



HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

March 28, 2022

Dean Tagliaferro, EPA Project Manager
GE-Pittsfield/Housatonic River Site
Boston, MA
Submitted via email to R1Housatonic@epa.gov

Re: Comments on the *Supplemental Phase IA Cultural Resources Assessment Work Plan*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee (the Committee) respectfully submits the following comments on the *Supplemental Phase IA Cultural Resources Assessment Work Plan* (hereafter referred to as the Work Plan). The objective of the Work Plan is to identify river, riverbank and floodplain areas with known cultural resources or high potential to contain such resources and to identify upland areas with known or suspected historic structures.

While the Work Plan generally adheres to the requirements of the Revised Final Permit as well as the Statement of Work (SOW), there appears to be sufficient supporting documentation to proceed with more definitive field assessments of cultural resources rather than relying solely on continuing the desktop evaluation. It is also important to recognize that the Overall Strategy & Schedule for Implementation of the Corrective Measures (OSS) has not been finalized and delaying field investigations could have greater implications on the schedule for cleanup, which will need to be evaluated against the OSS once it is approved.

In addition, the proposed standard desktop literature-based reviews do not always capture "community-valued" properties. A thorough community review and identification of important properties should be conducted since the public can provide more unique insights into property use and history. The Committee's comments on the *Supplemental Phase IA Cultural Resources Assessment Work Plan* are enclosed as Attachment A.

Sincerely,
The Housatonic Rest of River Municipal Committee

Enclosure: Attachment A - Housatonic Rest of River Municipal Committee Comments on the Supplemental Phase IA Cultural Resources Assessment Work Plan

Enclosure: Attachment B - Technical Assistance Services for Communities Comments, March 4, 2022

ATTACHMENT A
HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE
Comments on the Supplemental Phase IA Cultural Resources Assessment Work Plan
GE/Housatonic River - Rest of River

The *Supplemental Phase IA Cultural Resources Assessment Work Plan* (hereafter referred to as the Work Plan) describes the additional desktop evaluations, literature searches and consultations to be conducted to update the 2008 Initial Phase IA Cultural Resources Assessment, including coordination with the Massachusetts Historical Commission, potential contacts with Native American tribes regarding the locations of Traditional Cultural Properties, and other required notifications and consultations. While the Work Plan generally adheres to the requirements of the Revised Final Permit as well as the Statement of Work (SOW), there appears to be sufficient supporting documentation to proceed with more definitive field assessments of cultural resources rather than relying solely on continuing the desktop evaluation.

Several other potential community concerns have been identified and the Rest of River Committee offers the following comments:

1. The Work Plan describes only additional desktop evaluations, literature searches and consultations to be conducted to update the 2008 Initial Phase IA Cultural Resources Assessment. Standard desktop literature-based reviews for the identification of historic properties do not always capture “community-valued” properties. A thorough community review and identification of important properties should be conducted as part of the proposed historic property inventory since the public can provide more unique insights into property use and history.

GE and EPA should seek public input in the identification of properties of potential historic value as part of the Cultural Resources Assessment (CRA) inventory process.

2. The Work Plan does not recommend any in-field verification of CRA resources until a later date when remedial unit remedial design/remedial action (RD/RA) information is available. It appears that sufficient information exists (in particular, for Reach 5A) to initiate more definitive in-field studies rather than the continued reliance on the literature-based desktop approach.

GE should proceed with more definitive analysis methods (field-spade surveys) immediately to determine the presence/absence of resources in known remediation units where enough information is available to characterize the occurrence of cultural resources.

3. The Revised Final Permit identifies the Archaeological and Historic Preservation Act as an Applicable or Relevant and Appropriate Requirement (ARAR). This ARAR states that “EPA will notify state, tribal or federal authorities and comply with the substantive requirements in this statute” if during the RD or RA it is determined that the remedy may cause irreparable loss or destruction of significant scientific, prehistorical, historical or archaeological data. The 2008 Phase IA Cultural Resources Assessment identifies two recorded prehistoric sites (19BK166 and 19BK167). Consultation with resource trustees can be a timely process. It is important that the presence of any significant resource be understood as soon as possible to adhere to the projected RD/RA schedule for Reach 5A.

