM to flag or fence off the archaeological discovery location and direct the Contractor to measures to ensure site security and site safety of the CRM. Specifically, the construction crew will stop at the spot where the find was uncovered and not resume construction within 20 feet of the find until cleared to proceed by MTA CC's Engineer. This is necessary in order to provide the CRM the opportunity to determine whether the archaeological resources represent a potentially significant site. The Contractor will not restart in the area of archaeological discovery until the CRM and MTA CC Environmental have notified the MTA CC Engineer to do so.

2. Initial Determinations

a. If the archaeological resources are discovered, work will stop immediately and the CRM will review the location and type of discovered material with the appropriate on-site construction personnel. The CRM will also inform and offer the OPRHP and LPC representatives the opportunity to review the discovery. If the CRM determines that on-site archaeological investigations are required, the MTA CC's Engineer will inform the construction Contractor that construction activities in that area must cease. The CRM will arrange for an archaeological excavation crew to be on the site. These activities will take place as soon as practicable. Construction activities in the area of the discovery, the boundaries of which will be defined based on a review of the resources identified, will not resume until the site has been surveyed and the results reviewed with OPRHP and LPC. The site will be flagged as being off-limits for work, but will not be identified as an archaeological site per se in order to protect the resources. In addition, the site will be secured to protect the potential significant resource. The following activities will take place as quickly as possible in order for construction to continue in a timely manner:

i) The CRM will conduct a physical review and will test the site area as necessary. Since the area may have already been partially disturbed by construction activities, the objective of any archaeological resource investigations will be to recover data quickly in order for an evaluation of the site's significance to be made.

ii) The Contractor shall assist the archeologist, as directed by the Engineer, in conducting investigative work requiring heavy machinery, pumping water from excavation areas, shoring trenches, establishing barricades and related work. If required, the Contractor shall provide assistance to the Archaeologist, as above (e.g., machine excavating) in areas that were not identified as sensitive to further reveal the resource(s).

iii) The CRM will determine, based on the archaeological resources found, their research potential and whether the site is significant or not. The CRM will contact OPRHP and LPC within 48 hours of the discovery for consultation on its significance. If the CRM determines that the site is not potentially significant and OPRHP and LPC concur, the CRM will notify MTA CC's Engineer that construction may resume. A letter detailing the results of the archaeological activities, the recommendation, and the concurrence will be sent to OPRHP, LPC and MTA CC for the project file.

iv) The Contractor shall plan, schedule and execute the excavation operations, as well as any work in the vicinity of archaeological discoveries and excavation operations, in a manner such that archaeological-related work can be accomplished in accordance with these requirements while mitigating any impacts on the progress of the Work and avoiding any total shutdown of excavation work.

v) If data recovery is required, the CRM will consult with OPRHP and LPC immediately under the provisions of the SHPA and Landmarks Preservation Commission Guidelines for Archaeological Work in New York City. OPRHP and LPC will provide comment on an acceptable methodology for data recovery that meets the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (NPS 1983). Any necessary data recovery will be completed as quickly as possible. Construction in the archaeological site area will not recommence until all archaeological survey work is completed. A final technical report will be filed within one year of the completion of fieldwork.

3. Human Remains

a. The Contractor shall adhere to the following requirements in the event that any human remains are encountered during construction of the Project. These steps include the protocols for the notification of appropriate parties and the proper treatment of human remains:

i) According to New York Archaeological Council policy, the discovery of human remains and items of cultural patrimony, as defined by Section 3001 of the Native American Graves Protection and Repatriation Act (NAGPRA), require special consideration and care. As such, in the event that human remains are discovered during construction, they must at all time be treated with dignity and respect. The procedures as set forth in Section IV(c)iv will be followed. In addition to notifying OPRHP, LPC and other appropriate parties, the MTA CC Engineer will immediately notify the New York City Police and the Medical Examiner's Office of the find and co-operate with the coroner's office to notify, as required, the appropriate city law enforcement agencies. If it is determined that interments are present and may be disturbed by continuing construction, then the archaeological consultant will consult with the next of kin or likely descendant community (if known), OPRHP, LPC, and other appropriate parties regarding additional measures to avoid or mitigate further damage. These measures may include:

ia) Formal archaeological evaluation of the site; preparation of a mitigation plan by the archaeological consultant, including procedures for avoidance or disinterment and reinterment, to be approved by OPRHP and in consultation with LPC, the Delaware Nation and others as appropriate; implementation of the mitigation plan; and approval to resume construction following completion of the fieldwork component of the mitigation plan.

ii) MTA CC will consult in advance of construction with Native American tribal groups to further develop procedures in case remains of Native American ancestry are found.

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Contract 4 Contractor Contact Information:

Not yet determined.

IV. AFFECTED RESOURCES

Affected cultural resources include potential archaeological resources and historic built properties in areas of potential effect (APEs) identified for the project. Potential archaeological resources were identified in the project's Phase 1A Archaeological Assessment (Berger 2004) and FSTC Final Environmental Impact Statement (October 2004). These are resources anticipated to be present in areas where subsurface construction would occur, and where the historical record has indicated that remains from occupants or infrastructure may be present.

Affected cultural resources also include historic built properties that could be affected through visual change or physical effects brought about by the construction and implementation of the FSTC project. These were identified in the FSTC project's FEIS and through ongoing consultation with SHPO and LPC. The APE for potential physical—or construction related—effects on historic standing structures has been defined as the area within 90 feet of FSTC construction activities. The APE for visual effects was designated as a larger area.

IV.A. POTENTIAL ARCHAEOLOGICAL RESOURCES

IV.A.1 TYPES OF RESOURCES

Research conducted by the Berger Cultural Group and Geismar in 2004 (included in the FSTC FEIS) indicates the potential for archaeological resources within the project area despite the extent of construction disturbance that historically occurred both before and after September 11, 2001. Research indicates that potential archaeological resources within the archaeological APE primarily include those related to urban infrastructure, such as: early 19th century log water- mains, wells, pumps, cisterns, vaults, drains, and hydrants; mid 19th century brick sewers; and the building foundations of 18th and 19th century structures. Please see Figure 1 for the locations of the potentially archaeologically sensitive areas. (Additional information on the potential archaeological resources may be found in Table 1 of the FSTC

Phase 1A Archaeological Assessment Appendix A [July 2004:12] which contains a list of street features and their probable locations, and Figure 7 [Ibid:14] for a list of potential historic street feature locations).

IV.A.2 POTENTIAL ARCHAEOLOGICAL RESOURCES IN APE FOR CONTRACT 2

The FSTC Phase 1A Archaeological Assessment indicated that construction to build the Dey Street Structural Box and other associated construction activities related to Contract 2 have the potential to affect potential archaeological resources beneath Dey Street, Church Street and Broadway. These include potential resources related to urban infrastructure, including early-19th century log water mains, wells, pumps, cisterns, vaults, drains, and hydrants, as well as mid-19th century brick sewers. Potential resources also include foundations of 18th and 19th century structures.

The (completed) excavation in Church Street and Dey Street of the sensitive areas was monitored by professional archaeologists. Archaeological monitoring is presently being undertaken in the archaeological sensitive areas on Broadway. The few archaeological resources encountered thus far have been treated and documented in the manner described in the ADP.

IV.A.3 POTENTIAL ARCHAEOLOGICAL RESOURCES IN APE FOR CONTRACT 3

There are no archaeological resources located in the APE for Contract 3, since this contract only involves the above ground demolition and abatement of the four buildings on the Transit Center site and probes in the Corbin Building. No subsurface work would be undertaken as part of Contract 3 in any of the identified archaeologically sensitive areas.

IV.A.4 POTENTIAL ARCHAEOLOGICAL RESOURCES IN APE FOR CONTRACT 4

The areas of proposed excavation for Contract 4 were compared to the locations of the archaeologically sensitive areas only. One location was identified where subsurface work would occur in an archaeologically sensitive area. Excavation will be conducted below the sidewalk on the corner of Fulton and William Streets in order to access the existing utilities. Gas and electric lines will be relocated along with the installation of shoring for the foundation of the building at 135 Fulton Street. This work could affect the following potential resources:

1. Log Water Mains

The Phase 1A Archaeological Assessment indicated the potential existence of early 19th century log water-mains within the project area. The PA stipulates that their discovery be documented, and that the Deputy Commissioner of Environmental Protection be contacted to remove and store the specimens.

2. Sewers

No mid 19th century brick sewers have been discovered thus far in the project area, but all future discoveries will be documented. The only proposed possible location of these brick sewers is the future excavation site at Fulton and William Streets.

3. Drains and Hydrants

Any discovered early 19th century drains and hydrants will be documented in place and then removed.

4. Building Foundations
The historic maps in the FSTC Phase IA Archaeological Assessment indicate that the southern sidewalk of the Fulton Street APE between Broadway and William Street covers the footprints of the fronts of historic buildings. Any identified building remains will be identified and documented. If a builder's trench is identified, it will also be documented and the soil will be screened for artifacts.

IV.B. HISTORIC BUILT PROPERTIES

IV.B.1. KNOWN BUILT PROPERTIES

Historic built properties in the APE for potential construction-related effects subject to this CRMP are described below (see Figure 2 for the locations of the historic built properties).

IV.B.1.1 Historic properties in the APE for Contract 2:

- Former East River Savings Bank, 26 Cortlandt Street, eligible for listing on the NRHP
- Corbin Building, 192 Broadway, listed on the NRHP
- IRT 4/5 Fulton Street Station, eligible for listing on the NRHP, NYCL
- Former AT&T Building, 195 Broadway, eligible for listing on the NRHP, NYCL (exterior and first floor interior)

IV.B.1.2 Historic properties in APE for Contract 3:

- Corbin Building, 192 Broadway, listed on the NRHP
- IRT 4/5 Fulton Street Station, eligible for listing on the NRHP, NYCL
- Former AT&T Building, 195 Broadway, eligible for listing on the NRHP, NYCL (exterior and first floor interior)
- St. Paul's Chapel and Graveyard, 162 Fulton Street, National Historic Landmark (NHL), NYCL
- Fulton-Nassau Historic District, listed on the NRHP (11 buildings within 90 feet of the worksite):

- 180 Broadway
- 138 Fulton Street
- 140 Fulton Street
- 142 Fulton Street
- 15 John Street
- 17 John Street
- 2 John Street
- 4-10 John Street (Non-contributing)
- 12 John Street
- 20 John Street
- 15 Maiden Lane

IV.B.1.3 Historic properties in APE for Contract 4:

- Corbin Building, 192 Broadway, listed on NRHP
- IRT 4/5 Fulton Street Station, eligible for listing on the NRHP, NYCL
- Former AT&T Building, 195 Broadway, eligible for listing on the NRHP, NYCL (exterior and first floor interior)
- St. Paul's Chapel and Graveyard, 162 Fulton Street, NHL, NYCL
- Fulton-Nassau Historic District (11 buildings within 90 feet of the worksite, see above)
- Former Royal Baking Powder Building, 135 William Street, eligible for listing on the NRHP
- Royal Insurance Building, 150 William Street, eligible for listing on the NRHP, NYCL-eligible

IV.B.1.4 Directly Affected Properties

Implementation of Contract 4 of the FSTC project will involve direct physical work and/or alterations to three historic built properties:

1. Corbin Building, 192 Broadway

The Corbin Building will become adaptively reused as MTA offices, with new connections and circulation elements built within the lower levels of the building connecting directly with the proposed Transit Center through the building's north wall. The building will be rehabilitated as per the Secretary of the Interior's Standards.

