



St. Tammany Parish, Louisiana Feasibility Study



**Appendix C – Annex G - National Historic
Preservation Act**

July 2023

Public Notice NHPA/NEPA¹

Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study

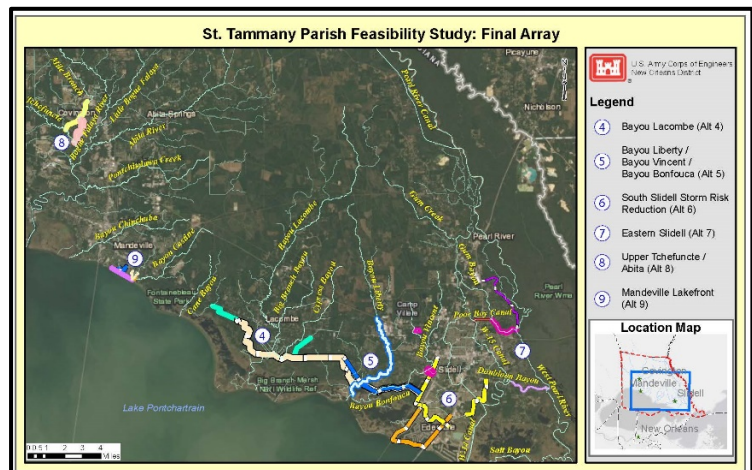
The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 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.

The study area encompasses all of St. Tammany Parish with a focus on the areas impacted by flooding from rainfall and riverine bank overtopping, waves, and storm surge. St. Tammany Parish is approximately 1,124 square miles in size in southeastern Louisiana, and is located on the northeast shore of Lake Pontchartrain. The study area is located along the border with the state of Mississippi, with the Pearl River along the eastern boundary of the Parish. Lake Pontchartrain serves as the southern border, and is one of the largest estuaries in the United States. Tangipahoa Parish is located along the western boundary, and Washington Parish is located to the north. USACE began providing to the public NEPA compliance documentation on the designated project website at <https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>. CEMVN intends to continue to use this website to post additional project information.

CEMVN is investigating the best comprehensive solutions that meet the study objective: to reduce the severity of flood damages and risks to human life in St. Tammany Parish to residents, businesses, and critical infrastructure. The USACE will evaluate a range of reasonable alternatives for the proposed action to reduce flood damages from rainfall and storm surge. Both structural and nonstructural measures are being considered in the study process. Additional information and maps regarding initial alternatives under consideration can be accessed at: <https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>.

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 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 September 30, 2020, 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: sttammanyfs@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.



¹CEMVN 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 NHPA of 1966, as amended (54 U.S.C. § 306108). This notice applies to activities carried out under the Congressional authority for the St. Tammany Parish, Louisiana 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.



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

August 24, 2020

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 St. Tammany Parish, Louisiana 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 St. Tammany Parish, Louisiana 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 in 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in 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 in a Memorandum from the Office of the Deputy Commanding General for Civil and Emergency Operations. The Memorandum provided that plan formulation will be limited to Coastal Storm Risk Management and Flood Risk Management in accordance with BBA 2018. The Government is authorized by BBA 2018 to conduct the Study at full Federal expense to the extent that appropriations provided under the Investigations heading of the BBA 2018 are available and used for such purpose. The lead Federal agency for this proposed action is the USACE. The Louisiana Coastal Protection and Restoration Authority (CPRA) Board is the non-Federal sponsor.

Study Area

The study area encompasses all of St. Tammany Parish with a focus on the areas impacted by flooding from rainfall and riverine bank overtopping, waves, and storm surge. St. Tammany Parish is approximately 1,124 square miles in size in southeastern Louisiana, and is located on the northeast shore of Lake Pontchartrain. The study area is located along the border with the state of Mississippi, with the Pearl River along the eastern boundary of the Parish. Lake Pontchartrain serves as the southern border, and is one of the largest estuaries in the United States. Tangipahoa Parish is located along the western boundary, and Washington Parish is located to the north.

The majority of St. Tammany Parish's population resides in communities along the edge of Lake Pontchartrain, and many residents commute into New Orleans. Major communities in the study area include: Abita Springs, Covington, Madisonville, Mandeville, Pearl River and Slidell. A map depicting the study area is included as Figure 1.

Study Purpose and Background

Increased resiliency to flood events is the primary identified need for the affected communities within the study area. In addition, the study area's topography, low elevation, and proximity to the Gulf of Mexico are all contributing factors causing flooding and erosion, and degradation of wetland systems within the Parish. Without additional coastal storm and flood risk management measures, the people, economy, environment, and cultural heritage of St. Tammany Parish are at risk from reoccurring flooding.

The scoping, public involvement, and interagency coordination processes will help identify and define the range of the areas within the Parish that experience repetitive flood events, the types of damages caused by such events, and suggested alternatives to reduce the risk of flooding caused by such events.

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, as shown in Figure 2, is broken out into four (4) separate phases over the course of the study: Scoping; Alternative Evaluation and Analysis; Feasibility-Level Analysis; and Integrated Feasibility Report (IFR)/Environmental Impact Statement (EIS) development. On June 19, 2020, CEMVN published a Notice of Intent to Prepare an Integrated Feasibility Report and Environmental Impact Statement for the St. Tammany Parish, Louisiana Feasibility Study in the Federal Register (Vol. 85, No. 119) and

USACE began providing to the public NEPA compliance documentation on the designated project website at <https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>.

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 as shown in Figure 2: Alternatives Milestone; Tentatively Selected Plan (TSP) Milestone; Agency Decision Milestone; Civil Works Review Board; and Chief's Report Milestone. Table 1 below provides a schedule of proposed milestone dates for the St. Tammany Parish, Louisiana Feasibility Study:

Table 1. Proposed Study Milestone Schedule

Milestone	Scheduled	Actual	Complete
Alternatives Milestone	April 14, 2020	April 13, 2020	Yes
Tentatively Selected Plan	Jan 13, 2021	TBD	No
Release Draft Report to Public	Mar 12, 2021	TBD	No
Agency Decision Milestone	July 16, 2021	TBD	No
Division Engineer's Transmittal Letter	July 20, 2022	TBD	No
Chief's Report Milestone	Jan 13, 2023	TBD	No

Upon the completion of the Draft IFR/EIS a stakeholder/public comment period will be initiated in conjunction with technical, peer, and policy reviews. Subsequently, results of the reviews and additional feasibility work will be incorporated into the final Chief's Report, which will again be made available for stakeholder/public review. Following the execution of a PA, USACE 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

CEMVN is investigating the best comprehensive solutions that meet the study objective: to reduce the severity of flood damages and risks to human life in St. Tammany Parish to residents, businesses, and critical infrastructure. The USACE will evaluate a range of reasonable alternatives for the proposed action to reduce flood damages from rainfall and storm surge. Both structural and nonstructural measures are being considered in the study process.

Structural measures (Figure 3) recommended for consideration presently include:

- Bayou Lacombe (Alt 4). Detention Ponds at Big Branch and Bayou Lacombe LA 434 to retain riverine and rainfall flows and a ring levee, shoreline protection and marsh creation to reduce coastal flooding;

- Bayou Liberty (Alt 5). To address riverine flooding a combination of detention ponds and channel improvements will be considered. Detention ponds include Upper Watershed Detention Pond, Bayou Bonfouca Regional Detention Pond, Belair North and South Detention Pond, Camp Villerie, and the Salmen Property Detention Pond. Channels improvements will be considered on Bayou Liberty (north of 1-12), Bayou Vincent/W-13 channel, and Bayou Bonfouca. A ring levee with a gate or pump station and marsh creation and shoreline protection is proposed to reduce storm surge impacts;
- South Slidell (Alt 6). Combination of ring levees, flood walls, pump stations, and shoreline protection or breakwaters to reduce tidal surge from storm events;
- Eastern Slidell (Alt 7). Measures include a W-15 Detention Pond, Gum Bayou Diversion, Poor Boy Canal Improvements and channel improvements to reduce riverine flooding downstream on the W-15 canal, and a ring levee and channel improvements on the lower French Branch and Doubloon Bayou to prevent flooding from the Pearl River.
- Upper Tchefuncte (Alt 8). Upper Tchefuncte Detention Pond, Mile Branch Channel Improvements, and diverting water west from the Tchefuncte River and then south to Lake Pontchartrain to reduce riverine flooding;
- Mandeville Lakefront (Alt 9). Variations of the 2012 USACE and City of Mandeville Silver Jackets report, which includes 2 feet Concrete Cap on the Existing Seawall; Swing Gates at Little Bayou Castine and Ravine aux Coquille; Barrier from Little Bayou Castine to Jackson Avenue; Steel Sheet Pile Wall with Concrete Cap at Galvez Canal; vinyl sheet pile wall at the Galvez Canal Berm; Duckbill Gates on Storm Water Drainage Pipes; pump stations (full pump and partial pump will be evaluated); marsh creation and Living Shoreline West of Galvez Canal. This alternative would address tidal and storm surge flooding.

The USACE is also considering nonstructural measures. These include:

- Flood proofing
- Structure raising
- Buyouts
- Relocations

Additional information and maps regarding initial alternatives under consideration can be accessed at: <https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>. The alternatives will be further developed in the IFR/EIS.

Section 106 Consultation

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

appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, 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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSH
ALL.KEVIN.15361
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

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LA SHPO

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

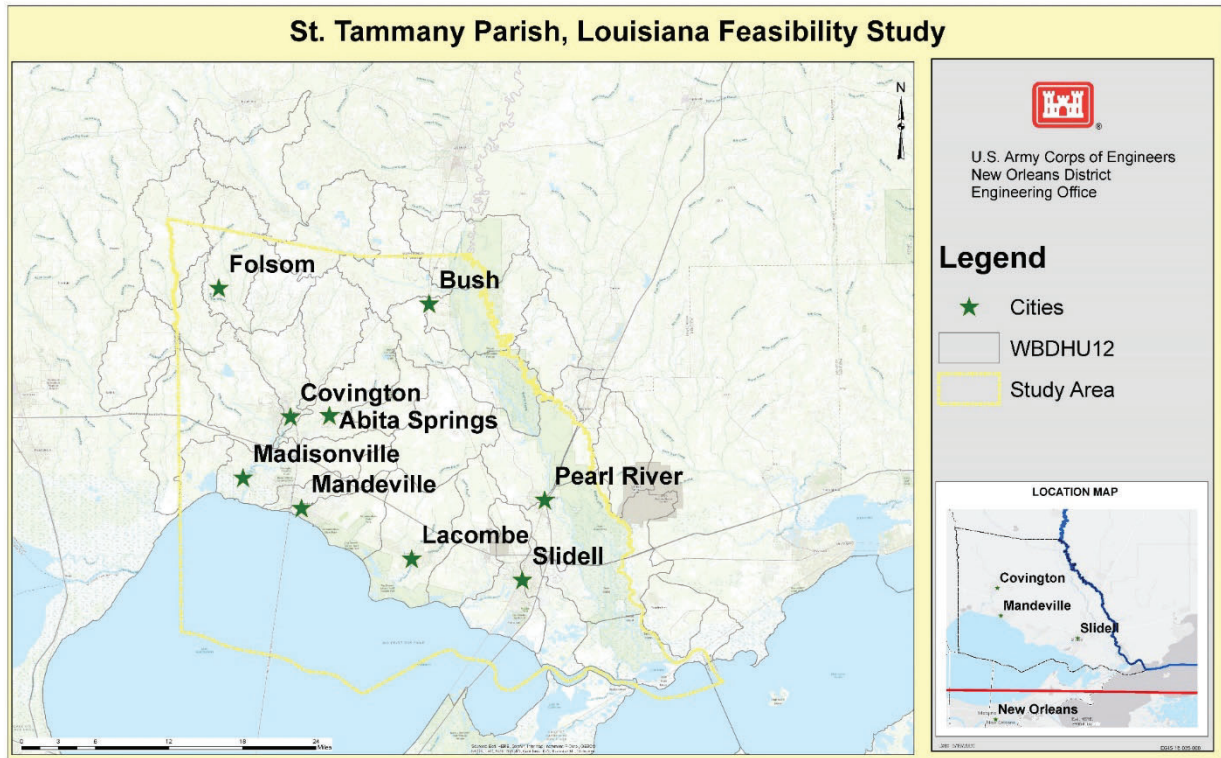


Figure 1. St. Tammany Parish, Louisiana Feasibility Study Area Map. The U.S. Geological Survey Watershed Boundary Dataset (WBDHU12) is included to delineate the hydrologic sub basins in the Study Area.

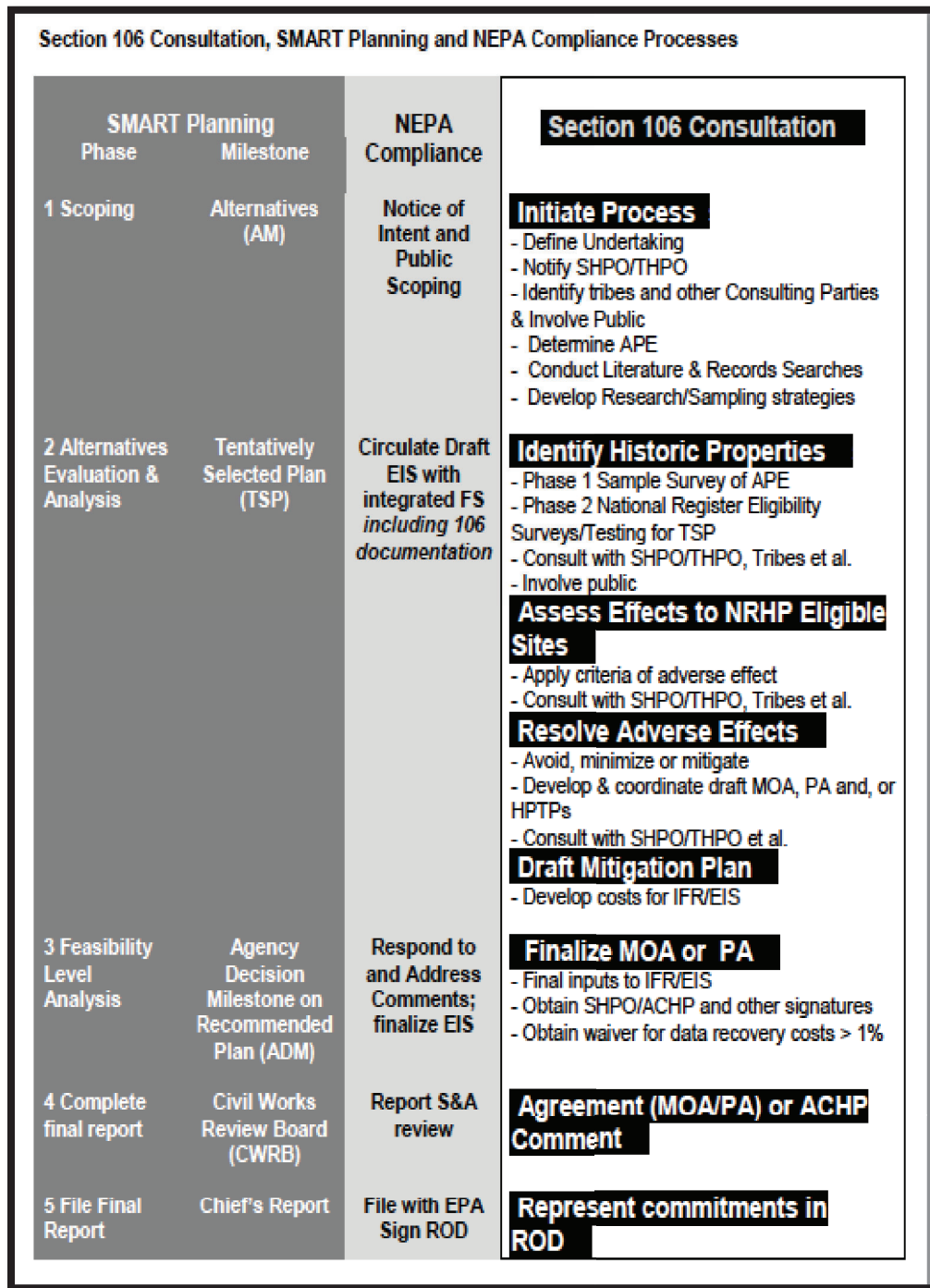


Figure 2. Section 106 Consultation, SMART Planning, and NEPA Compliance Process.

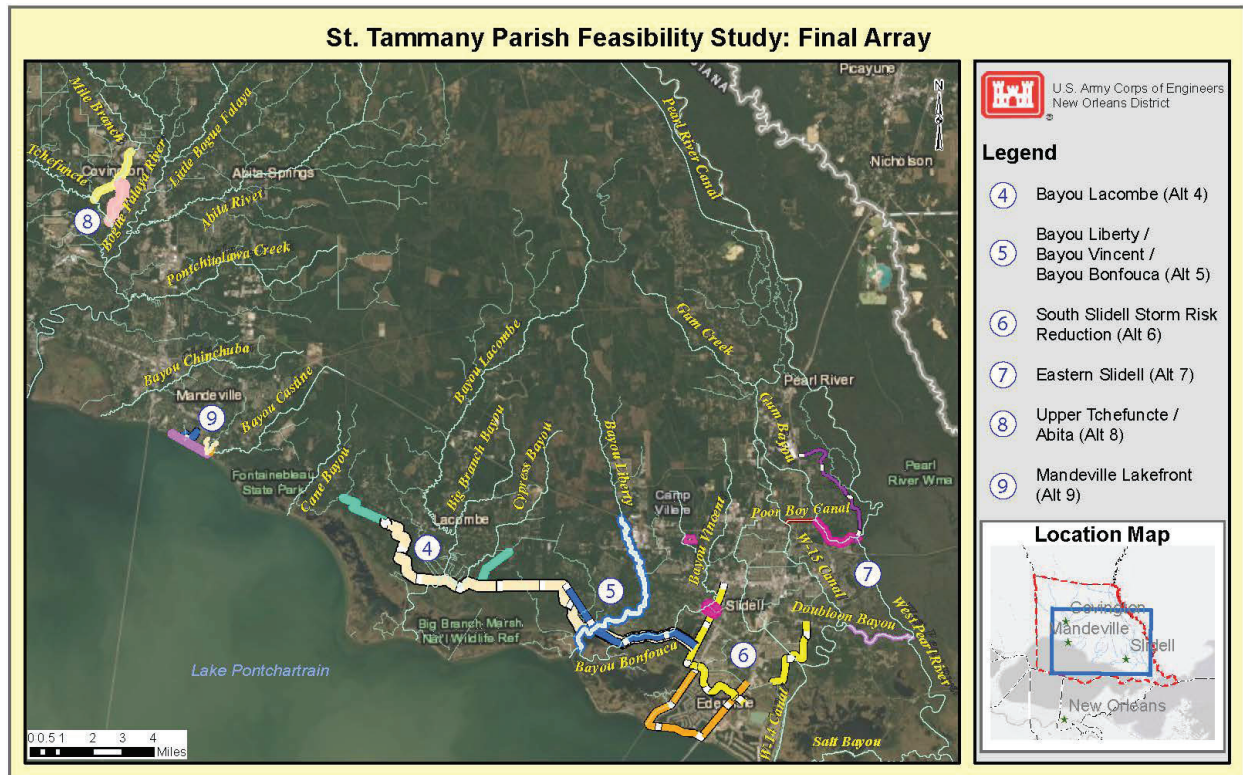


Figure 3. St. Tammany Parish, Louisiana Feasibility Study Final Array Alternatives.



