

**APPENDIX C**

**CULTURAL RESOURCES**



HPO Project No. 10-1109-11  
HPO- B2015-138

## State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE  
*Governor*

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

February 9, 2015

Peter M. Weppeler  
Chief, Environmental Analysis Branch  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, NY, 10278-0090

Dear Mr. Weppeler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the Federal Register on December 12, 200 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing consultation comments for the following report:

**Essex County, Newark City  
Newark Riverfront Park  
Joseph G. Minish Passaic River  
Waterfront and Historic Area Project  
Status Report on Memorandum of Agreement (MOA)  
Implementation  
December 1, 2014**

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Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the potential for the above-referenced undertaking to affect historic properties pursuant to Section 106 of the National Historic Preservation Act, as amended. The comments below are in response to a letter received by the HPO from the US Army Corps. of Engineers, New York District (Corps) (dated 12/2/2014).

### **Status of MOA stipulations**

The letter states the following 1997 MOA Stipulations have been completed by the Corps during Phase I construction for the above referenced undertaking:

**I. The Newark Line and Cement Company Site**

**B. HPO concurs that the stipulation has been satisfied** through recordation of concrete stanchions and adjoining bulkhead.

**II. The Citizens' Gas-Light Company Site**

**B. HPO concurs that the stipulation has been satisfied** as the Storage/blacksmith shop building was demolished in an unaffiliated project.

**III. The New Jersey Railroad & Transportation Company/Hudson & Manhattan Railway Passaic River Bridge Sites and Site of Pennsylvania Railroad Station and Freight House**

**B. HPO concurs that the stipulation has been partially satisfied** through incorporation of a portion of the abutment into NJDOT Route 21 project site. Remaining portion of the abutment will be incorporated into waterfront walkway. HPO agrees with Districts intent to incorporate remaining portion into waterfront walkway during Phase II construction.

**C. HPO concurs that the stipulation has been satisfied** through recordation of NJRR & T Co./ H & M Railway Passaic River Bridge Site.

**IV. Stephens and Condit Shipping Company Site**

**A. HPO concurs that the stipulation has been satisfied** through completion of archaeological monitoring. HPO agrees with the Districts determination to use similar looking pavers to depict original alignment of Centre Street, as well as the intent to consult with HPO and interested parties on this undertaking during Phase II of construction.

**B. HPO concurs that the stipulation has been satisfied** through investigation and understanding of Centre Street alignment.

**C. HPO concurs that the stipulation has been satisfied** by creation of archaeological pre-monitoring plan for intended area of marina.

**D. HPO concurs that the stipulation has been satisfied** as no intact remains relating Stephens and Condit Shipping Company Site were found during construction.

**V. The Morris Canal – Lock 18E, Branch Canal Outlet, and the Canal Right-of-Way**

**A. HPO concurs that the stipulation has been satisfied** by recordation of Branch Canal Outlet features.

**VI. The Newark Gas-Light Company/Public Service's Market Street Gas Works**

**A. HPO concurs that the stipulation has been satisfied** as archaeological monitoring was determined unnecessary for construction at the site.

**B. HPO concurs that the stipulation has been satisfied** as the Gas Works Filtration building was demolished in an unaffiliated project.

**C. HPO concurs that the stipulation has been satisfied** as the Gas Works Filtration building was demolished in an unaffiliated project.

The HPO looks forward to further coordination and consultation with the Corps regarding archaeological monitoring for historic resources within the Phase I work area, as plans are deemed necessary.

#### **800.5 Assessment of Adverse Effects**

HPO concurs with the Corps that the responsibility of archaeological monitoring and production of a non-technical popular document for outfall structure CSO 16, a potential contributing resource to The City of Newark Sewers (SHPO Opinion 8/31/2000), is the responsibility of The Trust for Public Land (TPL). The HPO understands that if the documentation of CSO 16 is not completed by TPL prior to Corps undertaking, that Corps will take on this responsibility.

*In consequence, the HPO finds this methodology acceptable and concurs with the Corps that, pursuant to the aforementioned plan, the project will have a conditional no adverse effect on outfall CSO 16.*

#### **Additional Comments**

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic properties. The HPO look forward to receiving for review and comment the non-technical popular document, opportunity to comment on the historic park signage pursuant to MOA Stipulation V.E. and archaeological monitoring for sewer outfall CSO 16. Please reference the HPO project number 10-1109 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Vincent Maresca of my staff at (609-633-2395) or [Vincent.Maresca@dep.nj.gov](mailto:Vincent.Maresca@dep.nj.gov).