2. IRT 4/5 Fulton Street Station

The northbound 4/5 platform will connect to the new Transit Center, requiring the creation of eight new openings as well as other modifications. Circulation elements will be built on the southbound 4/5 platform, including stairs, an escalator, and an elevator, connecting the platform to the concourse level. In addition, an existing stair at the north end of the platform will require reconfiguration to accommodate pedestrian access to and from the reconfigured A/C mezzanine.

Contract 3 will also include probes in the Corbin Building to both identify hazardous materials such as asbestos and to ascertain structural conditions of the building.

The important historic and architectural features of the three historic properties directly affected by the project are listed below. These historic features include, but are not limited to the following:

1. Corbin Building

- a) All elements of facade at street level up to roof, on the south facade and west facade, including inside surfaces and window reveals, but excluding radiators, gas or electrical fixtures.
- b) All elements of facade above 6F level on the north facade for the western bay only, below the "tower" feature gridlines C1 to C2, including inside surfaces and window reveals, but excluding radiators, gas or electrical fixtures.
- c) All elements of masonry (Guastavino) inverted arches in the basements
- d) All elements of vaulted (Guastavino) floor systems at all levels including basements
- e) All staircase elements, decoration, handrails and stringers in the main lobby gridlines C7 to C8

- f) All wainscot and wall features, door furniture and floors in the main lobby gridlines C7 to C8
 - g) Interior partitions to Room 706, comprising the partitions, framing and doors only, excluding ceiling or floor elements.
 - h) Any elements of original floor tiling found underneath existing floor finishes to be selectively demolished, and designated by the Resident Engineer as historic resources
 - i) Decorative ceiling elements to the Banking Hall (soffit below 2F slab from gridlines C1 to C7.
 - j) Mezzanine rooms between gridline C7 and C9, comprising the original Corbin owner's offices.
2. IRT 4/5 Fulton Street Station

- a) 4/5 Platform: northbound platform walls including but not limited to marble base slabs, glass field tiles, terra cotta faience plaques/decorative tiles and station name plaques.
- b) 4/5 Platform: northbound platform historic cast iron columns
- c) 4/5 Platform: southbound platform walls and north staircase including but not limited to marble base slabs, glass field tiles, terra cotta faience plaques/decorative tiles.

IV.B.2. IDENTIFICATION OF ADDITIONAL BUILT PROPERTIES

Should additional historic built properties be identified in the APE in the course of the project or if the status of known historic built properties in the APE change (e.g. a property becomes designated as a NYCL), MTACC will consult with SHPO and LPC as appropriate to avoid and/or resolve adverse effects on such resources.

The CRM Team will, in consultation with SHPO and LPC, ensure that all historic built properties determined eligible for listing on the NRHP, listed on the NRHP, or designated or considered for designation as NYCLs in the FSTC project's APE are included in this CRMP.

V. AVOIDANCE/MITIGATION OF ADVERSE EFFECTS

V.A. ARCHAEOLOGICAL RESOURCES

The archaeological field effort will involve a combination of techniques consisting of archaeological monitoring and on-call services. As described above, the majority of archaeological features expected are infrastructure resources but also include possible building foundations.

V.A.1 AREAS IDENTIFIED FOR MONITORING

V.A.1.1. Contract 2

As described above, the mass excavation procedures to be used in Dey Street to build the Dey Street Structural Box were refined in September 2006. These refinements specifically relate to the procedures used after the installation of decking on Dey Street, which would allow a section of the street to remain open to vehicular traffic at the time that excavation proceeds beneath the decking. These revisions were undertaken in consultation with SHPO, the Federal Transit Administration (FTA), and LPC.

The proposed methods and archaeological protocol are described below.

The excavation plan for below the deck beams consists of first excavating a "shaft" to approximately twelve feet (12') below the street surface. This will ensure that the excavator will fit under the existing deck beams and utility lines. The size of the shaft will be approximately 12 x 12 feet, large enough so the

excavator can be lowered down into it. Removal of soil from within the shaft will occur in two and a half foot (2 ½ foot) lifts. Excavation below the deck beams and decking will proceed eastward along Dey Street toward Broadway. Once the track front-end loader is lowered into the shaft, the machine will begin excavating at the top of the approximate six-foot (6) high dirt face. The bucket will extend approximately two and a half feet (2½') into the face and then excavate in a downward motion, causing soil to shear off beginning from the top of the wall's face as the excavator is backed away from it. The soil that has fallen to the base of the wall will then be scooped up and moved to the base of the shaft for removal by crane. This method will continue along the width of the face as excavation proceeds eastward up Dey Street. Because of safety issues, monitoring of the shaft's excavation will need to be conducted from the surface. Once the shaft is completed and the excavator had cleared out enough of an area for maneuvering, the archaeological monitor will begin to observe the excavation from within the "tunnel" by standing at the side of the front-end loader. Until then, the archaeological monitor will have to observe the excavation from the surface at the shaft's opening.

Prior to excavation and entering the "tunnel", the archaeological monitor(s) will be provided with a safety orientation by Slattery's on-site protection officer to insure their protection and that all required OSHA regulations are followed, including air quality within the excavation area, as well as proper lighting. Finally, the archaeological monitor will conduct a pre-excavation meeting with Slattery's Site Superintendent and machine operator to insure that the agreed upon excavation plan is implemented, provide information on what archaeological resources may be encountered (i.e., early-19th-century log water mains, wells, pumps, cisterns, vaults, drains, and hydrants, mid-19th-century brick sewers and foundations of 18th and 19th-century structures, a possible pedestrian tunnel, etc.), how to recognize them, and to insure that excavation is suspended in the event that an archaeological resource is encountered so that the monitor(s) are provided the appropriate time to investigate and document the resource.

All other general monitoring procedures, on-call archaeological services, and protocols for unanticipated discoveries remain as outlined in the November CRMP, and are described in V.A.1.3 for Contract 4 below.

V.A.1.2. Contract 3

As described above, no archaeological investigations or monitoring is required for Contract 3, since this contract does not include excavation in any archaeologically sensitive areas.

V.A.1.3. Contract 4

The FSTC Phase 1A Archaeological Assessment indicates that sections of the project area have the potential for archaeological resources, though most of the APF within the project area has been previously disturbed by the original subway construction. While no archaeological monitoring of construction activities within those previously disturbed areas of the APF will be undertaken, a small area at the corner of Fulton and William Street will be monitored during the proposed utility and foundation shoring work that is scheduled. Both the Phase 1A report and its Appendix A "Research Conducted on Historic Infrastructure in the Archaeological APF" (July 2004) indicate potential archaeological resources may not be buried any deeper than 15 feet below the current street level. To be prudent and ensure the base of excavation of any expected archaeological features is monitored, archaeological monitoring will be extended to a depth of 20 feet below the current street level if the excavation is to extend to that depth. Should features be encountered, they will be documented according to the stipulations of the PA and the protocol identified below.

V.A.2 MONITORING PROCEDURES

Monitoring of the contractor excavations is defined as "the observation of construction excavation activities by an archaeologist in order to identify, recover, protect and/or document archaeological information or materials" (NYAC 2002:1). The archaeological monitor will notify the on-site MTACC Resident Engineer to temporarily halt the excavations should potentially significant archaeological finds be encountered.

Should work stoppages be necessary to document archaeological finds, every effort will be made to minimize the length of time required for this (see below) and to try and have it coincide with the contractor's natural stoppages. Work stoppages would occur for one of two reasons:

1. The most minor of these would be because the soil deposits are not clear from the ground surface and a closer look is required. This type of stoppage would be quite brief and involve the archaeologist entering the trench or work area and either shovel scraping or trowel scraping a section of the wall and/or base of the trench or work area to assess the deposit. This type of stoppage would generally take no more than 15 to 20 minutes, and often less. In general, at times when the archaeologist(s) needs to enter the excavation, the contractor will ensure safety and accessibility. Documentation will consist of taking photographs, measurements and drawing representative soil profiles if possible. The CRM Team archaeologist(s) will not enter the excavation unless the area is determined safe for entry by an OSHA certified competent person. Recording these deposits should not involve work stoppages, as it will be done when the contractor completes work in a particular area. However, the contractor should be aware of this so as to allow time at the end of a task, end of the day, or before they may need to backfill or cover an area so the CRM Team archaeologist(s) can complete their documentation.

2. The second type of work stoppage would be in the event of an obvious archaeological find. This stoppage would also require shovel and/or trowel scraping, as well as documenting and recording of the find. It may also include removal or partial removal of the find, possibly with the assistance of the machine operator. This type of stoppage would take a longer amount of time and would be dependent on the size, extent and complexity of the find. The Archaeological Discovery Plan (ADP) allows an initial assessment time minimum of 30 minutes. The resource(s) will be managed in accordance with the steps outlined below.

- The CRM Team will take 30 minutes to inspect the archaeological resource. During this period, the contractor may excavate in non-archaeologically sensitive areas, since the CRM Team will be devoted to inspecting the archaeological resource and will not be able to conduct monitoring in other archaeologically sensitive areas.
- At the completion of the CRM Team's 30-minute inspection, if the archaeological resource does not represent an archaeological feature, then the CRM Team will advise the NYCT Resident Engineer to direct the contractor to continue the excavation.

- If it is determined that the archaeological resource represents an archaeological feature and requires further evaluation to determine if it is eligible for listing on the NRHP (Phase II Site Evaluation), depending upon the type of archaeological resource (see below), then the archaeological resource will be evaluated with additional archaeologists as necessary. The contractor can continue with the excavations in a different part of the project area under the supervision of the on-site archaeologist(s) from the CRM Team. The additional archaeologists from the CRM Team will conduct a Phase II Site

Evaluation of the identified archaeological feature. The CRM Team will not monitor the contractor's excavations outside areas of archaeological sensitivity, but rather, the CRM Team will be on-call and available to inspect and evaluate any unanticipated archaeological discoveries that are reported to the NYCT Resident Engineer.

Any of these time estimates may need to be revised based on both field conditions and the nature of any archaeological finds. For example, recording archaeological deposits in heavy rain is almost impossible and may also present a safety hazard. In such case, either the work stoppage would be lengthier or the contractor may choose to erect a temporary covering to shield the excavation from the rain and provide sufficient lighting to continue with the archaeological work. Additionally, the contractor may have to take the time to make the excavation area safe for entry. Another example would be an archaeological find that extends beyond the area the contractor was planning to complete as part of a particular task. In such case, the archaeological work may have to be deferred in that location until the contractor is able to accommodate the archaeological investigation.

V.A.3 ON-CALL SERVICES

On-call archaeological services will be implemented for non-sensitive areas (e.g. areas where archaeological resources are not anticipated), including excavations at depths below 20 feet below street level. The Consultant Construction Manager (CCM) and the MTACC will be instructed to contact the NYCT Resident Engineer who in turn shall contact the designated contact for the CRM Team, should they encounter archaeological resources during excavations when a CRM Team archaeologist is not present. A CRM Team archaeologist will arrive on site to evaluate the find within four hours of being called, or following the contractor shift, provided both the CRM Team and the contractor are working multiple shifts. Archaeological evaluation will take place as mandated in the Archaeological Discovery Plan (ADP) as contained as Appendix A of the PA (and appended to this CRM Plan as Appendix C) and outlined above in the section on monitoring.

V.A.4 UNANTICIPATED DISCOVERIES

V.A.4.1 Procedures

In the event of an unanticipated discovery, the procedures of the Unanticipated Discovery Plan (UDP) contained as part of Appendix A "Archaeological Discovery Plan" of the Programmatic Agreement and which is appended to this CRM Plan as Appendix C, shall be followed. The UDP stipulates that any unanticipated findings require notification and consultation with SHPO, LPC and FTA. The response to any such findings will involve the same level of effort for archaeological monitoring as specified above in IV.A.1.