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

August 24, 2020

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

Reid Nelson, Chairman
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F. Street NW, Suite 308
Washington, DC 20001-2637

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Mr. Nelson:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Advisory Council on Historic Preservation (ACHP) 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 in 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 ACHP 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018 (Pub. L.*

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSHA
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to the e-106 Inbox, e106@achp.gov and cdaniel@achp.gov.



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

August 24, 2020

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

Cecilia Flores, Tribal Council Chairperson
Alabama-Coushatta Tribe of Texas
571 State Park Rd 56
Livingston, TX 77351

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Chairperson Flores:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Alabama-Coushatta Tribe of Texas (ACTT) 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 in 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 ACTT 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

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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.

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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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSH
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

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LA SHPO

An electronic copy of this letter with enclosures will be provided to Mr. Bryant J. Celestine, Historic Preservation Officer, Alabama Coushatta Tribe of Texas, celestine.bryant@actribe.org.



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

August 24, 2020

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

Gary Batton, Chief
Choctaw Nation of Oklahoma
Attn: Choctaw Nation Historic Preservation Department
P.O. Box 1210
Durant, OK 74702-1210

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Chief Batton:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Choctaw Nation of Oklahoma (CNO) 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 in 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 CNO 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018* (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil,

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSHA
LL.KEVIN.1536114
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Date: 2020.08.25 17:50:20
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to Dr. Ian Thompson, Director/Tribal Historic Preservation Officer, Choctaw Nation of Oklahoma, ithompson@choctawnation.com and Ms. Lindsey Bilyeu, NHPA Section 106 Reviewer, Choctaw Nation of Oklahoma, lbilyeu@choctawnation.com.



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

August 24, 2020

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

David Sickey, Chairman
Coushatta Tribe of Louisiana
P.O. Box 818
Elton, LA 70532

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Chairman Sickey:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Coushatta Tribe of Louisiana (CT) 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 in 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 CT 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018 (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil,*

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

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Date: 2020.08.25 17:51:29
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to Dr. Linda Langley, Tribal Historic Preservation Officer, Coushatta Tribe of Louisiana, llangley@coushattatribela.org and Mr. Johans Johns, jonasj@coushattatribela.org.



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

August 24, 2020

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

B. Cheryl Smith, Principal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Principal Chief Smith:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Jena Band of Choctaw Indians (JBCI) 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 in 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 JBCI 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018* (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil,

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSHA
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to Mrs. Alina Shively, Tribal Historic Preservation Officer, Jena Band of Choctaw Indians, ashively@jenachoctaw.org.



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

August 24, 2020

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

Cyrus Ben, Chief
Mississippi Band of Choctaw Indians
P.O. Box 6257
Choctaw, MS 39350

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Chief Ben:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Mississippi Band of Choctaw Indians (MBCI) 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 in 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 MBCI 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018* (Pub. L. 115-123), *Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil*,

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSHA
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to Mr. Kenneth H. Carleton, Tribal Historic Preservation Officer/Archaeologist, Mississippi Band of Choctaw Indians, kcarleton@choctaw.org.



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

August 24, 2020

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

Joey Barbry, Chairman
Tunica-Biloxi Tribe of Louisiana
P.O. Box 1589
Marksville, LA 71351

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study.

Dear Chairman Barbry:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana 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 Tunica-Biloxi Tribe of Louisiana (TBTL) 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 in 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 TBTL 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

Sections 1201 and 1207 of the Water Infrastructure Improvements Act of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in the *Bipartisan Budget Act of 2018* (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil,

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 ACHP 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 Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil.

Sincerely,

HARPER.MARSHA
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to Mr. Earl J. Barbry, Jr., Cultural Director, Tunica-Biloxi Tribe of Louisiana, earlii@tunica.org.



BILLY NUNGESSER
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT
DIVISION OF ARCHAEOLOGY

KRISTIN P. SANDERS
ASSISTANT SECRETARY

20 July 2020

Marshall K. Harper
Chief, Environmental Planning Branch
Corps of Engineers, New Orleans District
7400 Leake Ave.
New Orleans, LA 70118

Re: St. Tammany Parish, Louisiana, Feasibility Study

Dear Marshall Harper:

We acknowledge receipt of your letter dated 16 July 2020 inviting the State Historic Preservation Office to participate in the development of the environmental decision document for the above-referenced project. Our office appreciates the notification and accepts the invitation to be a cooperating agency for this process. We look forward to working with you on this project

If you have any questions, please contact Chip McGimsey at cmcgimsey@crt.la.gov or 225-219-4598.

Sincerely,

Kristin P. Sanders
State Historic Preservation Officer



September 10, 2020

Mr. Marshall K. Harper
Chief, Environmental Planning Branch
New Orleans District
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70160-0267

Ref: *Proposed St. Tammany Parish, Louisiana Feasibility Study*
Louisiana

Dear Mr. Harper:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Louisiana State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at cdaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

From: [Lindsey Bilyeu](#)
To: [Enersen, Jill A CIV USARMY CEMVN \(USA\)](#)
Subject: [Non-DoD Source] RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study (UNCLASSIFIED)
Date: Friday, September 25, 2020 12:34:10 PM

Ms. Enersen,

The Choctaw Nation of Oklahoma thanks the USACE, New Orleans District, for the correspondence regarding the above referenced project. St. Tammany Parish lies in our area of historic interest. The Choctaw Nation has sites of significance, including village locations, located in St. Tammany Parish. We request to be a consulting party on the project PA.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu, MS
Senior Compliance Review Officer
lbilyeu@choctawnation.com
P.O. Box 1210
Durant, OK 74702
Office: 580-924-8280 ext. 2631
Cell: 580-740-9624

-----Original Message-----

From: Enersen, Jill A CIV USARMY CEMVN (USA) <Jill.A.Enersen@usace.army.mil>
Sent: Wednesday, August 26, 2020 1:18 PM
To: Ian Thompson <ithompson@choctawnation.com>; Lindsey Bilyeu <lbilyeu@choctawnation.com>
Subject: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study (UNCLASSIFIED)

Halito: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CLASSIFICATION: UNCLASSIFIED

Attached, please find a signed consultation letter.

RE: Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study

Should you have any questions or need additional information regarding this undertaking, please contact Jill Enersen, Architectural Historian, at Jill.A.Enersen@usace.army.mil.

Thank you,

Jill A. Enersen, M.P.S.
Architectural Historian, Cultural & Social Resources Analysis Section (CEMVN-PDS-N) Regional Planning and Environment Division, South U.S. Army Corps of Engineers, New Orleans District
Email: Jill.A.Enersen@usace.army.mil
Office: 504-862-1741

CLASSIFICATION: UNCLASSIFIED

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.



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

May 12, 2021

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: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Ms. Sanders:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the LA State Historic Preservation Officer pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 State Historic Preservation Officer 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

conservation that include determining the feasibility of implementing projects for multiple purposes, including but not limited to, flood risk management as set forth in the 2015 and 2016 Reports to Congress on Future Water Resources Development. The St. Tammany Parish Louisiana Feasibility Study was authorized for inclusion as a funded study in 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* in a Memorandum from the Office of the Deputy Commanding General for Civil and Emergency Operations. Pursuant to the study authorization (Section 1201(14) of the 2016 WIIN Act) and the BBA 2018 Implementation Guidance, the authorized Study is for the purpose of flood and storm damage reduction. The lead Federal agency for this proposed action is the USACE. The State of Louisiana, acting by and through, the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB) is the non-Federal sponsor (NFS).

Study Area

The study area encompasses all of St. Tammany Parish, which is approximately 1,124 square miles and located in southeastern Louisiana. St. Tammany Parish is located on the northeast shore of Lake Pontchartrain and is home to over 258,110 residents. The parish is uniquely located at the crossroads of three interstates (I-10, I-12, and I-59) and transportation waterways to the Gulf of Mexico. A map depicting the study area is included as Figure 1.

Study Purpose

St. Tammany Parish has experienced repeated, widespread flooding from rainfall and riverine bank overtopping, waves, and storm surge, including historic impacts during Hurricane Katrina in August of 2005 and recently with the flood of August of 2016.

Study objectives are to:

- Reduce the risk to public health and safety by reducing flood impacts to structures, evacuation routes, and critical infrastructure in St. Tammany Parish;
- Reduce flood damage to structures (i.e. businesses, residential, commercial, and public structures) from flooding in St. Tammany Parish;
- Reduce interruption to the maximum extent practicable to the Nation's transportation corridor, e.g. the I-10, I-12, and the I-10 interchange in St. Tammany Parish;
- Increase community resiliency, the sustained ability of a community to use available resources, before, during, and after significant rainfall and/or coastal events;
- Increase resiliency of coastal and riparian habitats as natural resources to reduce flood damages.

Background

On August 26, 2020, CEMVN submitted an initial Section 106 consultation letter entitled: *Notice of Intent to Prepare Programmatic Agreement Regarding St. Tammany Parish, Louisiana Feasibility Study* to the Louisiana State Historic Preservation Officer (SHPO), affected Tribes (the Alabama-Coushatta Tribe of Texas (ACTT), Choctaw Nation of Oklahoma (CNO), Coushatta Tribe of Louisiana (CT), Jena Band of Choctaw Indians (JBCI), Mississippi Band of Choctaw Indians (MBCI), and the Tunica-Biloxi Tribe of Louisiana (TBTL); collectively referenced as "Tribes"), and the Advisory Council on Historic Preservation (ACHP). The letter provided information regarding the study area, initial array of alternatives being considered, alternative evaluation criteria, the Specific, Measurable, Attainable, Risk Informed, Timely (SMART) planning framework for civil works feasibility studies for water resources development projects, plan formulation milestones, and CEMVN's proposal to develop a project-specific PA pursuant to 36 CFR § 800.14(b) to fulfill its responsibilities under Section 106 of the NHPA.

Additionally, this letter invited stakeholders to provide input regarding the proposed Undertaking and its potential to significantly affect historic properties and/or sites of religious and cultural significance and requested potential consulting parties' assistance with identifying other relevant entities who may have an interest in participating in this consultation.

On September 10, 2020, CEMVN received a written response from the ACHP stating that "Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed." On September 25, 2020, the CNO responded that "St. Tammany Parish lies in our area of historic interest. The Choctaw Nation has sites of significance, including village locations, located in St. Tammany Parish. We request to be a consulting party on the project PA." To date, no other response has been received from the other stakeholders consulted.

Additionally, on August 31, 2020, CEMVN posted a NHPA/NEPA Public Notice to the designated project website (<https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>) for a 30-day comment period requesting the public's input concerning the proposed Undertaking and its potential to significantly affect historic properties, assistance in identifying any relevant parties who may have an interest in participating in this consultation, and CEMVN's proposal to develop a project-specific PA pursuant to 36 CFR § 800.14(b). No comments were received. The web page also includes background information regarding purpose, array of alternatives, project planning, and project status. CEMVN intends to continue to use this website to post additional project information throughout the development of the Draft Integrated Feasibility Report (IFR)/Environmental Impact Statement (EIS).

Description of the Undertaking

CEMVN has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y). CEMVN has now completed its initial screening of alternatives and has developed a TSP that meets the study's purpose and need.

The TSP is a comprehensive plan to address flooding parish-wide, which includes Coastal Storm Risk Management (CSRM), Flood Risk Management (FRM), and nonstructural measures.

- West Slidell and South Slidell Levees (from Alternative 6c)

The levee floodwall system comprises approximately 16.3 miles (85,900 feet) of alignment with a combination of 14 miles of levees (73,700 feet) and 2.3 miles (12,200 feet) of floodwall. The I-10 would be raised to the preliminary design elevation of 15 feet. The levee alignment would impact approximately 85 acres of construction area. The levee alignment would require approximately 1,112,000 cubic yards of fill. There would be five pump stations, four gate complexes, and one channel floodgate. There would also be a total of three sluiceways, seven vehicular gates, one railroad gate, and seven ramps (Figure 2).

- Bayou Patassat Channel Improvements-Clearing and Snagging (from Alternative 5)

Bayou Patassat is a small tributary of Bayou Bonfouca also located in Slidell, Louisiana. The preliminary design of the channel improvements assumes an existing bank elevation of 1 foot, a 10 feet bottom width at elevation (-) 5 feet. The bank is at 1V:3H

slope. The work will be located between Bayou Vincent pump station and Highway 11. Approximately 0.17 miles (900 feet) of clearing and snagging will occur in Bayou Patassat (Figure 2).

- Mile Branch Channel Improvements (from Alternative 8)

The Mile Branch channel improvements start at the intersection of Mile Branch and Highway 190, crossing Highway 190 Business, and end at the intersection of Mile Branch and the Tchefuncte River. This alternative consists of channel improvements on the lower 2.15 miles (11,341 feet channel) of Mile Branch in Covington. The preliminary design assumes an existing bank elevation of 1 foot, a 10-foot bottom width at elevation (-) 5 feet. The bank is at 1V:3H slope. The improvements include clearing and grubbing and mechanical dredging of the channel. The channel bottom will be lowered by 5 feet. Approximately 20 acres of channel will be cleared and grubbed prior to mechanical dredging. An assumed maximum of 130,000 cubic yards of material may be mechanically dredged from the channel. Figure 3.

- Nonstructural Elevations and Flood Proofing (from Alternative 2)

A total of 8,498 homes will be elevated to the future 100-year stage up to 13 feet and nonresidential buildings floodproofed up to 3 feet. The floodproofing of these resources address the buildings in the 50-year floodplain that are not included in the areas benefitted from the structural measures of the TSP. It is estimated that 6,632 homes will be raised and 1,855 buildings floodproofed. These building counts are preliminary and will continue to be evaluated and refined and are not absolute (Figure 4).

Area of Potential Effects (APE)

CEMVN proposes to adopt a programmatic approach in accordance with 36 CFR § 800.14(b) to determine APEs for structural and nonstructural measures in consultation with SHPO and participating Tribe(s) pursuant to 36 CFR § 800.16(d). The APE will incorporate both direct effects (e.g., access, staging, and construction areas) and indirect effects (e.g., visual), including all areas of proposed ground disturbance. Furthermore, CEMVN may consider information provided by other parties, such as the NFS, local governments, and the public, when establishing APEs. In this consultation, the “study area” is referenced in place of a formal APE for discussion and planning purposes.

Historic Property Identification and Evaluation Efforts

The CEMVN identified historic properties within the study area based on a review of the National Register of Historic Places (NRHP) database, the Louisiana Division of Archaeology (LDOA) Louisiana Cultural Resources Map (LDOA website), historic maps, pertinent regional and local cultural resources investigations, historic aerial photography, and other appropriate sources. This review revealed a total of 43 historic properties listed in the NRHP are located within St. Tammany Parish. These include 5 historic districts, 35 individual buildings, and 3 sites. Three historic districts are located in Covington and include the Division of St. John Historic District (Covington Historic District), Bogue Falaya Park (Wayside Park), the St. Scholastica Priory and Cemetery. The remaining two historic districts are Fontainebleau State Park (Tchefuncte State Park) in Mandeville and the Abita Springs Historic District in Abita Springs. Three sites in St. Tammany Parish include the Williams Cemetery in Lacombe, and the Pottery Hill and Tchefuncte sites in Mandeville.

CEMVN identified the following historic properties within or adjacent to the TSP measures:

- West Slidell and South Slidell Levees (from Alternative 6c)
Site 16ST20 and Site 16ST42 are located within the levee footprint and would require further investigation as to whether they may be adversely affected by construction. No previously recorded historic built resources are located within the proposed alternative.

Site 16ST152 (Salmen Brick Factory) is located on the east bank of Bayou Bonfouca adjacent to the proposed alternative and would require further investigation as to whether it may be adversely affected by the channel improvements. Site 16ST153 (Guzman) is located within the proposed alternative; however, the historic site was recommended not eligible due to disturbance and lack of research potential. Previously recorded historic built resources are located adjacent to the proposed alternative. This alternative also includes components within the local Slidell Olde Town Preservation District.
- Bayou Patassat Channel Improvements-Clearing and Snagging (from Alternative 5)
No known archaeological sites are within the proposed alternative. No previously recorded historic built resources are located within the proposed alternative.
- Mile Branch Channel Improvements (from Alternative 8)
In 1996, R. Christopher Goodwin & Associates, Inc. conducted cultural resources field investigations for Mile Branch (22-1996). Approximately 14 percent of the project corridor was determined to have a high potential for the presence of prehistoric and historic archaeological resources. Survey was conducted on 5.4 acres. The remaining 23.7 acres were not surveyed because right-of-entry was denied by landowners. No cultural resources sites were recorded as a result of the survey and testing. Two historic built resources were recorded adjacent to Mile Branch. Both were recommended not eligible for nomination to the NRHP. Site 16ST273 (Wilson Cemetery) is located within the project right-of-way on North Columbia Street. The cemetery is still in use and should be avoided.
- Nonstructural Elevations and Flood Proofing (from Alternative 2)
The distribution of buildings within the preliminary 50-year floodplain fall within locations that possess a high potential to contain additional unrecorded built-environment resources and/or archaeological deposits and identification and evaluation for these properties is ongoing.

Assessment of the Undertaking's Potential to Effect Historic Properties

A review of the TSP indicates that the considered action includes ground disturbing activities involving access, staging, clearing and snagging, mechanical dredging, replacement of culverts or bridges, construction of structural features (levee, floodwall, pump stations, floodgate, gate complex, control structures, road ramp), borrow fill, and/or other direct effects to above-ground historic properties (elevation, flood proofing, relocations, and/or acquisition (demolition)). These activities may directly impact both known and undocumented cultural resources listed or eligible for listing in the NRHP that exist both within the project footprint and associated areas in a way that will diminish the integrity of these property's location, design, setting, materials, workmanship, feeling, or association.

A review of the TSP also indicates that the considered action includes the introduction of new visual elements (levee, floodwall, pump stations, floodgate, gate complex, control structures, road ramp) to the project area's viewshed that have the potential to indirectly impact known and

previously undocumented cultural resources that may be listed or eligible for listing in the NRHP. The considered action also includes elevation, flood proofing, relocations, and/or acquisition (demolition) measures that may introduce new visual elements and/or modifications to built-environment resources that may directly affect both known and previously undocumented cultural resources that may be listed or eligible for listing in the NRHP. The introduction of new visual elements that are inconsistent with the historic or cultural character of these resources could indirectly diminish the integrity of the property's setting, feeling, or association and/or cause changes to the integrity of feeling or character associated with a historic resource or TCP.

Potential negative cumulative impacts may include direct damage to built-environment resources or destruction of archaeological resources as well as the potential successive introduction of new visual elements and/or modifications to the viewshed and overall visual landscape of known and previously undocumented cultural resources significant at the state, local, and national level and/or of significance to Tribes that may be listed or eligible for the NRHP; including archaeological sites, historic structures, NRHDs, NHLs, other built-environment resources (see above) and/or TCPs. Alternatively, potential positive cumulative impacts may include preservation of at-risk cultural resources within the study area.

Consulting Parties

This letter continues formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In addition to the LA SHPO, CEMVN has identified the following Tribal governments as having an interest in the project: ACTT, CNO, CT, JBCI, MBCI, TBTL, and the NFS, CPRAB. CEMVN has not identified any other preservation interests. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to CEMVN.

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.

Conclusion

In conclusion, 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 to historic properties. However, no determination of effect under the NHPA is being made at this time. As the federal agency cannot fully determine how the Undertaking may affect historic properties, the location of historic properties, or their significance and character at the present time [36 CFR § 800.14(b)(1)(ii)], prior to approving the Undertaking, CEMVN proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b) in consultation with the NFS, SHPO, Tribes, and other interested parties, to satisfy CEMVN's Section 106 responsibilities for this Undertaking.

