

## Public Notice NHPA/NEPA<sup>1</sup>

### Notice of Intent to Prepare Programmatic Agreement Regarding “Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion, East Baton Rouge Parish Watershed Flood Control, and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Projects.”

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion (Comite), East Baton Rouge Parish Watershed Flood Control (EBR), and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP) Projects 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.

The purpose of the proposed action is to compensate for habitat losses incurred during construction of the WSLP, Comite, and EBR projects. The WSLP project is located in southeast Louisiana, on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. The Comite Project is located in the southern portion of the Comite River Basin, in East Baton Rouge Parish, Louisiana. The EBR project is located in East Baton Rouge Parish, Louisiana. Generally and to the extent possible, the mitigation projects will be implemented in the same coastal basin where the project impacts occur. In addition to purchasing existing mitigation bank credits, CEMVN is presently reviewing 31 potential mitigation areas (Figure 1).

The mitigation projects need to compensate for two habitat categories: Bottom Land Hardwood and Swamp. Among other factors, the mitigation team will identify projects based on time, risks, costs, and potential to effect significant cultural resources, and will evaluate viable alternatives. Additional project information can be accessed at: <https://www.mvn.usace.army.mil/About/Projects/BBA-2018/Mitigation/>.

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. Accordingly, CEMVN proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3) to provide a framework for addressing this undertaking and establish protocols for continuing consultation with the LA State Historic Preservation Officer (LA SHPO), Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, consider the views of the SHPO/Tribal Historic Preservation Officer and other consulting parties, afford for public participation, 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 and/or sites of religious and cultural significance within the APE, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation.

To help further develop a course of action for this project CEMVN is requesting your input by July 17, 2019, concerning the proposed Undertaking and its potential to significantly affect historic properties and/or of relevant parties who may have an interest in participating in this consultation. Comments can be sent electronically to: [mvnenvironmental@usace.army.mil](mailto:mvnenvironmental@usace.army.mil), or, mail comments to: Cultural & Social Resources Section (CEMVN-PDP-CSR), USACE, Room 140, 7400 Leake Ave., New Orleans, LA 70118-3651.



Figure 1. Map displaying potential mitigation areas.

<sup>1</sup> CEMVN is issuing this public notice as part of its responsibilities under the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). This notice applies to activities carried out 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. CEMVN is also required to fulfill the Council of Environmental Quality regulations (NEPA regulations, 43 FR 55978 (1978)) that provide policy and procedures to enable CEMVN officials to be informed and to take into account environmental considerations when authorizing or approving CEMVN actions that may significantly affect the environment of the United States. It is the intent of NEPA that federal agencies encourage and facilitate public involvement to the extent practicable in decisions that may affect the quality of the environment.