



Morganza to the Gulf, Louisiana, Hurricane and Storm Damage Risk Reduction Project SEIS



Appendix J – Cultural Resources

December 2025

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Part 1: Invitation to Participate in Programmatic Agreement



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

December 12, 2024

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

Carrie Broussard, Interim Assistant Secretary
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Invitation to Participate in a Programmatic Agreement Regarding the Morganza to the Gulf of Mexico Project

Dear Ms. Broussard:

The U.S. Army Corps of Engineers, New Orleans District (CEMVN) received New Start construction funding in 2021 and more construction funding in 2022 and 2023 with more funds expected, to construct levees authorized by the Water Resources Development Act (WRDA) of 2007 and again in 2014, for the project known as the Morganza to the Gulf of Mexico Levee System (MTG) south of Houma in Terrebonne and Lafourche Parishes. A Programmatic Environmental Impact Statement (PEIS) and Post Authorization Change Report (PACR) were completed in 2013, containing discussion of existing cultural resource surveys or recorded historic properties. A proposed route for the levee, as well as locations of various floodgates, drain structures, and other elements of the system has been proposed. Some elements, such as Reach A that was consulted upon on December 15, 2023, are already under construction while other elements are being revised (Figure A-1).

This letter and the accompanying Figure A-1 re-introduce the MTG Project and its current state. CEMVN invites any initial comments on the potential to affect historic properties, protected tribal rights, or Indian lands. CEMVN proposes that a Programmatic Agreement is the appropriate means to consult for Section 106 of the National Historic Preservation Act (NHPA).

Description of the Undertaking

The area south of Houma has often been severely impacted by storm events. The MTG Project will construct almost 100 miles of levee, and accompanying floodgates, control structures, and similar items related to storm damage reduction for a large portion of south central Louisiana. CEMVN hosts a web page containing project information for MTG ([New Orleans District > About > Projects > Morganza to the Gulf \(army.mil\)](#)).

Area of Potential Effects (APE)

The APE for direct effects is considered to be the footprint of the recommended levee, including borrow areas, staging areas, access roads, and other project features that have not all yet been fully identified, as well as a visual buffer area flanking each side of the levee and other project features alignment. The APE for indirect effects are the areas immediately south of the levee where brief impoundment of storm surge waters may occur, and no indirect effects to cultural resources within this APE are expected.

Identification and Evaluation Efforts to Date

A Phase I cultural resources survey was completed for the Reach A portion of MTG, and a coordination letter dated December 15, 2023. A Phase I cultural resources survey was completed for Reach F, with coordination letter dated March 31, 2008. A coordination letter to identify soil borings operations across multiple areas of the MTG system was sent on November 3, 2023. Other portions of the MTG have been included within Phase I surveys, and Cultural Reconnaissance/Assessments exist and have discussed previously recorded site locations. Due to the construction schedules of individual Reaches, more Phase I cultural surveys shall occur, and results will be coordinated with the LA SHPO and Federally-recognized Tribes.

Future Section 106 Consultation Steps

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. As an entirety of a levee system almost 100 miles long, many components of which were begun by local government using Regulatory Permits, consultation for Section 106 has a long history. Under the current status of New Start funding and construction, the letter of consultation dated November 3, 2023 to share procedures of geotechnical survey and soil boring efforts, initiated Section 106 coordination pursuant to 36 CFR § 800.3(b). Due to the extensive amount of work and the lack of certainty regarding the alignment of many programmatic elements, and the associated planning and construction timeframes associated with this Undertaking, CEMVN proposes to develop a project-specific Programmatic Agreement (PA) pursuant to 36 CFR § 800.14(b)(3). A Draft PA is included with this letter.

CEMVN proposes a date of January 15, 2025 at 1 p.m. to discuss the Draft PA. Meeting information will be emailed to your office prior to the meeting. The purpose of the initial meeting will be to discuss the proposed Undertaking, and additions or edits that may be necessary to the draft PA.

Should you have any questions or need additional information regarding this undertaking, please contact Paul Hughbanks, Archaeologist, at (504) 862-1100 or paul.j.hughbanks@usace.army.mil. The Tribal Liaison for CEMVN and for this undertaking is Brian Ostahowski at (504) 862-2188 or brian.e.ostahowski@usace.army.mil.

Sincerely,

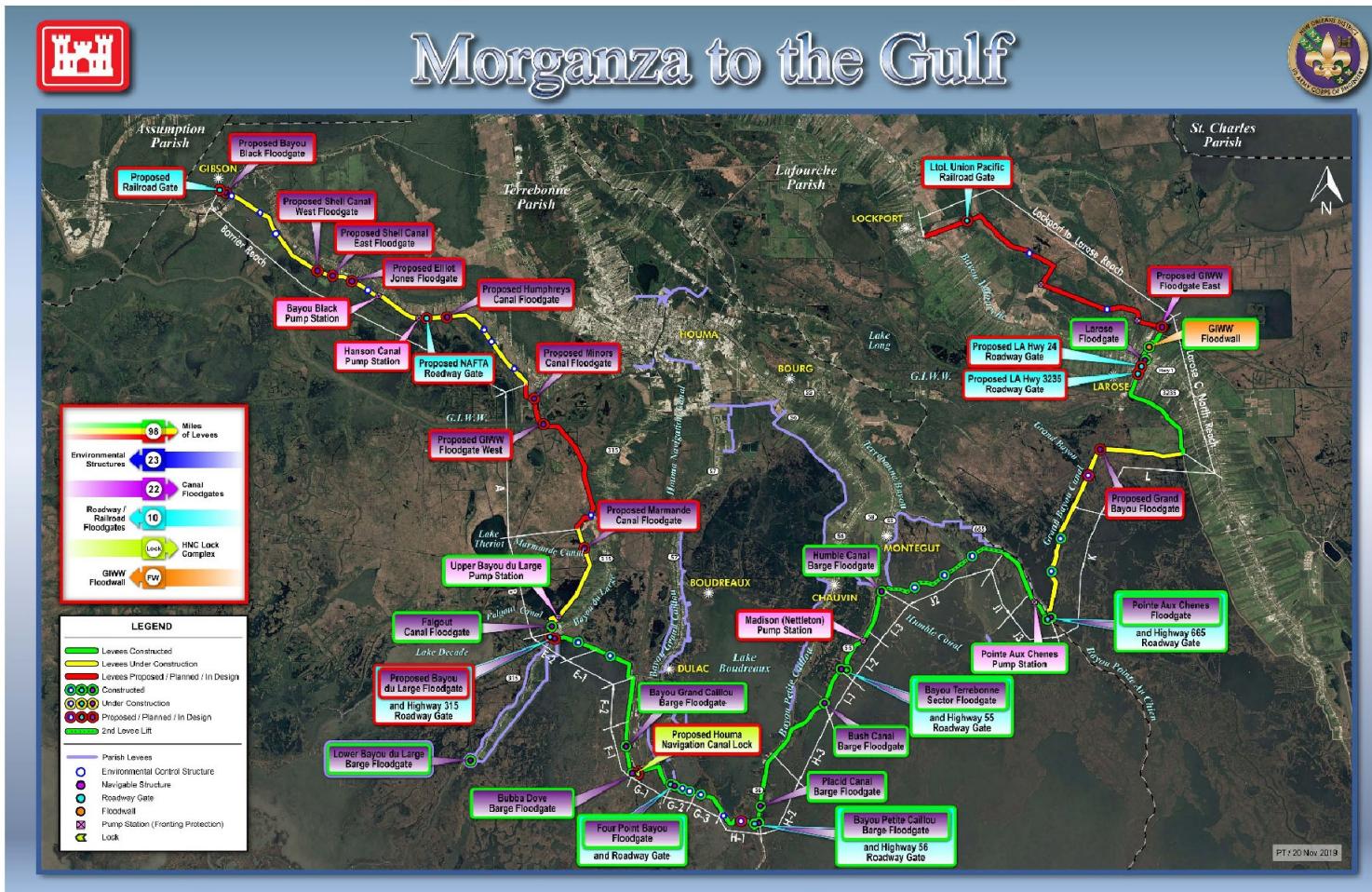
FOR ERIC M. WILLIAMS
Chief, Environmental Planning Branch