The goal of this Section 106 consultation is to provide a framework for addressing this 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, include Tribal consultation procedures, consider the views of the SHPO/THPO(s) and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, outline a standard review process, determine an appropriate level of field investigation to identify and evaluate historic properties and determine 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. The PA would then govern CEMVN's subsequent NHPA compliance efforts. 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 in coordination with NEPA.

Table 1 (below) provides the Updated Plan Formulation Milestones for the St. Tammany Parish, Louisiana Study. Schedule updates will continue to be provided to stakeholders in subsequent Section 106 documentation and consultation meetings.

Table 1. Proposed Study Milestone Schedule

Milestone	Scheduled	Actual	Complete
Alternatives Milestone	April 14, 2020	April 13, 2020	Yes
Tentatively Selected Plan	Jan 13, 2021	Jan 13, 2021	Yes
Release Draft Report to Public	June 11, 2021	TBD	No
Agency Decision Milestone	Aug 27, 2021	TBD	No
Division Engineer's Transmittal Letter	July 20, 2022	TBD	No
Chief's Report Milestone	Jan 13, 2023	TBD	No

A date and time for the initial Section 106 consultation meeting has not yet been set. The purpose of the initial meeting will be to discuss the properties being considered as part of the TSP, the historic properties, and to gather feedback from your organization regarding the proposed Undertaking and the potential to affect significant cultural/Tribal resources, and begin development of the PA. CEMVN will notify SHPO, Tribes, and other likely consulting parties regarding the meeting as soon as possible and forward information regarding a conference call-in number and the agenda.

CEMVN is providing the available TSP information and seeking 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 sites of religious and cultural significance;
- Any other relevant parties who you feel may have an interest in participating in this consultation.
- Your organization's continued interest in participating in the development of this PA.

Additionally, CEMVN requests your response regarding:

- Concurrence with CEMVN's proposal to develop a project-specific PA in accordance with 36 CFR § 800.14(b) that establishes procedures to satisfy CEMVN's Section 106 responsibilities with regard to the programmatic review of this feasibility study;
- Concurrence with CEMVN's proposal to adopt a programmatic approach in accordance with 36 CFR § 800.14(b) to determining APEs for structural and nonstructural measures in consultation with SHPO and participating Tribe(s) pursuant to 36 CFR § 800.16(d);

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

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

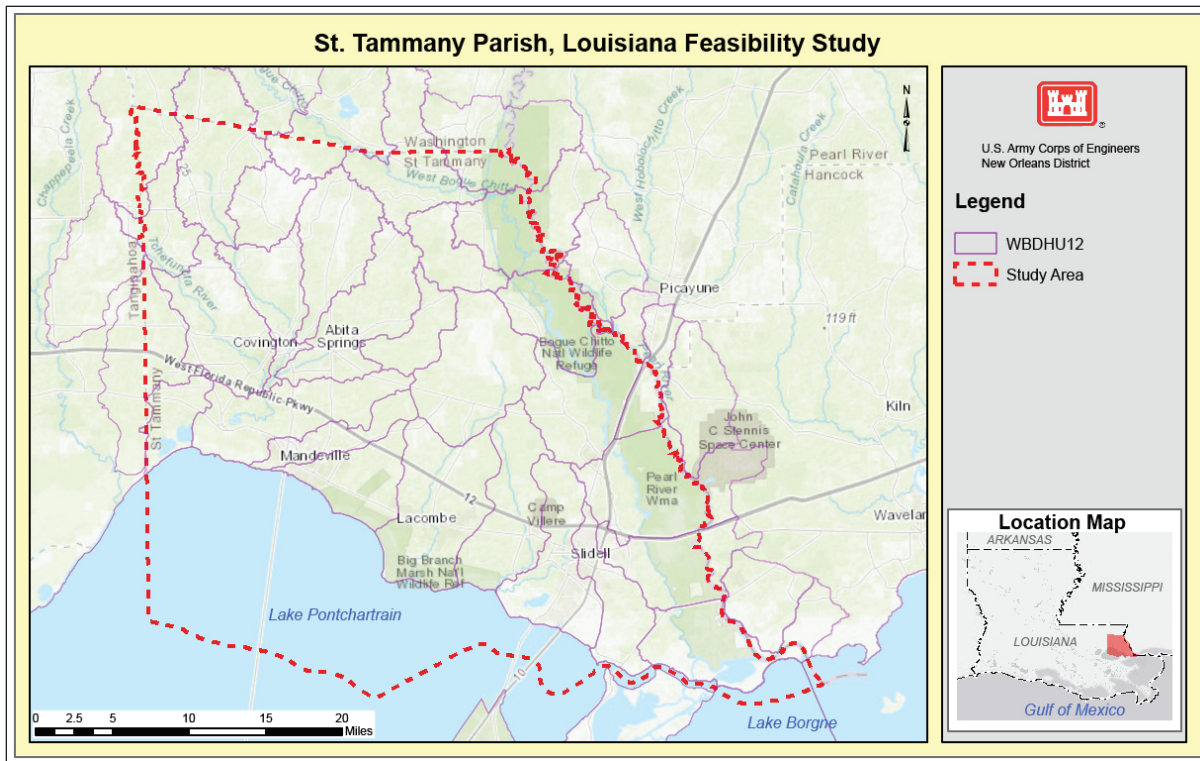


Figure 1. St. Tammany Parish, Louisiana Feasibility Study Area.

Note: The U.S. Geological Survey Watershed Boundary Dataset (WBDHU12) is included to delineate the hydrologic sub basins in the Study Area.

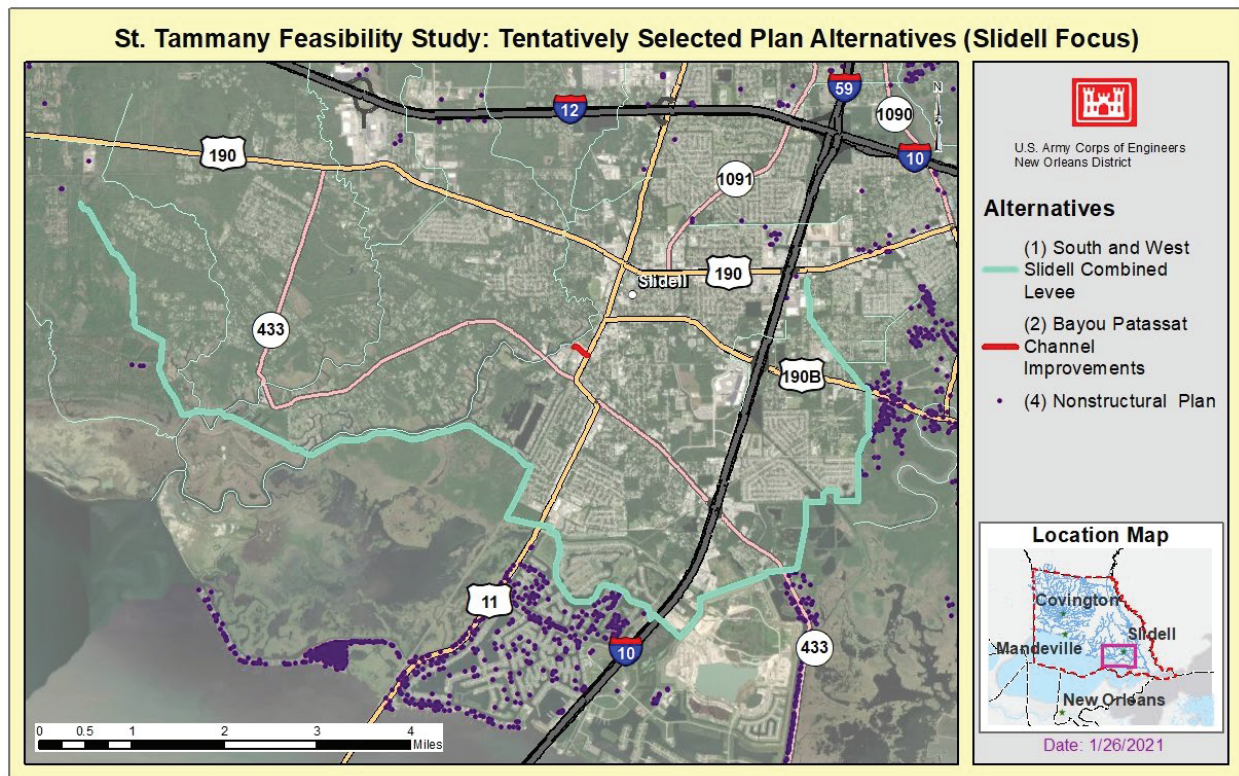


Figure 2. Slidell Region of the TSP (West Slidell and South Slidell Levees and Bayou Patassat).

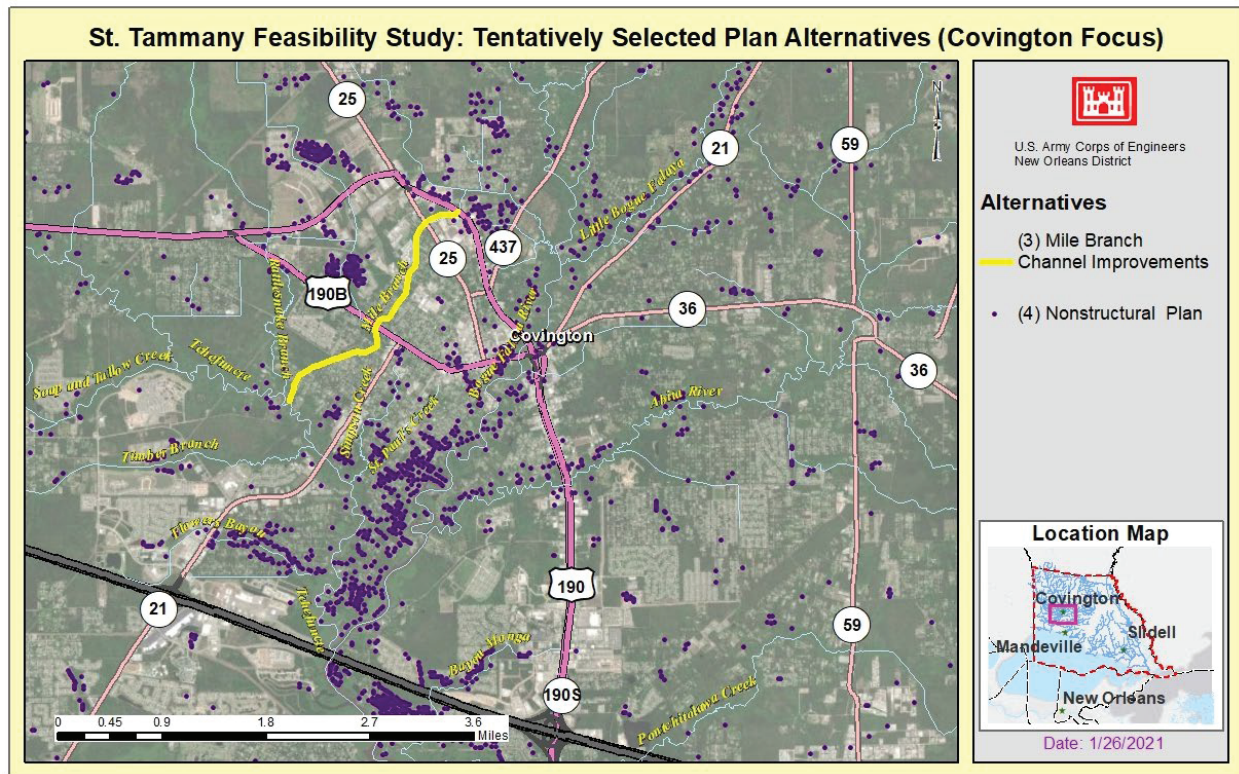


Figure 3. Mile Branch Region of the TSP (Mile Branch Channel Improvements).

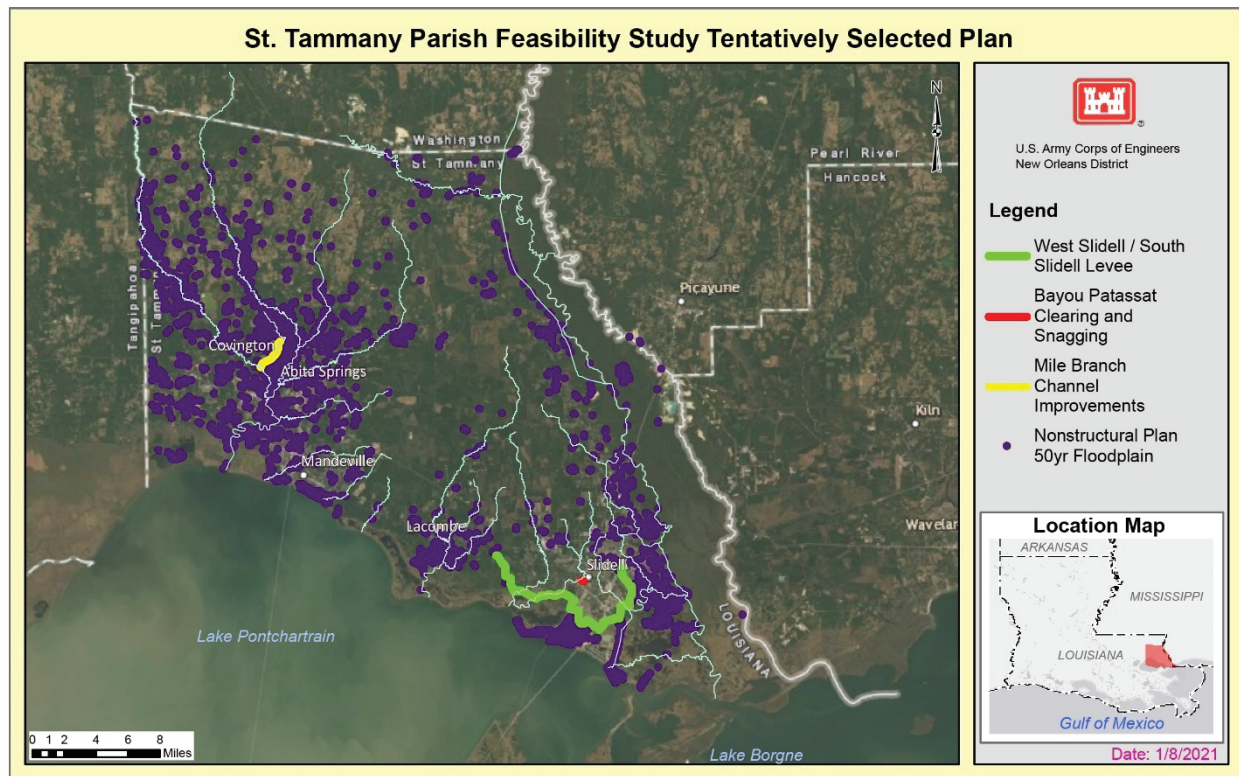


Figure 4. Preliminary geographic distribution of Nonstructural Plan in the 50-year floodplain.



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

May 12, 2021

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

Kyle R Kline, Jr., Chairman
Coastal Protection and Restoration
Authority Board of Louisiana
1051 North Third Street
Capital Annex Building
Baton Rouge, Louisiana 70802

**RE: Continued Consultation: Development of Section 106 Programmatic Agreement
Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility
Study.**

Dear Mr. Kline:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Coastal Protection and Restoration Authority Board of Louisiana pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Coastal Protection and Restoration Authority Board 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

- Concurrence with CEMVN's proposal to adopt a programmatic approach in accordance with 36 CFR § 800.14(b) to determining APEs for structural and nonstructural measures in consultation with SHPO and participating Tribe(s) pursuant to 36 CFR § 800.16(d);

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

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MARSHALL K. HARPER
Chief, Environmental Planning Branch

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An electronic copy of this letter with enclosures will be provided to Michelle Felterman at Michelle.Felterman@la.gov.



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

May 12, 2021

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

Cecilia Flores, Tribal Council Chairperson
Alabama-Coushatta Tribe of Texas
571 State Park Rd 56
Livingston, TX 77351

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Chairperson Flores:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Alabama-Coushatta Tribe of Texas pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Alabama-Coushatta Tribe of Texas 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

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MARSHALL K. HARPER
Chief, Environmental Planning Branch

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An electronic copy of this letter with enclosures will be provided to Mr. Bryant J. Celestine, Historic Preservation Officer, Alabama Coushatta Tribe of Texas, celestine.bryant@actribe.org.



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

May 12, 2021

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

Gary Batton, Chief
Choctaw Nation of Oklahoma
Attn: Choctaw Nation Historic Preservation Department
P.O. Box 1210
Durant, OK 74702-1210

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Chief Batton:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Choctaw Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Choctaw Nation of Oklahoma 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

- Concurrence with CEMVN's proposal to adopt a programmatic approach in accordance with 36 CFR § 800.14(b) to determining APEs for structural and nonstructural measures in consultation with SHPO and participating Tribe(s) pursuant to 36 CFR § 800.16(d);

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

An electronic copy of this letter with enclosures will be provided to Dr. Ian Thompson, Director/Tribal Historic Preservation Officer, Choctaw Nation of Oklahoma, ithompson@choctawnation.com and Ms. Lindsey Bilyeu, NHPA Section 106 Reviewer, Choctaw Nation of Oklahoma, lbilyeu@choctawnation.com.



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

May 12, 2021

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

David Sickey, Chairman
Coushatta Tribe of Louisiana
P.O. Box 818
Elton, LA 70532

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Chairman Sickey:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Coushatta Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Coushatta Tribe of Louisiana 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

HARPER.MARSHALL
ALL.KEVIN.1536
114358

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Date: 2021.05.21 10:07:46
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

An electronic copy of this letter with enclosures will be provided to Dr. Linda Langley, Tribal Historic Preservation Officer, Coushatta Tribe of Louisiana, llangley@coushattatribela.org and Mr. Johans Johns, jonasj@coushattatribela.org.



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

May 12, 2021

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

B. Cheryl Smith, Principal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Principal Chief Smith:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Jena Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Jena Band of Choctaw Indians 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

HARPER.MARSH
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Date: 2021.05.21 10:09:05
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

An electronic copy of this letter with enclosures will be provided to Mrs. Alina Shively, Tribal Historic Preservation Officer, Jena Band of Choctaw Indians, ashively@jenachoctaw.org.



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

May 12, 2021

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

Cyrus Ben, Chief
Mississippi Band of Choctaw Indians
P.O. Box 6257
Choctaw, MS 39350

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Chief Ben:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Mississippi Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Mississippi Band of Choctaw Indians 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

An electronic copy of this letter with enclosures will be provided to Mr. Kenneth H. Carleton, Tribal Historic Preservation Officer/Archaeologist, Mississippi Band of Choctaw Indians, kcarleton@choctaw.org.



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

May 12, 2021

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

Joey Barbry, Chairman
Tunica-Biloxi Tribe of Louisiana
P.O. Box 1589
Marksville, LA 71351

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study.

