



Amite River and Tributaries East of the Mississippi River, Louisiana Feasibility Study (ART)



Appendix D-3: Cultural Resources

December 2023

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

JUN 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 "Amite River and Tributaries-East of the Mississippi River, 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 Amite River and Tributaries-East of the Mississippi River, Louisiana (ART), 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

The ART Flood Risk Management Feasibility Study was initiated by a resolution of the committee on Public Works of the United States Senate, adopted on April 14, 1967. CEMVN is conducting the present ART 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 Department of Transportation and Development (LA DOTD) is the non-Federal sponsor. The feasibility study phase is 100% federally funded. Due to the limits set under the Bipartisan Budget Act of 2018, only flood control measures are being investigated in this study.

Study Area

The study area, which includes the Amite River Basin, encompasses an area of approximately 3,450 square miles consisting of eight (8) Louisiana parishes (East Feliciana, St. Helena, East Baton Rouge, Livingston, Iberville, Ascension, St. James, and St. John the Baptist), Maurepas Lake, and four (4) Mississippi counties (Amite, Wilkinson, Franklin, and Lincoln). Over three-fourths of the study area is located within the parishes of southeastern Louisiana, east of the Mississippi River and north of Lake Maurepas. The upper one-fourth of the study area's drainage area is located in the southwestern Mississippi counties. However, none of the initial array of alternatives presently being considered are located within the state of Mississippi. 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 of the Amite River Basin. Flooding stemming from



the Amite River and its tributaries has caused significant repetitive flood damages to residential and non-residential structures as well as industrial, commercial, and agricultural facilities within the present study area. Flooding within the Amite River Basin is typically derived from two (2) primary sources. Upper basin inundation is caused from headwater flooding from rainfall events. Lower basin inundation is caused by a combination of drainage from headwaters and backwater flooding. As recently as August 2016, the Amite basin saw significant flooding well outside of normal stages causing impacts to thousands of homes and businesses and to the Nation's critical infrastructure including to lengthy closures of the 1-10 and 1-12 transportation system.

Furthermore, the flood was responsible for at least 13 deaths and the rescue of over 19,000 people prompting presidentially-declared disaster declarations to be issued for multiple parishes in the Amite River basin.

In accordance with the 1967 study authority, a feasibility-level study was initiated by USAGE during the early 1990's which led to construction recommendations that are currently being implemented such as the Comite River Diversion and the East Baton Rouge Flood Control Project. In response to the August 2016 flooding, the entire ART study area is now being reevaluated to determine whether additional improvements for flood control are recommended with particular reference to the Amite River, Bayou Manchac, Comite River, and their tributaries. The present study will reevaluate previously proposed alternates that were not carried forward at the time of the 1990's study as well as consider new alternatives not previously assessed.

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 ART 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/Amite-River-and-Tributaries/>.

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 Chiefs Report Milestone. Table 1 (below) provides a schedule of proposed milestone dates for the ART Flood Risk Management Feasibility Study:

Table 1. Proposed Study Milestone Schedule

| Milestone | Scheduled | Actual | Complete |
|--------------------------------|------------------|---------------|-----------------|
| Alternate Milestone | Feb 7, 2019 | Feb 7, 2019 | Yes |
| Tentatively Selected Plan | Oct 3, 2019 | TBD | No |
| Release Draft Report to Public | Dec 4, 2019 | TBD | No |
| Agency Decision Milestone | Apr3,2020 | TBD | No |
| Final Report Transmittal | Apr14,2021 | TBD | No |
| Chief's Report | Oct 1, 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 Chiefs 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.