CC:File

LA SHPO

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

Figure A-1 Construction Status on Alignment of Mississippi River and Tributaries, Morganza to the Gulf of Mexico Levee System



Part 2: Draft Programmatic Agreement

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE U.S. FISH AND WILDLIFE SERVICE,
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER,
THE LOUISIANA COASTAL PROTECTION AND RESTORATION
AUTHORITY,
THE TERREBONNE LEVEE AND CONSERVATION DISTRICT, AND
(TRIBES TO BE SPECIFICIED)
REGARDING THE
MORGANZA TO THE GULF PROJECT
TERREBONNE AND LAFOURCHE PARISHES, LOUISIANA**

WHEREAS, in order to address repetitive storm events resulting in loss of life, property, and repeated mandatory evacuation costs, the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) in partnership with the Louisiana Coastal Protection and Restoration Authority (CPRA) and the Terrebonne Levee and Conservation District (TLCD) as the Non-Federal Sponsors (NFS), is conducting the "Morganza to the Gulf Project" (MTG; Project) under the standing authority of Section 7002(3) of the Water Resources Development Act (WRDA) of 2014 (Public Law 113-121); and

WHEREAS, the term "Project" means providing a 100-year level of risk reduction consisting of an approximately 98-mile levee system located approximately 60 miles southwest of New Orleans, Louisiana, in Terrebonne and Lafourche Parishes, which includes levees, floodwalls, navigation and vehicular floodgates, a lock complex, road gates, fronting protection for existing pump stations and environmental control structures (ECS), hurricane and storm damage risk reduction structures on navigable waterways, and other necessary structures (Table 1), and mitigation measures to compensate for unavoidable impacts to wetlands with monitoring and adaptive management, if required, as generally described in the Final Post Authorization Change Report (PACR), Morganza to the Gulf, Louisiana, dated May 2013 and approved by the Chief of Engineers on July 8, 2013, with modifications as described in the Engineering Documentation Report (EDR) dated December 2021 and approved by the Division Commander for Mississippi Valley Division on December 15, 2021; and

WHEREAS, MTG was first authorized in WRDA 2007, based on 2002 and 2003 reports of the Chief of Engineers, prior to development and implementation of post-Katrina design criteria; and

WHEREAS, post-Katrina design methods increased the cost and required reauthorization. A PACR and corresponding Revised Programmatic

Environmental Impact Statement (RPEIS) was completed to seek reauthorization, which was gained with WRDA 2014; and

WHEREAS, MTG received New Start construction funding in Fiscal Year 2021 and is currently completing a site preparation and preload construct for future replacement of Humble Canal Floodgate. In addition, \$378 million was received for design and construction of Reach A (portion), Lockport to Larose Reach (portion), Minors Canal Floodgate, Gulf Intracoastal Waterway (GIWW) West Floodgate, GIWW East Floodgate, and Humble Canal Floodgate. Community Funds received in Fiscal Year 2022 and 2023 will be used for designs for levee lifts and associated construction for Reach F, Reach J-2, Reach L, Reach K, Shell Canal Floodgate and Bayou Terrebonne Floodgate; and

WHEREAS, CEMVN is the lead federal agency for purposes of the National Environmental Policy Act of 1969 (NEPA) and the Department of Defense NEPA Implementation Procedures dated June 30, 2025, and “Section 106” of the National Historic Preservation Act (NHPA) [54 U.S.C. § 300101 et seq.], as amended (54 U.S.C. § 306108), and its implementing regulations, set out at 36 Code of Federal Regulations (CFR) Part 800, and in accordance with 36 CFR § 800.2(a)(2) and 800.8; and

WHEREAS, a portion of the MTG footprint is within the Mandalay Wildlife Refuge, administered by the U.S. Fish and Wildlife Service (USFWS); and

WHEREAS, CEMVN as the lead federal agency has invited USFWS to concur in this Agreement pursuant to 36 CFR 800.2(a)(2); and

WHEREAS, a Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) was published in the Federal Register (Volume 89, No. 119) on June 20, 2024. Public meetings to collect input during planning were held within the study area on July 30, 2024, August 1, 2024 and August 5, 2024; and

WHEREAS, the elements of the MTG have historically been utilized by local residents and government, and some levees have existed on the same ground or adjacent ground as what is now the Federalized MTG; and

WHEREAS, some previously constructed elements of existing levee or other ground modification have been undertaken by the local entities, some of these elements were completed in accordance with Federally-issued Wetlands or State-issued Coastal Use Permit, while other elements were completed solely at the discretion of the local entities; and

WHEREAS, the MTG Project area is dominated by extensive coastal wetlands created by the deltaic processes of the Mississippi River, and characterized by a number of former distributary channels extending into the basin from either Bayou Lafourche or from the Mississippi River; and

WHEREAS, the MTG Project area is prone to coastal storm damages from tidal surges, storm surges, and rainfall. The purpose of the earthen levee system is to stop or slow down surge inundation. Floodgates would provide storm damage reduction during tropical storms and allow currently navigable waterways to remain open to navigation during non-storm conditions. ECS will allow passage of wildlife and fish that may otherwise be blockaded from natural transit; and

WHEREAS, USACE is aware that some areas may experience induced flooding due to the blockage of storm surge (Figure 5.). USACE is modeling for extent and location of possible induced flooding; and

WHEREAS, USACE, consistent with the 2013 PACR and 2021 EDR, predicts that some Takings of built environment will result from the MTG Project. USACE is modeling for extent and location of necessary Takings; and

WHEREAS, the USACE has determined that the MTG Project is an "Undertaking" pursuant to the NHPA, and may have an adverse effect on historic properties included or eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the USACE has elected to fulfill its obligations under Section 106 of the NHPA through the execution and implementation of a Programmatic Agreement (this Agreement) as provided in 36 CFR 800.14(b); and

WHEREAS, the USACE has involved the public through the NEPA process, which affords all persons, organizations and government agencies the right to review and comment on proposed major federal actions that are evaluated by a NEPA document. The RPEIS went through public and agency review. CEMVN hosts a web page containing project information for MTG ([New Orleans District > About > Projects > Morganza to the Gulf \(army.mil\)](#)). Whereas Environmental Assessments (EA), Programmatic EA (PEA), Supplemental EA (SEA) and/or Signed Finding of No Significant Impact (FONSI) for Reach J1 (EA #406), Humble Canal (EA #583 and SEA #583A), Surveys and Borings (EA #597), Reach A (EA #598), Reach F (EA #602) have all undergone public review and are either available on the CEMVN MTG website or by request to CEMVN.; and