Dear Chairman Barbry:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the St. Tammany Parish, Louisiana Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), that requires 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 provide information regarding CEMVN's Tentatively Selected Plan (TSP) for West Slidell and South Slidell Levees, Bayou Patassat Channel Improvements-Clearing and Snagging, Mile Branch Channel Improvements, and Nonstructural Elevations and Flood Proofing, and notify the Tunica-Biloxi Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our proposal 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 in 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 Tunica-Biloxi Tribe of Louisiana 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. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Study Authority

Sections 1201 and 1207 of the Water Infrastructure Improvements Act (WIIN Act) of 2016 authorize the St. Tammany Parish, Louisiana Study for water resource development and

CEMVN is forwarding this letter and the attached documentation for your review and comment and requests your comments within 30-days. CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian, at (504)862-1741 or Jill.A.Enersen@usace.army.mil, or, Jason A. Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

HARPER.MARSHA
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Date: 2021.05.21 10:48:01
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MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File

An electronic copy of this letter with enclosures will be provided to Mr. Earl J. Barbry, Jr., Cultural Director, Tunica-Biloxi Tribe of Louisiana, earlii@tunica.org.

From: [Michelle Felterman](#)
To: [Enersen, Jill A CIV USARMY CEMVN \(USA\)](#)
Cc: [BAKER, EVERARD CIV USARMY CEMVN \(USA\)](#); [Dixon, Amy A CIV \(USA\)](#); [MEYERS, MICHELLE L](#); [Joseph "Wes" Leblanc](#); [Erin Vidrine](#)
Subject: [Non-DoD Source] RE: Continued Consultation: Development of Section 106 PA Regarding St. Tammany Parish, Louisiana Feasibility Study
Date: Monday, May 24, 2021 12:31:05 PM

Jill,

CPRA concurs with CEMVN's proposal to develop a project-specific PA. CPRA also concurs with CEMVN's proposal to adopt a programmatic approach.

CPRA would like to participate in the consultation meetings for this project.

Thanks,

Michelle

Michelle Felterman | **Coastal Protection and Restoration Authority**
Coastal Resource Scientist Supervisor | Planning and Research Division
The Water Campus | 150 Terrace Avenue | Baton Rouge, LA 70802
o: 225.342.4629
www.coastal.la.gov

From: Enersen, Jill A CIV USARMY CEMVN (USA) [mailto:Jill.A.Enersen@usace.army.mil]
Sent: Friday, May 21, 2021 3:13 PM
To: Michelle Felterman <Michelle.Felterman@LA.GOV>
Cc: BAKER, EVERARD CIV USARMY CEMVN (USA) <Everard.Baker@usace.army.mil>; Dixon, Amy A CIV (USA) <Amy.Dixon@usace.army.mil>; MEYERS, MICHELLE L <Michelle.L.Meyers@usace.army.mil>
Subject: Continued Consultation: Development of Section 106 PA Regarding St. Tammany Parish, Louisiana Feasibility Study

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Michelle,

Attached, please find a signed consultation letter.

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study

Should you have any questions or need additional information regarding this undertaking, please contact Jill Enersen, Architectural Historian, at Jill.A.Enersen@usace.army.mil.

Thank you,

Jill A. Enersen, M.P.S.

Architectural Historian, Cultural & Social Resources Analysis Section (CEMVN-PDS-N)

Regional Planning and Environment Division, South

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

Email: Jill.A.Enersen@usace.army.mil

Office: 504-862-1741

From: [Lindsey Bilyeu](#)
To: [Enersen, Jill A CIV USARMY CEMVN \(USA\)](#)
Subject: [Non-DoD Source] RE: Continued Consultation: Development of Section 106 PA Regarding St. Tammany Parish, Louisiana Feasibility Study
Date: Thursday, June 17, 2021 10:15:50 AM

Ms. Enersen,

The Choctaw Nation of Oklahoma thanks the USACE, New Orleans District, for the correspondence regarding the above referenced project. Our office request to be a consulting party on the PA. Would it be possible to provide a shapefile of the study area? Even if you don't have site specific locations, just a polygon of the general study area would be helpful. We do have several village and archaeological sites in St. Tammany Parish and it's important that we are able to determine if any of these locations are within the study area.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu, MS
Senior Section 106 Reviewer
Choctaw Nation of Oklahoma
Historic Preservation Department
Office: (580) 924-8280
Cell: (580) 740-9624

From: Enersen, Jill A CIV USARMY CEMVN (USA) <Jill.A.Enersen@usace.army.mil>
Sent: Friday, May 21, 2021 3:08 PM
To: Lindsey Bilyeu <lbilyeu@choctawnation.com>; Ian Thompson <ithompson@choctawnation.com>
Subject: Continued Consultation: Development of Section 106 PA Regarding St. Tammany Parish, Louisiana Feasibility Study

Halito: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached, please find a signed consultation letter.

RE: Continued Consultation: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study

Should you have any questions or need additional information regarding this undertaking, please contact Jill Enersen, Architectural Historian, at Jill.A.Enersen@usace.army.mil.

Thank you,

Jill A. Enersen, M.P.S.

Architectural Historian, Cultural & Social Resources Analysis Section (CEMVN-PDS-N)

Regional Planning and Environment Division, South

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

Email: Jill.A.Enersen@usace.army.mil

Office: 504-862-1741

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.



BILLY NUNGESSER
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT
DIVISION OF ARCHAEOLOGY

KRISTIN P. SANDERS
ASSISTANT SECRETARY

21 June 2020

Marshall K. Harper
Chief, Environmental Planning Branch
Corps of Engineers, New Orleans District
7400 Leake Ave.
New Orleans, LA 70118

Re: Development of Section 106 Programmatic Agreement Regarding St. Tammany Parish, Louisiana Flood Risk Reduction Feasibility Study

Dear Mr. Harper:

We acknowledge receipt of your letter dated May 12, 2021 inviting the State Historic Preservation Office to participate in the development of a Programmatic Agreement (PA) for the above-referenced project. Our office accepts the proposal to develop and adopt a PA in accordance with 36 CFR § 800.14(b). We look forward to working with you on this process.

If you have any questions, please contact Chip McGimsey at cmcgimsey@crt.la.gov or 225-219-4598.

Sincerely,

A handwritten signature in blue ink that reads "Kristin P. Sanders".

Kristin P. Sanders
State Historic Preservation Officer

National Historic Preservation Act (NHPA), Section 106 consultation is ongoing.

CEMVN intends to fulfill its Section 106 responsibilities through a Programmatic Agreement (PA), which will govern implementation of the STPFS Undertaking.

The PA is being negotiated with Section 106 Consulting Parties.

The attached PA is a draft and is not final.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA
REGARDING
THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT**

PREAMBLE

WHEREAS, the mission of the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN), is to deliver vital public and military engineering services; partnering in peace and war to strengthen our Nation's security, energize the economy, and reduce risks from disasters; and

WHEREAS, the St. Tammany Parish, Louisiana Feasibility Study (STPFS) is authorized by Subtitle B, Section 1201(14) of the Water Resources Development Act of 2016, as included in the Water Infrastructure Improvements for the Nation Act (P.L. 114-322), and in accordance with the annual reports submitted to Congress in 2015 and 2016, pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) (Public Law 113-121), (33 U.S.C. 2282d); and

WHEREAS, this STPFS is included in the Investigations Account for Long-term Disaster Recovery Investment Plans and is funded using Supplemental Investigations funds pursuant to the Bipartisan Budget Act of 2018 (P.L. 115-123), Division B, Subdivision 1, Title IV (BBA 18); and

WHEREAS, the STPFS is authorized to be conducted at full Federal expense to the extent that appropriations provided under the Investigations heading of BBA 18 are available and used for such purpose. In the event that there are insufficient BBA 2018 funds to complete the Study, the Study will be completed subject to the cost-sharing otherwise applicable to the Study, and the amendment of the Feasibility Cost Share Agreement executed by the Department of the Army and the Coastal Protection and Restoration Authority Board of Louisiana on January 13, 2020; and

WHEREAS, the purpose of the STPFS is to investigate and identify reasonable flood risk management (FRM) and coastal storm risk management (CSRM) solutions to reduce the severity of flood damages and risks to public health and safety, caused by heavy rainfall, riverine flooding, tropical storms, and hurricanes; and

WHEREAS, P.L. 115-123 provides that a project that is studied using Supplemental Investigations funds is eligible for implementation using Supplemental Construction funds provided that the Secretary determines that the project is technically feasible, economically justified, and environmentally acceptable. The verification and the Chiefs Report will be provided to the ASA(CW) for the required determination of technical feasibility, economic justification, and environmental acceptability, after which implementation of the project may be undertaken using Supplemental Construction funds; and

WHEREAS, the study area is located in southeastern Louisiana and encompasses all of St. Tammany Parish, measuring approximately 1,124 square miles (2,911.1 km²) within a highly complex and dynamic hydrological setting; and

WHEREAS, the study area has experienced repeated, widespread flooding from both rainfall and coastal storm flood events (i.e., riverine bank overtopping, high tides, waves, drainage, and storm surge) including historic flood impacts from Hurricane Katrina (August 2005) and the flood of August of 2016. The flood events caused major disruptions, damages, and economic impacts to St. Tammany Parish; and

WHEREAS, the STPFS Project is intended to reduce risk from flooding and coastal storms in St. Tammany Parish and has three (3) measures to address flooding parish-wide: 1) 18.4 miles of a levee and floodwall alignment from west Slidell to south Slidell; 2) channel improvements in Mile Branch in Covington; and 3) nonstructural home elevations and floodproofing for eligible resources in the parish based on USACE's 25, 50, and 100-year floodplain determinations (Undertaking) (Appendix A); and

WHEREAS, this agreement is pursuant to Section 106 of the National Historic Preservation Act (NHPA); CEMVN is the lead/responsible federal agency for purposes of the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations, set out at 40 CFR parts 1500-1508 (43 FR 55978), and for Section 106 of the 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, CEMVN and U.S. Fish and Wildlife Service (USFWS) have designated CEMVN as the lead federal agency for Section 106 of the NHPA for the STPFS Project pursuant to 36 CFR 800.2(a)(2); and

WHEREAS, CEMVN as the lead federal agency has invited USFWS to concur in this Agreement pursuant to 36 CFR 800.6(c)(3); and

WHEREAS, CEMVN has determined that implementing the STPFS may result in an Undertaking with individual area of potential effects (APEs), as defined by 54 U.S.C. § 300320 and 36 CFR § 800.16(y) and 36 CFR § 800.16(d), that may affect properties listed in or eligible for listing in the National Register of Historic Places (NRHP) pursuant to 36 CFR Part 60 (historic properties) and/or properties having religious and cultural significance to Tribes, including sites that may contain human remains and/or associated cultural items; and

WHEREAS, additional project design work and engineering studies will occur upon the study moving into the Pre-Construction Engineering and Design phase (PED) and the individual footprints of structural measures and properties eligible for non-structural measures will be coordinated with stakeholders as the project is developed further; and

WHEREAS, because of the scope and programmatic nature of the STPFS, CEMVN is not able to fully identify historic properties or determine the effects of the Undertaking at the present time, CEMVN has concluded that a phased process to conduct identification and evaluation of historic properties (36 CFR § 800.4(b)(2)) and for application of the criteria of adverse effect (800.5(a)(3))

is an appropriate and necessary approach for the agency to meet the requirements of Section 106; and

WHEREAS, as CEMVN cannot fully determine how the Undertaking may affect historic properties, the location of historic properties, or their significance and character at the present time, CEMVN has elected to negotiate a Programmatic Agreement (PA) in consultation with stakeholders, as provided for in 36 CFR § 800.14(b)(1)(ii), and 800.14(b)(2) to govern the implementation of this Undertaking and fulfill its obligations under Section 106 of the NHPA including the resolution of adverse effects for this Undertaking; and

WHEREAS, as used in this PA, “Signatories” is defined in 36 CFR § 800.6(c)(1), “Invited Signatories” is defined in 36 CFR § 800.6(c)(2), and “Concurring Party” is defined in 36 CFR § 800.6(c)(3); and

WHEREAS, a Consulting Party shall be recognized by CEMVN as a Signatory, Invited Signatory, or a Concurring Party starting on the date the Consulting Party signs this PA as a Signatory, Invited Signatory, or Concurring Party, and provides CEMVN with a record of this signature; and

WHEREAS, in accordance with 36 CFR § 800.6(c)(1), a Signatory has the authority to execute, amend or terminate the PA; and

WHEREAS, in accordance with 36 CFR § 800.6(c)(2), Invited Signatories who sign this PA are signatories with the authority to amend or terminate the PA; and

WHEREAS, in accordance with 36 CFR § 800.6(c)(3), a Concurring Party is a Consulting Party invited to concur in the PA but who does not have the authority to amend or terminate the PA; and

WHEREAS, CEMVN initiated consultation, via letter on August 26, 2020 with the Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, the Tunica-Biloxi Tribe of Louisiana, the Advisory Council on Historic Preservation (ACHP), and the Louisiana State Historic Preservation Officer (LA SHPO); and

WHEREAS, on August 31, 2020, CEMVN posted a NHPA/NEPA Public Notice to the designated project website (<https://www.mvn.usace.army.mil/About/Projects/BBA-2018/studies/St-Tammany/>) for a 30-day comment period requesting the public’s input concerning: 1) the proposed undertaking and its potential to significantly affect historic properties, 2) assistance in identifying any relevant parties who may have an interest in participating in this consultation, and 3) CEMVN’s proposal to develop a project-specific PA pursuant to 36 CFR § 800.14(b). No comments to the NHPA/NEPA Public Notice were received; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the ACHP has been provided the required documentation and invited to participate in this PA. On September 10, 2020, the ACHP provided written notice that it has chosen not to participate in the consultation; and

WHEREAS, on September 25, 2020, the Choctaw Nation of Oklahoma submitted a written response to CEMVN and stated that St. Tammany Parish lies in their area of historic interest; the

Choctaw Nation has sites of significance, including village locations, located in St. Tammany Parish. The Choctaw Nation of Oklahoma requested to be a Consulting Party in the PA; and

WHEREAS, CEMVN continued consultation, via letter on May 21, 2021 with the Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, the Tunica-Biloxi Tribe of Louisiana, the LA SHPO, and the Louisiana Coastal Protection and Restoration Authority (CPRA); and

WHEREAS, CEMVN has consulted with the LA SHPO on this PA pursuant to 36 C.F.R. § 800.6 and 36 C.F.R. § 800.14(b). LA SHPO confirmed that they would participate in the development of this Agreement via email on June 21, 2021, and is a Signatory to this PA; and

WHEREAS, CEMVN recognizes that the Alabama-Coushatta Tribe of Texas, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, and the Tunica-Biloxi Tribe of Louisiana, may have sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by the Undertaking, and in meeting its Federal trust responsibility, CEMVN initiated consultation with Tribes via letter on August 26, 2020, and May 21, 2021. Pursuant to 36 CFR § 800.2 (c)(2)(ii)(E), and in consideration of the confidentiality of information, CEMVN has invited the Tribes to enter into a PA that specifies how CEMVN shall carry out Section 106 responsibilities for the Undertaking; and

WHEREAS, on July 17, 2021 and in response to the continued consultation letter, the Choctaw Nation of Oklahoma again requested to be a Consulting Party to this PA and are an Invited Signatory to this PA; and

WHEREAS, as of the date of this Agreement, no other Tribes(s) have sought or declined to enter into this Agreement as a signatory party; and

WHEREAS, CEMVN may invite additional Federally-recognized Tribes that have sites of religious and cultural significance to enter into the terms of this Agreement as Invited Signatories or Concurring Parties in accordance with 36 CFR § 800.14(f), and nothing in this Agreement prevents a Federally-recognized Tribe from entering into a separate PA or other agreement with CEMVN for administration of USACE Programs; and

WHEREAS, on October 29, 2021, CEMVN requested by e-mail the interest of the Certified Local Governments (CLGs) of Covington, Mandeville, and Slidell (<https://www.crt.state.la.us/cultural-development/historic-preservation/certified-local-government/louisiana-clgs/index>) in participating in this consultation and any information concerning the proposed Undertaking and its potential to significantly affect historic properties that they wished to provide in this PA; and

WHEREAS, the CLG of Slidell submitted a response via email on November 1, 2021 that the community is interested in participating in this consultation; and is a Concurring Party to this PA; and

WHEREAS, CEMVN requested participation of the Big Branch Marsh National Wildlife Refuge on December 10, 2021, and January 18, 2022. Subsequently, the proposed west Slidell to south Slidell alignment footprint was optimized to minimize impacts to the Big Branch National Wildlife

Refuge. In May 2023, the Big Branch Marsh National Wildlife Refuge engaged in consultation and USFWS is a Signatory to this PA; and

WHEREAS, for the review of a specific Undertaking under this PA, CEMVN may invite other agencies, organizations, and individuals to participate as Consulting Parties; and

WHEREAS, consultation among all Signatories, Invited Signatories, and Concurring Parties to this PA shall continue throughout the implementation of the PA. Consultation is mutual, meaningful dialogue regarding the fulfillment of this PA, the process of Section 106 compliance, and the treatment of historic properties that may be affected by the CEMVN Undertaking; and

NOW, THEREFORE, CEMVN, LA SHPO, USFWS (Signatories), CPRA, Choctaw Nation of Oklahoma (Invited Signatories), and CLG of Slidell (Concurring Party) agree that the Undertaking resulting from the STPFS shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties and to satisfy CEMVN's responsibilities under Section 106 of the NHPA.

STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, Invited Signatories, and Concurring Parties, CEMVN shall ensure that the following measures are carried out:

I. APPLICABILITY

- A. This Agreement applies to the three (3) measures of the Undertaking that may result in the STPFS to accomplish flood risk reduction, and include:
 - 18.4 miles of a levee and floodwall alignment from west Slidell to south Slidell;
 - Channel improvements in Mile Branch in Covington; and
 - Nonstructural home elevations and floodproofing for eligible resources in the parish based on USACE's 25, 50, and 100-year floodplains.
- B. CEMVN will utilize this Agreement to fulfill its Section 106 responsibilities and those of other federal agencies that designate USACE as the lead federal agency pursuant to 36 CFR § 800.2(a)(2) for the STPFS Project Undertaking that falls within the scope of this PA.
- C. If another Federal program or Federal agency has approved an Undertaking that lies wholly or partly within a STPFS Project APE within the past five (5) years and no new substantial information has been revealed, then Section 106 consultation and review is concluded for that portion of the STPFS Project APE within this previous Undertaking provided that CEMVN:
 1. Confirms that the Area of Potential Effects (APE) and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency, and;
 2. Determines that the previous agency complied with Section 106, including tribal consultation, appropriately and;

3. Adopts the findings and determinations of the previous agency.
 4. CEMVN shall notify the SHPO and consulting Tribes regarding this determination. If USACE, in consultation with the SHPO and Consulting Tribes determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect determinations, and/or resolution of adverse effects (implementation of Treatment Measures), USACE shall conduct additional Section 106 consultation in accordance with the terms of this Agreement.
 5. CEMVN shall document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied.
- A. CEMVN has determined that the following types of activities have limited or no potential to affect historic properties and CEMVN has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):
1. Administrative actions such as personnel actions, travel, procurement of services, and supplies (including vehicles and equipment) for the support of day-to-day operational activities.
 2. Providing funding for planning, studies, and design and engineering costs that involve no commitment of resources other than staffing and associated funding.
 3. Funding the administrative action of acquiring properties, including the real estate transactions and transfers.
 4. Boundary surveying, monitoring, data gathering, reporting in support of planning or design activities, and conducting other activities necessary for CEMVN to evaluate the eligibility of properties for nonstructural measures (e.g., conducting geotechnical boring investigations or other geophysical and engineering activities, and if warranted, additional hazardous, toxic and radioactive waste investigations, physical property inspections, evaluating the condition of resources, determining dry/wet floodproofing methods, verifying the current elevation of resources, title research, or performing appraisals, provided that such testing is shifted to avoid impacts to known cultural resources and that soil survey and geotechnical testing of sediment utilizes hand-dug test pits, hand probes, cores, and/or augers. If heavy equipment (i.e., backhoes, tractors, excavators, etc.) will be used as part of the testing process, then the activities are considered to have potential to affect historic properties.
 5. Demarcation of project areas and resources (e.g., cultural sites, wetlands, threatened and endangered species habitat).

