



South Central Coast Louisiana

Draft Feasibility Study with Integrated Environmental Impact Statement



Appendix A-4 – Cultural Resource Coordination & Compliance

November 2019

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Section 1

Introduction



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

June 10, 2019

Regional Planning and
Environment Division, South
Environmental Planning Branch
Attn: CEMVN-PDS-N

Kristin Sanders, SHPO
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Notice of Intent to Prepare Programmatic Agreement Regarding "South Central Coast Louisiana Flood Risk Management Feasibility Study."

Dear Ms. Sanders:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the South Central Coast Louisiana (SCCL) Flood Risk Management Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to take into account the effect of their undertakings on historic properties during the planning process and consult with stakeholders regarding these effects. This letter is intended to notify the LA State Historic Preservation Officer (LA SHPO) pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the CEMVN's Section 106 responsibilities with regard to the programmatic review of this feasibility study and allows CEMVN to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by this undertaking. We invite the LA SHPO to participate in this consultation since it may involve important questions of policy or interpretation and will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed Undertaking.

Study Authority

CEMVN is conducting the present SCCL Flood Risk Management Feasibility Study under the standing authority of *The Bipartisan Budget Act of 2018 (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil, Department of the Army, Investigations*, for flood and storm damage risk reduction. The lead Federal agency for this proposed action is the USACE. The Louisiana Coastal Protection and Restoration Authority

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(CPRA) is the non-Federal sponsor. The feasibility study phase is 100% federally funded. CEMVN will analyze numerous issues related to the effects of any proposed storm damage reduction measures. These issues will include, but will not be limited to, the following: Continued wetlands losses impacting migratory species, the ecological nurseries of the Gulf of Mexico, and various commercial and recreational activities.

Study Area

The study area, which includes the Louisiana coastal parishes of Iberia, St. Mary, and St. Martin, encompasses an area of approximately 2,965 square miles containing an array of private, local, state, tribal, and federally-managed lands including portions of the Gulf of Mexico, Gulf coastal areas, coastal marshes, the Atchafalaya River, floodplain, and adjacent lands (agriculture, urban, and wildlife habitat), constructed public and private facilities, and other areas subject to repetitive flood inundation. A map depicting the study area is included as Figure 1.

Study Purpose and Background

Rainfall from hurricanes, tropical storm events, and local storms pose a significant risk to the communities, ecosystems, and industries within the present study area. The region has experienced repetitive storm events including Hurricanes Rita, Ike, Gustav, and Andrew, resulting in loss of life, wildlife, property, and repeated mandatory evacuation costs. This area is also vulnerable to coastal land loss and degradation. Historically, from 1932 to 2010, the area experienced a net loss of approximately 22,500 acres of wetlands. Continued wetlands losses impact migratory species, the ecological nurseries of the Gulf of Mexico, and various commercial and recreational activities. In addition, the study area's topography, low elevation, proximity to the Gulf of Mexico, subsiding lands, and rising seas, are all contributing factors causing coastal flooding, shoreline erosion, and loss of wetlands.

Communities of concern include Breaux Bridge and St. Martinville located in St. Martin Parish. New Iberia, Jeanerette, Delcambre, and Loreauville are at risk of storm damage in Iberia Parish. In St. Mary Parish, Morgan City, Franklin, Patterson, Baldwin, Berwick, as well as the federally recognized Tribal Nation of the Chitimacha whose reservation includes most of Charenton are at risk of damages from flooding from storms that have repeatedly impacted this part of the Louisiana coast over time. Activities in the study area include those related to the Gulf Intracoastal Waterway and Bayou Teche; the Port of Morgan City, Port of West St. Mary, and Port of Iberia; Keystone Lock and Dam, Berwick Lock, and Bayou Boeuf Lock; the Wax Lake Outlet and Pumping Station; Patterson Regional Airport; major transportation corridors and evacuation routes (Hwy 90/future I-49 corridor); and other activities associated with local bayous and structures. In addition to impacts resulting from repeated storm action, the study area is also vulnerable to coastal land loss and degradation, which increases risk to communities, habitat, and infrastructure. The study area also encompasses ecosystems having national, state, and local significance such as the Bayou Teche National Wildlife Refuge, the State of Louisiana Marsh Island Wildlife Refuge, and the Attakapas and Atchafalaya Delta Wildlife Management Areas. The Atchafalaya Basin is unique because it has a growing delta system. Designated by Congress in 2006 as a National Heritage Area, the Atchafalaya Basin encompasses significant cultural, historic, scenic, and recreational resources. It is the Nation's largest alluvial bottomland and swamp that provides habitat for 24 federal and state-listed threatened or endangered species, or species of concern.