V.A.4.2 Discovery of Unanticipated Human Remains

Although research suggests that human remains will not be found within the archaeological APE, it is always possible that human remains could be uncovered unexpectedly. The CRM Team includes an osteologist (forensic archaeologist) in the event that human remains are found during monitoring and/or construction. When bones are badly deteriorated, weathered, or broken in critical places, it is expedient to have a team expert who can determine if a bone is human or not. If unanticipated human remains are found, the CRM Team will follow the protocol developed in the ADP (see Appendix C) for the unanticipated discovery of human remains.

V.A.5 ARTIFACT PROCESSING AND ANALYSIS

All individual artifacts recovered from the site (including baseline monitoring work, individual artifacts, and finds), will be temporarily stored in a secure storage area to be designated by MTACC. These artifacts will be periodically transported to the CRM Team's artifact processing laboratory, located at URS Corporation's Burlington, New Jersey office. There, the archaeological material recovered will be:

- Cleaned and stabilized to determine (if possible) each artifact's material composition, possible manufacturer, city or country of origin, date of manufacture, and cultural affiliation;
- Each artifact will be inventoried and analyzed using methodologies previously developed and applied by the CRM Team to numerous historic and/or prehistoric sites in the New York City metropolitan area; and
- Large finds will be stabilized and curated for future storage or possible display by URS material analysts, either by in-house technicians or outsourced to a conservator that specializes in archaeological artifacts.

V.A.6 FINAL ARCHAEOLOGICAL REPORT

Within 60 days after completion of contractor excavations for the project or within 60 days of completion of all excavations, which have the potential to contain archaeological resources, the CRM Team will prepare a plan for reporting, analysis and curation, subject to agency review. This plan will include a time frame for preparing the final site report. Upon completion of fieldwork, artifact and stratigraphic analysis and site interpretation, a final technical report on the project detailing the results of field work must comply with the Section 106 process as stated in 36 CFR 800.11—Documentation Standards. Archaeological work conducted with federal funding also must comply with the *Secretary of the Interior's Standards for Archaeological Documentation*, part of the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716). All reports produced under these guidelines are required to minimally include the following information:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;
4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
5. All field observations;
6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;
9. Reference to related ongoing or proposed treatment activities, such as structural documentation, stabilization, etc.; and
10. Information on the location of original data in the form of field notes, photographs, and other materials.

All of these elements will be included in the report for the archaeological field monitoring, which will then submitted to SHPO and LPC for their review and concurrence.

V.B. HISTORIC BUILT PROPERTIES

V.B.1. RESOLUTION OF ADVERSE CONTEXTUAL EFFECTS

MTACC will consult and meet with SHPO, LPC, and the Section 106 consulting parties as necessary to resolve contextual effects on historic built properties for existing issues and any new issues that may arise during project construction. Such properties include, but are not limited to, the Corbin Building, IRT 4/5 Fulton Street Station, the former AT & T Building, and Nassau-Fulton Historic District. MTACC will consult with their design preservation architect (ARUP/Page Cowley) and/or the CRM Team to develop solutions and/or recommendations.

V.B.2. PROTECTION OF HISTORIC BUILT PROPERTIES DURING CONSTRUCTION

V.B.2.1 Effect on Historic Built Properties

Construction activities required by Contracts 2, 3 and 4 have the potential to have direct and/or indirect impacts on historic built properties.

Direct impacts to historic built properties, materials, and elements include, but are not limited to:

- Removal of historic materials
- Transportation and storage of historic materials
- Probes into historic materials
- Stabilization, repair, restoration, cleaning of historic materials
- Protection of historic materials
- Testing of historic materials

Indirect impacts to historic built properties, materials, and elements include, but are not limited to:

- Dust from other construction activities
- Demolition of non-historic building components
- Excavation work
- Structural reinforcement of non-historic building components
- Probes
- Construction vehicular traffic
- Dewatering

V.B.2.2 Monitoring by the CRM team: General

Construction activities that have the potential to have direct and/or indirect impacts on historic built properties will be monitored by the CRM team. The purpose of the monitoring is to ensure that historic built properties are protected and, in the event that a historic built property or a portion thereof must be

impacted, that the work is in keeping with the March 2005 Construction Environmental Protection Program (CEPP, Appendix E) and the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (the *Standards*). As deemed necessary during the course of the work, the CRM team will make comment and provide direction in order to ensure that historic built properties are protected and that all work is in keeping with the *Standards*.

Methods for assessing effects of construction activities on historic built properties may include, but are not limited to:

- Observation of construction activities
- Review of proposed procedures
- Monitoring of specialized equipment installed by others to monitor vibration, settlement, and vertical and lateral movement
- Monitoring of specialized equipment installed by others to measure ambient and surface temperature and relative humidity

V.B.2.3 Monitoring by the CRM team: Preconstruction Inspections

Prior to beginning each major phase of work, representatives of the CRM Team will attend a walk through to be arranged by MTACC and to be attended by the Contractor, major subcontractors performing the work, the Resident Engineer, and representative(s) of other interested parties and agencies. Purposes of the preconstruction inspection include the following:

- Identify locations of historic resources and materials
- Review existing conditions of historic materials and elements
- Discuss proposed protection measures
- Discuss proposed methods of assessing effect of construction activities
- Discuss methods of work that may impact historic features

V.B.2.4 Monitoring by the CRM Team: Preconstruction Meetings

Prior to beginning each major phase of work, representatives of the CRM Team will attend a meeting to be arranged by MTACC and to be attended by the Contractor, major subcontractors performing the work, the Resident Engineer, and representative(s) of other interested parties and agencies. The meeting will be scheduled to permit sufficient time for review of proposed work and its potential impact on historic built properties, and to incorporate revisions to proposed work if deemed necessary to ensure the protection of historic features.

At each meeting, the procedures for the proposed work will be reviewed, including documentation of existing conditions, work procedures, cleaning materials and procedures, selective deconstruction and removals of materials, cleaning and protection of existing materials to remain, installation of new elements and materials and other coordination issues which may affect the historic built properties.

V.B.2.5 Monitoring by the CRM team: Review Monitoring Equipment and Locations

The CRM team will review all submittals related to monitoring equipment. Prior to the installation of monitoring equipment, the Contractor shall incorporate comments from the CRM team on proposed equipment and proposed quantities and locations of equipment.

Representatives of the CRM Team will make regular inspections of the monitoring equipment and will review monitoring data, which will be provided to the CRM team on a regular periodic basis and as requested by the CRM team.

V.B.2.6 Monitoring by the CRM team: On-site Monitoring

Representatives of the CRM team will be present to observe all work that has the potential to directly or indirectly impact identified historic built properties, materials, and elements. In addition to attending kick-off meetings, preconstruction walk-throughs, and construction phase meetings, the CRM team will attend and provide comment during testing programs and creation of mock-ups, and periodically during the course of the work.

When historic materials and elements must be temporarily protected prior to the start of work, a walk through will be arranged by MTACC to review the installed protection before the work begins. The walk through will be attended by the Contractor, major subcontractors performing the work, the Resident Engineer, representatives of the CRM Team, and representative(s) of other interested parties and agencies.

The CRM team will review and retain a copy of all submittals and shop drawings that relate to work that directly or indirectly impacts historic properties, materials, and elements. The CRM team will inspect and comment on the on-going work according to the contract documents, approved submittals and shop drawings, and the *Standards*. Comments on the ongoing work will be submitted to the Resident Engineer with a copy to the MTAEUC.

V.B.3. DAMAGE TO HISTORIC BUILT PROPERTIES

In the event that damage to a historic built property occurs, the work causing that damage shall cease and the damage will be inspected by the Resident Engineer and CRM Team.

Any damage to the historic built property would be restored as close to original condition as possible, to the satisfaction of the Resident Engineer and CRM Team. Any plans for repair or restoration of damage would be undertaken in consultation with the Resident Engineer, CRM Team, and SHPO prior to any such work being undertaken.

VI. DESIGN CHANGE RE-EVALUATIONS

As designs proceed and or change, the MTACC will evaluate the significance of any design changes that may affect historic built properties. Evaluations of any design changes will be undertaken by the CRM Team and contained in memoranda submitted to MTAEUC. Should adverse effects be identified, MTACC would consult with SHPO, LPC, and the Section 106 consulting parties as appropriate to resolve and/or minimize project effects.

VII. REPORTING AND PUBLIC OUTREACH

VII.A. PROGRESS REPORTS

During the course of the project, the CRM Team will prepare monthly ongoing reports for submission to the MTAEUC (or if necessary bi-weekly reports depending on the extent of the work being undertaken and its potential to affect cultural resources). The reports will contain a bulleted list summarizing a month worth of work not to exceed 2 pages and be accompanied by a site plan highlighting the locations of work and/or findings during that month. These reports will make up a written record of the procedures undertaken to investigate, protect, and/or mitigate adverse effects to cultural resources.

VII.B. SEMI-ANNUAL STATUS REPORTS

The PA requires that semi-annual status reports be prepared and submitted to SHPO updating the status of the implementation of the stipulations of the PA. MTAECU and the CRM Team prepare these reports based on the monthly progress reports and other pertinent project information so that the SHPO and other appropriate parties may be informed regarding the implementation of the PA stipulations.

**APPENDIX A:
ABBREVIATIONS**

ADP – Archaeological Discovery Plan
APE - Area of Potential Effect
CCM – Consultant Construction Manager
CEPP – Construction Environmental Protection Program
CRM – Cultural Resources Management Plan
CRMP – Cultural Resources Management Plan
FEIS – Final Environmental Impact Statement
FSTC – Fulton Street Transit Center
FTA – Federal Transit Administration
LMBPF – Lower Manhattan Emergency Preservation Fund
LPC – New York City Landmarks Preservation Commission
MAS – Municipal Art Society
ME – Medical Examiner
MTACC – MTA Capital Construction
MTAECU – MTA environmental Compliance Unit
NAGPRA – Native American Graves Protection and Repatriation Act
NHL – National Historic Landmark
NHPA – National Historic Preservation Act
NRHP - National Register of Historic Places
NYAC – New York Archaeological Council
NYCL – New York City Landmark
NYCT – New York City Transit
PA – Programmatic Agreement
SHPO – New York State Historic Preservation Office
UDP – Unanticipated Discovery Plan

LIST OF REFERENCE DOCUMENTS

APPENDIX B

- Construction Environmental Protection Program, PB/Bovis, March 2005 (see Appendix D).*
- Fulton Street Transit Center Final Environmental Impact Statement and Section 4(f) Evaluation, the Louis Berger Group, October 2004.*
- Proposed Fulton Street Transit Center Phase 1A Archaeological Assessment, The Louis Berger Group, July 2004.*
- Programmatic Agreement Among the FTA, MTANYCT, MTACC, SHPO, and ACHP Regarding the Fulton Street Transit Center Project in New York City, New York, September 2004 (see Appendix C).*
- Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716).*
- Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.*

SEPTEMBER 2004 PROGRAMMATIC AGREEMENT

APPENDIX C

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL TRANSIT ADMINISTRATION

THE METROPOLITAN TRANSPORTATION AUTHORITY

NEW YORK CITY TRANSIT

MTA CAPITAL CONSTRUCTION COMPANY

THE NEW YORK STATE HISTORIC PRESERVATION OFFICE

AND

ADVISORY COUNCIL ON HISTORIC PRESERVATION

REGARDING THE

FULTON STREET TRANSIT CENTER PROJECT

IN NEW YORK CITY, NEW YORK

WHEREAS, the New York City Transit Authority, (NYCT) an affiliated agency of the Metropolitan Transportation Authority of the State of New York ("MTA"), and MTA Capital Construction Company ("CCC"), a subsidiary of MTA, are proposing to construct a new Fulton Street Transit Center (the "Project") at Fulton Street and Broadway in Manhattan, that will improve transit services and include new connections between existing subway stations, a new pedestrian concourse under Dey Street, and more surface access points; and