II. POINTS OF CONTACT

- A. Consulting Parties, Signatories, Invited Signatories, and Concurring Parties shall each designate a primary and secondary point of contact. The primary contact is the contact to which all formal correspondence is sent. If the individual designated as the primary point of contact is not available, communications will be directed to the secondary contact. Each

Consulting Party to this PA is requested to provide phone numbers, email addresses, and mailing addresses for the primary and secondary contacts.

- B. CEMVN acknowledges that primary and secondary points of contacts may change over time. Addressing this is primarily a CEMVN responsibility with assistance from the Consulting Parties. The initial compilation is provided in Appendix B. Following the initial compilation, CEMVN and the Consulting Parties shall follow the process outlined in the appropriate set of roles and responsibilities below to provide and distribute updated information for Appendix B. Alteration of Appendix B will not require executing an amendment to the PA.
- C. In accordance with the process laid out in the roles and responsibilities below, CEMVN will follow-up on returned email and hard-copy mail or disconnected phone lines to ensure that a POC is re-established, and the relevant Consulting Party receives the necessary information.

III. ROLES AND RESPONSIBILITIES OF THE SIGNATORIES

A. CEMVN:

- 1. Shall not construct components of the Undertaking until Section 106 review is completed pursuant to this Agreement.
- 2. Shall notify and consult with the SHPO, appropriate Federally-recognized Tribes, and other Consulting Parties as provided in this Agreement. Consultations may include face-to-face meetings, as well as communications by U.S. mail, e-mail, facsimile, and/or telephone. Times and places of meetings, as well as an agenda for meetings, will be developed with mutual acceptance and done in a timely manner.
- 3. Shall maintain the POC List (Appendix B) and will distribute it annually to the Primary POCs as part of the consultation. CEMVN will follow up with the relevant Consulting Party to re-establish the appropriate point of contact after a returned email, returned letter, or notification of a disconnected phone line is received. CEMVN will incorporate any changes to the POC List in the annual POC update.
- 4. Shall consult with any Federally-recognized Tribe on a government-to-government basis in recognition of its sovereign status, whether a signatory to this PA or not, throughout any activity of Undertaking that might affect historic properties, particularly regarding sites that may have traditional, religious, and/or cultural importance to Federally-recognized Tribes. In meeting its Federal trust responsibility, CEMVN alone shall conduct all government-to-government consultation with Federally-recognized Tribes.
- 5. Shall be responsible for determining the APE, identifying historic properties located within the APE, providing NRHP eligibility determinations, and findings of effect.
- 6. Shall be responsible for consulting with SHPO, Federally-recognized Tribes, and other Consulting Parties following the terms of this PA.

7. Shall ensure all Cultural Resources review is conducted by qualified professional staff as outlined in Stipulation VI. A. 3.
8. Shall ensure that all documentation generated as part of the NHPA process resulting from the Undertaking shall be consistent with applicable *Standards (State and Federal)* (Stipulation VI. A.) and confidentiality provisions outlined in Stipulation IV.
9. Shall ensure that a written record of all stipulations and conditions pursuant to this PA regarding real property for which CPRA has responsibility are provided to CPRA, and CEMVN will be available to assist CPRA with any technical questions related to its implementation. Additionally, CEMVN shall provide the CPRA with information and technical guidance on the treatment of any historic properties, if applicable.
10. Shall provide the ACHP and Consulting Parties to this Agreement, with an annual report for the previous calendar year on or about July 30th of each year that this PA is in effect.
 - a. This annual report summarizes the actions taken to implement the terms of this Agreement, such as, statistics on the Undertaking; meeting Allowances; emergency reviews; streamlined project review; resolution of adverse effects; after-the-fact consultations; use of other agency's determinations; the progress and completion of all treatment measures; and recommends any actions or revisions to be considered, including updates to the appendices, A, B, D, and E.
 - b. Consulting Parties, including Signatories, Invited Signatories, and Concurring Parties, may request a conference call within 30 days from the distribution of the annual report to review the annual report or discuss issues, if any, regarding implementation of the PA.

B. SHPO:

1. Shall coordinate with CEMVN, to identify Consulting Parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
2. Shall consult with CEMVN regarding CEMVN's determination of the APE, NRHP eligibility, and findings of effect responding within timeframes set out in Stipulation V.
3. Upon request, SHPO shall provide CEMVN available information about historic properties (such as access to site files, GIS data, survey information, geographic areas of concern) for the purposes of addressing effects to historic properties. Only Qualified Staff, per Stipulation VI. A. 1. shall be afforded access to protected historic property information.
4. Shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation has occurred, CEMVN shall provide a written summary on any decisions that were reached via e-mail or regular mail to SHPO.

5. Shall review the annual report provided by CEMVN and will recommend any actions or revisions to be considered, including updates to the appendices in accordance with Stipulation III. A. 9.
6. Shall participate in meetings convened by CEMVN or any other Signatory, Invited Signatory, or Concurring Party to review the effectiveness of this PA.

C. USFWS:

1. Shall coordinate with CEMVN, to identify Consulting Parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
2. Shall provide the required Archaeological Resources Protection Act (ARPA) permits for archaeological investigations occurring on USFWS fee-title lands.
3. Shall provide, as part of the consultation, available information about historic properties (such as access to site files, GIS data, survey information, geographic areas of concern) for the purposes of addressing effects to historic properties. Only Qualified Staff, per Stipulation VI A. 1. shall be afforded access to protected historic property information.
4. Shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media.

D. Federally Recognized Tribes (THPOs and other designees):

1. USACE acknowledges that Federally-recognized Tribes possess special expertise in assessing the NRHP eligibility of properties with religious and cultural significance to that particular Tribe. Tribal leaders, and as appropriate, their representatives, shall designate an individual(s) for the Tribe's review of the Undertaking affecting properties with religious and cultural significance to that particular Tribe. Designations such as this will follow the intent and processes laid out in USACE's 2012 Tribal Consultation Policy (<https://www.tribalconsultation.arizona.edu/docs/DOD/Army%20Corps/USACE%20Consultation%20Policy%202012.pdf>)
2. May coordinate with USACE, to identify Consulting Parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
3. May consult with USACE regarding USACE's determination of the APE, NRHP eligibility, and findings of effect responding within timeframes set out in Stipulation V.
4. May provide, as part of the consultation, available information about historic properties (such as access to site files, GIS data, survey information, geographic areas of concern) for the purposes of addressing effects to historic properties. Only Qualified Staff, per Stipulation VI A. 1. shall be afforded access to protected historic property information.

5. Shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation has occurred, USACE shall provide a written summary via e-mail or regular mail to THPO, including any decisions that were reached.
6. Shall, based on availability, participate in annual reviews convened by USACE to discuss the effectiveness of this PA in accordance with Stipulation III. A. 9.

E. Coastal Protection and Restoration Authority/Non-Federal Sponsor

1. Shall coordinate with CEMVN, to identify Consulting Parties, including any communities, organizations, private land owners, or other individuals that may have an interest in a specific Undertaking and its effects on historic properties.
2. Shall participate in meetings as needed and any other roles appropriate to the completion of the goals of this PA.
3. Shall review the annual report provided by CEMVN and will recommend any actions or revisions to be considered; including updates to the appendices in accordance with Stipulation III. A. 9.
4. Shall participate in meetings convened by CEMVN or any other Signatory, Invited Signatory, or Concurring Party to review the effectiveness of this PA.
5. Shall assist in determining the final disposition of any recovered archaeological collections from a CEMVN-funded archaeological survey, evaluation, Standard Treatment Measure (STM) or project-specific Memorandum of Agreement (MOA) Treatment Measure (TM), or post-review discovery, in accordance with Stipulation IX. of this PA and shall coordinate with any private landowners regarding State of Louisiana *Archaeological Collection Donation Forms*, if necessary.

F. ACHP:

1. Shall provide guidance and advisory information to resolve disputes that may occur during the implementation of this PA, pursuant to the Dispute Resolution process in Stipulation XII.
2. Shall advise CEMVN if it will participate in consultations to resolve adverse effects, pursuant to 36 CFR § 800.6(a)(1).

IV. CONFIDENTIALITY OF HISTORIC PROPERTY INFORMATION

- A. CEMVN will safeguard information about historic properties to the extent allowed by Section 304 of NHPA (54 U.S.C. § 307103), Section 9 of the ARPA, and other applicable federal laws, as well as implementing restrictions conveyed to CEMVN by SHPO and Federally-recognized Tribes, consistent with state and tribal guidelines. These safeguards

will be included in any developed cultural resources Scopes of Work, as well.

- B. Only CEMVN staff meeting the Professional Standards (Stipulation VI. A. 1.), shall be afforded access to protected historic property information provided by SHPO and/or Federally-recognized Tribes (54 U.S.C. § 307103);
- C. Regarding sensitive information shared by Federally-recognized Tribes, CEMVN, in accordance with provisions of federal law, will not share non-public information that is so designated by the Tribes, without first confirming (in writing with the provider of the information) the appropriateness of sharing.
- D. CEMVN shall provide to all Consulting Parties the documentation specified in 36 CFR § 800.11 subject to the confidentiality provisions of 36 CFR § 800.11(c) and such other documentation as may be developed during consultation to resolve adverse effects to the extent permitted by federal law.
- E. SHPO/THPO, Consulting Parties (including personnel and staff), and Tribal staff and/or designee(s), shall safeguard historic property information (locational and other non-public information) in accordance with the provisions of Section 304 of the NHPA and applicable state and tribal legal authorities.
- F. CEMVN anticipates the presentation of historic property data as part of any STM or MOA TM and shall ensure that such products, presentations, or other publications are adequately coordinated with Consulting Parties that have an interest in their content before release/presentation to ensure that any otherwise protected information is being represented appropriately.

V. CONSULTATION STANDARDS, TIMEFRAMES, AND CORRESPONDENCE

A. Consultation Standards:

- 1. CEMVN will consult with the SHPO, Federally-recognized Tribes (based on expressed areas of interest), and other Consulting Parties as set forth in this agreement. Consultations may include face-to-face meetings, as well as communications by regular mail, electronic mail, and/or telephone. Times and places of meetings, as well as an agenda for meetings, will be arranged as mutually agreeable and notice will be provided in a timely manner.

B. Timeframes:

- 1. All time designations in this PA shall be in calendar days unless otherwise expressly stipulated in writing in this PA.
- 2. The response time for each request for comment or concurrence shall be a maximum of thirty (30) days, unless otherwise agreed by the parties to the specific consultation on a case-by-case basis.
- 3. The review period will be extended until the next business day if a review period

included in this PA concludes on a Saturday, Sunday, state, or federal, or tribal (when a Federally-recognized Tribe is one of the reviewing parties) holiday. If requested, CEMVN may consider an extension of a review period consistent with the time designations in this PA for parties affected by an unanticipated Federal or state office closure (e.g., for a hurricane, tornado or similar).

4. Any electronic communication forwarding plans or other documents for review under the terms of this PA that is sent after 4:00 pm Central Time will be deemed to have been received by the reviewing party on the next business day.
5. E-mail comments by Consulting Parties on any documents submitted for review under this PA are timely if they are received at any time on or before the last day of a review period. Responses sent by mail will be accepted as timely if they are postmarked by the last day allowed for the review.
6. If any Signatory does not object to CEMVN's finding or determination related to an Undertaking within an agreed upon timeframe, CEMVN may proceed to the next step in the consultation process as described in Stipulation VII., Project Review.
7. Timeframes are contingent upon CEMVN ensuring that its findings and determinations are made by Qualified Staff and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(e), and consistent with CEMVN guidance.

C. Correspondence:

1. The Consulting Parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by this Agreement in accordance with the protocol in Appendix B.
 - a. If the size of an e-mail message is unusually large or an e-mail is returned to a sender because its size prevents delivery, the sender will contact the intended recipient(s) and determine alternative methods to deliver the information (including available file sharing platforms).
 - b. Time-sensitive information that is not sent by e-mail should be sent by overnight mail, courier, or hand-delivered. The timeframe for requests for review not sent by e-mail will be measured by the date the delivery is received by SHPO, Federally-recognized Tribe, or other organization representing the Consulting Party.

VI. STANDARDS

- A. In addition to the definitions utilized in 36 CFR § 800, this PA uses the definitions presented in the subsequent paragraphs to establish standards for performing all cultural resource project reviews and investigations required under the terms of this Agreement including, but not limited to, site identification, NRHP eligibility evaluations, and as appropriate, STM (Appendix E) or MOA TM, as outlined in VII B, for the resolution of adverse effects to historic properties:

1. "Qualified Staff" -- shall mean staff who meet, at a minimum, the Secretary of the Interior's (SOI) *Professional Qualifications Standards* set forth at 48 FR 44738 (September 29, 1983), for History, Archaeology, Architectural History, Architecture, or Historic Architecture (https://www.nps.gov/history/local-law/arch_stnds_9.htm) and the appropriate qualifications presented in Professional Qualifications (36 CFR Part 61, Appendix A).
2. "Standards" -- shall mean the SOI *Standards and Guidelines for Archaeology and Historic Preservation* [Federal Register 48(190) 1983:44716-44737] (https://www.nps.gov/history/local-law/arch_stnds_0.htm);
3. "Meeting Professional Standards" -- shall mean that all cultural resource investigations shall be performed by, or under the direct (in-field) supervision of appropriate professional(s) or by contractors, who are "Qualified Staff."
4. "Field and Reporting Standards" -- CEMVN shall ensure that all fieldwork and documentation resulting from the Undertaking reviewed pursuant to this PA are consistent with all applicable Louisiana Division of Archaeology (LDOA) *Field Standards* (<https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/field-standards/index>) and *Reporting Standards* (<https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/report-standards/index>), and the Louisiana Division of Historic Preservation (LDHP) *Louisiana Historic Resource Inventory Guidelines* (<https://www.crt.state.la.us/Assets/OCD/hp/standing-structures-survey/SurveyGuidelines.pdf>), or the most current versions located on the Louisiana Office of Cultural Development website.
5. "Policies and Guidelines" -- shall mean guidance from any of the following:
 - a. The National Park Service (NPS) publication *The Archaeological Survey: Methods and Uses* (NPS 1978);
 - b. ACHP's *Treatment of Archeological Properties: A Handbook* (1980) (<https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf>);
 - c. *Identification of Historic Properties: A Decision-making Guide for Managers* (1988, joint ACHP-NPS publication);
 - d. *Consulting About Archeology Under Section 106* (1990);
 - e. ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999);
 - f. ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (2007) (<https://staging.achp.gov/sites/default/files/policies/2018-06/ACHPPolicyStatementRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects0207.pdf>);
 - g. ACHP's *Section 106 Archaeology Guidance: A reference guide to assist federal agencies in making effective decisions about archaeological sites* (2009) (<https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf>);
 - h. SOI's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);

- i. *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (1998);
 - j. Louisiana Office of Cultural Development, Division of Historic Preservation's *Elevation Guidelines for Historic Buildings in the Louisiana GO Zone* (2014) <https://www.crt.state.la.us/Assets/OCD/hp/uniquely-louisiana-education/Disaster-Recovery/Final%20Elevation%20Design%20Booklet%2012-07-15%20v2.pdf>; and
 - k. NPS *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* (2019) <https://www.nps.gov/tps/standards/rehabilitation/flood-adaptation-guidelines.pdf>.
- B. In developing Scopes of Work (SOW) for identification and evaluation studies, STM(s) or MOA TM(s), or any other cultural resources activities required under the terms of this PA, CEMVN will comply with the requirements of the *Standards, Professional Standards, Field and Reporting Standards*, and the *Policies and Guidelines*, in existence at the time this work is performed.

VII. PROJECT REVIEW

A. Programmatic Allowances

1. CEMVN shall determine if all the actions within the scope of an Undertaking are included in the Programmatic Allowances set forth in this PA (Appendix D). Upon such a determination, CEMVN shall complete the Section 106 review process by documenting this determination in the project file, without further SHPO, Tribal, or other Consulting Party review or notification. This will complete the Section 106 review for the Undertaking unless an Unexpected Discovery or unforeseen effect to historic properties is reported.
2. If the Undertaking involves a National Historic Landmark (NHL), CEMVN shall notify SHPO, participating Tribe(s), and NPS NHL Program Manager of the NPS Southeast Regional Office whether the Undertaking conforms to one (1) or more Allowances. CEMVN shall provide information about the proposed scope of the Undertaking and which Allowance(s) apply.
3. If CEMVN determines any portion of an Undertaking's SOW does not conform to one (1) or more Allowances listed in Appendix D, CEMVN shall conduct Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation VII. B., Streamlined Project Review.
4. Allowances may be revised and new Allowances may be added to this PA in accordance with Stipulation XIV, Amendments.

B. Streamlined Project Review:

For the Undertaking not falling under VII. A., CEMVN shall ensure that the following project review steps are implemented. In the interest of streamlining, CEMVN may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).

1. CEMVN shall consider all written requests of individuals and organizations to participate as Consulting Parties and consult with LA SHPO and the appropriate Federally-recognized Tribe(s) to identify any other parties that meet the criteria to be Consulting Parties and invite them to participate in the Section 106 process. CEMVN may invite others to participate as Consulting Parties as the Section 106 consultation proceeds.
2. For all projects undergoing streamlined project review, Qualified Staff shall determine the APE, in consultation with SHPO and appropriate Federally-Recognized Tribe(s), in accordance with 36 CFR § 800.16(d). CEMVN may consider additional information provided by other parties, such as the CPRA, local governments, and the public, when establishing the APE.

The APE shall incorporate both direct or indirect effects (e.g., access, staging, construction areas, introduction of visual, atmospheric, or audible elements) including all areas to be impacted by construction activities. CEMVN shall provide a map displaying the APE for each Undertaking and provide any pertinent background information relevant to CEMVN's determination of the APE to SHPO and appropriate Federally-recognized Tribe(s). SHPO and Tribes shall provide comment and/or concurrence on the proposed APE within the timeframes outlined in Stipulation V. B. If necessary, CEMVN shall re-initiate consultation to revise the APE in accordance with the PA and ensure that SHPO and Tribes are provided the opportunity to comment.

APE Definition Factors:

- a. Structural Measures: The APE shall be defined as all areas to be affected by construction activities and areas of associated ground disturbance including but not limited to haul roads, borrow areas, staging and stockpiling areas. The APE would generally include all areas for which a Right-of-Entry is sought by CEMVN or the NFS. Additional effects that will be considered shall include visual and auditory.
- b. Nonstructural Measures (elevation of residential buildings, dry floodproofing of non-residential buildings, buyouts, and/or acquisitions):

The APE shall be the subject property's tax parcel, unless the Undertaking is planned within a National Register Historic District (NRHD), National Historic Landmarks (NHLs), NRHP-eligible or unassessed archaeological site, or situated on a large tract of land in a rural area, wherein CEMVN shall define and establish the APE in consultation with SHPO and appropriate Federally-recognized Tribe(s). It is assumed that the tax parcel will on average range in size from one (1) to five (5) acres (0.4-2.2 ha), but within a tax parcel, survey will be limited to the area of ground disturbance and a reasonable buffer, unless additional area is required for construction staging or other eligible nonstructural measure activities or actions (Appendix C).