Sincerely,



Daniel D. Saunders  
Deputy State Historic  
Preservation Officer

c. Damon Rich, City of Newark  
Scott Dvorak, The Trust for Public Land

DDS/VM/HB



**DEPARTMENT OF THE ARMY**  
**NEW YORK DISTRICT, CORPS OF ENGINEERS**  
**JACOB K. JAVITS FEDERAL BUILDING**  
**NEW YORK, N.Y. 10278-0090**

REPLY TO  
ATTENTION OF

December 2, 2014

Environmental Assessment Section  
Environmental Analysis Branch

Mr. Daniel Saunders  
Deputy State Historic Preservation Officer  
State of New Jersey Department of Environmental Protection  
Historic Preservation Office  
PO Box 420  
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (District) is proceeding with work on the Joseph G. Minish Passaic River Waterfront Park and Historic Area, located on the Passaic River waterfront in Newark, New Jersey (Enclosure 1). As coordinated with your office, the District has completed a number of stipulations contained in the Memorandum of Agreement (MOA) signed in 1997. The project is being constructed in phases. Phase I entails the construction of bulkheads and stream bank stabilization feature including grading and vegetating. Phase II is the construction of a riverfront walkway and Phase III would add park facilities, plazas, landscaping and signage. Sections of bulkhead have already been built by the District. The remaining sections are proposed to be constructed under the Hurricane Sandy Disaster Relief Appropriations Act of 2013, Public Law (P.L.) 113-2. Phase I also includes wetland mitigation measures. A Hurricane Sandy Limited Reevaluation Report (HSLRR) and Integrated Environmental Assessment is being prepared to update conditions. The HSLRR/EA will serve as a decision document to support the continued construction of Phase I and meet National Environmental Policy Act NEPA requirements. Phase II and III are currently not scheduled for design and construction. Changed conditions and constraints have affected the District's ability to implement certain mitigation level work. Enclosure 2 provides a status of the MOA stipulations and their fulfillment as well as an overview of construction tasks. A copy of the signed MOA is contained in Enclosure 2.

Plans are presently being developed to complete all Phase I construction. The resources and mitigation measures addressed under Stipulations I (A), II (A) and III(A) are within the remaining portion of the Phase I work area. The historic properties of concern are the Newark Lime and Cement Company Site, the Citizens' Gas-Light Company Site, and the New Jersey Railroad & Transportation Company/Hudson & Manhattan Railway Passaic River Bridge Sites and Site of Pennsylvania Railroad Station and Freight Houses. All three resources may require monitoring in construction if subsurface work, as proposed, would impact them. The District's

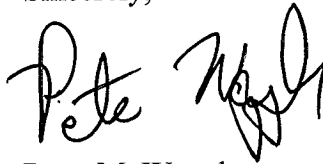
project archaeologist will review the plans and determine the need for monitoring. This determination will be coordinated with your office as plans are developed.

The City of Newark and The Trust for Public Land (TPL) conducted cultural resources work as part of their Riverbank Park project (HPO 10-1109) which lies within the District's project area. They used the District's previous studies and MOA to guide this work. A Phase III study of the Balbach & Sons Smelting and Refining Works archaeological site was conducted and they identified a new potential historic resource, outfall CSO 16, along the riverbank. They will undertake archaeological monitoring of the sewer outfall as part of their project. Newark and TPL are also preparing a non-technical popular document. Enclosed is a letter from your office to the District which makes it appear that the District will undertake the sewer monitoring and preparation of the popular publication (Enclosure 3). This letter is actually in response to the permit actions required by Newark and TPL for the Riverbank Park. However, should the District's project move forward prior to the park project, and it is determined that stream bank restoration work will impact the sewer, then the District will conduct monitoring at the outfall.

Previous District work had resulted in masonry material being collected and stored for future use in park construction. It is not clear if that material remains stored and available for use. We will research this issue and consult with your office on our findings.