WHEREAS, NYCT and CCC are proposing to use funding assistance from the Federal Transit Administration ("FTA") to implement the Project, assistance that would render the Project a Federal undertaking subject to Section 106 of the National Historic Preservation Act ("Section 106"), 16 USC § 470(f); and

WHEREAS, CCC, on behalf of NYCT, will be responsible for all construction activities related to the Project and NYCT will be responsible for Project operation and maintenance; and

WHEREAS, FTA as lead agency, in cooperation with MTA and NYCT, has prepared an Environmental Impact Statement ("EIS") in accordance with the National Environmental Policy Act ("NEPA") to evaluate the Project's potential environmental impacts and consider various project alternatives; and

WHEREAS, FTA and NYCT have consulted with the New York State Historic Preservation Office (SHPO) about the Project in accordance with the Section 106 regulations (codified at 36 CFR Part 800); and

WHEREAS, FTA and NYCT have consulted with the Advisory Council on Historic Preservation ("ACHP") about the Project in accordance with the Section 106 regulations (codified at 36 CFR Part 800); and

WHEREAS, FTA, NYCT, the SHPO, and the ACHP have agreed to develop this Programmatic Agreement ("Agreement") in accordance to 36 CFR §800.14(b)(1)(ii), to evaluate effects to historic properties caused by the construction of the Project that cannot be fully assessed at this time and to develop a process for SHPO review; and

WHEREAS, on July 13, 2004, the FTA invited the National Park Service (NPS) to review the design plans that assess the effects of the project to St. Paul's Chapel, a National Historic

- E. The former East River Savings Bank, 26 Corlandt Street at Church Street, National Register-eligible;
- D. Bennett Building, 139 Fulton Street, National Register-eligible as part of the John Street/Maiden Lane Historic District and New York City Landmark;
- C. The Former AT&T Building, 195 Broadway, National Register-eligible;
- B. Fulton Street IRT Station, Fulton Street at Broadway, National Register-eligible;
- A. Corbin Building, 192 Broadway, listed on the National Register of Historic Places;

WHEREAS, FTA, in consultation with SHPO, has determined that the Project will have adverse effects on the following Historic Properties within the APE:

- A. The World Trade Center Site, bounded by West, Liberty, Church, and Vesey Streets. National Register eligible; and

WHEREAS, FTA, in consultation with SHPO, has determined that there will be no adverse effect to the following historic resource within the APE:

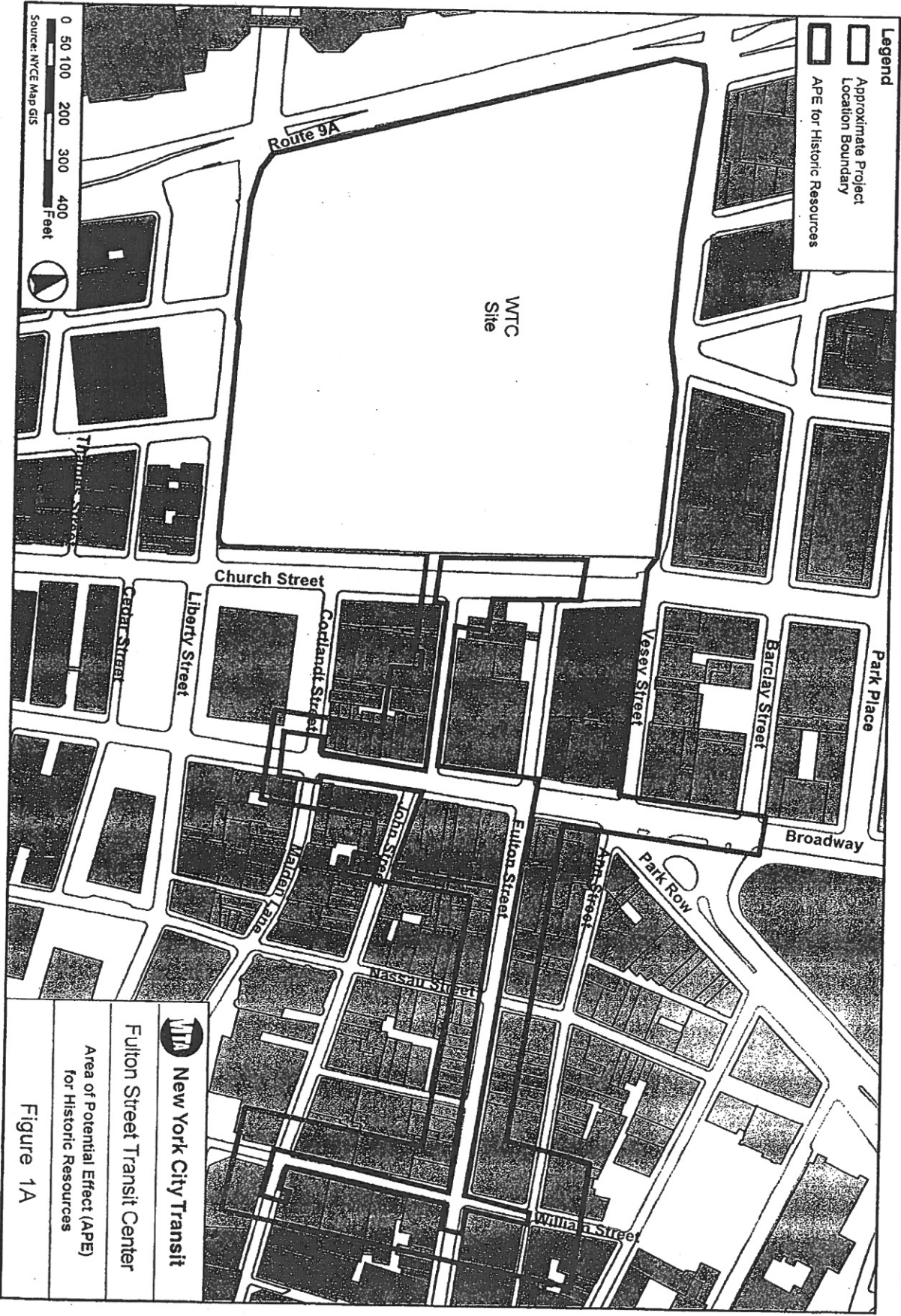
WHEREAS, FTA and NYCT, in consultation with SHPO, have determined the APE of the Project (pursuant to 36 CFR 800.4(a))(see Figure 1A and 1B), have identified and evaluated the properties listed or eligible for listing on the National Register of Historic Places ("Historic Properties") within that APE (pursuant to 36 CFR 800.4(b)-(d)), and have assessed the adverse effects of the Project on the identified Historic Properties in accordance with 36 CFR 800.5; and


WHEREAS, on May 5, 2004 and May 6, 2004 by copy of the draft EIS, the following Native American Tribes were notified through the NEPA process of the Section 106 review in accordance with 36 CFR §800.2(C) and were invited to comment: the Shinnecock Nation; the Cayuga Nation; the Tuscarora Nation; the Saint Regis Band of Mohawk Indians; the Delaware Nation; the Poospatuck Nation; the Onondaga Indian Nation; the Oneida Indian Nation; the Tonawanda Band of Seneca; and the Stockbridge-Munsee Band of Mohicans. To date, FTA and NYCT have not received comment. If human remains are recovered as a result of Project related activities, the above tribes will be notified as per the protocol described in Appendix A.; and

WHEREAS, the Lower Manhattan Emergency Preservation Fund, (LMEPF), representing a coalition of five preservation groups - Municipal Art Society, National Trust for Historic Preservation, New York Landmarks Conservancy, Preservation League of New York State, and the World Monuments Fund, has requested and will be a consulting party in the Section 106 review process in accordance with 36 CFR §800.2(c)(5). LMEPF has declined to be a concurring signatory to the Agreement; and

WHEREAS, the New York Landmarks Preservation Commission (LPC), representing the City of New York, has participated as a consulting party in the Section 106 review process in accordance with 36 CFR §800.2(c)(3), and has agreed to review documentation regarding effects to historic and archaeological resources, but, has declined to be a concurring signatory to the Agreement; and

Landmark, within the Area of Potential Effect (APE). To date, NPS has not responded to the invitation; and




New York City Transit
 Fulton Street Transit Center
 Area of Potential Effect (APE)
 for Historic Resources
Figure 1A

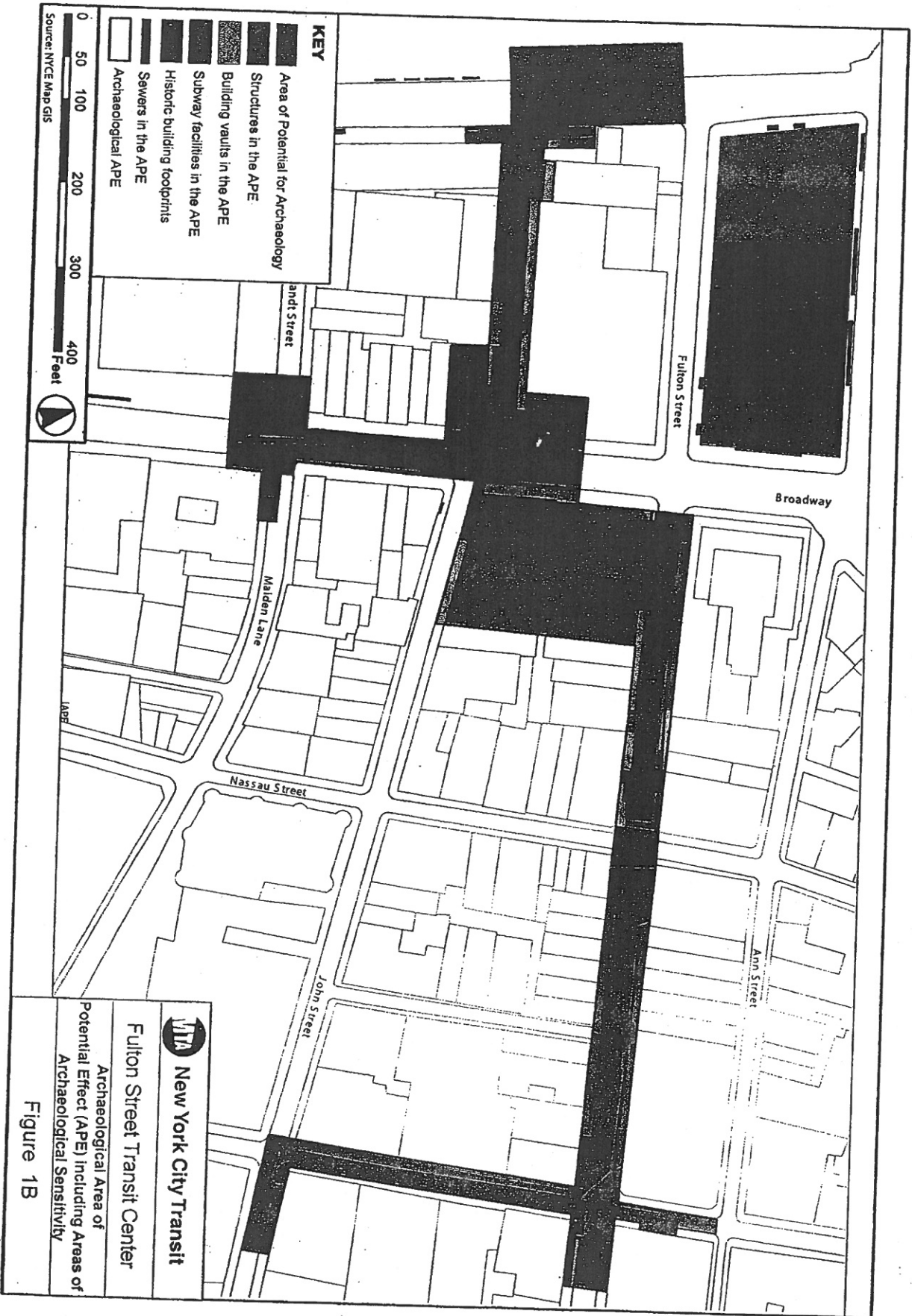



Figure 1B


New York City Transit
 Fulton Street Transit Center
 Archaeological Area of
 Potential Effect (APE) Including Areas of
 Archaeological Sensitivity