- c. Viewshed Considerations for APE in NRHP eligible or listed NRHDs: In NRHP-eligible or listed NRHDs, CEMVN shall delineate the APE to include the subject

property for the proposed Undertaking as well as historic properties in the vicinity which may border, be adjacent to, or located in the immediate view of the subject property. *Qualified Staff* shall determine if a site visit is required to assess the unique circumstances of the subject property; to include the position of other resources within the APE relative to vegetation, site conditions and/or irregular street layouts that may influence the final APE. At a minimum, CEMVN shall require documentation of the APE to include at least three (3) photographs of the resource, including one (1) of the main façade, and two (2) oblique views. In addition, CEMVN shall require one (1) context/streetscape photo showing properties on either side of the subject property; and one (1) context/streetscape photo showing approximately three (3) resources directly across the street (as is applicable). Additional photos may be needed, per the discretion of *Qualified Staff*.

3. Identification and Evaluation: CEMVN *Qualified Staff* shall determine, in consultation with SHPO and Tribe(s), if the APE contains historic properties, including properties of religious and cultural significance to Federally-recognized Tribes. This may include the review of newly developed or previously produced documentation in coordination with SHPO and appropriate Federally-recognized Tribe(s), and any additional Consulting Parties.
 - a. Level of Effort: CEMVN shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). CEMVN shall consult with SHPO and appropriate Federally-recognized Tribe(s) to determine the level of effort, methodology necessary to identify and evaluate a variety of historic property types, and any reporting requirements. For properties of religious and cultural significance to affected Federally-recognized Tribe(s), CEMVN shall consult with the affected Tribe(s) to determine if the APE contains such properties and determine the necessary level of effort to identify and evaluate or avoid any such historic properties. All Identification and Evaluation studies will comply with the Standards (Stipulation VI.).
 - b. NHL: When CEMVN identifies an Undertaking with the potential to affect an NHL, CEMVN will adhere to 36 CFR 800.10 Special Requirements for Protecting NHLs. CEMVN shall contact NPS NHL Program Manager of the Southeast NPS Regional Office in addition to the SHPO, Tribes, and other Consulting Parties. The purpose of this notification is to ensure early coordination for the Undertaking, which CEMVN later may determine adversely affects the NHL as outlined in Stipulation VII. B. 6 below.
 - c. Background Research: CEMVN shall ensure that background research is conducted as per the *Standards* and will entail a review of primary and secondary sources relevant to the environmental, geological, and cultural processes that have influenced the study area to gain an understanding of resource sensitivity, determine the kinds of resources that might be identified within the study area, develop research questions, guide fieldwork, and to facilitate the evaluation of resources using the NR Criteria. Research materials consulted may include, but are not limited to, information provided by Consulting Parties and the public, the NRHP database, the LDOA Louisiana Cultural Resources Map, historic maps,

pertinent regional and local cultural resources investigations, historic aerial photography, and other appropriate sources.

- d. All fieldwork and reporting shall meet the *Field and Reporting Standards* as defined in Stipulation VI. A. 4.
4. Determinations of Eligibility: CEMVN shall make determinations of NRHP eligibility based on identification and evaluation efforts, and consult with SHPO, appropriate Federally-recognized Tribe(s), and other Consulting Parties regarding these determinations. Should SHPO or appropriate Federally-recognized Tribe(s) disagree with the determination of eligibility, CEMVN shall:
 - a. Elect to consult further with the objecting party until the objection is resolved;
 - b. Treat the property as eligible for the NRHP; or
 - c. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4 (c) 2.
 5. Findings of No Historic Properties Affected:
 - a. CEMVN shall make a finding of “No Historic Properties Affected” under the following circumstances:
 - i. If no historic properties are present in the APE; or
 - ii. The Undertaking shall avoid alteration to the characteristics of a historic property qualifying it for inclusion in the NRHP (including cumulative effects); or
 - b. CEMVN shall notify SHPO, appropriate Federally-recognized Tribes(s), and any other Consulting Parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). The Section 106 review of the Undertaking will have concluded unless Consulting Parties object to the finding, or request additional information, within thirty (30)-days.
 - c. If SHPO and/or appropriate Federally-recognized Tribes(s) objects to a finding of “No Historic Properties Affected,” CEMVN shall consult with the objecting party to resolve the disagreement.
 - i. If the objection is resolved, CEMVN either may proceed with the Undertaking or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation VII. B. 6. below.
 - ii. If CEMVN is unable to resolve the disagreement, it will forward the finding and supporting documentation to ACHP and request that ACHP review CEMVN’s finding in accordance with the process described in 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C).). CEMVN shall, pursuant to 800.4(d)(1)(iv)(C), prepare a summary of its decision that contains the rationale

for the decision and evidence of consideration of the ACHP's opinion, and provide this to SHPO, appropriate Federally-recognized Tribe(s), and all other Consulting Parties. If CEMVN's final determination is to reaffirm its "no historic properties affected" finding, the Section 106 review of the Undertaking will have concluded. If CEMVN will revise its finding, then it shall proceed in accordance with Stipulation VII. B. 6. below.

6. Application of the Criteria of Adverse Effect:

- a. If, through consultation, CEMVN finds an Undertaking may affect historic properties located within the APE, including those of religious or cultural significance to affected Federally-recognized Tribe(s), CEMVN shall apply the criteria of adverse effect, including cumulative effects, taking into account the views of the Consulting Parties and the public concerning effects in accordance with 36 CFR § 800.5(a).
- b. If CEMVN determines that an Undertaking does not meet the adverse effect criteria, pursuant to 36 C.F.R. § 800.5(a)(1), CEMVN shall propose a finding of "no adverse effect" and consult with SHPO, appropriate Federally-recognized Tribes(s) and Consulting Parties in accordance with 36 CFR § 800.5(b):
 - i. CEMVN shall notify all Consulting Parties of its finding; describe any project specific conditions and/or modifications required to avoid or minimize effects to historic properties; and provide supporting documentation pursuant to 36 CFR §800.11(e).
 - ii. Unless a Consulting Party objects within thirty (30) days, CEMVN will proceed with its "no adverse effect" determination and conclude the Section 106 review.
 - iii. If a Consulting Party objects to a finding of "no adverse effect," CEMVN will consult with the objecting party to resolve the disagreement.
 - a. If the objection is resolved, CEMVN shall proceed with the Undertaking in accordance with the resolution; or
 - b. If the objection cannot be resolved, CEMVN shall request that ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. CEMVN shall, pursuant 800.5(c)(3)(ii)(B), prepare a summary of its decision that contains the rationale for the decision and evidence of consideration of the ACHP's opinion, and provide this to all Consulting Parties. If CEMVN's final determination is to reaffirm its "no adverse effect" finding, the Section 106 review of the Undertaking will have concluded.
- c. If CEMVN, during its initial review, finds the Undertaking may adversely affect historic properties, CEMVN may make a further internal review to consider ways to avoid or minimize effects. The review will consider revising the elements of the SOW affecting historic properties to substantially conform to the SOI *Preservation Standards* or otherwise avoid or minimize adverse effects.

- i. If CEMVN modifies the SOW following its initial internal review to avoid or minimize effects below the “criteria of adverse effect” (36 CFR 800.5 (a)(1), (i.e., to the point CEMVN can make a finding of No Adverse Effect), CEMVN shall consult with SHPO, appropriate Federally-recognized Tribe(s), and all other Consulting Parties, and shall provide the *original and modified* Scopes of Work as part of its finding of “no adverse effect” following the process in Stipulation VII. B. 6. b.
 - ii. If CEMVN is unable to modify the Undertaking to avoid or minimize effects below the “criteria of adverse effect”, CEMVN shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation VII. B. 7, Resolution of Adverse Effects.
7. Resolution of Adverse Effects (AE): If CEMVN determines that an Undertaking may adversely affect a historic property, it shall resolve the effects of the Undertaking in consultation with SHPO, the appropriate Federally-recognized Tribe(s); and other Consulting Parties by one of the methods described below. When, through consultation, CEMVN determines an Undertaking will adversely affect an NHL, CEMVN shall notify and invite the Secretary of the Interior and ACHP, as well as notifying Regional NPS staff to participate in consultation in accordance with 36 CFR § 800.10.
- a. Abbreviated Consultation Process: CEMVN may propose in writing to the Consulting Parties to resolve the adverse effects of the Undertaking through the application of one or more STMs outlined in Appendix E. CEMVN shall ensure that the provisions of the STMs, as outlined in the consultation and agreed to by Consulting Parties, are documented in writing and implemented. The use of these STMs shall not require the execution of an individual MOA or Secondary PA.
 - i. CEMVN shall propose in writing the implementation of a specific TM, or combination of TMs, with the intent of expediting the resolution of adverse effects, and provide documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c)). The correspondence will include a TM that outlines roles and responsibilities for accomplishment of the selected TMs, specify the deliverables, and define the timeline.
 - ii. The ACHP is not required to, and would not normally, participate in the development of TMs, under the Abbreviated Resolution Process. However, the ACHP will receive a copy of the Treatment Plan.
 - iii. Unless a Consulting Party objects to CEMVN's proposed TM within the timeframe outlined in Stipulation V. B Timeframes, CEMVN shall proceed with the implementation of the TM and will conclude the Section 106 review.
 - iv. If any of the Consulting Parties objects within the timeframe outlined in Stipulation V. B. Timeframes, to the resolution of adverse effects through the application of the Abbreviated Consultation Process, CEMVN shall resolve the adverse effect(s) using procedures outlined below in Stipulation VII. B. 6. b.

- v. Because funding and implementation details of a TM for a specific Undertaking may vary, CEMVN shall provide written notice to the Consulting Parties within sixty (60) days of the completion of the TM(s). This written notice will serve as confirmation that the TM(s) for a specific Undertaking have been implemented. CEMVN also shall include information pertaining to the progress and completion of Treatment Measure(s) in the annual report pursuant to Stipulation III A. 9.
 - b. MOA: CEMVN shall provide ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement. In consultation with SHPO, appropriate Federally-recognized Tribe(s), and other Consulting Parties, CEMVN shall develop an MOA, in accordance with 36 CFR § 800.6(c), to agree upon TMs to avoid, minimize, and/or mitigate adverse effects on historic properties. The MOA may also include TMs that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of the TMs outlined in Appendix E.
8. Disagreements Regarding Adverse Effect Resolution Actions: Should any signatory or Consulting Party object within the timeframes established by this PA to any plans, specifications, or actions taken pursuant to resolving an adverse effect, CEMVN shall consult further with the objecting party to seek resolution. If CEMVN determines the objection cannot be resolved, CEMVN shall address the objection in accordance with Stipulation XII, Dispute Resolution.
9. Reports:
- a. CEMVN shall ensure that all reports and other documents resulting from the actions pursuant to this PA will be provided in a format acceptable to SHPO and appropriate Federally-recognized Tribes. CEMVN will ensure that all such reports (e.g., identification surveys, evaluation reports, treatment plans, and data recovery reports) meet or exceed the Department of the Interior's *Format Standards for Final Reports of Data Recovery* (42 FR 5377-79) and the *Field and Report Standards* identified in Stipulation VI.A.4.
 - b. CEMVN shall provide all documentation for these efforts to SHPO, appropriate Federally-recognized Tribes, or other Consulting Parties, as appropriate, consistent with the confidentiality provisions of Stipulation IV. of this Agreement.
 - c. Once supporting documentation is received, SHPO and Tribes will have thirty (30)-days to review supporting documentation (e.g., site forms and reports). If SHPO or appropriate Federally-recognized Tribes intend to review and comment on documentation, and are unable to do so within the thirty (30)-day review period, a request for additional review time must be made in writing to CEMVN and specify the anticipated completion date. CEMVN will consider the request and work with the requesting party to come to a mutually agreeable timeframe. CEMVN will notify other Consulting Parties of any mutually approved extension by e-mail.

VIII. THE PUBLIC

- A. To date, CEMVN has undertaken the public outreach and participation activities which have been memorialized in “Whereas” clauses found in this PA.
- B. It is the intent of NEPA that federal agencies encourage and facilitate public involvement in decisions that may affect the quality of the environment. With respect to any Undertaking that is undergoing NEPA evaluation, CEMVN shall provide public notices and the opportunity for public comment or participation on such Undertaking through the NEPA public participation process, and if applicable, through public participation opportunities coordinated pursuant to Executive Order 12898 (Environmental Justice) provided such participation opportunities also specifically reference Section 106 as a basis for public involvement.
- C. CEMVN recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. CEMVN shall notify the public of a proposed Undertaking in a manner that reflects the nature, complexity, and significance of historic properties likely affected by the Undertaking, the likely public interest given CEMVN’s specific involvement, and any confidentiality concerns of Federally-recognized Tribe(s), private individuals and organizations.
- D. CEMVN may consult with other Consulting Parties to determine if there are individuals, groups, or organizations with a demonstrated interest in historic properties that should be included as a Consulting Party for any specific Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified, or identify themselves to CEMVN, CEMVN shall provide them with information regarding the Undertaking and its effects on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
- E. CEMVN shall ensure that reasonable time frames for public comment are afforded and will consider all views provided by the public regarding any specific Undertaking. CEMVN shall provide contact information and accept responses to its requests for public comments through the U.S. mail or e-mail submittals.
- F. Should a member of the public object to implementation of the PA’s terms, CEMVN shall notify the other Consulting Parties by e-mail and take the objection into consideration. CEMVN shall consult with the objecting party and, if that party so requests, the other Signatories, for not more than fifteen (15)-days. In reaching its decision regarding the objection, CEMVN shall take into consideration all comments from these parties. Within fifteen (15)-days after closure of this consultation period, CEMVN shall provide the other Consulting Parties with its final decision in writing.
- G. Additional opportunities for NEPA participation and public comment will be relayed through appropriate means (e.g., postings, publications, social media), as is applicable

IX. CURATION

- A. Recovered archaeological collections from a CEMVN-required archaeological survey, evaluation, and/or mitigation remain the property of the landowner (either private, state, federal, etc.). CEMVN, in coordination with SHPO and appropriate Federally-recognized Tribe(s) may, as determined through consultation, encourage private landowners to transfer any recovered artifacts and related documentation to an appropriate archive or

public or Federally-recognized Tribal entity. CEMVN, in coordination with SHPO and Federally-recognized Tribe(s), 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 CEMVN, SHPO, and appropriate Federally-recognized Tribes(s) and following applicable state or tribal guidelines. CEMVN 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 CEMVN, SHPO, and affected Federally-recognized Tribe(s), and follow that repository's guidelines.

X. TREATMENT OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, AND OBJECTS OF CULTURAL PATRIMONY

- A. 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 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 CEMVN 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 each Work Item where Human Remains are present, the CEMVN will ensure that the consultation happens as appropriate to each jurisdiction to determine the course of action for each situation.
- B. 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) CEMVN shall notify the relevant historic preservation interests (SHPO and Federally-recognized Tribal representatives) within 24-hrs of the discovery. Concurrently, CEMVN will implement provisions 2 thru 6, below:
 2. Any CEMVN 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 CEMVN Cultural Resources Section (CRS).
3. All work 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. CEMVN 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. CEMVN 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. CEMVN will notify local law enforcement, coroner, or medical examiner, as appropriate, and SHPO, per the POC in Appendix B, 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. CEMVN will also notify interested Federally-recognized 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, CEMVN will follow jurisdictional guidelines as provided for based on land ownership (per Stipulation X. B.).
 - 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 CEMVN-funded undertaking on Federal Land, CEMVN will notify by telephone and e-mail, SHPO, Tribes, and other affected parties (e.g., living descendants) that may that might 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 individual state's Designated Authority will notify and coordinate with Tribes as required by the appropriate state law, but not later than forty-eight (48)-hours from the time of their notification. As requested and to the extent of its legal authority, CEMVN will assist the Designated Authority, to consult with Tribes and affected parties, as appropriate.
 - c. In cases where the human remains are discovered on Non-Federal Lands and determined to be other than Native American, CEMVN will notify local law enforcement and the Louisiana Division of Archaeology (LDOA), and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.) and, if applicable, the Louisiana Cemetery Law (La. R.S. 8).
 5. CEMVN will consult with 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 (see Stipulation IX. B. for the detailed process).
6. Following the outcome of any consultation (Federal Lands or Non-Federal Lands) to address the discovery of human remains, CEMVN 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.
- C. 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 CEMVN 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 1105-2-100 (Policy & Guidance), Appendix C-4.
1. Federal Lands: If discovered/recovered from *Federal lands*, CEMVN 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, CEMVN will continue to consult with 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 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 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 (Native American or Other) when from Federal Lands
 - i. CEMVN, in consultation with SHPO and Federally-recognized Tribes, whether they are Signatories to this PA 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 CEMVN archaeologists or any other professional without first consulting with the claimant Federally-recognized Tribes, whether they are Signatories to this PA 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. CEMVN, in consultation with SHPO, Federally-Recognized Tribes, and other affected parties, as appropriate, whether they are Signatories to this PA 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, CEMVN 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, CEMVN 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, CEMVN considers the Consulting Tribes, and Federally-recognized Tribes who have identified the parish as an area of interest are likely to be culturally affiliated with inadvertently discovered NAGPRA items
 - ii. Upon certification of an inadvertent discovery of NAGPRA items by the responsible federal official, the CEMVN 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 Native American Human Remains from Federal Lands
 - 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 X.A above, then the CEMVN 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 CEMVN 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 CEMVN 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. CEMVN 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, CEMVN 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, CEMVN 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, CEMVN 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 NPS, National NAGPRA program.
 - iii. CEMVN 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 CEMVN 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 CPRA, state, or other private land*, CEMVN will require the outlined below:
 - 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. The Louisiana Division of Archaeology is the lead agency and will consult with CEMVN, Tribe(s), landowner(s), and descendants as appropriate to determine the necessary course of action.
 - b. If the human remains are determined to be Native American, CEMVN, in conjunction with the CPRA, will identify and secure a mutually agreeable reburial location in which to reinter the human remains removed from the project area. Other arrangements may 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 with the parties outlined in X. 2. a. ii. 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 CEMVN 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 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, CEMVN 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 CEMVN real estate guidance at the time of the discovery.