Please review the enclosed materials provide Section 106 comments, pursuant to 36 CFR 800.5. We will soon coordinate plans to determine the need for archaeological monitoring as per the MOA. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

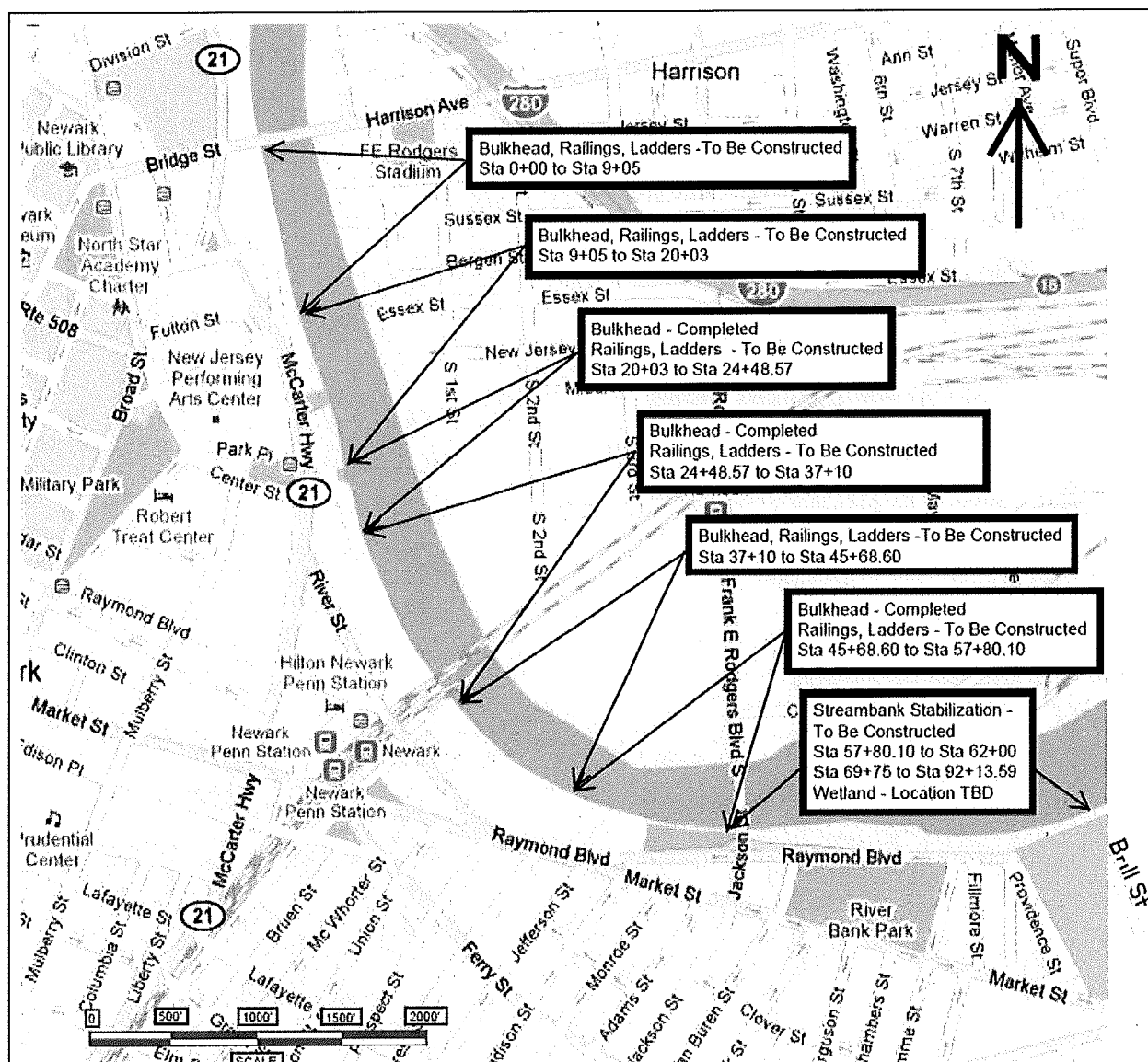
A handwritten signature in black ink, appearing to read "Peter M. Weppeler". The signature is stylized with a large "P" and "M".