Source: NYCE Map GIS

- F. John Street/Maiden Lane Historic District, roughly bounded by John and Fulton Streets to the north, Liberty Street to the south, Broadway to the west and Dutch and Nassau Streets to the east, National Register-eligible; and
 - G. St. Paul's Chapel and Graveyard, 162 Fulton Street, National Historic Landmark and New York City Landmark; and
 - H. The Keuffel Esser Building, 127 Fulton Street, eligible for NYC Landmark designation; and
 - I. Royal Insurance Building, 150 William Street, eligible for NYC Landmark designation; and
- WHEREAS, FTA in consultation with SHPO have determined that the Project has the potential to have adverse effects to archaeological resources within areas identified in the final EIS as having archaeological potential (Figure 1B); and
- WHEREAS, based upon the achievement of project purpose and need, as well as public support for the project, Alternative 10, which incorporates the Corbin Building in the design, was selected as the "Preferred Alternative". However, the interior and subsurface conditions of the Corbin Building remain unknown. Therefore, until these factors are resolved through final engineering investigations, Alternative 9 and Alternative 10 remain under consideration and the project impacts of each alternative are discussed separately below; and
- WHEREAS, this Agreement was developed with appropriate public involvement (pursuant to 36 CFR 800.2(d) and 800.6(a)) coordinated with the scoping, public review and comment, and public hearings conducted to comply with NEPA and its implementing regulations; and
- WHEREAS, a Technical Advisory Committee (TAC), consisting of several federal, state and local governmental agencies, began meeting on April 14, 2003, and was established to keep agencies informed about the Project and to solicit input from those agencies as the environmental review and design of the Project progresses; and
- WHEREAS, NYCT engaged in a community outreach and public participation program, which included the TAC and Community Board 1 and held five (5) meetings to solicit input on the Project and give the public the opportunity to review the Project plans as they progressed, including consideration of historic resources; and
- WHEREAS, NYCT sought guidance and comment on the Project design with stakeholder organizations such as the New York Chapter of the American Institute of Architects, American Planning Association, Alliance for Downtown New York and the Real Estate Board of New York; and
- WHEREAS, the public was provided the opportunity to comment on the Project and the following Project documents, and the public will hereafter be provided with further opportunities to comment on the project pursuant to Section IX of this Agreement:
1. Scoping document for the preparation of an EIS for the Project pursuant to NEPA and its implementing regulations;
 2. Draft EIS for the Project, dated May 2004, prepared pursuant to NEPA; and

1. NYCT's design team will include a qualified Cultural Resources Management Team (hereinafter cited as CRM) for the Project, which shall be comprised of a team of personnel, including a historic preservation architect and archaeologist meeting The Secretary of the Interior's Professional Qualifications Standards (36 CFR 61 Appendix A) (hereinafter cited as "Qualifications") with appropriate experience and background in Historic Properties (including both Built Properties and Archeological Resources).

A. QUALIFICATIONS

I. CULTURAL RESOURCES MANAGEMENT TEAM

FTA, as the Federal lead agency, remains responsible for the implementation of the terms of this Agreement and will require, as a condition of any approval of Federal funding for the Project, adherence to the stipulations set forth herein. NYCT, the project sponsor, will have the lead in the implementation of each stipulation unless otherwise noted in the stipulation.

STIPULATIONS

NOW, THEREFORE, FTA, SHPO, ACHP and NYCT agree that the implementation of the undertaking covered by this Agreement shall take into account effects on historic properties and shall be administered in accordance with the following stipulations to avoid, mitigate and minimize adverse effects to satisfy FTA and NYCT's Section 106 responsibilities.

WHEREAS, where construction activities of overlapping projects have the potential to affect historic resources, LMCCG will implement coordination measures, which will include meetings and during construction.

WHEREAS, the Lower Manhattan Construction Coordination Group, (LMCCG), consisting of the Port Authority of New York and New Jersey, New York State Department of Transportation, the MTA, and the Lower Manhattan Development Corporation, has met and will continue to meet to ensure that the Lower Manhattan Recovery Projects minimize project impacts, coordinate the work of the participants, institute and implement construction coordination protocols and requirements, and mediate conflicts in schedules, including street and site access among the construction projects; and

WHEREAS, where construction activities of overlapping projects have the potential to affect historic resources, LMCCG will implement coordination measures, which will include meetings and during construction.

WHEREAS, NYCT will ensure that the Project will be planned, developed, constructed, implemented and executed in a manner consistent with the recommended approaches contained in *The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties* (U.S. Department of the Interior, 1992) where feasible. NYCT will ensure that all final archaeological reports are consistent with the *New York Archaeological Council's Standards (NYAC)* for *Cultural Resource Investigations and the Curation of Archaeological Collections in New York State* and to the Department of the Interior's *Formal Standards for Final Reports of Data Recovery Program* (hereinafter collectively referred to as "Standards"); and

WHEREAS, in addition to the above, the Project was the subject of public meetings and hearings on the draft scoping document, and the draft EIS prepared pursuant to NEPA; and

3. Final EIS for the Project prepared pursuant to NEPA; and

2. CRM members must meet qualifications pertaining to Built Properties or Archaeological Resources depending on their assignment (e.g., a CRM member advising or consulting on archaeology must meet the qualifications pertaining to archaeological resources).
- B. DUTIES
1. Prior to construction, NYCT will retain a CRM throughout the period of design and active construction that might impact historical or archeological resources or as otherwise agreed to by the NYCT and the SHPO.
2. The CRM will establish a single point of contact for Built Properties and Archaeological Resources.
3. The CRM will be required to assist in the resolution of disputes that may be brought by the public during the review of preliminary plans.
4. The CRM will be required to assist NYCT and the FTA in the preparation of status reports related to historic preservation issues.
5. The CRM will be on-site at all times when there is a potential for Historic Properties (including both Built Properties and Archeological Resources) to be affected by the construction and will undertake responsibility to monitor all construction activities that may affect historic resources.
6. For archaeological resources, the CRM will be on-site for all excavation activities throughout the areas of archaeological sensitivity, as identified within the Fulton Street Transit Center Phase IA Archaeological Assessment.
7. The CRM will obtain, review, and hold on site, the Fulton Street Transit Center Phase IA Archaeological Assessment and any documents for historic built properties that may be affected by the Project. The CRM will also have on file at the project site detailed maps that indicate areas of potential archaeological sensitivity.
8. The CRM will brief the on-site contractor of the stipulations outlined in this Agreement and any documents that pertain to the protection of historic resources. A requirement to cooperate with the CRM and inspector will be included in all design and construction contracts related to the Project.
9. The Contractor for the Project shall follow the protocol outlined in this Agreement to ensure that the necessary engineering and scientific methods, practices, procedures and resources essential to be employed throughout the design and construction will conform with the applicable requirements of the National Historic Preservation Act, New York State Historic Preservation Office and New York City Landmarks Preservation Commission.

- II. CONSTRUCTION ENVIRONMENTAL PROTECTION PLAN**
- A. Prior to construction, NYCT will develop and implement a Construction Environmental Protection Plan ("CEPP") to avoid construction impacts on potentially vulnerable historic buildings within 90 feet of the construction activities.
 - B. The CEPP will provide provisions that the CRM will follow to evaluate potential adverse effects on historic properties.
 - C. The CEPP will require special provisions for the Corbin Building and Dennison Building, a contributing property within the John Street/Maiden Lane Historic District, because the buildings directly abut the area on which deconstruction and construction would occur and are physically attached to buildings that would be removed.
 - D. The CEPP would include protective measures such as monitoring of historic buildings during construction to detect vibration or other physical impact.
 - E. SHPO, LPC and LMEPP and building owners will be provided the preliminary CEPP for their review prior to any construction or deconstruction activities.
 - F. The public will be provided an opportunity to review the preliminary CEPP on the Project website.
 - G. SHPO, LPC and LMEPP will respond within 10 calendar days after receipt of the CEPP. Should SHPO fail to respond within the 10 calendar day period, the CEPP will be deemed approved.
 - H. Once the document is approved, the document will be made available to the public on the Project website.
- III. RECORDATION**
- A. Prior to construction or any deconstruction activities, the Corbin Building, and the entire Fulton Street IRT Station will be recorded in accordance with HABS/HAFR Level II guidelines prior to any alteration of the building or station and prior to the demolition of adjacent buildings.
 - B. SHPO shall approve the recorded documentation within 10 calendar days.
 - C. If NYCT receives no response within the 10 calendar day period, the documentation will be deemed approved.
 - D. Upon approval by the SHPO, NYCT will deposit the documentation of the building in the following repositories: (a) New York Historical Society; (b) New York City Public Library; and (c) two copies to SHPO for archival storage in the Field Service Bureau and the New York State Archives.
 - E. The SHPO and the repositories must accept the building documentation within 10 calendar days before any alteration of the building is made.

Based on currently available engineering information, both Alternative 9 and Alternative 10, the Preferred Alternative, would be feasible, although Alternative 10 will require more extensive structural support. Two key issues require further evaluation prior to assessing the feasibility of Alternative 10: structural integrity and subsurface conditions. Final engineering investigations will be conducted prior to construction to determine the structural integrity and subsurface conditions of the building. If unanticipated engineering conditions are discovered, NYCCT will assess the feasibility of constructing Alternative 10. Should the construction of Alternative 10 prove infeasible, Alternative 9 will be advanced.

A. CORBIN BUILDING

V. RESOLUTION OF EFFECTS ON HISTORIC PROPERTIES: BUILT PROPERTIES

- F. After an investigation, if NYCCT determines that damage to the property was caused by NYCCT construction activities, NYCCT, after consultation with the SHPO, will repair damage to historic structures that is reasonably attributable to Project activities.
- E. In the event of damage to a historic structure, claims will be directed to the CRM. NYCCT will respond to the claim within 45 calendar days from the receipt of the complaint.
- D. Property Owners will be advised of their rights to make claims by written notice or on the Project website.
- C. Property owners will have a period of 12 months following the completion of construction to file a claim with NYCCT for property damage as it affects the structure's historic integrity allegedly caused by the Project.
- B. A visual survey will be conducted prior to construction to establish baseline conditions.
- A. NYCCT will conduct an assessment of historic buildings to determine the potential for excessive ground movement, which may require vibration monitoring.

IV. REPAIRS

- H. NYCCT will maintain the record and will forward two copies to SHPO.
- G. Because the nature of the construction impacts are anticipated to be less extensive, NYCCT will record the exterior, and if the permission of the building owner, and tenant, if necessary, the interior condition of the former AT&T Building, the Bennett Building, St. Paul's Chapel and Graveyard, the former East River Savings Bank, the Keuffel Esser and Royal Insurance Buildings, by taking a color photo record.
- F. If NYCCT receives no response within the 10 calendar day period, the documentation will be deemed accepted.