Whereas, the above named EA, PEA, or SEA have all included coordination for effects with the Louisiana State Historic Preservation Officer (LA SHPO) and with Federally-recognized Tribes, for No Adverse Effect (with conditions per Reach J1 EA #406) No Historic Properties Affected (Reach A EA #598; Humble Canal EA #583 and SEA #583A; Surveys and Borings EA #597), No Adverse Effect to Historic Properties (Reach F EA #602); and

WHEREAS, partial coordination for effects to cultural resources has been undertaken with the LA SHPO, via submittal for State Permit #P20210131 Reach

B and response “no effect”, Permit P20050497 Reaches H2 and H3 and response “no effect”, Permit P20240206 Reach I and response “no effect,” Permit P20180743 Reach J2 Mitigation Repermitting and response “no effect,” Permit P20180743 Reaches K and L and response “no effect”; and

WHEREAS, the LA SHPO also responded “no effect” to a FEMA consultation for the Reach B Falgout Canal Floodgate and Levee under FEMA-4458-DR-LA-PW-00401; and

WHEREAS, two public meetings to present the Project and seek disadvantaged community concerns (formerly Environmental Justice (EJ) concerns) were held on July 19, 2023; and

WHEREAS, an invitation to become a partnering agency for the SEIS was sent to federally-recognized Tribes and the Advisory Council on Historic Preservation (AHP) on September 6, 2024; and

WHEREAS, existing information as it is currently defined and written to be included in the SEIS, has been appended to this Agreement to further elucidate the project description of the MTG Project; and

WHEREAS, a Notice of Intent to prepare a Programmatic Agreement regarding the MTG dated December 12, 2024 was sent to the Advisory Council on Historic Preservation (AHP), the LA SHPO, Tribal Historic Preservation Officers (THPO) and federally recognized Indian Tribes as defined under 36 CFR 800.16(m) (Tribes); and

WHEREAS, during coordination of Reach A activities on December 15, 2023, the area to be protected by the MTG Project and the stages of construction as currently defined were shared with the LA SHPO and Tribes; and

WHEREAS, the USACE consulted with the LA SHPO, THPO and Tribes, and other appropriate consulting parties in developing this Agreement in order to define efficient and cost-effective processes for taking into consideration the effects of the MTG Project upon historic properties pursuant to 36 CFR 800.14(b); and

WHEREAS, the USACE acknowledges Tribes as sovereign nations which have a unique government-to-government relationship with the federal government and its agencies; USACE further acknowledges its Trust Responsibility to those Tribes; and

WHEREAS, the USACE made a reasonable and good faith effort to identify any Tribes that may attach religious and cultural significance to historic properties that may be affected by the Undertaking; and

WHEREAS, the USACE has invited the Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, and the Tunica-Biloxi Tribe of Louisiana to consult in the development of this Agreement; and

WHEREAS, the USACE will invite any interested Tribe who participates in the development of this Agreement to sign this Agreement as an Invited Signatory Party, and those Tribes not requesting to sign this Agreement as an Invited Signatory Party will be invited to sign as a Concurring Party; and

WHEREAS, the USACE will furthermore take appropriate steps to involve and notify parties, as appropriate, during the implementation of the terms of this Agreement; and

WHEREAS, the CPRA is a local sponsor for MTG Project and has participated in the development of this Agreement and will be invited to sign this Agreement as a Concurring Party; and

WHEREAS, the JTLCD) is a local sponsor for MTG Project and has participated in the development of this Agreement and will be invited to sign this Agreement as a Concurring Party; and

NOW, THEREFORE, the USACE, the LA SHPO, the USFWS, **(Tribal Partners)(Invited Signatory)**, CPRA (Concurring Party) and TLCD (Concurring Party) agree that the implementation of the following stipulations will evidence that the USACE has taken into account the effects of the MTG Project upon historic properties.

STIPULATIONS

The USACE shall adhere to the process and protocols set forth in this Agreement.

I. Correspondence

Electronic mail (email) will serve as the official correspondence method for all communications regarding this Agreement and its provisions. See Appendix A for a list of contacts and email addresses. Contact information in Appendix A may be updated as needed without an amendment to this Agreement. It is the responsibility of each signatory to immediately inform the USACE of any change in name, address, email address, or phone number of any point-of-contact. The USACE will forward this information to all signatories by email. Failure of any party to this Agreement to notify the USACE of any change to a point-of-contact's information shall not be grounds for asserting that notice of a proposed action was not received.

- A. All standard response timeframes established by 36 CFR Part 800 will apply to this Agreement, unless an alternative response timeframe is agreed to by the LA SHPO and Tribes. The USACE may request expedited review by the LA SHPO and Tribes on a case by case basis. Such expedited review period shall not be less than 10 working days.

II. Tribal Consultation

- A. The **xxxxx Nations** participated in the development of this Agreement and will sign this Agreement as an Invited Signatory Party.

III. Public Involvement

- A. The USACE, in consultation with the LA SHPO, shall continue to identify and provide members of the public likely to be interested in the effects of the MTG Project upon historic properties with a description of the Undertaking and the provisions of this Agreement.
- B. Specific cultural resources data will not be released to the general public or become released as part of NEPA documents.
- C. To the extent permitted under applicable federal laws and regulations (e.g., Section 304 of the NHPA, Section 9 of the Archaeological Resources Protection Act [ARPA]), the USACE will release to the public, documents developed pursuant to this Agreement, effects determinations, and Interim Progress Reports.

IV. Other Consulting Parties

- A. Any member of the public expressing an interest in the effects of this Undertaking on historic properties, may become a consulting party by submitting a written request to USACE.
- B. The USACE, in consultation with the LA SHPO, will continue efforts during the duration of this Agreement to identify other parties with demonstrated interests in the preservation of historic properties.
- C. The USACE will document the consulting parties in the consultation process for the MTG Project and maintain it as part of the administrative record.
- D. If any dispute arises about the right to be recognized as a consulting party, the USACE will contact the ACHP and provide all

appropriate documentation. The ACHP will participate in the resolution of the issue.