Peter M. Weppeler  
Chief, Environmental Analysis Branch

Enclosures

CC (w/ Enclosures):  
Scott Dvorak, The Trust for Public Land

## Project Actions





HPO Project No. 10-1109-10  
HPO-G2013-034

## State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

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CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

July 5, 2013

Leonard Houston  
Chief, Environmental Analysis Branch  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, NY 10278-0090

Dear Mr. Houston:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing consultation comments for the following proposed undertaking:

**Essex County, Newark City  
Newark Riverfront Park  
Portion of the Area Addressed by Joseph G. Minish Waterfront Park  
and Historic Area Memorandum of Agreement (MOA)  
Phase III Archaeological Data Recovery  
Block 2029, Lots 1, 7, 21 & 22  
DLUR Permit # 0714-10-0006.1  
NAN-2010-00379  
United States Army Corps of Engineers**

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the potential for the above-referenced undertaking to affect historic properties pursuant Section 106 of the National Historic Preservation Act, as amended. The comments below are in response to the following data recovery report submitted to the HPO for review and comment on June 6, 2013:



Wieczorek, Scott

June 6, 2013 *Phase III Archaeological Data Recovery, Newark Riverfront Park, Balbach & Sons Smelting and Refining Works (28-Ex-129) and the Morris Canal (28-Sx-133), City of Newark, Essex County, New Jersey. Prepared for Hatch Mott McDonald, Millburn, NJ. Prepared by Richard Grubb & Associates, Inc., Cranbury, NJ.*

#### **800.6 Resolving Adverse Effects**

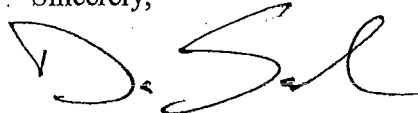
The above referenced data recovery report was both well researched and written. The report provides significant new information regarding the industrial development of Newark and contextual significance of the Balbach Smelting and Refining Company within the late 19<sup>th</sup>/early 20<sup>th</sup> century non-ferrous metal smelting industry at the local, regional, and national levels. The archaeological remains of the desilverizing works, recorded as the Balbach & Sons Smelting and Refining Works (28-Ex-129), provides a unique window on Balbach's industrial innovation, processes, site evolution and layout, working conditions, and labor relations. New information regarding Newark's nexus between transportation and industrialization was provided through the study of the Morris Canal (28-Sx-133) within important information on canal use, configuration, and location for future study and consideration.

In consequence, as the Deputy State Historic Preservation Officer, I find that the above referenced data recovery report satisfies Stipulation V.C. of the above referenced 1997 Joseph G. Minish Waterfront Park MOA for effects on the Edward Balbach & Sons Smelting and Refining Works (28-Ex-129) and Morris Canal (28-Sx-133) for construction of the Newark Riverfront Park within Block 2029, Lots 1, 7, 21 & 22.

#### **Additional Comments:**

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic properties. The HPO look forward to receiving for review and comment the non-technical popular document, opportunity to comment on the historic park signage pursuant to MOA Stipulation V.E. and archaeological monitoring for sewer outfall CSO 16. Please reference the HPO project number 10-1109 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Vincent Maresca of my staff at (609-633-2395) or Vincent.Maresca@dep.state.nj.us.

Sincerely,



Daniel D. Saunders  
Deputy State Historic  
Preservation Officer

c. Damon Rich, City of Newark

Scott Dvorak, The Trust for Public Land  
Michele Alonso, City of Newark Landmarks and Historic Preservation Commission  
Heather M. Morgan, U.S. Army Corps of Engineers  
Lisa Baron, U.S. Army Corps of Engineers  
Peter Weppeler, U.S. Army Corps of Engineers  
Janet Stewart, NJDEP-Land Use Regulation  
Scott Wieczorek, Richard Grubb & Associates, Inc.