If this alternative were advanced, NYCT will undertake demolition and construction activities adjacent to the north wall of the Corbin Building. In order to avoid, minimize or mitigate extensive damage to the building:

1. Prior to deconstruction and construction activities, NYCT will construct a subsurface retaining or secant pile wall to protect the Corbin Building's foundations.
2. In the event of any unanticipated ground movements during excavation, prior to construction, NYCT will perform an investigation to determine whether additional protective measures requiring building stabilization will be necessary to protect the building.

3. Any alterations of the building will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO.

4. In the event that NYCT undertakes to underpin or compensation grout the foundations of the Corbin Building, NYCT will consult with SHPO prior to any work performed for SHPO's approval.

5. Design plans for any alteration or rehabilitation to the building will be developed in consultation with the SHPO, LPC and LMBPF and, if applicable, the building owner, and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.

6. Relevant and appropriate design plans and specifications will be made available to the public at the preliminary (35%) and pre-final (75%) completion stages for review via the Project website.

7. If SHPO, LPC or LMBPF make substantive comments during the pre-final design review, SHPO may request the opportunity to approve the final design.

8. SHPO will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.

9. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.

Preferred Alternative - Alternative 10

This alternative would structurally link the proposed Fulton Street Transit Center's main entry facility with the Corbin Building, and will adversely affect the interior and exterior of the ground floor, upper levels and subsurface levels of the building. If this alternative were to be advanced, NYCT would take the following actions:

1. A historic section of the building foundation or structural members will be displayed in place for public viewing. An interpretive display at that location will include information about the role of the building in the development of New York City skyscrapers and the

1. The alterations of the building will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO.
 2. Design plans for each of the alterations to the building and rehabilitations of the building will be developed in consultation with the SHPO, LPC and LMBPF and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
 3. Design plans for each of the alterations to the building and rehabilitations of the building will be developed in consultation with the SHPO, LPC and LMBPF and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
 4. Relevant and appropriate design plans and specifications will be made available to the public at the preliminary (35%) and pre-final (75%) completions stages for review via the Project website.
 5. If SHPO, LPC or LMBPF make substantive comments during the pre-final design review, SHPO may request the opportunity to approve the final design.
 6. SHPO will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
 7. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
- characteristics of the foundation or structure that were unique at the time of the buildings' construction and made skyscrapers possible. Design plans for this display will be presented to SHPO, LPC and LMBPF for comment and SHPO approval prior to any construction. SHPO, LPC and LMBPF will respond within 21 calendar days or earlier of presentation. If SHPO fails to respond within the 21 calendar day period, the design plans will be deemed approved.
2. The alterations of the building will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO.
 3. Design plans for each of the alterations to the building and rehabilitations of the building will be developed in consultation with the SHPO, LPC and LMBPF and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
 4. Relevant and appropriate design plans and specifications will be made available to the public at the preliminary (35%) and pre-final (75%) completions stages for review via the Project website.
 5. If SHPO, LPC or LMBPF make substantive comments during the pre-final design review, SHPO may request the opportunity to approve the final design.
 6. SHPO will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
 7. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
- ### B. FULTON STREET IRT STATION
- NYCT will relocate the wall behind the control booth at the Dey Street entrance and the subway entrance at the south side of Dey Street to an access plaza at the site formerly called 189 Broadway. The Project also will require new openings in the existing northbound platform wall at the north and south ends of the platform, within the existing southbound platform wall between the Fulton and Dey Street entrances, and at the south end of the southbound platform.
- To take adverse effects into account, NYCT will take the following actions:
1. The alterations of the station will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO. In particular, the historic wall and tile work will be preserved in place to the maximum extent feasible and consistent with the Project plan.
 2. Design plans for the alterations to the station will be developed in consultation with the SHPO, LPC, LMBPF and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.

2. Design plans for each of the alterations to the building and rehabilitations of the building will be developed in consultation with SHPO and submitted to the SHPO, LPC, LMEPF, LMRPF
1. The alterations of the building will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3), where practicable as agreed per consultation with SHPO.

To take these effects into account, NYCT will take the following actions:

The project will require the construction of a new set of escalators and stairs within the sub-grade levels of this building, which will link the Entry Facility with the southbound 4 and 5 Fulton Street Station platform. The project will require space within and access to portions of three basement levels in the former AT&T Building, a property eligible for listing on the National Register.

C. THE FORMER AT&T BUILDING

12. NYCT will implement the approved plan in accordance with the Project's schedule.
11. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
10. SHPO, LPC and LMEPF will respond within 21 calendar days or earlier of the presentation of a plan to display the tiles.
9. To the extent not practicable for re-use, tile wall sections will be made available to the New York City Transit Museum or salvaged to interested parties.
8. NYCT will store the tile wall sections until they can be so used. Plans for the re-use of the wall sections, to whatever extent reasonably practicable, including a schedule, will be presented to SHPO, LPC and LMEPF for comment and SHPO approval.
7. The sections of historic tile work that must be removed in such a way that the tiles are not destroyed except at the edges of the removed wall section. The wall sections containing the tiles can be displayed in or incorporated into other new sections of the Project or into new subway stations (e.g., those on Second Avenue or at South Ferry) or other location approved by SHPO.
6. If SHPO fails to respond within the 21 calendar day period, the design plans shall be deemed approved.
5. SHPO, LPC and LMEPF will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
4. SHPO may request the opportunity to approve the final design.
3. Relevant and appropriate design plans and specifications will be made available at the preliminary (35%) and pre-final (75%) completion stages for public review via the Project website.

4. If SHPO, LPC or LMEPF make substantive comments during the pre-final design review,

1. Any alterations of the buildings will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO.
2. In the event that NYCT undertakes to underpin or compensation grout the foundations of the Bennett Building, St. Paul's Chapel or Keuffel Esser Building, NYCT will consult with SHPO, LPC, LMEPF and the building owner prior to work performance.
3. Design plans for any alteration or rehabilitation to the building(s) will be developed in consultation with the SHPO, LPC, LMEPF, and the building owner and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
4. In the event that a structural alteration or rehabilitation is required for St. Paul's Chapel, the NPS will be provided design plans at the preliminary (35%) and pre-final (75%) completion stages for comment and approval.
5. Relevant and appropriate design plans and specifications will be made available at the preliminary (35%) and pre-final (75%) completion stages for public review via the Project website.
6. If SHPO, LPC, LMEPF, the building owner or NPS, in regard to St. Paul's Chapel, make substantive comments during the pre-final design review, SHPO may request the opportunity to approve the final design.

To take these effects in account, NYCT will take the following actions:

D. BENNETT BUILDING, ST. PAUL'S CHAPEL and KEUFFEL ESSER BUILDING

Demolition and construction activities for the A/C mezzanine widening will occur adjacent to these buildings. A subsurface retaining or secant pile wall may be constructed to protect the building's foundations. Additional protective measures requiring building stabilization may be necessary to protect the building in the event of any unplanned ground movement during excavation.

3. Relevant and appropriate design plans and specifications will be made available at the preliminary (35%) and pre-final (75%) completion stages for public review via the Project website.
 4. If SHPO, LPC, LMEPF or the building owner make substantive comments during the pre-final design review, SHPO may request the opportunity to approve final design.
 5. SHPO, LPC, LMEPF and the building owner will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
 6. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
- and the building owner at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.

1. NYCT will record the exterior and, if the permission of the building owner, and, if necessary, the tenant is received, the interior condition of the building, by taking a color

To take these adverse effects into account, NYCT will take the following actions:

The project will require extensive belowground excavation and construction, including, but not limited to, excavations for the new Dey Street Passageway and the widening of the A/C mezzanine. The project will also require demolition, excavation and foundation work for the Entry Facility building and the new Dey Street Access Plaza. Construction and demolition activities resulting in ground vibration or changes to existing subsurface characteristics could adversely affect historic properties adjacent to the project.

F. FORMER EAST RIVER SAVINGS BANK, JOHN STREET/MAIDEN LANE HISTORIC DISTRICT (Construction Effects)

6. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
5. SHPO, LPC, LMEPF and the building owner will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
4. If SHPO, LPC, LMEPF or the building owner make substantive comments during the pre-final design review, SHPO may request the opportunity to approve the final design.
3. Relevant and appropriate design plans and specifications will be made available at the preliminary (35%) and pre-final (75%) completion stages for public review via the Project website.
2. Design plans for each of the alterations to the building and rehabilitations of the building will be developed in consultation with the SHPO, LPC, LMEPF and the building owner and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
1. The alterations of the building will adhere to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO.

To take these effects into account, NYCT will take the following actions:

The Project will require a new street entrance, which will require a new switch back stair from the north mezzanine of the 2/3 Station to William Street. It is anticipated that some of the historical features on the building will be affected.

E. ROYAL INSURANCE BUILDING

8. Should SHPO or NPS, in regard to St. Paul's Chapel, fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
7. SHPO, NPS, LPC, LMEPF and the building owner will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.

The final EIS, prepared under NEPA, identified areas that may possess archaeological potential within the Project's archaeological Area of Potential Effect ("APE"), annexed hereto as Figure 1B, "Archaeological Area of Potential Effect including Areas of Archaeological Sensitivity". The following measures will be implemented for all areas that NYCT, the CRM or FTA, in consultation with SHPO, identify as possessing archaeological potential and where construction activities will occur.

VI. RESOLUTION OF EFFECTS ON HISTORIC PROPERTIES: ARCHAEOLOGICAL RESOURCES

6. Should SHPO fail to comment within 21 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved.
5. SHPO, LPC, LMEPF will respond within 21 calendar days or earlier of the presentation of the design plans at each stage of completion.
4. If SHPO, LPC, LMEPF make substantive comments during the pre-final design review, SHPO may request the opportunity to approve final design.
3. Relevant and appropriate design plans and specifications will be made available at the preliminary (35%) and pre-final (75%) completion stages for public review via the Project website.
2. Design plans for the Entry Facility will be developed in consultation with the SHPO, LPC, and LMEPF and submitted at the preliminary (35%) and pre-final (75%) completion stages for comment and SHPO approval.
1. The Entry Facility will be developed in accordance with the Standards of the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (codified in 36 CFR 68.3(b)), where practicable as agreed per consultation with SHPO, so as to avoid the introduction of visual elements that would be incompatible with the significant features of the historic structures within APE.

To avoid adverse affects, NYCT will take the following actions:

- G. JOHN STREET/MAIDEN LANE HISTORIC DISTRICT, CORBIN BUILDING, AT&T BUILDING, BENNETT BUILDING, ST. PAUL'S CHAPEL (Visual Effects)
- The Project will require the construction of the Fulton Street Transit Center entry building on Broadway and Fulton Street. This structure will introduce new architectural elements into the existing setting of the proposed John Street - Maiden Lane Historic District, Corbin Building, AT&T Building, Bennett Building, and St. Paul's Chapel. The Design approach for the new Entry Facility is, and would continue to be, receptive to and committed to achieving a design that respects the historic properties around it.

NYCT or its consultant will maintain this record and will forward two copies to SHPO within 10 calendar days of recordation. Any damage due to NYCT's construction activities will be repaired as per the provisions stated in Stipulation IV.