V. Identification, Evaluation, and Assessment of Effects Determinations

- A. USACE shall ensure staff or contractors whose qualifications meet the Secretary of the Interior's Professional Qualification Standards set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended complete identification and evaluation of historic properties per National Register of Historic Places Criteria. USACE shall be responsible for all determinations submitted to the LA SHPO and Tribes.
- B. If land administered by USFWS is within the footprint of MTG, then USFWS shall provide the required ARPA permits, when necessary, for archaeological investigations occurring on USFWS fee-title lands.
- C. If land administered by USFWS is within the footprint of MTG, then USFWS shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media.
- D. The USACE, in consultation with the LA SHPO and Consulting Tribes, will define and document the geographic areas within which an Undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist, referred to as an area of potential effects (APE). Because MTG contains borrow sources and mitigation areas that are spatially distinct from the risk reduction system, there will be multiple APEs (collectively, the MTG APE). Each APE will assist in identifying the potential for cumulative effects upon historic properties. The reasonable and good faith identification and evaluation efforts will be limited to the identified MTG APE (See Figures 1, 3, and 4 for a current direct APE. See Figure 5 for a current indirect APE.).
- E. MTG APEs are defined at this time to include areas that may be directly or indirectly impacted by (see Table 1):
 1. Approximately 98 miles of earthen levee, floodwalls, and floodgates;
 2. The Houma Navigation Canal lock complex (HNC Lock) with lock sill depth of - 18 feet;

3. Construction on navigable waterways of 21 other floodgates such as stop log gates, barge gates, and sector gates;
4. ECS at numerous locations within the levee system. Each control structure would consist of one or more culverts with gates that allow for tidal exchange;
5. Measures to offset the potential for increased water levels on the existing Larose to Golden Meadow project

F. Borrow sources and wetland/hardwood mitigation sites (Figure 3, Figure 4), as currently defined, have been provided to consulting parties, and any changes or additions will be coordinated by USACE, the LA SHPO, and Consulting Tribes according to Stipulations of this PA. Additional areas of the MTG APE will be identified as necessary.

G. Degree of induced inundation as a result of inhibited storm surge, or actions to mitigate induced inundation, is also not fully defined at this time. Areas affected by these possible actions will be identified as additional MTG APE and will be treated to the same Stipulations for identification of historic properties. (Figure 5)

H. Following the delineation of final MTG APE components, the USACE will conduct a reasonable and good faith effort to identify historic properties located within the MTG APE. Level of survey to be conducted within the APE and methodology will be developed in consultation with the LA SHPO and Consulting Tribes, in a manner equivalent to the Section 106 Process of NHPA and equivalent to Reconnaissance or Phase I Investigations required by the Louisiana Division of Archaeology. Areas that are inaccessible or are determined to possess a low probability for containing historic properties may be excluded from survey after consultation with the LA SHPO and Consulting Tribes.

I. The USACE will ensure that the results of identification efforts are documented in reports that meet the standards of the Louisiana Division of Archaeology and will ensure that the reports are submitted to the LA SHPO, Consulting Tribes, and consulting parties for review and comment. The USACE will ensure that the comments provided by the LA SHPO, Consulting Tribes, and consulting parties are addressed and incorporated into a final report.

J. The USACE will consult with the LA SHPO and Consulting Tribes on the eligibility of any properties identified during the identification effort. For any properties determined not eligible for nomination to the NRHP, no further consideration will be required under the terms of this Agreement. For those properties determined eligible for nomination, the USACE will proceed in accordance with Stipulation VII. For those properties whose eligibility for the NRHP cannot be determined on the basis of the identification effort, the USACE will consult with the LA SHPO and Consulting Tribes to determine if the proposed project can avoid the properties. If the properties can be avoided, the USACE will proceed as in Stipulation VI. If the properties cannot be avoided, the USACE will ensure that additional investigations to evaluate each property's eligibility for nomination will be undertaken.

K. The USACE will ensure that the results of the NRHP evaluation efforts are documented in reports that meet the standards of the Louisiana Divisions of Archaeology (DOA) and Historic Preservation (DHP) and will ensure that the reports are submitted to the LA SHPO and Consulting Tribes for review and comment. The USACE will ensure that the comments provided by the LA SHPO and Consulting Tribes are addressed and incorporated into a final report.

L. The USACE will consult with the LA SHPO and Consulting Tribes on the eligibility of the properties assessed during the NRHP evaluation effort. For any properties determined not eligible for nomination to the NRHP, no further consideration will be required. For those properties determined eligible for nomination, the USACE will proceed in accordance with Stipulation VII.

M. In the event of disagreement between the USACE, the LA SHPO, and/or Consulting Tribes concerning the eligibility of a property for listing in the NRHP under 36 CFR Part 60, the USACE shall request a formal determination of eligibility for that property from the Keeper of the NRHP (Keeper). The determination by the Keeper will serve as the final decision regarding the NRHP eligibility of the property.

VI. Coordination of Effects Determinations

A. The USACE shall evaluate the effects of a project activity on historic properties in a phased holistic manner. The most complete details of APE will become known as individual reaches and/or large structures (floodgates, ECS, etc.) enter unified design stage – to include borrow source, access areas, haul routes, etc.

Consultation by reach or structure allows all components of the APE to be known, this best keeping the entire 98-mile MTG system as a holistic Undertaking constructed by phases. In the event the USACE determines that any aspect of the individual project activity will have an effect or adverse effect on a historic property within the MTG APE, the entirety of project activity will be reviewed to understand effects to the historic property in question.

- B. Consultation of each phased effort and any of its identified cultural resources under this Agreement will be concluded for USACE findings of *no historic properties affected* and *no adverse effect* when the LA SHPO, Consulting Tribes, and other consulting parties have been provided the opportunity to review and comment on the written documentation and either concur or do not object within 30 days of receipt of the USACE finding, and subject to the provisions of this Agreement.
- C. Following submission of written documentation to the LA SHPO and Consulting Tribes, the USACE may propose a finding of *no adverse effect with conditions*, as appropriate. Such conditions may include, but are not limited to:
 - 1. Avoidance and/or preservation-in-place of historic properties;
 - 2. Modifications or conditions to ensure consistency with the Secretary of Interior's Standards for the Treatment of Historic Properties and applicable guidelines.
- D. In the event of an objection by the LA SHPO, Consulting Tribes or other consulting parties regarding the USACE's findings of *no historic properties affected*, findings of *no adverse effect*, and findings of *no adverse effect with conditions*, the USACE shall seek to resolve such objection through consultation in accordance with procedures outlined in Stipulation XII.

VII. Resolution of Adverse Effects

- A. In the event that the USACE, in consultation with the LA SHPO and Consulting Tribes, determines that the implementation of a project activity, or Federalization of existing levees, may result in an adverse effect to historic properties (as defined in 36 CFR 800.5(a)(1) and (2) of the ACHP's regulations), the USACE shall notify the ACHP, the LA SHPO, Consulting Tribes, other consulting parties and the public. If the project activity will affect a National Historic Landmark (NHL), USACE shall also notify the National

Park Service (NPS). The notification of adverse effect shall include the following documentation, subject to the confidentiality provisions of 36 CFR 800.6:

1. Summary description of the activity area;
2. Summary of identification efforts in accordance with this agreement;
3. Summary analysis of effects to historic properties;
4. Summary of alternatives considered to avoid or reduce adverse effects;
5. Proposed mitigation measures in accordance with Stipulation VIII when adverse effects cannot be avoided or conditioned to reach a determination of no adverse effect; and

B. The LA SHPO, Consulting Tribes, and any additional consulting parties, including the NPS, as appropriate, shall be afforded an opportunity to review and to comment on the adverse effect notification for a period of thirty (30) calendar days after receipt of the adverse effect notification.

C. Should the USACE, the LA SHPO, Consulting Tribes, and other consulting parties disagree on the proposed mitigation measures, the USACE shall seek to resolve such objection through consultation in accordance with Stipulation XII.