EPA should address ARAR consultation requirements that could substantially affect the proposed Reach 5A remedy construction schedule and proceed as needed to keep the projected RD/RA schedule for Reach 5A on schedule.

4. According to the 2008 Phase IA Cultural Resources Assessment, site 19BK166 has historic notes of a 1783 map that depicts an “Indian Burial”. Verification of this site as a grave site needs to be determined as soon as feasibly possible to determine potential impacts on this historic site. Since 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) has provided for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects and objects of cultural patrimony. By enacting NAGPRA, Congress recognized that human remains of any ancestry “must at all times be treated with dignity and respect.”

Further evaluation of site 19BK166 should begin as soon as possible to avoid affecting this resource during the Reach 5A RD/RA, and/or verify the presence of a potentially significant cultural resource.

5. The Work Plan indicates that the CRA inventory will be used to assess whether areas containing potentially significant cultural resources can be avoided while remaining consistent with the overall goal of the remediation program. The Work Plan does not indicate if this coordinated effort will continue during construction. It is possible that artifacts may be encountered during construction activities that will require coordination with appropriate cultural/archaeological resource authorities. It is important that there is oversight of construction activities in areas with known high potential occurrence of cultural resources. It is also important that a standard set of protocols are documented and followed during construction that address the treatment and notification of appropriate authorities when an artifact is encountered.

GE should be required to document how cultural resources encountered during construction will be treated, in order to adhere to ARAR requirements.

6. The 2008 Initial Phase IA Cultural Resources Assessment identified cultural resources in areas downgradient of the Columbia Mill Dam and the former Eagle Mill Dam, both slated for removal under the Revised Final Permit. According to the construction timeline defined by the 2014 and 2020 Statement of Basis, removal of sediment behind the dams is to commence in the third or fourth year of the cleanup. The SOW states that the plans for dam removal activities are to include an evaluation of compliance with ARARs and other regulatory requirements pertaining to the dam removals. Field investigations should be initiated without delay in order to both comply with applicable ARARs and stay on schedule.

GE should be required to conduct more definitive field studies to define downgradient cultural resources that may be affected by the planned removal of the Columbia Mill and Former Eagle Mill dams.



Technical Assistance Services *for* Communities Comments on GE-Pittsfield/Housatonic River Site Supplemental Phase IA Cultural Resources Assessment Work Plan March 4, 2022

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Technical Direction: R1 2.3.14 GE Pittsfield

**Technical Assistance Services for Communities (TASC)
Comments on GE-Pittsfield/Housatonic River Site
Supplemental Phase IA Cultural Resources Assessment Work Plan,
January 2022**

Introduction

This document provides TASC comments on the GE-Pittsfield/Housatonic River Supplemental Phase IA Cultural Resources Assessment Work Plan (CRA Work Plan). This document is for the city of Pittsfield, the Berkshire Regional Planning Commission (BRPC) and municipalities to use as they develop comments to share with the U.S. Environmental Protection Agency (EPA). TASC does not make comments directly to EPA on behalf of communities. This document is funded by EPA's TASC program. The contents do not necessarily reflect the policies, actions or positions of EPA.

Pursuant to the Revised Resource Conservation and Recovery Act (RCRA) Permit Modification (Revised Final Permit) issued by EPA to the General Electric Company (GE) on December 16, 2020, for the Rest of River (ROR) portion of the GE-Pittsfield/Housatonic River site, GE is required to prepare a work plan to conduct a Supplemental Phase IA Cultural Resources Assessment (CRA) of areas that will be affected by the ROR remedial action. As indicated in the Initial Phase IA CRA Report (page 71), the next step in the CRA process is the submission of a supplemental work plan for additional Phase IA investigations following identification of the extent of areas subject to remediation. The CRA Work Plan describes the process and activities that GE will conduct to begin to identify potentially affected ROR areas that contain known cultural resources or that have a high potential to contain such resources. This work will also delineate upland areas with known or suspected historic structures that might be affected indirectly by project activities.

Summary

The January 2022 CRA Work Plan has five sections:

- Introduction and Background.
- Summary of Prior Cultural Resource Assessments.
- Procedures to Update the 2008 CRA.
- Schedule, Reporting and Next Steps.
- References.