Smart Planning Framework

CEMVN is conducting this study according to the Specific, Measurable, Attainable, Risk Informed, Timely (SMART) planning framework for civil works feasibility studies for water resources development projects. The SMART planning process is intended to improve and streamline feasibility studies, reduce their cost, and expedite their completion. The study works progressively through a six-step planning process: 1) identifying problems and opportunities, 2) inventorying and forecasting conditions, 3) formulating alternative plans, 4) evaluating alternative plans, 5) comparing alternative plans, and 6) selecting a plan. From a NHPA/NEPA perspective, the SMART planning process is broken out into four (4) separate phases over the course of the study (Figure 2): Scoping; Alternative Evaluation and Analysis; Feasibility-Level Analysis; and Integrated Feasibility Report (IFR)/Environmental Impact Statement (EIS) development. On April 02, 2019, CEMVN published a Notice of Intent to Prepare a Draft Environmental Impact Statement for the SCCL Feasibility Study in the Federal Register (Vol. 84, No. 63) and USACE began providing to the public NEPA compliance documentation on the designated project website at <https://www.mvn.usace.army.mil/South-Central-Coast/>. CEMVN intends to continue to use this website to post additional project information throughout the development of the IFR/EIS. The IFR/EIS examines the existing condition of environmental and cultural resources within the study area and analyzes potential impacts to those resources as a result of implementing the alternatives. At the feasibility level, there may be insufficient funding and time to conduct required NHPA cultural resources studies and/or mitigation and typically additional feasibility work still remains to be completed on the cultural, environmental, engineering, cost estimating, economic, real estate, and construction elements of the plan. Therefore, prior to approving the Undertaking, the agency may propose to develop a project-specific PA in consultation with stakeholders when the federal agency cannot fully determine how the Undertaking may affect historic properties or the location of historic properties and their significance and character.

There are five (5) key milestones that mark significant decisions in the SMART planning process (Figure 2): Alternatives Milestone; Tentatively Selected Plan (TSP) Milestone; Agency Decision Milestone; Civil Works Review Board; and Chief's Report Milestone. Table 1 (below) provides a schedule of proposed milestone dates for the SCCL Flood Risk Management Feasibility Study:

Table 1. Proposed Study Milestone Schedule

Milestone	Scheduled	Actual	Complete
Alternate Milestone	Jan 31, 2019	Jan 31, 2019	Yes
Tentatively Selected Plan	Oct 2, 2019	TBD	No
Release Draft Report to Public	Dec 3, 2019	TBD	No
Agency Decision Milestone	Mar 27, 2020	TBD	No
Final Report Transmittal	Mar 19, 2021	TBD	No
Chief's Report	Jul 12, 2021	TBD	No

Upon the completion of the Draft IFR/EIS a stakeholder/public comment period will be initiated in conjunction with technical, peer, and policy reviews. Subsequently, results of the reviews and additional feasibility work will be incorporated into the final Chief's Report, which will again be made available for stakeholder/public review. Following the execution of a PA, the Chief of Engineers may then proceed with making a final recommendation on the project and issuing a Record of Decision (ROD) in compliance with NHPA and NEPA.

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Consideration of Alternates

CEMVN is investigating the best comprehensive solutions that meet the study objective: to reduce the risk of storm damage to industries and businesses critical to the Nation's economy and protect the health and safety of Louisiana coastal communities. The USACE will evaluate a range of alternatives for the proposed action including structural and nonstructural measures. Proposed measures for the SCCL Flood Risk Management Feasibility Study include levees and floodwalls, hydraulic and salinity control structures, non-structural efforts, and shoreline stabilization measures. Expected outputs include a reduction in the risk of flooding (frequency and magnitude), and the enhancement of the Nation's economic development, job growth, and international competitiveness, which are all supported by Administration policy. Structural measures recommended for consideration presently include:

- Comprehensive Levee State Alignment A (Figure 3);
- Comprehensive Levee State Alignment B (Figure 3);
- Comprehensive levee parallel to Hwy 90 on the south side;
- Existing Levee Improvements elevation based on hurricane storm criteria;
- Ring Levees around economic damage hot spots and critical infrastructure;
- Wave attenuation structure off shore to reduce storm surge and wave impacts.