VIII. Standard Mitigation Measures

A. The USACE, in coordination with the LA SHPO, Consulting Tribes, and other consulting parties, will identify standard mitigation measures for adverse effects to historic properties. Standard mitigation measures will be tailored to the significance of the historic property, and may include, but are not necessarily limited to, one or more of the following:

1. Public Interpretation;
2. Documentation consistent with the standards for Historic American Building Survey/Historic American Engineering Record (HABS/HAER) Level I, II, or III (as determined appropriate);

3. Historical, Architectural or Archeological Monographs;
4. Rehabilitation of historic buildings in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68);
5. Off-site mitigation, including acquisition of property or preservation easements on property, as appropriate and legal, containing threatened resources of comparable significance in circumstances where there is an imminent need to proceed with construction activity and it is in the public interest;
6. Ethnographic studies;
7. Studies of traditional cultural properties (TCPs);
8. Relocation of historic properties to sites approved by the LA SHPO as possessing similar overall historic character; and
9. Data recovery for archeological properties.

B. In the event that the LA SHPO, and/or Consulting Tribes determine that standard mitigation measures are not adequate or appropriate to resolve adverse effects, the USACE, the LA SHPO, and Consulting Tribes will consult to negotiate additional mitigation measures. Other consulting parties may express their concerns regarding mitigation measures through written comments submitted to any of the signatories to this Agreement.

C. Once the USACE, the LA SHPO, and/or Consulting Tribes agree to the terms of the mitigation, such agreement will be formalized through an MOA executed and implemented pursuant to 36 CFR 800.6(c). Such MOA shall be forwarded to all signatories to this Agreement. If there is a disagreement that cannot be resolved, the formal dispute provisions at Stipulation XII will be implemented.

IX. Curation

Recovered archaeological collections from a USACE-required archaeological survey, evaluation, and/or mitigation plan remain the property of the landowner (either private, State, Federal, etc.). USACE, in coordination with the LA SHPO and appropriate Federally-recognized Tribe(s) may, as determined through consultation, encourage private land owners to transfer any recovered artifacts and related documentation to an

appropriate archive or public or Federally-recognized Tribal entity. USACE, in coordination with the LA SHPO and Tribes, shall work with all Tribal, State, and local agents to support steps that ensure the long-term curation of these artifacts and documents through the transfer of the materials to a suitable repository as agreed to by USACE, the SHPO, and Tribe(s) and following applicable State or Tribal guidelines. USACE shall ensure that collections from Federal or Tribal land, including field and laboratory records sufficient to document the collection, are curated at a repository meeting federal standards (36 C.F.R. 79) as agreed to by USACE, the LA SHPO, and Tribe(s), and follow that repository's guidelines.

X. Unanticipated Discoveries and Effects

- A. In the event that the USACE discovers a previously unidentified cultural resource, including but not limited to archeological sites, above-ground resources, human remains, and properties of traditional religious and cultural significance to Tribes, during the execution of the project, the USACE immediately shall secure the immediate jobsite by the most appropriate quickly available means, to include but not necessarily limited to a 50-foot radius buffer around the unexpected discovery, and suspend work in that buffered area of the affected resource. The USACE shall notify the LA SHPO, Consulting Tribes, and additional consulting parties, as appropriate, of the finding within 24 hours. Any previously unidentified cultural resource will be treated as though it is eligible for the NRHP until other determination may be made through consultation, within a period of 7 days. If consulting parties agree that the cultural resource is not eligible for the NRHP, then suspension of work will end. If consulting parties agree that the cultural resource is eligible for the NRHP, then the USACE, in consultation with the LA SHPO and Consulting Tribes, will develop a treatment plan or Standard Mitigation Measures agreement in accordance with Stipulation VIII. USACE will implement the plan or Standard Mitigation Measures agreement once approved by the LA SHPO, Consulting Tribes, and additional consulting parties, as appropriate. If there is a disagreement that cannot be resolved, the formal dispute provisions at Stipulation XII will be implemented.
- B. In the event that the USACE is notified of a previously unidentified archaeological property on federal or tribal land during the execution of any of the Undertakings, the USACE will ensure that procedures established by ARPA 1979 (Public Law 96-95; 16 U.S.C. 470aa-mm), as amended, and implementing regulations (43 CFR Part 7) will be followed.

- C. The USACE shall insure that all contractors are made aware of the requirements of this Agreement. Language of Stipulation X shall be included in Construction Plans and Specifications. In the event that a contractor discovers a previously unidentified cultural resource, the contractor shall immediately notify the USACE and refrain from further project activities within a minimum of 50 feet from the discovery (50-foot radius no work buffer), and shall take reasonable efforts to avoid and minimize harm to the cultural resource. The USACE shall begin implementing any additional measures thought necessary to secure the historic property for safety and security concerns, within one day of the discovery.
- D. In the event that previously unidentified effects to historic properties are identified following the completion of work within an activity area, any party may provide the USACE with evidence of such effects for a period of twelve (12) months from the completion of the affecting work. The USACE, in consultation with the LA SHPO, Consulting Tribes, and ACHP, as appropriate, will review and if determined necessary will develop a treatment plan or Standard Mitigation Measures agreement in accordance with Stipulation VIII. Consultation to develop the treatment plan will begin as soon as it is determined necessary, but not more than 1 month from notification.
- E. If the USACE, LA SHPO, and/or Consulting Tribes cannot agree on an appropriate course of action to address the discovery situation, the USACE shall initiate the dispute resolution process set forth in Stipulation XII.

XI. Treatment of Human Remains and Items of Religious and Cultural Importance

- A. Portions of Language of Stipulation XI shall be included in Construction Plans and Specifications, to offer fullest knowledge of the importance therein.
- B. Documenting Human Remains: The recordation of human remains in a burial context or as individual elements is a task that requires sensitivity and good judgment, as defined through consultation. Consultation is a necessary part of documenting any human remains (in a discovery situation or during the treatment of historic properties) following the provisions of this stipulation. In planning how to document human remains (photography, drawing for the purposes of illustration, videography, or other), the determination will be made in consultation and concurrence with the LA SHPO, Federally-recognized Tribe(s), and, as appropriate, other

descendant communities. Even if it is determined to photo document the human remains, the photographs should not be published or made publicly available in any way. The USACE will maintain records for the purpose of management of the human remains, with the intent of satisfying the protection provisions of the federal and state laws governing human remains, the records will be hardcopy and digital. When the records are digital, they will not be connected to externally available electronic resources like GIS servers or other and marked as restricted (per NHPA, FOIA, and, as appropriate, ARPA). As part of the consultation for the MTG where human remains are present, the USACE will ensure that the consultation happens as appropriate to each jurisdiction (State or Federal) to determine the course of action for each situation.

C. General Human Remains Discovery Process:

1. In the event that previously unreported or unanticipated human remains, burials, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony are encountered during field investigations, laboratory work, or during construction or maintenance activities originating from federal, state, or private lands (Federal and Non-Federal Lands) USACE shall notify the LA SHPO and Tribes within 24-hrs of the discovery. Concurrently, USACE will implement the provisions 2 thru 6, below:
2. Any USACE employee or contractor(s) who knows or has reason to know that they have inadvertently discovered human remains, burials, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony must provide immediate telephone notification of the inadvertent discovery to the responsible Federal construction official, with written confirmation, to the USACE Point of Contact in this agreement. The written notification should contain the results, if any, of the field evaluation. The USACE Cultural Resources Staff and Tribal Liaison will begin to develop a plan of action to inform the District Commander of the consultation tasks necessary to address the discovery. No photographs should be taken at this time of the human remains.
3. All fieldwork, construction or maintenance activities, must stop immediately within a one hundred (100) meter (328 ft.) radius buffer zone around the point of discovery; unless there is reason to believe that the area of the discovery may extend beyond the one hundred (100) meter (328 ft.) radius

buffer zone in which case the buffer zone will be expanded appropriately, within the APE. USACE will implement measures to protect the discovery from theft and vandalism. Any human remains or other items in the immediate vicinity of the discovery must not be removed or otherwise disturbed. USACE will take immediate steps, if necessary, to further secure and protect inadvertently discovered human remains, burials, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony, as appropriate, including stabilization, or covering the find location.