Consideration of Alternates

Proposed measures for the ART Flood Risk Management Feasibility Study are intended to provide the best comprehensive solutions to the Amite River Basin that meet the study objective: to reduce flood damages along the main channel and tributary streams of the Amite River, Bayou Manchac, and Comite Rivers. Other objective considerations include:

- Reduce flood damages in the Amite River Basin to business, residents and infrastructure;
- Reduce risk to human life from flooding from rainfall events;
- Reduce interruption to the nation's transportation corridors;
- Reduce risks to critical infrastructure (e.g. medical centers, schools, transportation etc.);
- Enhance functionality of existing flood risk reduction systems (locally and federally constructed), including evaluation of impacts due to an increase in frequency of rainfall events.

The alternatives will be further developed in the IFR/EIS. A map displaying the initial array of alternatives under consideration is included as Figure 3.

Section 106 Consultation

CEVMN 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, CEVMN 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, 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 or (504) 862-2004.

Sincerely,

HARPER.MARSH
ALL.KEVIN.1536
114358
MARSHALL K. HARPER
Chief, Environmental Planning Branch

Digitally signed by
HARPER.MARSHALL.KEVIN.
1536114358
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CC:File
LASHPO

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

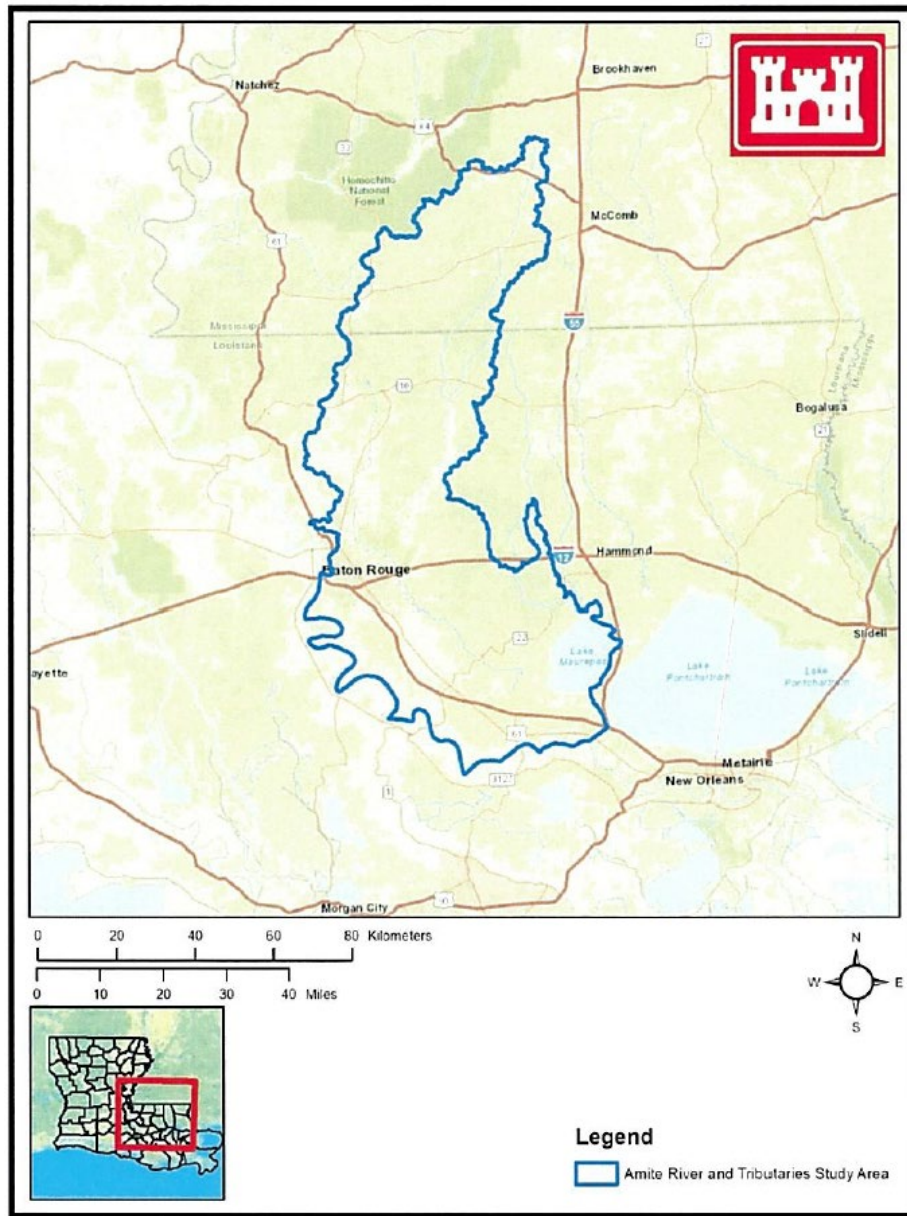


Figure 1. Transportation imagery displaying location of the ART study area.