A. AREAS OF ARCHAEOLOGICAL SENSITIVITY

1. Monitoring

- a) Archaeological monitoring of excavations within the areas of archaeological sensitivity will be followed for the Project.
- b) Monitoring will be conducted by the CRM to ensure that all archaeological resources encountered are protected from impacts until they have been properly assessed and addressed including mitigation measures or avoidance as appropriate.
- c) The CRM and a NYCT engineer will be present to monitor the excavation during all ground intrusive activities within the areas of archaeological sensitivity.
- d) To ensure real-time communication among the contractor, NYCT Engineer and CRM, a NYCT Engineer will be assigned to inspect the same location concurrently with the CRM.
- e) All monitoring conducted by the CRM and all hand excavation of archaeological deposits by the CRM will follow the standards established by LPC, the New York Archaeological Council (NYAC) and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716).

2. Documentation Protocol

- If archaeological resources are exposed during monitoring, the following protocol, detailing how such resources will be documented during construction, will be followed:
- a) The CRM will communicate to the NYCT Engineer that excavations must cease, without compromising worker safety.
 - b) The CRM will then inspect the archaeological resource by entering the excavation area, clearing away any loose soil (with hand tools) to fully expose the archaeological resource, clearing the profile closest to the archaeological resource and collecting any archaeological material in association with the archaeological resource.
 - c) The archaeological resource may also be drawn or photographed.
 - d) Inspection of the archaeological resource will require a minimum of 30 minutes.
 - e) If, at the end of the inspection of the archaeological resource, the CRM determines that additional time is required to evaluate the archaeological resource, the steps outlined in Appendix A – Archaeological Discovery Plan will be followed.

3. Disposition of Archaeological Material
- a) Once the archaeological resource has been drawn and/or photographed, it may be removed from the excavation area.
 - b) If the archaeological resource is large (e.g., a large historic infrastructure line) and requires the use of heavy machinery to lift it out of the excavation area, the CRM will request (through the NYCT Engineer) the assistance of the contractor to remove the object.
 - c) The contractor will not excavate the archaeological resource except for providing assistance in lifting heavy items from the excavation area.
 - d) If remnants of log water mains from the Manhattan Company are exposed, the CRM will contact Deputy Commissioner, New York City Department of Environmental Protection, Bureau of Water and Sewers Operations to remove and store the log water mains specimen.
- B. WORK OUTSIDE THE AREAS OF ARCHAEOLOGICAL SENSITIVITY**
1. When work is conducted in areas outside the areas of archaeological sensitivity, archaeological monitoring will not be followed.
 2. The CRM will not monitor work outside the areas of archaeological sensitivity, but rather, the CRM will be on-call and available to inspect any archaeological resources identified in areas outside the areas of archaeological sensitivity.
 3. While the final EIS describes areas where construction will occur, it is possible that additional effects on archaeological resources than those described in the final EIS may occur. In addition, it is possible that a change in the Project may affect areas that have not previously been assessed for archaeological sensitivity. In these areas, NYCT will take the following actions:
 - a) For any change that would involve subsurface construction and whose effects have not been analyzed, and for any new information about archaeological effects that comes to light during construction, the effects on archaeologically sensitive areas within the APB will be assessed in accordance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800.4).
 - b) NYCT will consult with SHPO, LPC and LMEPP to identify areas of potential archaeological sensitivity and to assess project effects. This consultation will take place as soon as deposits are encountered within areas already identified for construction, or as soon as design modifications are proposed for areas that have not previously been considered.
 - c) SHPO, LPC and LMEPP will provide comments regarding such newly defined areas within 14 calendar days of receiving information to assess.

- C. NYCT may perform additional measures to secure the jobsite if it determines that unfinished work in the vicinity of the affected resource will cause major safety or security concerns.
- B. NYCT will stop construction in the vicinity of the affected historic resource and will take reasonable measures to avoid and minimize harm to the resource until SHPO and NYCT have jointly determined an appropriate treatment or mitigation plan. NYCT shall initiate implementation of such treatment or mitigation plans within 21 calendar days.
- A. NYCT's Principal Architect will immediately notify SHPO if it appears that the Project will adversely affect previously unidentified Historic Properties or a known Historic Property in an unanticipated manner.

VII. CHANGES IN PROJECT EFFECTS

- 4. Curation of archaeological collections will be an important component of any work undertaken. Collection agreements will be made with appropriate institutions that insure the preservation of the collections and provide access to them in perpetuity. NYCT will make the appropriate arrangements with acceptable institutions in consultation with LPC, LMEFF and the SHPO.
- 3. Consultation with the SHPO, LPC and LMEFF will be used to establish the scope of appropriate dissemination efforts.
- 2. NYCT will disseminate the results of archaeological discoveries as appropriate to the deposits identified.
- 1. As outlined in the Advisory Council on Historic Preservations' *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*, NYCT will disseminate the results of archaeological investigations to professional peers and to the local community and the public to mitigate adverse effects to archaeological properties.

D. REPORTING/DISSEMINATION OF RESULTS AND CURATION OF COLLECTION

- C. UNANTICIPATED DISCOVERY DURING CONSTRUCTION
 - d) If SHPO, LPC or LMEFF fail to respond within the 14 calendar day period, newly defined area will be included in the Project's APF for archaeological resources.
- An unanticipated discovery is one that occurs outside the "Areas of Archaeological Sensitivity Within the Project Area." NYCT has developed steps that will be followed in the event that any unanticipated archaeological and/or human remains are encountered during construction of the Project. These steps are as set forth in Appendix A and are in accordance with the current Standards.

A Public Involvement Plan will be developed immediately by NYCT after the issuance of the Record of Decision for the Project to educate the public about the Project; provide a forum for gathering information in order to avoid or reduce potential impacts; identify and resolve public issues and concerns as they arise, and provide the public the opportunity to share their perspectives in order to help shape the results of the design process. Methods for maintaining ongoing communications with the public used will include the MTA website; newsletters; fact sheets; reports on specific concerns; e-mail distribution; mailing lists; and publicly displayed information boards and media coverage. A summary overview of the project, by written notice, will be available in subway stations throughout the study area. This information will be periodically updated and made available to the public. In addition, interested parties, upon request will be provided access to pertinent reports and the opportunities to meet with MTA representatives to discuss the project. The anticipated target audiences in addition to interested citizens and transit users will include preservationists; elected officials; community boards; community-based organizations; local businesses and Business Improvement Districts (BIDs); residents of study area; private professional/technical/business associations/groups; and, urban planners, architects, transit planners, transit advocates and environmentalists.

A. PUBLIC NOTIFICATION

IX. PUBLIC INVOLVEMENT

- B. Any recommendation or comment by the ACHP will pertain only to the subject of the dispute. The responsibility of the signatories to implement all actions pursuant to this Agreement that are not subject to the dispute will remain unchanged.
- A. In the event SHPO objects to any plan or report presented pursuant to this Agreement within 21 calendar days of its receipt or within such other time frame specified in this Agreement, FTA will consult further with SHPO to seek resolution. If FTA objects to any plans, specifications, or actions, FTA will consult further with the other parties to seek resolution. If FTA determines within 14 calendar days of receipt of an objection that the objection cannot be resolved, FTA will invite the ACHP to review all documentation relevant to the dispute, including FTA's proposed resolution to an objection. ACHP will provide its comments to FTA within 45 calendar days. FTA will then take these comments into account in reaching a final decision concerning the dispute. If ACHP fails to respond within the 45 calendar day period, then FTA will assume that ACHP has no comment and proceed with its final decision.

VIII. DISPUTE RESOLUTION

- D. Treatment Plans or Data Recovery Plans will be reviewed by SHPO within 14 calendar days of notification and comments returned to NYCT for revisions or action as appropriate.
- E. If NYCT and SHPO cannot agree on an appropriate course of action, the dispute resolution process below will be followed.

This Agreement may be terminated at the request of any of the signatories to this Agreement, within 30 calendar days of written notification to the other signatories. In the event the Agreement is terminated, FTA and NYCT, in consultation with SHPO and ACHP, shall comply with 36 CFR Part 800 on a case by case basis for each proposed project activity within the APE.

XIII. TERMINATION OF AGREEMENT

Notwithstanding any other provision in this Agreement, any signatory to this Agreement may request that it be amended, whereupon the signatories and the consulting parties will consult to consider such amendment. Any amendment must be in writing and signed by FTA, SHPO, ACHP and NYCT to be effective.

XII. AMENDMENT

This Agreement shall remain in force for five years after completion of construction (closeout of project) unless the NYCT, FTA, SHPO and ACHP agree otherwise, in accordance with Stipulation XII or XIII.

XI. TERM OF THE AGREEMENT

NYCT, in consultation with the CRM, will submit semi-annual status reports to the SHPO, LPC and LMEPF summarizing how the stipulations of this Agreement are being met as well as any other significant issues of concern. This report will also be made available to the public on the Project website. SHPO, LPC, LMEPF may monitor activities carried out pursuant to this Agreement at their discretion. NYCT will cooperate with SHPO, LPC and LMEPF with respect to such monitoring activities.

X. REPORTING/MONITORING

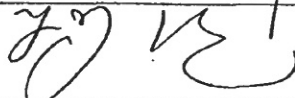
1. NYCT shall respond to the commenter within 30 calendar days to substantive written comments. If NYCT and the objector cannot resolve the matter, or the matter is such that NYCT believes SHPO involvement is appropriate, NYCT shall notify SHPO and provide copies of the objection, and SHPO, as appropriate, shall advise NYCT of measures, if any, that could resolve the matter.
 2. If NYCT and SHPO cannot resolve the matter and SHPO determines that, in the absence of such resolution, there would be an adverse effect on the historic resource, SHPO shall consult with FTA and ACHP, as appropriate.
- If NYCT receives timely and substantive written public objections regarding the treatment of historic properties, or on the design of the new structure or measures taken to implement the terms of this Agreement, NYCT will consult with the objector regarding such objections.

B. PUBLIC COMMENTS AND DISPUTE RESOLUTION

FULTON STREET TRANSIT CENTER PROJECT: PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that FTA has satisfied its Section 106 responsibilities for the Project, has taken into account the effects of the Project on historic resources, and has afforded the ACHP an opportunity to comment.

FEDERAL TRANSIT ADMINISTRATION



By: _____

Bernard Cohen

Director, Lower Manhattan Recovery Office

Date: _____

Sept. 24, 2004

FULTON STREET TRANSIT CENTER PROJECT: PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that FTA has satisfied its Section 106 responsibilities for the Project, has taken into account the effects of the Project on historic resources, and has afforded the ACHP an opportunity to comment.

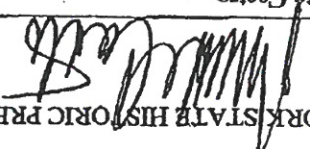
METROPOLITAN TRANSPORTATION AUTHORITY
on behalf of NEW YORK CITY TRANSIT and MTA CAPITAL CONSTRUCTION

By: Mysore L. Nagara Date: 9/24/04
Mysore L. Nagara
President, MTA Capital Construction

FULTON STREET TRANSIT CENTER PROJECT: PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that FTA has satisfied its Section 106 responsibilities for the Project, has taken into account the effects of the Project on historic resources, and has afforded the ACHP an opportunity to comment.