MEMORANDUM OF AGREEMENT  
AMONG  
THE U.S ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
NEW JERSEY HISTORIC PRESERVATION OFFICE  
REGARDING  
THE JOSEPH G. MINISH  
PASSAIC RIVER WATERFRONT  
PARK AND HISTORIC AREA  
NEWARK, NEW JERSEY

WHEREAS, the New York District, U.S. Army Corps of Engineers (Corps), has determined that the Joseph G. Minish Waterfront Park and Historic Area will have effects upon properties listed on or eligible for inclusion in the National Register of Historic Places, including the following: remains of off-loading facilities associated with the Newark Lime and Cement Company Site; a one-story brick building located within the former Citizens' Gas-Light Complex; structural remains associated with early bridge crossings of the Passaic River by the New Jersey Railroad and Transportation Company/Hudson and Manhattan Railway; the original alignment of Centre Street and archaeological remains located within the Stephen & Condit Shipping Company Site; remains of the Morris Canal; and a two-story brick building located within the former Newark Gas-light Company/Public Service's Market Street Gas Works Complex; and has consulted with the New Jersey Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council), pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); [and Section 110(f) of the same Act (16 U.S.C. 470h-2(f)); and

WHEREAS, the definitions given in Enclosure 1 (Preliminary Case Report) are applicable throughout this Memorandum of Agreement;

NOW, THEREFORE, the Corps, the SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The Corps shall ensure that the following measures are carried out:

I. The Newark Lime and Cement Company Site (Study Unit 2):

A. During the development of plans and specifications for this portion of the

project area, a Corps staff archaeologist shall review the plans for construction in order to determine the location of any areas where cuts to the existing ground surface may occur. During construction, these areas shall be monitored by an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The Corps will treat any unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

B. Prior to project construction, an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9), and who is familiar with the specialized field of "industrial archaeology," and experienced in the preservation and recordation of engineering-historical structures and civil works, shall conduct a program of recordation and investigation of a row of concrete stanchions and of the adjoining timber bulkhead, elements located within the Newark Lime and Cement Company Site, along the Passaic River shoreline. Documentation shall consist of scale drawings, black and white photography, and field notes. All work shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), to the principles outlined in the Advisory Council's handbook Treatment of Archaeological Properties, and to the standards identified in the Council's Manual of Mitigation Measures.

C. The Corps shall commemorate the Newark Lime and Cement Complex with signage interpreting its role in the city and state's history. The signage shall be integrated into the design and construction of the proposed walkway/promenade. Prior to project construction, the Corps shall consult with local historians, local officials, preservationists and with the SHPO as to the content and placement of the signage.

## II. The Citizens' Gas-Light Company Site (Study Unit 3)

A. During the development of plans and specifications for this portion of the project area, a Corps staff archaeologist shall review the plans for construction in order to determine the location of any areas where cuts to the existing ground surface may occur. During construction, these areas will then be monitored by an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The Corps will treat any unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

B. Prior to project construction, an architectural historian who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) and who is experienced in the preservation and recordation of historic structures, shall conduct a program of recordation and investigation of the ca. 1868 former storage/blacksmith shop, a one-story brick building which is an element within the Citizens' Gas-Light Company Site. Documentation shall be performed in accordance with the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-44734),

and in accordance with stipulations received from the National Park Service (NPS)..

C. The Corps shall commemorate the Citizens' Gas-Light Company Complex with signage interpreting its role in the city and state's history. The signage shall be integrated into the design and construction of the proposed walkway/promenade. Prior to project construction, the Corps shall consult with local historians, local officials, preservationists and with the SHPO as to the content and placement of the signage.

**III. The New Jersey Railroad & Transportation Company/The Hudson & Manhattan Railway Passaic River Bridge Sites and Site of Pennsylvania Railroad Station and Freight Houses (Study Unit 6):**

A. During the development of plans and specifications for this portion of the project area, a Corps staff archaeologist shall review the plans for construction in order to determine the location of any areas where cuts to the existing ground surface may occur. During construction, these areas will then be monitored by an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The Corps will treat any unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

B. Prior to project construction, during the preparation of plans and specifications, the Corps shall consult with the SHPO, and with a Corps staff archaeologist or an archaeologist meeting the qualification standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9), and who is familiar with the specialized field of "industrial archaeology," and experienced in preservation and recordation of engineering- historical structures and civil works, in the development of a design for the walkway/promenade incorporating the construction materials from the granite bridge abutment, an element located within the New Jersey Railroad & Transportation Company/Hudson & Manhattan Railway Passaic River Bridge Site. The design shall be accompanied by signage commemorating and interpreting the bridge's role in the city and state's history. The SHPO and local historians and preservationists shall be consulted as to the content and placement of the signage. The Corps shall ensure that plans for the abutment are included in the Plans and Specifications provided to the contractor.