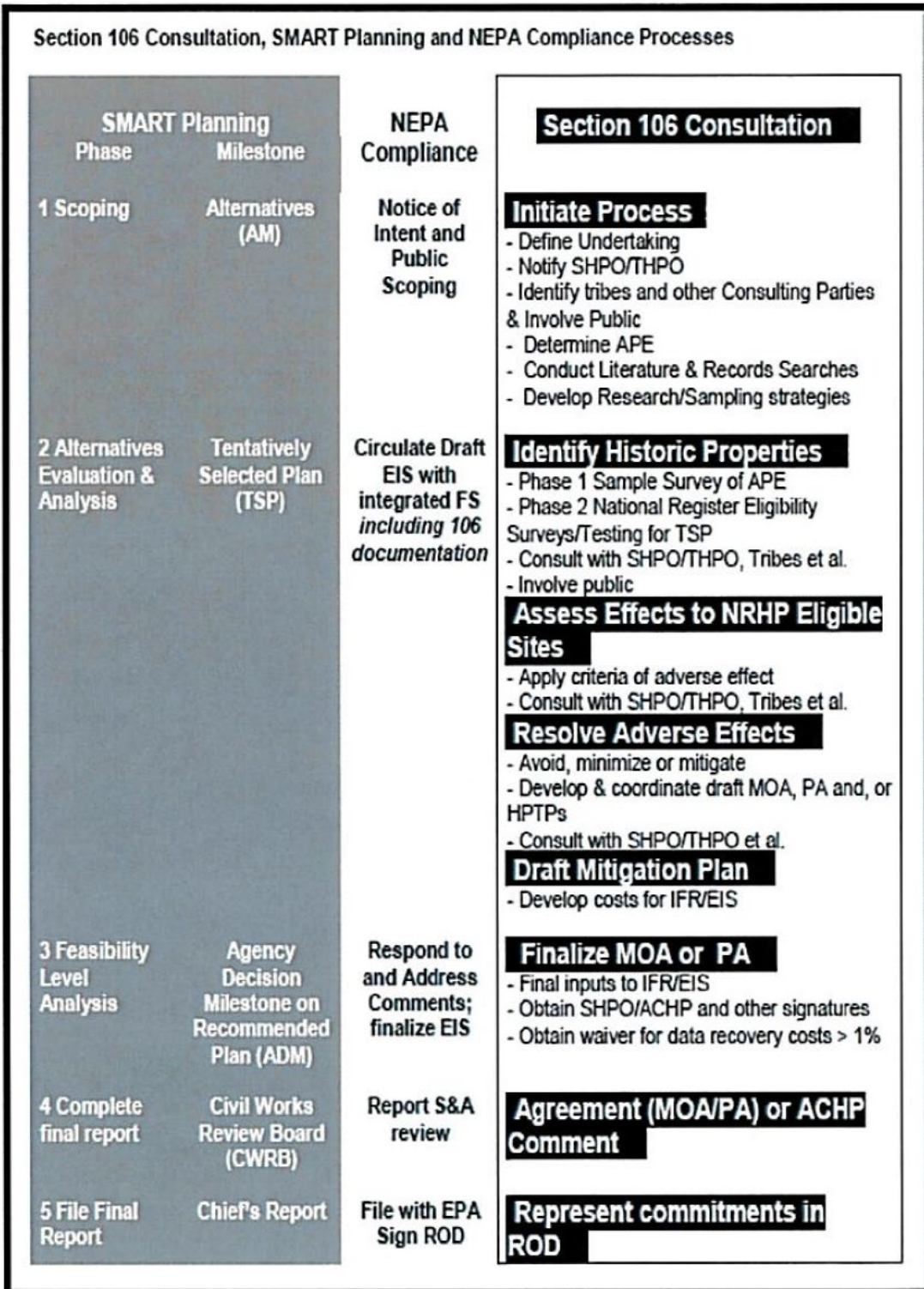


Figure 2. Section 106 Consultation, SMART Planning and NEPA Compliance Processes.