The USACE is also considering nonstructural measures. These include:

- Buyouts;
- Wet proofing;
- Dry proofing.

Additional information and maps regarding initial alternatives under consideration can be accessed at: <https://www.mvn.usace.army.mil/Portals/56/docs/BBA%2018/2019%2005%2014%20FINAL%20SCCL%20Public%20Meeting%20PPT.pdf>. The alternatives will be further developed in the IFR/EIS.

Section 106 Consultation

CEMVN has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y) and has the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). Due to time and budget constraints for this Undertaking associated with the SMART Planning framework, CEMVN proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3). The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex Undertaking and establish protocols for continuing consultation with the LA SHPO, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/THPO and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures CEMVN will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance,

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streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation, establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

CEMVN proposes to send future notices, draft agreements, and other background information to consulting parties by e-mail to minimize communication delays and expedite the development of the PA. Please let CEMVN know if this is impractical, so we can make alternative arrangements.

A date and time for the initial Section 106 consultation meeting has not been set. Upon selection of a TSP, CEMVN will schedule a teleconference with consulting parties. The purpose of the initial meeting will be to discuss the proposed Undertaking, the APE, and determine the appropriate steps to identify, evaluate, avoid, minimize, and mitigate potential adverse effects. CEMVN will notify the SHPO and other likely consulting parties regarding the meeting as soon as possible and forward information regarding the meeting location, a conference call-in number, and the Agenda.

Please do not hesitate to notify CEMVN regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation. Should you have any questions or need additional information regarding this undertaking or the SMART Planning Framework, please contact Jeremiah Kaplan, Archaeologist at [Jeremiah.H.Kaplan @usace.army.mil](mailto:Jeremiah.H.Kaplan@usace.army.mil) or (504) 862-2004.

Sincerely,

HARPER.MARSHALL
.KEVIN.1536114358

Digitally signed by
HARPER.MARSHALL.KEVIN.1536
114358
Date: 2019.06.07 15:56:29 -05'00'

MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

LA SHPO

An electronic copy of this letter with enclosures will be provided to the Section 106 Inbox, section106@crt.la.gov.

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Figure 1. ESRI Transportation imagery displaying location of the SCCL study area.

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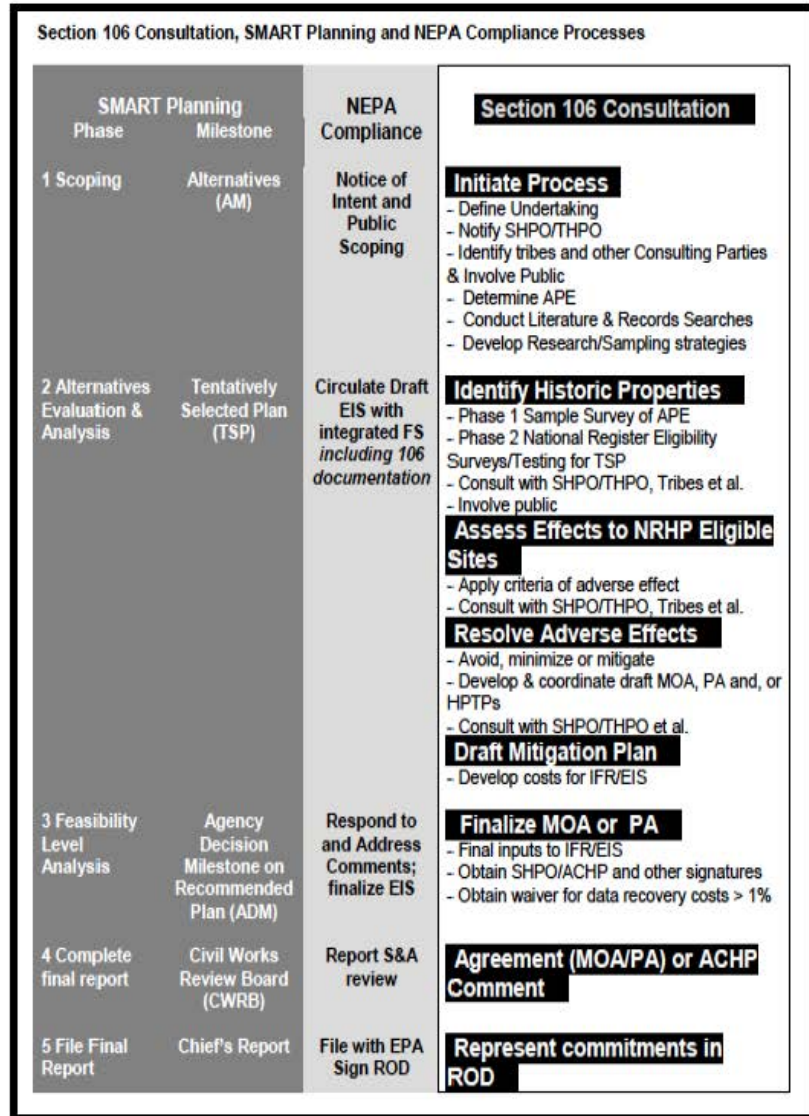