C. Prior to project construction, the granite abutment shall be recorded and investigated by the archaeologist stipulated in Section III(B). Documentation shall consist of scale drawings, black and white photography, and field notes. All work shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), to the principles outlined in the Advisory Council's handbook Treatment of Archaeological Properties, and to the standards identified in the Council's Manual of Mitigation Measures.

D. The Corps shall commemorate the railroad complex with signage interpreting its

role in the city and state's history. The signage shall be integrated into the design and construction of the proposed walkway/promenade. The Corps shall consult with local historians, local officials, preservationists and with the SHPO as to the content and placement of the signage.

#### IV. Stephens and Condit Shipping Company Site (Study Unit 8)

A. During the development of plans and specifications for this portion of the project area, a Corps staff archaeologist shall review the plans for construction in order to determine the location of any areas where cuts to the existing ground surface may occur. During construction, these areas will then be monitored by an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The Corps will treat any unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

B. Prior to project construction, during the preparation of plans and specifications, the Corps shall consult with the SHPO, and with a Corps staff archaeologist or an archaeologist meeting the qualification standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9), and who is familiar with the specialized field of "industrial archaeology," and experienced in preservation and recordation of engineering- historical structures and civil works, in the development of a design to incorporate the former alignment of Centre Street, an element located within the Stephens and Condit Shipping Company Site, or construction materials from the street, such as paving stones, into the design of the landscaped plaza. The design shall be accompanied by signage commemorating Centre Street and interpreting its place in the city and waterfront's historic streetscape. The SHPO shall be consulted during the development of the design. The SHPO and local historians and preservationists shall be consulted as to the content and placement of the signage.

C. Prior to project construction, the Centre Street alignment shall be investigated and recorded by the archaeologist stipulated in Section IV(B). Documentation shall consist of scale drawings, black and white photography, and field notes. All work shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), to the principles outlined in the Advisory Council's handbook Treatment of Archaeological Properties, and to the standards identified in the Council's Manual of Mitigation Measures.

D. Prior to project construction, the archaeologist stipulated in Section IV(B) shall conduct documentary research and infield inspections to determine whether there has been disturbance of sediments at the location where the proposed marina is to be inserted into the Passaic River shoreline. If evidence suggests that there has been no disturbance at this location, the Corps shall ensure that the site be monitored during construction by the archaeologist. Plans for the monitoring program shall be developed prior to project

construction and shall be based upon the documentary research and infield inspections. A map based on this information, pinpointing areas of greater or lesser archaeological sensitivity, will be prepared by the archaeologist to serve as a guide for monitoring activities.

E. If any intact remains are found, further construction in this area shall be halted so that the remains may be thoroughly documented by the archaeologist stipulated in Section IV(B). The recordation program shall include at a minimum photography, preparation of sketch plans, and video-taping, and will be developed and implemented in a manner consistent with the principles contained in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), those outlined in the Advisory Council's handbook Treatment of Archaeological Properties, and to the standards identified in the Council's Manual of Mitigation Measures.

F. The Corps shall commemorate the Stephens and Condit Shipping Company with signage interpreting its role in the city and state's history. The signage shall be integrated into the design and construction of the proposed walkway/promenade. The Corps shall consult with local historians, local officials, preservationists and with the SHPO as to the content and placement of the signage.

#### **V. The Morris Canal - Lock 18E, Branch Canal Outlet, and the Canal Right-of-Way (Study Unit 13)**

A. Prior to project construction, an archaeologist meeting the qualification standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738- 9), and who is familiar with the specialized field of "industrial archaeology," and experienced in preservation and recordation of engineering-historical structures and civil works, shall conduct a program of archaeological investigation and documentation of the terrain and features comprising the Branch Canal's outlet into the Passaic River. The purpose of the investigation shall be to determine the location, configuration, and construction details of the Branch Canal's outlet and any earlier canal-era remains that may have survived. The integrity and condition of the features shall also be assessed. The feasibility and scope of this program shall be determined following an assessment of buried utilities at the site. Based upon this information, the Corps project archaeologist, in consultation with project engineers, the SHPO, and the Canal Society of New Jersey, shall delineate the limits of the investigation, which shall minimally include visible features located on the Passaic River shoreline as well as the outlet opening itself and any buried artifactual and structural remains located inland of the outlet that fall within the Corps construction corridor. If the presence of buried utilities prevents mechanically assisted excavation, manual means may be employed. All work will conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), and to the principles outlined in the Advisory Council's handbook Treatment of Archaeological Properties. Documentation of all features in their original locations shall be performed in accordance with the Secretary of Interior's

Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-44734), and in accordance with stipulations received from the National Park Service.