XI. PROVISIONS FOR POST-REVIEW DISCOVERIES (NON-HUMAN REMAINS)

- A. CEMVN is responsible for complying with 36 C.F.R. § 800.13(a) in the event of inadvertent discoveries of historic properties during implementation of the project. Discoveries of previously unidentified historic properties or unanticipated adverse effects to known historic properties are not anticipated; however if there is an inadvertent discovery or unanticipated effect, CEMVN will ensure that the following stipulations are met. These provisions will be included in all construction, operations, and maintenance plans and project managers will brief field personnel.
- B. If previously unreported properties that may be eligible for nomination to the NRHP or that may be of significance to Federally-recognized Tribes, and/or, if unanticipated effects on historic properties are found during the construction phase, CEMVN will implement the provisions outlined below that are intended to ensure that the Undertaking is in compliance with all applicable federal and state laws and regulations, including Section 106 of the NHPA:
- C. If there is no reasonable expectation that the property contains human remains, funerary objects, Native American sacred objects, or Native American objects of cultural patrimony, all work within a fifty (50) meter (164 ft.) radius buffer zone must stop immediately. CEMVN will notify SHPO and Federally-recognized Tribes, as appropriate, as well as any other affected party, of the discovery, and implement interim measures to protect the discovery from theft and vandalism. Construction may continue outside the fifty (50) meter (164 ft.) radius buffer zone. Within seventy-two (72) hours of receipt of notification of the discovery, CEMVN, as appropriate, will:
 - 1. Inspect the work site to determine the extent of the discovery and ensure that work activities have halted within the fifty (50) meter (164 ft.) radius buffer zone;
 - 2. Clearly mark the area of the discovery;

3. Implement additional measures, as appropriate, to protect the discovery from theft and vandalism; and
 4. Provide an initial assessment of the site's condition and eligibility to SHPO and appropriate Federally-recognized Tribes; and
 5. Notify other Consulting Parties, if applicable, of the discovery.
- D. If CEMVN, in consultation with SHPO, Consulting Tribes, and other Consulting Parties, as appropriate, determines the site is either isolated, does not retain integrity sufficient for listing in the NRHP, or will not be further disturbed by construction activities, construction may resume within the fifty (50) meter (164 ft.) radius buffer zone.
- E. If CEMVN determines that the site either is, or may be, eligible for inclusion in the NRHP, CEMVN will consult with SHPO, Consulting Tribes, and other Consulting Parties, as appropriate, regarding appropriate measures for site treatment pursuant to 36 C.F.R. § 800.6(a). SHPO and Tribes will have seven (7)-days to provide their objections or concurrence on the proposed actions. These measures may include:
1. Formal archaeological evaluation of the site;
 2. Visits to the site by SHPO and/or Consulting Tribes;
 3. Exploration of potential alternatives to avoid the site;
 4. Preparation and implementation of a mitigation plan by CEMVN in consultation and concurrence with SHPO, Consulting Tribes, and other Consulting Parties, as appropriate.
- F. The notified Consulting Parties will have seven (7)-days following notification to provide comment regarding CEMVN's determination of the NRHP eligibility of the discovery.
- G. A report of findings describing the background history leading to and immediately following the reporting and resolution of an inadvertent discovery will be prepared by CEMVN within thirty (30)-days of the resolution of each inadvertent discovery.
- H. CEMVN will communicate the procedures to be observed with its contractors and personnel.

CEMVN will provide Notice to Proceed to the contractor to work in the area. Notices to Proceed may be issued by CEMVN for individual construction segments, defined by CEMVN in its construction specifications, after the identification and evaluation of historic properties has been completed.

XII. DISPUTE RESOLUTION

- A. Should any Signatory, or Invited Signatory or Concurring Party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, CEMVN shall consult with such party to resolve the objection. If CEMVN determines that such objection cannot be resolved, CEMVN will forward all documentation

relevant to the dispute, including the CEMVN's proposed resolution, to the ACHP. The ACHP shall provide CEMVN with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, CEMVN shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories, and Invited Signatories, and provide them with a copy of this written response. CEMVN will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, CEMVN may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, CEMVN shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Invited Signatories to the Agreement, and provide them and the ACHP with a copy of such written response.
- C. The CEMVN's responsibility to carry out all other actions pursuant to the terms of this Agreement that are not the subject of the dispute will remain unchanged.

XIII. SEVERABILITY AND TERMINATION

- A. In the event any provision of this PA is deemed by a federal court to be contrary to, or in violation of, any applicable existing law or regulation of the United States of America, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the PA shall remain in effect.
- B. Any Signatory or Invited Signatory who signs this PA may terminate this PA by providing thirty (30)-days' written notice to the other Consulting Parties, provided that the Consulting Parties consult during this period to seek amendments or other actions that would prevent termination. If this PA is terminated, CEMVN shall comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such termination, CEMVN shall provide ACHP, Signatories, Invited Signatories, and Concurring Parties written notice of the termination of this PA.
- C. Any Invited Signatory or Concurring Party who has signed this PA may notify the other Consulting Parties that it is fully withdrawing from participation in the PA. Following such a withdrawal, CEMVN shall review the activities within the Undertaking that may affect historic properties of religious and cultural significance to any Tribe in accordance with 36 CFR § 800. Withdrawal from this PA by a Concurring Party does not terminate the PA. A Concurring Party that has withdrawn from the PA may at any time notify ACHP, Signatories, Invited Signatories, and Concurring Parties in writing, that it has rescinded its notice to withdraw from participation in the PA.
- D. This PA may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this PA, or by CEMVN's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

XIV. AMENDMENTS

- A. If any Signatory or Invited Signatory who signs this PA determines that an amendment to

the terms of this PA must be made, the Signatory or Invited Signatory shall consult to seek amendment in the following manner:

1. The Signatory or Invited Signatory shall submit a written request for amendment to CEMVN containing the proposed amendment.
 2. Upon receipt of a request to amend this PA, CEMVN shall immediately notify the Signatories and Invited Signatories who have signed this PA and initiate a (30)-day period to consult on the proposed amendment, whereupon the Signatories and Invited Signatories shall consult to consider such amendments.
 3. If agreement to the amendment cannot be reached within the (30)-day period, resolution of the issue may proceed by following the dispute resolution process in Stipulation XII.
 4. An amendment to this PA, exclusive of the appendices, shall be effective only when it has been signed by all the Signatories and Invited Signatories who have signed this PA. An amendment shall be effective for an Undertaking occurring on or affecting historic properties on Tribal lands only when the affected Tribe has signed the amended PA as an Invited Signatory. The terms of this PA shall not apply to an Undertaking on or affecting Tribal lands without prior execution of the Amended PA by the affected Tribes.
 5. Amendments to this PA shall take effect on the date that they are fully executed by all Signatories and Invited Signatories who have signed this PA.
 6. Modifications, additions, or deletions to the appendices made as a result of continuing consultation among the Consulting Parties do not require the PA to be amended.
- B. Modifications, additions, or deletions to the appendices may be made at the request of CEMVN or another Signatory or Invited Signatory who has signed this PA in the following manner:
1. CEMVN, on its own behalf, or on the behalf of another Signatory or Invited Signatory, shall notify all Signatories and Invited Signatories to this PA of the intent to add to or modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all Signatories and Invited Signatories who have signed this PA.
 2. If no Signatory or Invited Signatory who has signed this PA objects in writing within (30)-days of receipt of CEMVN's proposed addition or modification, CEMVN shall date and sign the amended Appendix and provide a copy of the amended Appendix to all Signatories and Invited Signatories. Such an amendment shall go into effect on the date CEMVN transmits the amendment to the other Signatories and Invited Signatories or an alternative date provided by the terms of the amendment.

XV. DURATION

- A. This PA shall expire ten (10) years from the date of its execution unless its term is

extending through an amendment to that effect under Stipulation XVI or through its automatic extension as detailed below.

- B. The term of this PA shall be automatically extended for an additional ten (10) years on midnight of the tenth anniversary of its execution if:
 - a. Within one (1) year prior to the end of the original ten (10) year term, CEMVN provides written notification to all Signatories that the term of the PA will automatically extend for an additional ten (10) years absent a written objection from any of the Signatories before the end of the original ten (10) year term;
 - b. CEMVN does not subsequently receive a written objection to such an extension from a Signatory before the end of the original ten (10) year term.

XVI. EXECUTION AND IMPLEMENTATION

- A. This Agreement shall be executed in counterparts, with a separate page for each Signatory, Invited Signatory, and Concurring Party, and shall become effective on the date the agreement is signed by or filed with the ACHP.
- B. CEMVN shall ensure that each Signatory and Invited Signatory is provided with an electronic (.pdf) of the PA including signatures. CEMVN shall provide electronic copies of additional executed signature pages to the Consulting Parties as they are received. CEMVN shall provide a complete copy of the PA with original signatures to any Signatory on request.
- C. Execution of this Agreement and implementation of its terms is evidence that CEMVN has taken into account the effects of the Undertaking on historic properties and afforded ACHP an opportunity to comment on CEMVN's proposed actions for the STPFS.

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA**

REGARDING

THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT

U.S. Army Corps of Engineers, New Orleans District (CEMVN)

Date: _____

Cullen A. Jones, P.E., PMP
Colonel, U.S. Army
District Commander

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA**

REGARDING

THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT

The Louisiana State Historic Preservation Officer

Kristin P. Sanders
Louisiana State Historic Preservation Officer

Date: _____

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA**

REGARDING

THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT

U.S. Fish & Wildlife Service.

Date: _____

Mike Oetker
Acting Regional Director, Southeast Region

INVITED SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA
REGARDING
THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT**

Louisiana Office of Coastal Protection and Restoration Authority

Date: _____

Lawrence B. Haase
Executive Director
Louisiana Coastal Protection and Restoration Authority

INVITED SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA**

REGARDING

THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT

The 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 SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG**

**THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT;
LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF
CULTURE, RECREATION & TOURISM; THE U.S. FISH AND WILDLIFE SERVICE;
LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; AND
THE CHOCTAW NATION OF OKLAHOMA**

REGARDING

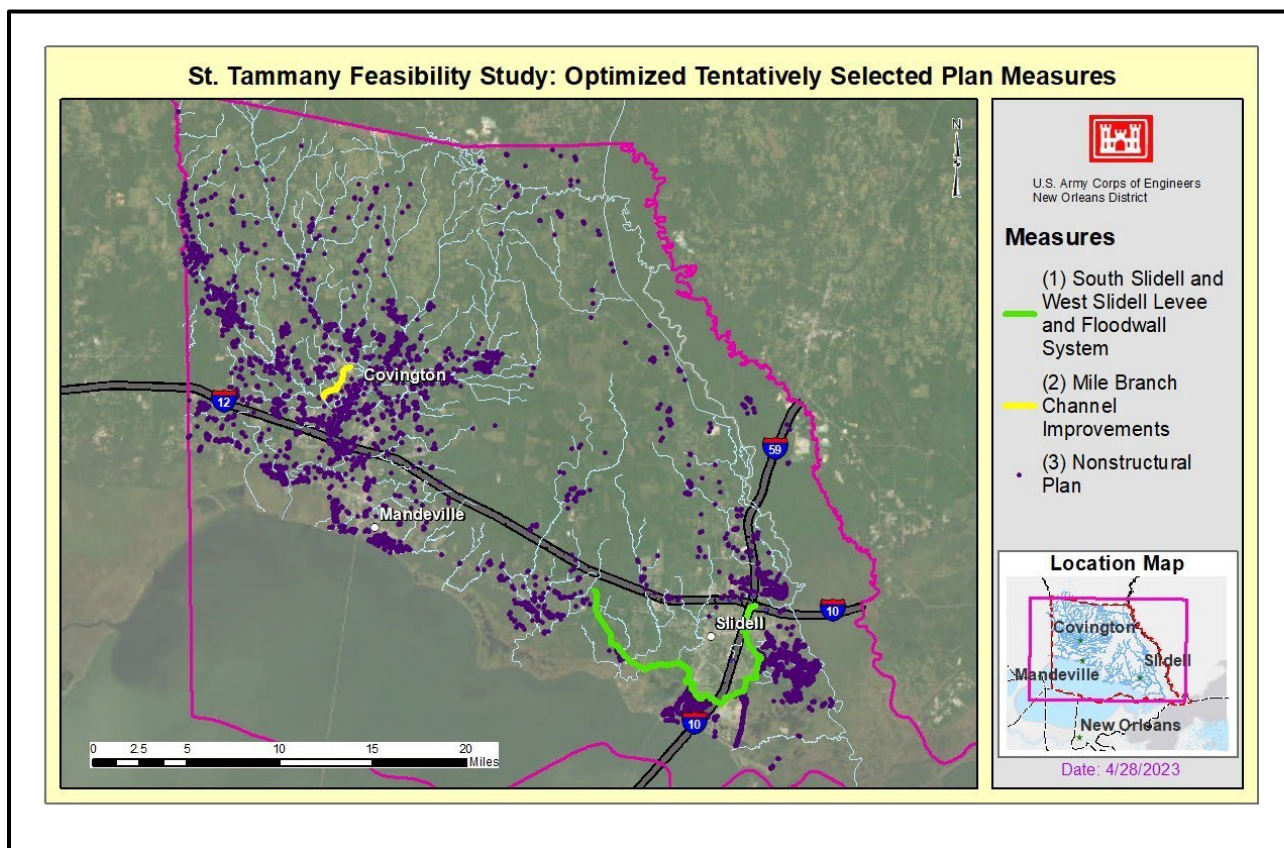
THE ST. TAMMANY PARISH, LOUISIANA FLOOD RISK REDUCTION PROJECT

Certified Local Government of the City of Slidell

Date: _____

Blaine Clancy
City Engineer
City of Slidell

Appendix A: Optimized Tentatively Selected Plan (TSP)



Appendix B: Point of Contacts (POC) List

Primary Contact	Secondary Contact
Advisory Council on Historic Preservation Mr. Christopher Daniel Program Analyst Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington DC 20001-2637 Telephone: (202) 517-0223 E-mail: cdaniel@achp.gov	Advisory Council on Historic Preservation Mr. Reid Nelson, Chairman Office of Federal Agency Programs Advisory Council on Historic Preservation 401 F. Street NW, Suite 308 Washington, DC 20001-2637 Telephone: (202) 517-0228 E-mail: rnelson@achp.gov
Alabama-Coushatta Tribe of Texas Mr. Bryant Celestine Historic Preservation Officer Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: celestine.bryant@actribe.org	Alabama-Coushatta Tribe of Texas Ms. Cecilia Flores Chairwoman Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: hispres@actribe.org
Choctaw Nation of Oklahoma Ms. Lindsey Bilyeu, MS Program Coordinator 2 Historic Preservation Department Choctaw Nation of Oklahoma Telephone: (580) 642-8377 E-mail: lbilyeu@choctawnation.com Dr. Ian Thomson Tribal Historic Preservation Office Historic Preservation Department Choctaw Nation of Oklahoma P.O. Box 1210 Durant, OK 74702 Telephone: (580) 642-7981 E-mail: ithompson@choctawnation.com	Choctaw Nation of Oklahoma Chief Gary Batton Choctaw Nation of Oklahoma Attn: Choctaw Nation Historic Preservation Department P.O. Box 1210 Durant, OK 74702-1210 Telephone: (800) 522-6170 E-mail: gbatton@choctawnation.com
City of Slidell Mr. Blaine Clancy City Engineer City of Slidell 250 Bouscaren St, Ste 203 Slidell, LA 70458 Telephone: (985) 646-4320 E-mail: bclancy@cityofslidell.org	City of Slidell Christi Lambertson Asst. Director of Engineering City of Slidell 250 Bouscaren St, Ste 301 Slidell, LA 70458 Telephone: (985) 646-4270 E-mail: clambertson@cityofslidell.org
Coastal Protection and Restoration Authority	Coastal Protection and Restoration Authority

Primary Contact	Secondary Contact
<p>Ms. Elizabeth Davoli Coastal Resources Scientist Manager Planning and Research Division Coastal Protection and Restoration Authority The Water Campus 150 Terrace Avenue Baton Rouge, LA 70802 Telephone: (225) 342-4616 E-mail: elizabeth.davoli@la.gov</p>	<p>Ms. Michelle Felterman Coastal Resources Scientist Supervisor Planning and Research Division Coastal Protection and Restoration Authority The Water Campus 150 Terrace Avenue Baton Rouge, LA 70802 Telephone: (225) 342-4629 E-mail: michelle.felterman@la.gov</p>
<p>Coushatta Tribe of Louisiana Mr. Kristian Poncho Secretary-Treasurer & THPO Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-1567 E-mail: kponcho@coushatta.org</p> <p>Ms. Kassie Dawsey Section 106 Coordinator Coushatta Heritage Department E-mail: khenry@coushattatribela.org</p>	<p>Coushatta Tribe of Louisiana Chairman Jonathan Cernek Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-2998</p>
<p>Jena Band of Choctaw Indians Ms. Alexa DiDio Assistant THPO Cultural Department Jena Band of Choctaw Indians P.O. Box 14 Jena, LA 71342 Telephone: (318) 992-1205 E-mail: adidio@jenachoctaw.org</p>	<p>Jena Band of Choctaw Indians Honorable B. Cheryl Smith Chief Jena Band of Choctaw Indians 1052 Chanaha Hina Street Trout, LA 71371 Telephone: (318) 992-2717 E-mail: chief@jenachoctaw.org</p>
<p>Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism Dr. Charles "Chip" McGimsey State Archaeologist and Director Division of Archaeology P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 219-4598 E-mail: cmcgimsey@crt.la.gov</p>	<p>Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism Ms. Nicole Hobson-Morris Executive Director Division of Historic Preservation P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 342-8172 E-mail: nmorris@crt.la.gov</p>
<p>Mississippi Band of Choctaw Indians Mr. Kenneth Carleton THPO/Archaeologist</p>	<p>Mississippi Band of Choctaw Indians Chief Cyrus Ben Mississippi Band of Choctaw Indians</p>

Primary Contact	Secondary Contact
Mississippi Band of Choctaw Indians P.O. Box 6010 Choctaw, MS 39350 Telephone: (601) 650-7316 E-mail: kcarleton@choctaw.org	101 Industrial Road Choctaw, MS 39350 Telephone: (601) 656-5251 E-mail: info@choctaw.org
Tunica-Biloxi Tribe of Louisiana Mr. Earl J. Barbry, Jr. THPO Tunica-Biloxi Tribe of Louisiana P.O. Box 1589 Marksville, LA 71351 Telephone: (318) 253-8174 x 6451 E-mail: earlii@tunica.org	Tunica-Biloxi Tribe of Louisiana Vice-Chairman Marshall Pierite Tunica-Biloxi Tribe of Louisiana 151 Melancon Drive Marksville, LA 71351 Telephone: (318) 253-1946 E-mail: joeypbarbry@tunica.org
U.S. Fish and Wildlife Service Rick Kanaski Regional Archaeologist U.S. Fish and Wildlife Service 694 Beech Hill Lane Hardeeville, SC 29927 Telephone: (912) 257-5434 E-mail: richard_kanaksi@fws.gov Neil LaLonde Project Leader Southeast Louisiana Refuges Complex U.S. Fish and Wildlife Service 61389 LA Hwy 434 Lacombe, LA 70445 Telephone: (985) 882-2003 E-mail: neil_lalonde@fws.gov	U.S. Fish and Wildlife Service Haley Messer Staff Archaeologist U.S. Fish and Wildlife Service 694 Beech Hill Lane Hardeeville, SC 29927 Telephone: (470) 597-1906 E-mail: haley_messer@fws.gov Jimmy Laurent Refuge Manager Big Branch NWR U.S. Fish and Wildlife Service 61389 LA Hwy 434 Lacombe, LA 70445 Telephone: (985) 882-2031 E-mail: jimmy_laurent@fws.gov

Appendix C: STPFS Eligible Nonstructural Activities & Actions

The STPFS program eligible nonstructural activities and actions include the below measures. This actions list is meant to be illustrative in nature and shall not be regarded as all-inclusive or disqualify future actions and/or actions not considered in this appendix from being eligible for CEMVN funding.

ELEVATION

Physically raising an existing structure to an elevation to the 100-year base flood elevation (BFE) based on year 2082 hydrology or higher if required by CEMVN or local ordinance. Foundations must be designed to properly address all loads and effects, be appropriately connected to the floor structure above, and utilities must be properly elevated.

Applicability

Residential

Actions

1. Elevation on piers, posts, columns, or piles;
2. Elevation on continuous foundation walls;
3. Elevation of reinforced slab;
4. Slab separation;
5. Pouring new reinforced slab;
6. Elevation on fill (compacted);
7. Second story conversion/attic build-out;
8. Establishment of staging areas.