4. USACE will notify local law enforcement, coroner, or medical examiner, as appropriate, and the LA SHPO, per the Point Of Contact in Appendix A, by telephone to assess the nature and age of the human skeletal remains within twenty-four (24) hours of the discovery of unmarked human remains and accompany local law enforcement personnel during all field investigations. USACE will also notify Tribes of the discovery within the same period. If the appropriate local law enforcement official determines that the remains are not involved in a criminal investigation, USACE will follow jurisdictional guidelines as provided for based on land ownership (per Stipulation XI. D.).
 - a. In cases where human remains, burials, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony are discovered during the implementation of a USACE-funded Undertaking on Federal Land, USACE will notify by telephone and e-mail the LA SHPO, Tribes, and other affected parties (e.g., living descendants) that may attach religious and cultural significance to the discovery at the earliest possible time, but no later than forty-eight (48) hours and inform them of the steps already taken to address the discovery.
 - b. In cases where the human remains are discovered on Non-Federal Lands and are determined to be Native American, the State of Louisiana will notify and coordinate with Tribes, but not later than forty-eight (48)-hours from the time of their notification. As requested and to the extent of its legal authority, USACE will assist the State of Louisiana, to consult with Tribes and affected parties, as appropriate.

5. USACE will consult with LA SHPO, THPOs, and appropriate Federally-recognized Tribes, and other affected parties to develop a mutually agreeable action plan with timeframes to take into account the effects of the Undertaking on the discovery; resolve adverse effects if necessary; and ensure compliance with applicable federal laws and their implementing regulations, if the discovery of Native American human remains, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony occurs on Federal Land.
6. Following the outcome of any consultation (Federal Lands or Non-Federal Lands) to address the discovery of human remains, USACE will coordinate with any contractor(s) regarding any required scope of project modification necessary to implement recommendations from the consultation and facilitate proceeding with the Undertaking.

D. Specific Authorities and Processes for Addressing Human

Remains: If human remains, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony are encountered during project field investigations or laboratory work or during construction activities, the USACE will comply with the provisions based on the nature of the land ownership at the time remains or objects are encountered, in accordance with Engineering Regulation 1102-2-100 (Policy & Guidance), Appendix C-4.

1. **Federal Lands:** If discovered/recovered from *Federal lands*, USACE shall concurrently implement processes defined in this Agreement, satisfying NHPA, as well as
 - ensuring consultation with appropriate Federally-recognized Tribes for any human remains, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony (objects) as required by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended (25 U.S.C. §§ 3001-3014) and its implementing regulations (43 C.F.R. Part 10; and
 - ensuring the appropriate provisions of the Archaeological Resources Protection Act, 16 USC §§ 470aa et seq., are followed.

- a. For discoveries of human remains, burials, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony, USACE will continue to consult with the LA SHPO, claimant Federally-recognized Tribes, and other affected parties, as appropriate, whether they are Signatories to this Agreement or not, regarding additional measures to avoid and protect or mitigate the adverse effect of the Undertaking. These measures may include:
 - i. Visits to the site by the LA SHPO, claimant Federally-recognized Tribes, and other affected parties, as appropriate;
 - ii. Formally evaluate the archaeological site for NRHP-eligibility;
 - iii. Explore potential avoidance alternatives;
 - iv. Develop and implement a mitigation plan in consultation and concurrence with the LA SHPO, claimant Federally-recognized Tribes, and other affected parties, as appropriate, including procedures for disinterment and re-interment.
- b. Initial Determination of nature of discovered Human Remains when from Federal Lands (Native American or Other)
 - i. USACE, in consultation with the LA SHPO and claimant Federally-recognized Tribes, whether they are Signatories to this Agreement or not, and other affected parties, may consult with a qualified physical anthropologist, forensic scientist, or other experts as may be needed to examine and assess the discovery. Unless the remains were inadvertently removed, the evaluation will be conducted at the site of discovery. Other than for crime scene investigation, no excavation, examination, photographs, or analysis of Native American human remains or remains suspected of being Native American will be conducted or allowed by USACE archaeologists or any other professional without first consulting with the claimant Federally-recognized Tribes, whether they are Signatories to this Agreement or not. The consulting expert will be allowed to draw and measure the exposed remains and associated funerary objects. Drawings cannot be published in any form or shown as part of

scholarly presentations without the written permission of the appropriate Tribes or next living descendant.

- ii. USACE, in consultation with the LA SHPO, claimant Federally-Recognized Tribes, and other affected parties, as appropriate, whether they are Signatories to this Agreement or not, will have seven (7) days to determine if the skeletal remains are human, the degree to which they were disturbed, and if possible, using reasonable measures to assess their potential age, cultural affiliation, and identity, without any further disturbance. Upon making a determination or at the end of the seven (7) days, whichever comes first, USACE will notify the appropriate affected parties of its findings. This notification will include pertinent information as to kinds of human remains, funerary objects, Native American sacred objects, or Native American items of cultural patrimony discovered, their condition, and the circumstances of their inadvertent discovery.
- iii. If the remains are determined NOT to be Native American in origin, USACE will follow the principals outlined in the 2007 ACHP "Policy Statement Regarding Treatment Of Burial Sites, Human Remains and Funerary Objects" to respectfully treat the remains and determine proper disposition, disinterment, re-interment, and memorialization, as well as any Real Estate guidance at the time of the discovery.

c. Initiating NAGPRA Consultation following Inadvertent Discoveries/Recovery of Human Remains from Federal Lands

- i. For the purposes of notification and consultation of an inadvertent discovery, USACE considers the Consulting Tribes, and Federally-recognized Tribes who have identified the Parish as an area of interest are likely to be cultural affiliated with inadvertently discovered NAGPRA items found on a specific Work Item.