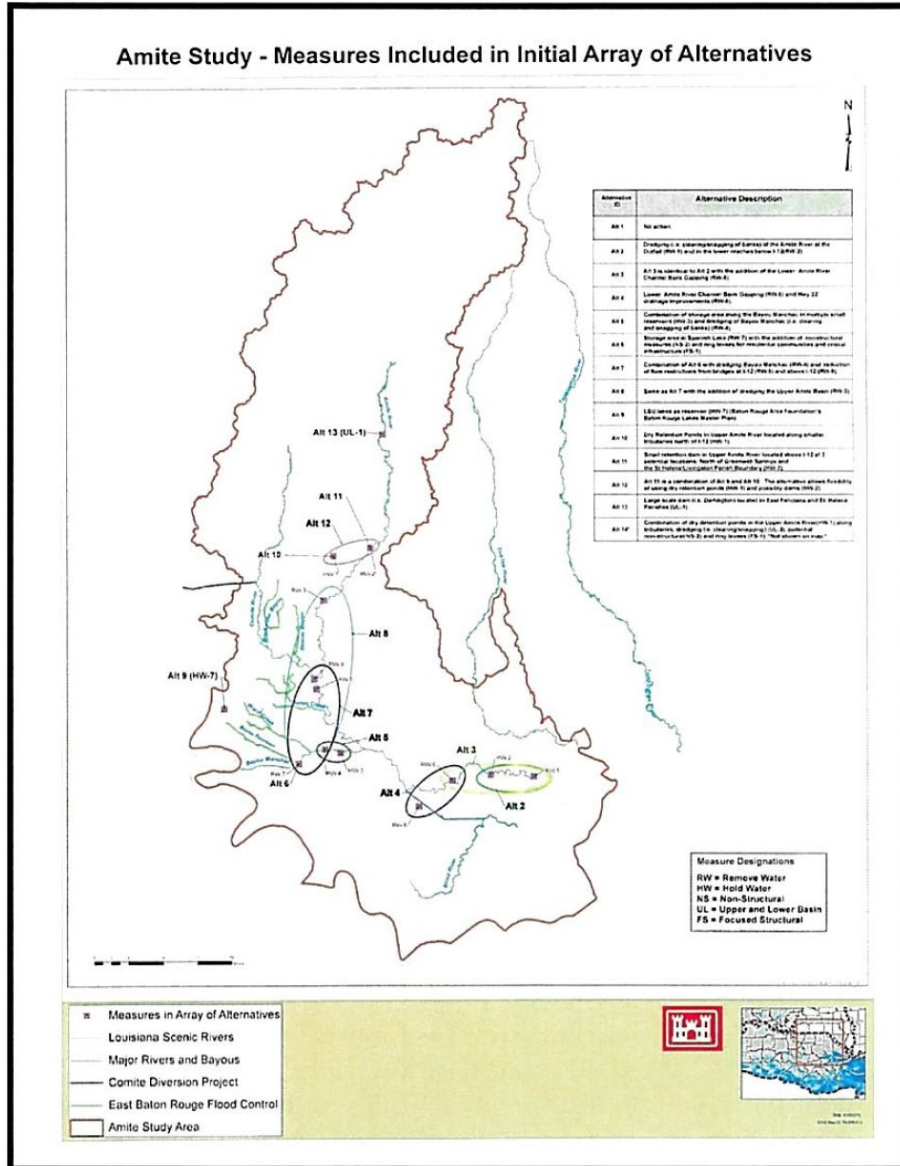


Figure 3. ART feasibility study area initial array of alternates
[https://www.mvn.usace.army.mil/Portals/56/docs/BBA%2018/Amite Initial Array of Alternates 36x48 04242019.pdf](https://www.mvn.usace.army.mil/Portals/56/docs/BBA%2018/Amite%20Initial%20Array%20of%20Alternatives%2036x48%2004242019.pdf)

**DRAFT PROGRAMMATIC AGREEMENT AMONG THE U.S. ARMY CORPS OF ENGINEERS,
NEW ORLEANS DISTRICT; LOUISIANA DEPARTMENT OF TRANSPORTATION
DEPARTMENT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE
DEPARTMENT OF CULTURE, RECREATION & TOURISM; [TRIBES], REGARDING THE
AMITE RIVER AND TRIBUTARIES EAST OF THE MISSISSIPPI RIVER, LOUISIANA, FLOOD
RISK MANAGEMENT PROJECT.**

I. Draft Overview of Amite PA

- a. Parties to the Document
 - i. USACE (Signatory)
 - ii. LA DOTD (Signatory)
 - iii. Louisiana SHPO (Signatory)
 - iv. Tribes (TBD)
 - v. Others (TBD)
- b. Preliminary Outline Sections of the Document
 - i. Whereas Clauses/Preamble
 - ii. Stipulations
 - General
 - Project Review
 - 1. Consulting Parties
 - 2. APE
 - 3. Identification and Evaluation
 - 4. Findings of No Historic Properties Affected
 - 5. Application of the Criteria of Adverse Effect
 - 6. Resolution of Adverse Effects
 - 7. Objections
 - Other Considerations
 - Implementation of Agreement
 - Execution
 - iii. Administrative Stipulations
 - iv. Signature Pages
 - v. Appendix 1: *Contact Information*
 - vi. Appendix 2: *Treatment Measures*



Public Notice NHPA/NEPA¹

Notice of Intent to Prepare Programmatic Agreement Regarding Amite River and Tributaries-East of the Mississippi River, Louisiana, Flood Risk Management Feasibility Study

The United States Army Corps of Engineers (USACE), New Orleans District, is preparing a Programmatic Agreement (PA) for the Amite River and Tributaries-East of the Mississippi River, Louisiana, Flood Risk Management Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to consider their undertakings on historic properties during the planning process and conduct

The study area, which includes the Amite River Basin, encompasses an area approximately 3,450 square miles consisting of eight Louisiana parishes (East Feliciana, St. Helena, East Baton Rouge, Livingston, Iberville, Ascension, St. James, and St. John the Baptist) and four Mississippi counties (Amite, Wilkinson, Franklin, and Lincoln). None of the initial array of alternates being considered are located within the state of Mississippi.

Proposed measures are intended to provide the best comprehensive solutions for the Amite River Basin that meet the study objective: to reduce flood damage along the main channel and tributary streams of the Amite River, Bayou Manchac, and Comite Rivers. USACE began providing to the public NEPA compliance documentation on the designated project website at <https://www.mvn.usace.army.mil/Amite-River-and-Tributaries/>. CEMVN intends to continue to use this website to post additional project information.

CEMVN has determined that the proposed action constitutes an Undertaking 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 complex 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, summarize Tribal consultation

procedures, consider the views of the SHPO/ Tribal Historic Preservation Officer and 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 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, 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.

To help further develop a course of action for this project CEMVN is requesting your input by June 29, 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: AMITEFS@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.

¹ 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 Congressional authority for the ART 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. 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.