The objective of the Supplemental Phase IA CRA is to identify river, riverbank and floodplain areas within the Archaeological Area of Potential Effect (APE) with known cultural resources or high potential to contain such resources. In addition, the document will identify upland areas within the Historic Architectural APE with known or suspected historic structures. The CRA Work Plan describes the additional desktop evaluations, literature searches and consultations to be conducted to update the 2008 Initial Phase IA CRA, including coordination with the Massachusetts Historical Commission, potential contacts with Native American tribes regarding the locations of Traditional Cultural Properties, and other required notifications and consultations.

TASC Comments

TASC reviewed the document to determine if the proposed methods and schedule adhered to the requirements of the Revised Final Permit as well as the Statement of Work (SOW). While the CRA Work Plan generally adheres to the requirements, it seems that there is sufficient supporting documentation to proceed with next steps related to the assessment of cultural resources associated with known remedial units, instead of continuing the desktop evaluation. TASC identified several other potential community concerns, as described below.

1. The document describes only additional desktop evaluations, literature searches and consultations to be conducted to update the 2008 Initial Phase IA CRA (pdf page 7). The CRA Work Plan document does not recommend any in-field verification of CRA resources until a later date when remedial unit remedial design/remedial action (RD/RA) information is available. It seems that sufficient information exists (in particular, for Reach 5A) from which this document could propose more definitive in-field studies rather than the continued literature-based desktop approach.

For instance, as per the 2008 Initial Phase IA CRA document, Reach 5A encompasses some of the “highest densities of previously recorded prehistoric sites in the region” (2008 Phase 1A CRA pdf page 59). Figures 7 through 9 of the 2008 CRA document display the estimated areas with a high prehistoric archaeological potential along Reach 5A (pdf pages 30 – 33). These Reach 5A figures show prehistoric archaeological areas with high potential to occur at:

- The confluence of the West and East branches of the Housatonic River.
- The confluence of the Housatonic River with Sackett Brook (river mile 92).
- Along both sides of the Housatonic River (from river mile 50 to river mile 100).

- Along the west side of the Housatonic River (beginning at river mile 125, with sites also occurring along the east bank starting at river mile 135 and continuing on both sides of the river to about river mile 200).
- Additional river bend areas with high occupation (at river miles 220, 230 and 240).

The Revised Final Permit Performance Standards for Reach 5A are “river bed sediment shall be removed and an Engineered Cap...shall be placed over the entire riverbed” (Revised Final Permit pdf page 24) while “contaminated soil from eroding riverbanks in Reach 5A shall be removed” and “a bank shall be considered contaminated if it contains ≥ 5 mg/kg total PCBs” (Revised Final Permit pdf pages 24 and 25). Figure 2-3 from the Revised Pre-Design Investigation Work Plan for Reach 5A Non-Residential Floodplain Exposure Areas document shows that the above areas contain high concentrations of polychlorinated biphenyls (PCBs) in the 1-to-12-inch adjacent riverbank soils (pdf page 47). Therefore, since it is known that riverbed sediments are to be removed, and riverbank soils are likely to be addressed, it seems prudent to begin more definitive analysis of the potential resources present in the remedial areas as soon as possible. More literature-based desktop surveys will not likely yield any more definitive information on cultural resource presence that has not already been documented.

The community may want to ask EPA if there is enough information available to characterize the occurrence of cultural resources within (in particular) Reach 5A to be able to proceed with more definitive analysis methods (field-spade surveys) to determine the presence/absence of resources in known remediation units.

2. The Revised Final Permit identifies the Archaeological and Historic Preservation Act (54 United States Code 312501 et seq.) as an Applicable or Relevant and Appropriate Requirement (Revised Final Permit, Attachment C ARARs, pdf page 116). This ARAR states that “EPA will notify state, tribal or federal authorities and comply with the substantive requirements in this statute” if during the RD or RA it is determined that the remedy may cause irreparable loss or destruction of significant scientific, prehistorical, historical or archaeological data (pdf page 116 of the Revised Final Permit). The 2008 Phase IA CRA document identifies two recorded prehistoric sites (19BK166 and 19BK167) in the general area known as Canoe Meadows where Sackett Brook meets the Housatonic River (about river mile 92 in Reach 5A). Site 19BK166 has historic notes of a 1783 map that depicts an “Indian Burial” (on the Wendell property at Canoe Meadows on the west side of the river [pdf page 59 of the 2008 Initial Phase IA CRA]; further comment provided in Comment 3 below). Consultation with resource trustees can be a timely process. It is important that the presence of any significant resource be understood as soon as possible to adhere to the projected RD/RA schedule for Reach 5A.