- ii. Upon certification of an inadvertent discovery of NAGPRA items by the responsible federal official, the USACE shall notify the consulting Federally-recognized Tribes. This notification will be made via email and telephone call to the appropriate consulting Tribes' Primary POC within twenty-four (24) hours, and include concurrent hard copy written notification, via regular mail. Notifications shall include a copy of the field documentation and a list of all other parties being notified.
 - iii. No later than three (3) days after the email and telephone notification, the consulting Federally-recognized Tribes and/or claimant Federally-recognized Tribe shall agree to a date and time for a teleconference to begin the consultation process.
- d. Consultation for Inadvertent Discoveries//Recovery of Human Remains from Federal Lands that are Native American
 - i. Consultation will begin with the teleconference with all consulting Federally-recognized Tribes and/or claimant Federally-recognized Tribe. At this time both parties may determine that the cause of the inadvertent discovery is not on-going, that the location where the discovery occurred is secure (or can be secured), and that the NAGPRA items do not need to be removed.
 - ii. If all Consulting Parties participating in the consultation reach the same conclusion under A above, then the USACE will issue a written notice to all parties concluding that the location of the inadvertent discovery is secure and that the NAGPRA items will be left in place. If any Consulting Parties disagree with this assessment, then consultation will progress with all Consulting Parties including the signatories to this Agreement.
 - iii. If consensus is not attained, the USACE will notify, in writing, all consulting Federally-recognized Tribes of its intent to complete

consultation with a written plan of action in accordance with 43 CFR § 10.5(e). The USACE will produce a NAGPRA plan of action which details the steps it will follow to complete the NAGPRA consultation process (43 CFR § 10.5(e)). This plan will contain a) a list of all materials considered to be NAGPRA items, b) the planned treatment, care, and handling of the materials, c) any planned recording of the find location as an archaeological site, d) any analysis planned for the remains, e) and a description of any anticipated summary reports. USACE and the consulting Federally-recognized Tribes will create a template plan of action to be on file.

- iv. Within thirty (30) days of receipt of notice to consult and the action plan, the consulting Federally-recognized Tribes agree to provide a summary response containing the names and contact info for any potential lineal descendants, recommendations on any topics that should be included in consultation, request for any additional consultation meetings, recommendations for any treatment actions for the location of the discovery, and a list of any items that should be considered as NAGPRA items. Submission of this report does not preclude on-going discussion on any of these topics as consultation progresses.
- v. Based on the responses received, USACE may choose to update and resubmit the plan of action to all Consulting Parties, but at a minimum will notify all Consulting Parties in writing of its intent to implement the plan of action previously presented to the Consulting Parties.
- vi. At the conclusion of implementation of the plan of action, USACE will provide all of the Consulting Parties, in writing, copies of the draft Notice of Intended Disposition, and will provide the Consulting Parties thirty (30) days to comment.

e. Process to Determine Disposition of Native American Human Remains from Federal Lands

- i. Once the thirty (30) days has commenced after providing the Consulting Parties with the draft copy of the Notice of Intended Disposition, and considering all comments, USACE will publish the Notice of Intended Disposition in a newspaper of general circulation in the local area, and also in a newspaper of general circulation in the local area for the Tribes. Both notices will be published a second time, at least one week later.
- ii. Copies of the Notice of Intended Disposition, as well as a description of when and where it was published, will be provided to the National Parks Service, National NAGPRA program.
- iii. USACE anticipates that during the notice period described above, discussions will begin with the appropriate claimant Federally-recognized Tribe/s regarding disposition. Disposition will generally take the form of a physical transfer of custody and reburial on USACE lands, or the claimant Federally-recognized Tribe(s) may choose to rebury privately once the Tribe assumes control over the NAGPRA items.

2. Non-Federal Lands: If human remains are recovered *from NFS, state, or other private land*, USACE will require that the laws of the State of Louisiana are followed. As requested and to the extent of its legal authority, USACE will support the State of Louisiana in following the state's processes related to discovery, disposition, disinterment, re-interment, and memorialization.

- a. Louisiana Statutes related to the discovery of human remains are found in the Unmarked Human Burial Sites Preservation Act (R.S. 8:671-681).
 - i. <https://www.crt.state.la.us/cultural-development/archaeology/CRM/cemeteries-burials/index>

- ii. For unanticipated discoveries on private, parish, or state land in Louisiana, the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671-681) applies. The Louisiana Division of Archaeology is the lead agency and will consult with USACE, Tribe(s), landowner, and descendants as appropriate to determine the necessary course of action
- b. If the human remains recovered are determined to be Native American, USACE, in conjunction with the NFS, will identify and secure a mutually agreeable reburial location in which to reinter the human remains removed from the project area. Other arrangements may be defined at the time it is determined that Native American human remains have been recovered, but will include at a minimum:
 - i. In person consultation regarding the human remains and any objects;
 - ii. The identification of a reburial location as close to the disinterment location as feasible;
 - iii. A commitment on the part of USACE to facilitate the reburial by an affiliated Tribe and to protect the human remains and associated grave goods, at no cost to the Federally-recognized Tribes, or the LA SHPO.
 - iv. Acknowledgment of the establishment of the cemetery in the administrative record and in the real estate records as determined best at time of reburial.
- c. If the remains are determined NOT to be Native American in origin, USACE will follow the principals outlined in the 2007 ACHP "Policy Statement Regarding Treatment Of Burial Sites, Human Remains and Funerary Objects" to respectfully treat the remains and determine proper disposition, disinterment, re-interment, and memorialization, as well as any USACE real estate guidance at the time of the discovery.

XII. Dispute Resolution

- A. Except for the resolution of eligibility issues, as set forth in Stipulation V, should the LA SHPO, Consulting Tribes, other consulting parties, or a member of the public disagree on the implementation of the provisions of this agreement, they will notify the USACE, who will seek to resolve such objection through consultation.
- B. If the dispute cannot be resolved through consultation, the USACE shall forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within seven (7) calendar days after receipt of all pertinent documentation, the ACHP may:
 - 1. Provide the USACE with recommendations to take into account in reaching final decision regarding the dispute; or
 - 2. Notify the USACE that it will comment pursuant to 36 CFR 800.7(c) and provide formal comments within twenty-one (21) calendar days.
- C. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute, and the USACE's responsibilities to fulfill all actions that are not subject of the dispute will remain unchanged.
- D. If the ACHP does not provide the USACE with recommendations or notification of its intent to provide formal comments within seven (7) calendar days, the USACE may assume that the ACHP does not object to its recommended approach and it will proceed accordingly.

XIII. Administration, Effect, and Duration of this Agreement

- A. This Agreement will be signed in counterparts and shall take effect upon submittal/filing with the ACHP or if ACHP chooses to participate, signature by that agency.
- B. This Agreement will remain in effect for fifteen (15) years, which exceeds the projected date of 2035 for completed construction of design height, from the date of execution, unless extended for a five-year period by written agreement negotiated by all signatories.
- C. All signatories and concurring parties to this Agreement shall meet annually to evaluate the effectiveness of this Agreement, beginning one (1) year after the date of execution. The USACE

shall coordinate such annual meetings following the execution of this Agreement. At each annual meeting, held in manner and location as mutually agreed upon by all signatories, the effectiveness of the Stipulations of this Agreement shall be discussed.

XIV. Amendment and Termination

- A. Notwithstanding any provision of this Agreement, USACE, LA SHPO, and Invited Signatory Parties may request that it be amended, whereupon these parties will consult to consider such amendment. The USACE will facilitate such consultation within thirty (30) days of receipt of the written request. Any amendment will be in writing and will be signed by the USACE, LA SHPO, and Invited Signatory Parties, and shall be effective on the date of the final signature.
- B. Any Invited Signatory Party may withdraw its participation in this Agreement by providing thirty (30) days advance written notification to all other parties. In the event of withdrawal by one Invited Signatory Party, the Agreement will remain in effect for the other signatories.
- C. The Agreement may be terminated in accordance with 36 CFR Part 800. Any party requesting termination of this Agreement shall provide thirty (30) days advance written notification to all other signatories.