B. Prior to project construction, the Corps project archaeologist and the Canal Society of New Jersey shall provide input to the design of the walkway/promenade. A reasonable effort shall be made by the Corps to preserve and interpret remains of the Branch Canal's Outlet defined during the investigation described in Section V(A) and to incorporate them into the project's design. These remains include the stonework and timber features located on the Passaic River shoreline marking the Branch Canal's entrance into the river, as well as the outlet opening itself, which is located below water level. Measures will be undertaken prior to and during construction to insure that the stonework and timber Branch Canal features located on the Passaic River shoreline are not adversely affected by the installation of the walkway/promenade or sheetpile bulkhead. Contingent upon the state of preservation of the features, they shall be dismantled prior to construction. When bank stabilization is completed, the features shall be reconstructed using a combination of original materials and substitute materials that simulate original materials. If agreed upon by the City of Newark, the design shall also include a reconstructed Branch Canal opening which will be crossed by a pedestrian bridge. If feasible, this structure shall simulate canal-era bridges. All plans implemented shall accord with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (36 CFR 67).

C. Prior to project construction, the archaeologist stipulated in Section V(A) shall conduct a program of archaeological investigation within the Morris Canal right-of-way lying between the Branch Canal Outlet and the project's eastern terminus. This includes undisturbed portions of the canal's right-of-way located within the southern edge of the site of a proposed parking lot enclosed by Jersey Street and Raymond Boulevard, as well as the narrow strip of parkland bounded by the Passaic River and Raymond Boulevard, having its western limit at the Jackson Street Bridge approach ramp and continuing east to the project's terminus. The purpose of the investigation shall be to determine the location, configuration, and construction details of subsurface features associated with the Morris Canal. The integrity and condition of the features shall also be assessed. Features to be investigated shall include bridge sites, possible drain/culverts beneath the canal, retaining walls, possible industrial water power intakes, the canal channel, the towpath, and the river edge supporting embankment. All work will conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48FR 44734-37), and to the principles outlined in the Advisory Council's handbook Treatment of Archaeological Properties. Documentation of all features in their original locations shall be performed in accordance with the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-44734), and in accordance with stipulations received from the National Park Service.

D. Prior to project construction, the Corps project archaeologist and the Canal Society of New Jersey shall provide input to the design of the walkway/promenade. A



reasonable effort shall be made by the Corps to preserve and interpret remains of the Morris Canal defined during the investigation stipulated in Section V(C) and to incorporate them into the project's design. For the area east of the Jackson Street Bridge Approach Ramp, design plans that shall be considered include preserving *in situ* and intact any canal walls that extend to the project grade level. If feasible, these features shall be used to outline the limits of the walkway/promenade. Lowering the project grade level shall be considered if the walls extend to within six inches of the project grade level. If the top of the walls are more than six inches below the project's grade level, a design shall be considered in which the walls shall be documented as stipulated in Section V(C) and reburied in a manner that ensures their preservation. Stonework that simulates the original walls shall then be placed on the ground surface at the site of the canal, indicating its location. Design plans shall also be considered utilizing partially excavated or reconstructed sections of the canal prism with the adjoining towpath reconstructed to serve as a walkway. All plans implemented shall accord with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (36 CFR 67).

E. Documentary and archaeological data generated as a result of the investigations stipulated in Sections V(A) and V(C), as well as earlier investigations, shall be used in the development of interpretive and commemorative signage which will be installed adjacent to the site of the Morris Canal and its remains during project construction. The Canal Society of New Jersey shall be given the opportunity to provide input to the signage text and to review drafts of the text.