Figure 2. Section 106 Consultation, SMART Planning, and NEPA Compliance Process.

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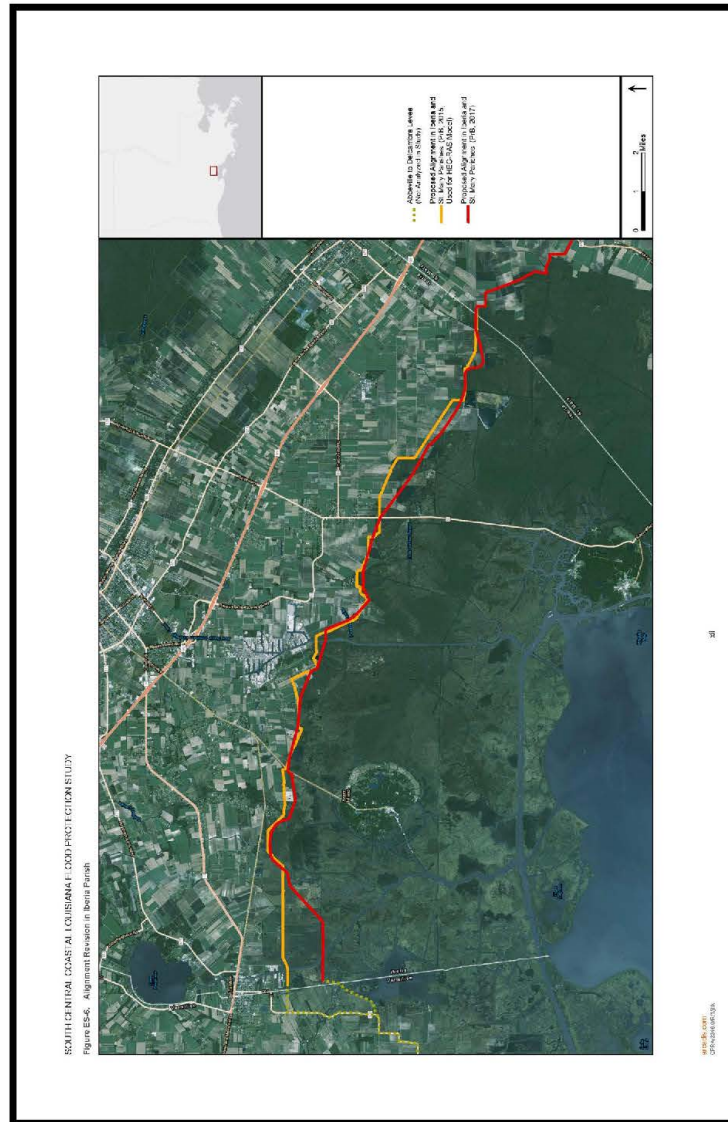


Figure 3. SCCL Comprehensive Levee State Alignment A/B ([ARCADIS 2017: ftp://ftp.coastal.la.gov/TV-67/Uploads%20for%20Atkins%2020151216/SCCL%20Study/1SCCL%20Flood%20Protection%20Study.pdf](ftp://ftp.coastal.la.gov/TV-67/Uploads%20for%20Atkins%2020151216/SCCL%20Study/1SCCL%20Flood%20Protection%20Study.pdf)).