NEW YORK STATE HISTORIC PRESERVATION OFFICE



By: _____

Bernadette Castro

State Historic Preservation Officer

Date: _____

9/24/04

FULTON STREET TRANSIT CENTER PROJECT: PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that FTA has satisfied its Section 106 responsibilities for the Project, has taken into account the effects of the Project on historic resources, and has afforded the ACHP an opportunity to comment.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler
Director
Date: 9/24/84

For purposes of notices and consulting pursuant to this Agreement, the following addresses and contact information should be used for the following agencies:

MTA New York City Transit
Thomas Fackelman, R.A.
Principal Architect
NYCT
Capital Program Management
2 Broadway, 6th floor
New York, NY 10004
Tel.: 646-252-4268
Fax: 646-252-4612

Federal Transit Administration
Bernard Cohen
Director, Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green, Rm. 436
New York, NY 10004-1415
Tel.: 212-668-1770
Fax: 212-668-2505

New York State Office of Parks, Recreation, and Historic Preservation (SHP)
Ruth Pierpont
Director
New York State Office of Parks, Recreation, and Historic Preservation
Historic Preservation Field Services Bureau
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APPENDIX A – Archaeological Discovery Plan

I. DETERMINE THE TYPE OF ARCHAEOLOGICAL RESOURCE

- A. Archaeological resources discovered within the identified areas of archaeological sensitivity will be initially assessed for their depositional integrity (context) as outlined in section VI. A. of the PA. If more time is required for evaluating the resource, then the CRM will initiate the anticipated archaeological resource plan (see Section II below).

- B. Archaeological resources to be considered as an anticipated archaeological resource discovery and that require reporting to the CRM include, but are not limited to: a) any human remains, b) any features (historic infrastructure, building vaults) outside the identified areas of archaeological sensitivity, c) any artifacts (individual objects, specimens or physical evidence of prehistoric or historic human activity) outside the identified areas of archaeological sensitivity, and d) archaeological sites, defined by concentrations of archaeological artifacts that delineate the location of an event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure. If an unanticipated archaeological resource is identified, the steps outlined in Section III below will be followed.

II. INITIATE ANTICIPATED ARCHAEOLOGICAL RESOURCE DISCOVERY PLAN

- A. At the completion of an initial assessment (minimum of 30 minutes) of an identified archaeological resource or isolated artifacts to determine if they are part of a larger site or resource and more time is required for evaluation, the CRM will communicate to the NYCT Engineer to direct the contractor to flag or fence off the archaeological discovery location and direct the contractor to continue work in another portion of the project area. The Contractor will not restart work in the area of the identified archaeological resource until the NYCT Engineer has granted clearance, after receiving word from the CRM that the archaeological resource has been fully evaluated.

B. The CRM will continue with the archaeological evaluation of the identified archaeological resource by conducting a Phase II Site Evaluation, to determine if the archaeological resource possesses depositional integrity and may be eligible for listing on the National Register of Historic Places (NRHP). Archaeological sites can be determined eligible for inclusion in the NRHP, but individual artifacts may not. The CRM will expose the archaeological resource (using hand tools), draw a plan view of the resource, photograph it, collect any archaeological material in association with the archaeological resource, section the resource (if appropriate), remove any large elements of the feature and draw the nearest soil profile (information will include Munsell soil color, matrix and a brief description of any associated artifacts). The contractor will assist the CRM with the removal of any large elements of the archaeological feature by providing the lifting capabilities of heavy machinery only. All other archaeological investigations will be conducted using hand tools by the CRM. All hand-excavated soils associated with this phase of work will be screened for archaeological resources. It is anticipated that the continued evaluation of the archaeological resource would require up to 16 hours beyond the initial minimum 30 minutes to inspect the resource.

C. At the conclusion of the evaluation of the archaeological resource (Phase II Site Evaluation), the CRM will make a recommendation of eligibility for listing on the NRHP and submit the recommendation to SHPO for review and concurrence. If the identified archaeological resource is determined eligible for listing on the NRHP, the CRM will develop a data recovery plan (Phase III Mitigation plans) to mitigate the adverse effects of the project as outlined below. This plan will be developed in consultation with SHPO, and LPC comments on the plan should be sought as well. If the identified archaeological resource is not eligible for listing on the NRHP, then excavation by heavy machinery may resume.

D. If archaeological data recovery is necessary, then a data recovery plan will be developed that balances the project (engineering, environmental and economic) and historic preservation concerns, while addressing specific research questions. All data recovery plans and documentation will adhere to the standards established by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716). Data recovery of archaeological resources may take the form of full-scale excavations, when excavations cover a large portion of the identified archaeological site and are hand-excavated by archaeologists. Heavy machinery is sometimes employed to remove fill layers and burdensome elements associated with the archaeological site. Data recovery excavations are designed to address specific research questions that are relevant to the history and/or prehistory of the project area and the excavations are controlled and precise.

E. In the event that a data recovery plan is required, the CRM will: 1.) prepare a description of the archaeological resource determined eligible for listing on the NRHP by the Phase II Site Evaluation, including the resource's composition (stone, wood, metal, etc.), location within the area of excavation and known extent (both vertical and horizontal); 2.) provide photographs and profile drawings of the archaeological resource; 3.) describe the research questions that mitigation of the identified archaeological resource can address. It is anticipated that the CRM will prepare the data recovery plan for the identified archaeological resource within 2 business days following the completion of the Phase II Site Evaluation for the specific archaeological resource. NYCT will consult with SHPO, and LPC to ensure the completed data recovery plan is adequately developed to mitigate the archaeological resource and provides sufficient documentation of the archaeological resource's NRHP-eligibility determination. It is anticipated that SHPO will concur with the data recovery plan within 2 business days upon receipt of the data recovery plan. The CRM will contact the SHPO directly to ensure SHPO's receipt of the data recovery plan and SHPO's two-business day review and concurrence period will commence upon verbal confirmation of SHPO's receipt of the submitted data recovery plan. LPC will also be afforded the opportunity to comment on the submitted data recovery plan during SHPO's two-business day review period. If SHPO does not concur within two business days, the CRM will assume SHPO approves the data recovery plan and the CRM will implement the data recovery plan, taking into account any comments received from LPC within the two business day review. If SHPO should not concur with the data recovery plan, NYCT will follow the dispute resolution process outlined in Stipulation VIII of the P.A. If SHPO responds within two business days with comments that require revising the data recovery plan, the CRM will revise the data recovery plan to incorporate the received comments and resubmit the revised data recovery plan to SHPO and LPC for SHPO's concurrence within two business days (commencing upon verbal confirmation of SHPO's receipt of the data recovery plan), during which time, LPC will be afforded the opportunity to comment on the revised data recovery plan.

F. Data recovery of the identified archaeological resource can commence once SHPO has concurred with the data recovery plan and LPC has been afforded the opportunity to comment on the data recovery plan during the two business day review period by SHPO. Data recovery of the identified archaeological resource may take up to a maximum of three business days unless additional time is requested in the data recovery plan and agreed to by SHPO and depending upon the horizontal and vertical extent of the NRHP-eligible archaeological resource.

G. At the completion of data recovery fieldwork, the CRM will direct the NYCT Engineer that construction may continue at the location of the mitigated archaeological resource.

III. INITIATE UNANTICIPATED ARCHAEOLOGICAL RESOURCE DISCOVERY PLAN

A. The Contractor will immediately notify the NYCT Engineer of an unanticipated discovery.

B. The NYCT Engineer will direct the contractor to flag or fence off the archaeological discovery location and direct the contractor to take measures to ensure site security. Any discovery made on a weekend will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the identified archaeological resource until the NYCT Engineer has granted clearance. The NYCT Engineer will notify the CRM, who will undertake a site visit or otherwise coordinate an on-site archaeological consultation. The CRM will indicate the location and date of the discovery on the project plans.

C. The NYCT Engineer will direct the CRM to begin a more detailed assessment of the identified archaeological resource's significance and the potential project effects, as outlined in Section II a-c.

D. NYCT will immediately notify FTA, SHPO and LPC of the identified archaeological resource.

The SHPO notification will either explain why the CRM believes the identified archaeological resource not to be significant and request approval for construction to proceed, or describe a proposed scope of work for evaluating the significance of the identified archaeological resource and evaluating project effects, as outlined in Section II d and e. All work to evaluate significance of the identified archaeological resource would be confined to the project's archaeological APE. Prior to the implementation of any scope of work, SHPO concurrence would be required.

E. If the identified archaeological resource is determined to be significant, and continuing construction may damage the identified archaeological resource, then NYCT will consult with SHPO, LPC, and other appropriate parties regarding the proper measures for site treatment. These measures may include:

- i. Formal archaeological evaluation of the site;
- ii. Visits to the site by SHPO, NYCT, LPC and other parties;
- iii. Preparation of a mitigation plan by the CRM to be submitted to SHPO for their concurrence, and in consultation with LPC, and others as appropriate, as outlined in Section II e;
- iv. Implementation of the mitigation plan; and
- v. Approval to resume construction following completion of the fieldwork component of the mitigation plan.

F. If the identified archaeological resource is determined to be isolated or completely disturbed by prior construction activities, then the CRM will advise the NYCT Engineer to resume construction activities.

G. The CRM will notify the NYCT Engineer who will grant clearance to the Contractor to resume work.

IV. PROCEDURES TO FOLLOW IN THE EVENT OF AN UNANTICIPATED DISCOVERY OF HUMAN REMAINS

A. According to the *Standards for Cultural Resource Investigations, Human Remains* (New York Archaeological Council 1994) and the *Landmarks Preservation Commission Guidelines for Archaeological Work in New York City, Section 7.0, Burials and Human Remains*, the discovery of historic period human remains and/or objects of cultural patrimony¹ require special consideration and care. As such, in the event that human remains and/or items of cultural patrimony are discovered during construction, they must at all times be treated with dignity and respect.

B. The procedures as set forth in paragraph III. A, B, C, D, E, F and G will be followed in addition to IV. C and D.

C. In addition to notifying SHPO, FTA, LPC and other appropriate parties, the NYC Engineer will immediately notify the New York City Police and the Medical Examiner's Office of the find and cooperate with the coroner's office to notify, as required, the appropriate city law enforcement agencies.

D. If it is determined that interments are present and may be disturbed by continuing construction, then the CRM will consult with the next of kin or likely descendant community² (if known and following 43 CFR Subtitle A, 10.5 - Consultation, if appropriate), SHPO, LPC, and other appropriate parties regarding additional measures to avoid or mitigate further damage. These measures may include:

I. Formal archaeological evaluation of the site;

¹ According to the Native American Graves and Repatriation Act (NAGPRA, Public Law 101-601; 25 U.S.C. 3001-3013), objects of cultural patrimony are defined as having "...ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual... (Sec. 2(3)(D)). The key provision in this definition is whether the property was of such central importance to the Tribe or group that it was owned communally.

² Any known lineal descendants of the individual whose remains, funerary objects, sacred objects, or objects of cultural patrimony have been or are likely to be excavated intentionally or discovered inadvertently; the Indian tribes or Native Hawaiian organizations that are likely to be culturally affiliated with the human remains, funerary objects, sacred objects, or objects of cultural patrimony that have been or are likely to be excavated intentionally or discovered inadvertently; the Indian tribes which aboriginally occupied the area in which the human remains, funerary objects, sacred objects, or objects of cultural patrimony have been or are likely to be excavated intentionally or discovered inadvertently; and the Indian tribes or Native Hawaiian organizations that have a demonstrated cultural relationship with the human remains, funerary objects, sacred objects, or objects of cultural patrimony that have been or are likely to be excavated intentionally or discovered inadvertently.

- ii. Visits to the site by SHPO, LPC, and other parties;
- iii. Preparation of a mitigation plan by the CRM, including procedures for avoidance or disinterment and reinterment, to be developed in consultation with LPC and others as appropriate and submitted to SHPO for their concurrence, as outlined in Section II e;
- iv. Implementation of the mitigation plan; and
- v. The CRM will issue approval to resume construction to the NYCT Engineer upon completion of the fieldwork component of the mitigation plan, after consulting with SHPO and LPC to communicate the completion of mitigation and receiving SHPO concurrence that the archaeological resource has been appropriately mitigated.