The community may want to ask EPA if addressing ARAR consultation requirements could substantially affect the proposed Reach 5A remedy construction schedule.

3. As mentioned above, surveyed site 19BK166 has historic notes of a 1783 map that depicts an “Indian Burial” (on the Wendell property at Canoe Meadows on the west side of the river [pdf page 59 of the 2008 Phase IA CRA]). Potential impacts on this historic site, and verification if this site is a grave site, needs to be determined as soon as feasibly possible. Since 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) has provided for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects and objects of cultural patrimony. By enacting NAGPRA, Congress recognized that human remains of any ancestry “must at all times be treated with dignity and respect.”

The community may want to ask EPA if further evaluation of site 19BK166 should begin as soon as possible to avoid affecting this resource during the Reach 5A RD/RA, and/or verify the presence of a potentially significant cultural resource.

4. The document indicates that the developed CRA inventory data will be used to assess whether areas containing potentially significant cultural resources can be avoided in the remedial program consistent with the overall goal of the remediation program. The document does not indicate if this coordinated effort will continue during construction. It is possible that artifacts may be encountered during construction activities that will require coordination with appropriate cultural/archaeological resource authorities. It is important that there is oversight of construction activities in areas with known high potential occurrence of cultural resources (see the bullet list of areas by river mile in Comment #1). It is also important that a standard set of protocols are documented and followed during construction that address the treatment and notification of appropriate authorities when an artifact is encountered.

The community may want to ask EPA how CRA resources encountered during construction will be treated, in order to adhere to ARAR requirements.

5. Standard desktop literature-based reviews for the identification of historic properties do not always capture “community-valued” properties. It is TASC’s experience that a thorough community review and identification of important properties should be conducted as part of the proposed historic property inventory since the public can provide more unique insights into property use and history.

The community may want to ask EPA if or when the public will be allowed to provide input in the identification of properties of potential historic value as part of the CRA inventory process.

6. As provided in Section II.B.2.f.(1)(d) of the Revised Final Permit (pdf page 34), as part of the ROR RA, GE will remove the Columbia Mill Dam (in Reach 7B) and the former Eagle Mill Dam (in Reach 7C). Results from the 2008 Phase IA CRA state that:

- “Reaches 7A and 7B have narrow strips of high potential terrain, primarily along the east side of the river...Reaches 7C and the upper end of Reach 7D...also have narrow strips of prehistoric high potential. Although these areas are small in extent their location adjacent to former rapids in the river would have been prime spots for prehistoric fishing encampments” (pdf pages 64 of the 2008 Phase IA CRA).
- For downgradient areas, “between the Turnpike and South Lee, the valley widens out again, and there are extensive stretches of elevated, well-drained floodplain terraces that have high potential for containing sites. A concentration of recorded sites is located in this region. Four of these sites are located within the Archaeological Area of Potential Effect (APE) (19BK145, 19BK147, 19BK148, and 19BK156) and two more about the south edge of the APE (19BK146 and 19BK157). All include multiple Late Archaic, Early Woodland, and Late Woodland components (Jones and Berkland 1992; Macomber et al. 1992). Site 19BK146 was recommended as eligible for the National Register of Historic Places (NRHP) (Macomber 1992:32)” (pdf pages 64 and 65 of the 2008 Phase IA CRA).

The SOW states that the forthcoming plans for dam removal activities are to include an evaluation of compliance with ARARs and other regulatory requirements pertaining to the dam removals (Section 4.3.3.3 of the SOW, pdf page 66). Since the above information from the 2008 Phase IA CRA has identified cultural resources in the downgradient areas of these dams, it seems appropriate to move to the next phase of study, including field investigations, rather than continued literature-derived desktop studies.

The community may want to ask EPA if there is sufficient information available for more definitive field studies to define downgradient cultural resources that may be affected by the planned removal of the Columbia Mill and Former Eagle Mill dams.

References Cited

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