Execution of this Agreement by the USACE, **Other Parties**, and the LA SHPO and implementation of its terms, evidences that the USACE has taken into account the effects of the MTG Project upon historic properties and has afforded the ACHP an opportunity to comment.

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE U.S. FISH AND WILDLIFE SERVICE,
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER,
THE LOUISIANA COASTAL PROTECTION AND RESTORATION
AUTHORITY,
THE TERREBONNE LEVEE AND CONSERVATION DISTRICT, AND
(TRIBES TO BE SPECIFIED)
REGARDING THE
MORGANZA-TO-THE-GULF-OF-MEXICO-PROJECT
TERREBONNE AND LAFOURCHE PARISHES, LOUISIANA**

U.S. Army Corps of Engineers, New Orleans District

Scotty M. Autin
Colonel, U.S. Army
District Engineer

Date: _____

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE U.S. FISH AND WILDLIFE SERVICE,
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AUTHORITY,
THE TERREBONNE LEVEE AND CONSERVATION DISTRICT, AND
(TRIBES TO BE SPECIFIED)
REGARDING THE
MORGANZA-TO-THE-GULF-OF-MEXICO-PROJECT
TERREBONNE AND LAFOURCHE PARISHES, LOUISIANA**

Louisiana State Historic Preservation Officer

Carrie Broussard,
Louisiana State Historic Preservation Officer

Date: _____

INVITED SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE U.S. FISH AND WILDLIFE SERVICE,
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER,
THE LOUISIANA COASTAL PROTECTION AND RESTORATION
AUTHORITY,
THE TERREBONNE LEVEE AND CONSERVATION DISTRICT, AND
(TRIBES TO BE SPECIFIED)
REGARDING THE
MORGANZA-TO-THE-GULF-OF-MEXICO-PROJECT
TERREBONNE AND LAFOURCHE PARISHES, LOUISIANA**

Choctaw Nation of Oklahoma

Nothing in this Agreement shall be construed to waive the sovereign rights and immunities of the Choctaw Nation of Oklahoma, its officers, employees, or agents.

Gary Batton, Chief
Choctaw Nation of Oklahoma

Date: _____

CONCURRING PARTY SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG**
**THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE U.S. FISH AND WILDLIFE SERVICE,
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER,
THE LOUISIANA COASTAL PROTECTION AND RESTORATION
AUTHORITY,
THE TERREBONNE LEVEE AND CONSERVATION DISTRICT, AND
(TRIBES TO BE SPECIFICIED)
REGARDING THE
MORGANZA-TO-THE-GULF-OF-MEXICO-PROJECT
TERREBONNE AND LAFOURCHE PARISHES, LOUISIANA**

Louisiana Office of Coastal Protection and Restoration Authority Board

Glenn Ledet, Jr.
Executive Director
Louisiana Office of Coastal Protection and Restoration Authority Board

Date: _____

Appendix A: Point of Contacts (POC)

CONTACT INFORMATION FOR CONSULTING PARTIES

Signatories shall provide USACE with updated contact information as it becomes available, and revisions to this Appendix A will be made without an amendment to this Agreement.

Federally-Recognized Tribes	
Choctaw Nation of Oklahoma <u>Primary:</u> Ian Thomson Historic Preservation Department Choctaw Nation of Oklahoma P.O. Box 1210 Durant, OK 74702 (580) 924-8280 ithompson@choctawnation.com <u>Lindsey D. Bilyeu, MS</u> Senior Compliance Review Officer lbilyeu@choctawnation.com Method of contact for project notification and documentation: email Senior Compliance Review Officer with a copy to THPO. Method of contact for other communication: email, phone call	Choctaw Nation of Oklahoma <u>Secondary:</u> Gary Batton, Chief Choctaw Nation of Oklahoma Attn: Choctaw Nation Historic Preservation Department P.O. Box 1210 Durant, OK 74702-1210 (800) 522-6170 gbatton@choctawnation.com

SHPOS & Other Non-Federal Organizations	
Advisory Council on Historic Preservation <u>Primary:</u> Chris Daniel, Program Analyst Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington DC 20001-2637 (202) 517-0223 e106@achp.gov ; cdaniel@achp.gov Method of contact for project notification and documentation: email to e106@achp.gov and copy to Primary contact email. Method of contact for other communication: email, phone call	Advisory Council on Historic Preservation <u>Secondary:</u> John Fowler, Chairman Tom McCulloch, Assistant Director Office of Federal Agency Programs Advisory Council on Historic Preservation 401 F. Street NW, Suite 308 Washington, DC 20001-2637 (202) 517-02280222 achp@achp.gov tmcculloch@achp.gov Method of contact for project notification and documentation: email to e106@achp.gov and copy to Primary contact email. Method of contact for other communication: email, phone call
Louisiana State Historic Preservation Officer <u>Primary:</u> Rachel Watson State Archaeologist Division of Archaeology PO Box 44247 Baton Rouge, LA 70804-4241 (225) 342-8165 mailto:rwatson@crt.la.gov Method of contact for project notification and documentation: email at section106@crt.la.gov Archaeological Site Forms: Submit to LA Division of Archaeology via email to siteforms@crt.la.gov . Reports: Hard copy and PDF on CD Method of contact for other communication: email, phone call	Louisiana State Historic Preservation Officer <u>Secondary:</u> Nicole Hobson-Morris Division of Historic Preservation PO Box 44247 Baton Rouge, LA 70804-4241 (225) 342-8172 nmorris@crt.la.gov Method of contact for project notification and documentation: section106@crt.la.gov Louisiana Resource Inventory Forms: Submit in pdf to LA Division of Historic Preservation via email to Jennie Garcia jgarcia@crt.la.gov . Method of contact for other communication: email, phone call

<p>Louisiana Coastal Protection and Restoration Authority James McMenis Project Manager Coastal Protection and Restoration Authority 150 Terrace Avenue Baton Rouge, Louisiana 70802 Telephone: (225) 342-4662 E-mail: mailto:James.McMenis@la.gov</p>	<p>Louisiana Coastal Protection and Restoration Authority Elizabeth Davoli Environmental Section Louisiana Office of Coastal Protection and Restoration Authority 150 Terrace Avenue Baton Rouge, LA 70802-4616 Telephone: (225) 342-1475 E-mail: mailto:Elizabeth.Davoli@la.gov</p>
<p>U.S. Army Corps of Engineers (USACE) Districts</p>	
<p>New Orleans District (CEMVN)</p> <p><u>Primary</u> Paul J. Hughbanks, Archaeologist CEMVN-PDS-N 4700 Leake Ave. New Orleans, LA 70118 (504) 862-1100 Paul.J.Hughbanks@usace.army.mil</p> <p>Brian E. Ostahowski, Archaeologist and District Tribal Liaison CEMVN-PDS-N 4700 Leake Ave. New Orleans, LA 70118 (504) 862-2188 Brian.E.Ostahowski@usace.army.mil</p> <p>Method of contact for project notification and documentation: email or receipt of hard copy</p> <p>Method of contact for other communication: email, phone call</p>	<p>New Orleans District (CEMVN)</p> <p><u>Secondary:</u> Jason A. Emery, Supervisory Archaeologist CEMVN-PDS-N 4700 Leake Ave. New Orleans, LA 70118 (504) 862-2364 Jason.A.Emery@usace.army.mil</p>