F. The Canal Society of New Jersey shall be considered an interested party by the signatories to this Agreement. The signatories shall seek the comments of the interested party in the identification, evaluation, treatment, and curation of historic properties pursuant to this agreement for which the interested party has expressed an interest. The signatories shall take into account any comments provided by the interested parties.

#### VI. The Newark Gas-light Company/Public Service's Market Street Gas Works - Study Unit 21

A. During the development of Plans and Specifications for this portion of the project area, a Corps staff archaeologist shall review the plans for construction in order to determine the location of any areas where cuts to the existing ground surface may occur. During construction, these areas will then be monitored by an archaeologist meeting the qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The Corps will treat any unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

B. The former gas-works filtration building, will be restored for use as a maintenance office/storage facility for the proposed park. Prior to construction the structure will be documented in accordance with the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-44734 by an architectural historian and technicians meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) and who are experienced in the preservation and recordation of historic structures. Plans for the building's rehabilitation will then be developed by an architect with prior experience in the rehabilitation of historic buildings and qualifications standards set forth in the Secretary of the Interior's Professional Qualification Standards (48FR 44738-9). The plans shall accord with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (36 CFR 67).

C. If the interior of the structure is found to contain machinery or other elements associated with the operation of the gas-works, measures will be taken to mitigate for their removal. These measures will consist of analysis and recordation. The work will be done by an industrial archaeologist experienced in preservation and recordation of engineering-historical structures and meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9). The documentation will be performed in accordance with the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation and in accordance with stipulations received from the National Park Service. The Corps shall also determine whether the machinery is of sufficient interest to industrial archaeologists and historians of technology to warrant preservation and eventual display. If the machinery is found to be of value, the Corps shall make a reasonable effort to identify a repository for the machinery.

D. As part of the rehabilitation effort, signage will be installed commemorating the complex and interpreting its role in the state's and city's history. The Corps shall consult with local historians, local officials, preservationists and with the SHPO as to the content and placement of the signage.

## VII. Staging Areas, Access Routes, Changes in Project Plans

A. Any changes or additions to project plans, including the locations of staging areas or access roads, shall be submitted to a Corps staff archaeologist to determine whether changes in project plans adversely affect historic properties. The Corps shall then request comments from the SHPO, pursuant to 36 CFR Part 800. If the SHPO fails to respond within thirty days upon receipt of the Corps's request, then the Corps's determination shall be deemed conclusive for purposes of this agreement.

### VIII. Emergency Discovery

A. During the construction of this project and during the implementation of any other project features, including but not limited to those that are associated with the secondary impacts and impact areas described in this Agreement, the Corps will treat unanticipated discoveries in a manner that is in accordance with 36 CFR Part 800.11 "Properties Discovered during the Implementation of an Undertaking."

### IX.. Curation and Dissemination of Information

A. With the exception of instances in which individual landowners will not relinquish control of materials through donation, the Corps shall control and manage all materials and records resulting from the survey, evaluation, and data recovery conducted for the the Project pursuant to 36 CFR Part 79 "Curation of Federally-Owned and Administered Archeological Collections," and pursuant to Corps regulation ER 1130-2-433 "Project Operations Collections Management and Curation of Archaeological and Historical Data."

### X. Dispute Resolution

A. Should the Council or SHPO object to any of the specifications provided pursuant to this agreement, the Corps shall consult with the objecting party to resolve the objection. If the Corps determines that the objection cannot be resolved, the Corps shall request the further comments of the Council pursuant to 36 CFR Part 800.6(c)(2) with reference only to the subject of the dispute, and shall consider such further comments if provided. The Corps' responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

Execution of this Memorandum of Agreement and carrying out its terms evidences that the Corps has afforded the Council an opportunity to comment on the Passaic River Flood Damage Reduction Project, Streambank Restoration Element, Newark, New Jersey, and its effects on historic properties, and that the Corps has taken into account the effects of the project on historic properties.

CORPS OF ENGINEERS

By: [Signature] Date: December 30, 1996  
Gary Thomas, District Engineer, New York District

NEW JERSEY HISTORIC PRESERVATION OFFICE

By: [Signature] Date: 1-25-97  
Dorothy P. Guzzo, State Historic Preservation Officer  
Deputy

ACCEPTED:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: [Signature] Date: 3/6/87  
Robert D. Bush, Executive Director

*Acting*