DRY FLOODPROOFING

Techniques applied to keep non-residential structures watertight below the BFE. Dry floodproofing will be completed on eligible structures at or below three feet (0.9 m) depth.

Applicability

Non-Residential

Residential for historic structures only

Actions

1. Using waterproof membranes or sealants to reduce seepage of floodwater through walls and wall penetrations;
2. Use of watertight shields for doors and windows;
3. Reinforcing walls to withstand floodwater pressure and impact forces generated by floating debris;
4. Anchoring the structure to resist flotation, collapse, and lateral movement;
5. Installing drainage collection systems and sump pumps to prevent sewer backup, control the interior water level, or reduce hydrostatic pressure on the slab and walls;
6. Bracing of walls to address hydrostatic and hydrodynamic forces;
7. Installing removable/permanent flood panels;
8. Establishment of staging areas.

Appendix D: Programmatic Allowances

The STPFS program eligible nonstructural activities and actions include the below measures. This actions list is meant to be illustrative in nature and shall not be regarded as all-inclusive or disqualify future actions and/or actions not considered in this appendix from being eligible for CEMVN funding.

CEMVN has determined, in consultation with the other Consulting Parties, that the Programmatic Allowances (Allowances) enumerated below will have either no effect or a minimal effect only on historic properties, if implemented as specified in this Appendix. It is agreed by the Consulting Parties that the activities specified in the Allowances will not require review by the SHPO or Federally-recognized Tribe(s). Should a post-review discovery, or discovery of human remains occur, work must stop and compliance with Stipulations X and XI is required.

Allowances can only be used by staff meeting the applicable SOI *Professional Qualifications Standards* in accordance with Stipulation VI of this Agreement. In accordance with Stipulation VII.A, an Undertaking composed entirely of work described by the Allowances do not require further Section 106 review.

When referenced in an Allowance “previously disturbed areas” shall mean the following: alterations to the soil such that the property and associated stratification no longer has the potential to yield specific data from the past.

This list may be revised without amending this PA by a letter concurred with by CEMVN, SHPO, and Participating Tribes.

- I. **GROUND DISTURBING ACTIVITIES AND SITE WORK.** Project review should take into account the entirety of the proposed activities including staging, site access, site cleanup, and possible site work (e.g., grading for positive drainage, vegetation removal), and excavation of borrow material as potential ground-disturbing activities. If the project ground disturbance is limited to within 3 feet (0.9 m) of the existing built resource and no known eligible or unassessed site is within the footprint and/or APE, the Allowance may be applied as documented by CEMVN to the project file. If a potential ground-disturbing activity including staging, site access, site cleanup, and site work falls within a cemetery, known NRHP eligible or unassessed archaeological site, and/or where there are unexpected finds, standard Project Review will apply.
 - A. Ground-disturbing activities related to the repair, replacement, reinforcing or pouring of footings, foundations, and retaining walls, if related ground disturbing activities are substantially within 3 feet (0.9 m) of the existing structure and do not require pile driving.
 - B. In kind repair or replacement of landscaping and utilities, such as planters, trellises, irrigation, exterior lighting, signs (e.g., freestanding facility signage), retaining walls, ramps, and steps. This allowance also includes decks. Minor mitigation measures (e.g., addition of new safety anchors) will be covered by this Allowance.

- C. In kind repair or replacement of walkways, paths, trails, driveways, and parking areas.
- D. Removal of debris from private property, including leaning trees and hanging branches, provided that structures are not affected, ground disturbance is limited to surface scraping, and in-ground elements, such as driveways, walkways or swimming pools, are left in place.
- E. Installation of scaffolding and temporary barriers (e.g., chain link fences), provided such work will not result in additional damage, irreversible alterations, significant loss of historic fabric, or substantial ground disturbance.
- F. In kind repair or replacement of fencing and freestanding exterior walls.
- G. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos, etc.) or for assessment of hidden damages.

II. BUILT RESOURCES. Project review should take into account the entirety of the proposed activities including staging, site access, site cleanup, and possible site work (e.g., grading for positive drainage, vegetation removal), and excavation of borrow material as potential ground-disturbing activities.

- A. Installation of temporary stabilization, bracing, or shoring provided such work does not result in significant loss of historic fabric, or irreversible alterations to this or adjacent areas.
- B. Bracing and reinforcing of walls, chimneys, and fireplaces provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
- C. Strengthening and reinforcing of foundations provided that any visible new material is compatible with existing structures and the site, and no ground disturbance is required.
- D. Bracing and anchoring of walls and/or foundations to address hydrostatic and hydrodynamic forces, provided the work is concealed from exterior view and if required, mortar repair and/or any disturbed historic fabric is restored in kind, and no ground disturbance is required.
- E. Strengthening of entry doors and bracing of garage doors provided they do not result in altering the existing door form and appearance.
- F. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non-character-defining spaces with flood resistant doors and frames.
- G. Elevation of building contents including furniture, partitions, computers, cabinetry, supplies, and equipment and any other moveable items. This Allowance does not apply to built-in features.

- H. Replacement of damaged plaster and lath with drywall or other flood-resistant wall treatment where the plaster is a non-character-defining detail, excluding properties eligible or individually listed in the NRHP or contributing to NHL historic districts.
- I. Cleaning, repair, or repainting of surfaces, in a building that is less than forty-five (45)-years of age (construction date as noted in the project documentation, or by the CPRA or sub-recipient, or by a photograph/site visit) providing that the building is not adjacent to or on a NRHP eligible or listed building or structure or within the viewshed of a NRHP eligible or listed historic district.
- J. Cleaning, repair, or repainting of surfaces, provided that destructive surface cleaning and preparation treatments are not used (e.g., water blasting, sandblasting, power sanding, chemical cleaning). Surface treatments must comply with the treatment approaches outlined in Preservation Brief 6: *Dangers of Abrasive Cleaning to Historic Buildings* (<https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm>).
- K. Reconstruction of concrete and masonry walls, columns, parapets, chimneys, or cornices, using compatible brick and mortar following the *SOI Standards for Rehabilitation*.
- L. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- M. In kind replacement or installation of insulation systems, provided that existing interior plaster, woodwork, or exterior siding is not altered. The Allowance does not apply to urea formaldehyde foam insulation or any other thermal insulation containing water, when installed within wall cavities. It does not apply to exterior insulation finishing systems that do not include an adequate vapor and moisture drainage system, or work in enclosed spaces that are not finished.
- N. Sealing a building or installing flood panels in a building that is less than forty-five (45)-years of age (construction date as noted in the project documentation, or by the CPRA or sub-recipient, or by a photograph/site visit) to make it watertight or impermeable to floodwaters. This allowance does not apply to the use of liquid sealants as water repellants on masonry buildings unless the sealant is vapor permeable.
- O. Installation of removable flood barriers for doors and windows above ground only in a building that is less than forty-five (45)-years of age (construction date as noted in the project documentation, or by the CPRA or sub-recipient, or by a photograph/site visit).
- P. Providing openings and installation of flood-resistant materials above ground only in a building that is less than forty-five (45)-years of age (construction date as noted in the project documentation, or by the CPRA or sub-recipient, or by a photograph/site visit).
- Q. Installation of backflow valves, pumping systems (e.g., sump pumps), and/or perimeter drainage for structures around foundations and footings, to allow for proper site drainage except when located within or immediately adjacent to NRHP eligible or

unassessed archaeological sites. This allowance excludes individually listed NRHP properties or contributing properties to NRHP eligible or listed historic districts.

- R. The following retrofits, provided that such retrofits are not visible on the exterior or within character-defining historic interiors: modifications to non-character defining structural elements; cross bracing on pier and post foundations; installation of plywood diaphragms beneath first floor joists, anchoring of fuel tanks; installation of automatic gas shut off valves; concealed anchoring of furniture and/or bracing of building contents.
- S. Retrofit or replacement of metal utilitarian structures (e.g., pump houses, storage buildings) less than forty-five (45)-years old (construction date as noted in the project documentation, or by the CPRA or sub-recipient, or by a photograph/site visit). Modern materials may be used provided their finish is compatible with existing structures and the site.
- T. Minor interior and/or exterior modifications required for compliance with the Americans with Disabilities Act (ADA).

III. Utilities, Mechanical, and Electrical Systems

Utilities, Mechanical, and Electrical Systems are limited to distribution and collection systems for water, electricity, gas, and communications, including sewer, water, drains, electrical service and distribution, gas, communications, leaching systems, cess pools, and septic tanks, when proposed repair and replacement activities occur within previously disturbed soils as determined by "Qualified Staff" following a review of existing documentation and/or verified through a site visit. Any proposed new or upgraded construction outside of the previously disturbed soils, including associated features and structures, are limited to archaeologically surveyed areas and not in a known NRHP eligible or unassessed archaeological site.

- A. Repair, replacement, or hardening of utilities within previously disturbed rights-of-way, and utilities in existing utility right-of-ways (including sewer, water, drains, electric service or distribution, gas, communications, leaching systems, cesspools, and septic tanks), and for repair, replacement, or hardening of above ground utilities where they are set in or immediately adjacent to their previous location.
- B. Minor utility system work, including mechanical (e.g., HVAC), electrical, or plumbing work, which is limited to upgrading, or in kind replacement. Historic fixtures, grilles, etc., where exposed to view, shall be in kind for the Allowance to apply. The Allowance shall not apply to installation of new exposed ductwork on individually listed NRHP properties or contributing properties to NRHP eligible or listed historic districts.
- C. Elevation of HVAC, electrical (e.g., electrical panels, switch boards), and mechanical equipment (e.g., generators, washers and dryers, and hot water heaters, and pumping equipment) providing they are placed or located where not highly visible from the street, or if installation does not result in significant loss of historic fabric, or character-defining details.

- D. Installation of generators and similar devices within previously disturbed soils that are not adjacent to or on a NRHP eligible or listed building or structure or within the viewshed of a NRHP eligible or listed district.
- E. Installation of early warning devices on existing utility poles on other existing utilities.
- F. Directional boring of new/replacement service line and related appurtenances within existing rights-of-way or utility corridors.

IV. Piers, Docks, Boardwalks, and Boat Ramps

- A. Minor elevation and/or upgrades such as, codes and standards, to existing piers, docks, boardwalks, and/or boat ramps, when placed in the existing footprint.

V. Temporary Buildings or Structures

- A. Installation of temporary buildings or structures for uses such as offices, classrooms, medical facilities, except when located in historic districts or within or immediately adjacent to NRHP eligible or unassessed archaeological sites.
- B. Removal of temporary buildings or structures provided that CEMVN confirms that no eligible or unassessed archaeological site(s) was identified on the property during the installation of the temporary structure(s).

VI. Fees and Services, shall be based upon:

- a. Rental or purchase of vehicles or other motorized equipment.
- b. Builder's fees and dumpster rental.
- c. Fees for architectural and engineering or other design services provided the services shall not result in an adverse effect on a NRHP listed in or eligible property.
- d. Fees including but not limited to costs of obtaining all required permits (e.g., zoning or land use approvals, environmental permits or other required certifications, Certificates of Appropriateness, and/or building permits), costs of title searches, surveys, appraisal fees, and state and local applicable tax.

Appendix E: Treatment Measures

As provided in Stipulation VII. B. 7, if an Undertaking may adversely affect a historic property, CEMVN may propose to resolve the adverse effect through the application of one or more of the Treatment Measures (TMs) set out below. The selected measures will be developed by CEMVN after discussions with SHPO, Tribe(s), and other Consulting Parties, as appropriate, and shall be documented in writing in a Treatment Plan. CEMVN shall provide SHPO, Tribe(s), and other Consulting Parties, as appropriate, with the opportunity to concur on the proposed TMs as set out in Stipulation VII. B. 7. a. iii.

The Treatment Plan shall identify, at a minimum and as appropriate: the responsible party/entity that will implement and complete each TM; the scope of work and the standards that will apply to the preparation and distribution of a deliverable; the deliverable(s) (e.g. the quantity, approximate size, materials, content, final ownership/copyrights); measures to ensure that any TM documenting the condition of or requiring the data recovery on the historic property is implemented before the property is adversely affected; any professional qualifications that will be required to prepare deliverable(s) described in the TM(s); the repositories and/or parties that will receive copies of a deliverable and the disposition of any deliverable that is not curated; points when CEMVN, CPRA, agent or contractor, SHPO/THPO, and/or Tribes, and other Consulting Parties, as appropriate, will be given the opportunity to review and comment on the deliverable; and timeframes for each review and deliverable.

CEMVN shall provide written notice to SHPO, Tribe(s), and other Consulting Parties, as appropriate, within sixty (60)-days of the completion of the TMs as required by Stipulation VII. B. 7. CEMVN shall include information pertaining to the progress of and completion of all TMs in the annual report pursuant to Stipulation III. A. 9. CEMVN Roles and Responsibilities.

Any dispute regarding the implementation of a Treatment Plan will be resolved following the process set out in Stipulation XII, Dispute Resolution.

This Appendix may be amended in accordance with the process set out in Stipulation XIV B. of this Agreement for amending appendices.

List of Treatment Measures:

- I. **DESIGN REVIEW:** The purpose of this TM is to determine if there are feasible alternatives that may avoid or minimize potential adverse effects to historic properties. Avoidance and minimization of adverse effects shall be dependent on the type of historic property (e.g., archaeological site vs. historic structure) and the type of adverse effect. CEMVN anticipates that it will identify work items that may cause an adverse effect during the review of a project, or at an early stage of project planning, when the design has not been fully developed. The implementation of this TM will allow CEMVN, in consultation with SHPO, Tribes, and other Consulting Parties, as appropriate, to continue with plan development, and allows CEMVN and Consulting Parties the potential to influence the design. CEMVN may include this TM with other measures that are intended to mitigate any adverse effects that cannot be avoided or minimized.
 - A. CEMVN shall consider ways to resolve adverse effects to a historic property by assessing feasible alternatives and/or determining if avoidance of the historic property

is feasible through redesign of the project and/or specific project elements that are causing the adverse effect.

- B. If avoidance is not feasible or practical, CEMVN then shall look for ways to minimize the adverse effect to a historic property. Minimizing the adverse effect could include shifting specific project elements away from the historic property to lessen the adverse effect (e.g., buffering) and/or, considering ways to revise the scope of the project to substantially conform to the "Standards" as described in Stipulation VI. A. 2.
- C. CEMVN shall provide a written assessment of any alternatives, avoidance, and/or minimization measures considered along with sufficiently developed plans to SHPO, Tribes, and or Consulting Parties, as appropriate, for a fifteen (15)-day review and comment period. Protective measures may be further developed in consultation with stakeholders on a case-by-case basis to avoid or minimize adverse effects.
- D. Following the fifteen (15)-day review period CEMVN shall consider all comments, and if the scope of the project can be substantially revised to avoid the adverse effects, or the Undertaking no longer affects the character defining features of a historic property, CEMVN shall make a determination of "No Adverse Effect"; describe any project specific conditions; and provide supporting documentation pursuant to 36 CFR §800.11(e). Unless a Consulting Party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation V. B., then design review is complete and CEMVN shall proceed with its "No Adverse Effect" determination, including any conditions, and conclude the Section 106 review and CEMVN is not required to carry out any additional TMs that may have been identified to offset the potential adverse effect.
- E. Should avoidance or minimization of the adverse effect not be feasible, in whole or in part, or if the adverse effect is determined to be in the best interest of the public and unavoidable, CEMVN shall continue consultation SHPO, Tribes, and or Consulting Parties, as appropriate, in accordance with Stipulation VII. B. 6. a. and the following TMs outlined below are suggested for the resolution of adverse effects.

II. PHOTOGRAPHIC RECORDATION: CEMVN, in consultation with SHPO, Tribe(s), the CPRA, and other Consulting Parties, will select the photographic medium or mediums from the options described below and identify a list of photographs that will serve to document the historic property that will be adversely affected by an Undertaking. Photographic images may include existing drawings and plans. If the Consulting Parties determine that it is in the public interest to document a property through the preparation of measured drawings, CEMVN will initiate consultation to develop a project-specific MOA.

- A. **Recordation for Standing Structures (Flexible Standards):** The responsible entity will ensure that a trained professional photographs the exterior and/or interior, if it is accessible, in the selected photographic format(s) with an emphasis on documenting those portions of the exterior and/or interior that will be altered. The trained professional will take photographs of the views identified by CEMVN, in consultation with the CPRA, agent or contractor, SHPO, Tribe(s), and other Consulting Parties, as appropriate, and will print specifically identified images:

1. Digital Photography: The digital photography and color photographs must comply with the "Best" category of requirements from the NRHP Photo Policy Fact Sheet: http://www.nps.gov/nr/publications/bulletins/photopolicy/Photo_Policy_update_2013_05_15.pdf, with the following additional requirements:
 - Image files must be saved as both TIFF and JPEG files.
 - Color images must be produced in RGB (Red/Green/Blue) color mode as 24-bit or 48-bit color files.
 - In addition to the requirements specified by the latest National Register Photo Policy, photographs will be digitally labeled to state the address (name of facility, street number, street name, city, and state); date of photograph; description of view, including direction of camera; and name of photographer/agency.
2. 35mm Black/White and Color Photography: Photographs must be taken with a 35MM SLR Camera or a 35 MM point-and-shoot camera using 35 MM black/white or color film. Photographs taken with disposable cameras are not acceptable.
 - The 35 mm film black/white or color film photography package will include one (1) full set of 35mm film black/white or color photographs printed on acid free paper specifically designed for color prints, the corresponding 35mm film negatives in acid free sleeves.
 - Photographs will be labeled in pencil on the back to state the address, name of facility, street number, street name, city, and state; date of photograph; description of view, including direction of camera; and name of photographer/agency.
3. Large Format Photography: Photographs must be taken with a large-format view camera with ample movement for perspective correction. The minimal complement of lenses includes a sharp rectilinear wide angle, a normal, and a mildly telephoto lens.
 - Acceptable film formats are 4x5, 5x7, and 8x10. Acceptable polyester-based films include those of medium and slow speed (100 and 400 ASA) produced by Kodak, Ilford, and others.
 - The large format film photography package will include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves.
 - Photographs will be labeled in pencil on the back to state the address name of facility, street number, street name, city, and state; date of photograph; description of view, including direction of camera; and name of photographer/agency.

4. Video: A video documentary regarding the historic property may include on-camera interviews, archival footage and/or images, current footage of the historic property, and current footage of other similar historic properties. The content and length of the video will be described in the TM.
 5. Narrative History: A narrative history may be prepared to provide a context for the photographs following the Historic American Building Survey (HABS) Historical Reports: Short or Outline format.
 6. Recordation Package: The recordation package will include a photo log, printed copies of selected photographs, digital copies of photographs, and may include a narrative history. The recordation package may include reproductions of historic photographs, existing building plans, contemporary sketch plans, and/or maps. All materials will be packaged in archival sleeves and boxes. Archival disks will be used for all digital materials.
 7. Review: The responsible entity may informally consult with CEMVN and SHPO, and/or Tribe(s) to select photographs and other images that will be included in the recordation materials. The process to review and finalize the photographs and other images will be described in the TM.
 8. Distribution: The responsible entity will prepare a minimum of three archival quality copies of the recordation materials and will forward two copies to SHPO and one copy to the CEMVN, Office of History, Humphreys Engineer Center. In consultation with the CPRA, SHPO, Tribe(s), and other Consulting Parties, as appropriate, the responsible entity may identify additional archives and/or parties that will receive copies of the recordation materials. The responsible entity will provide CEMVN with documentation confirming that the recordation materials have been archived as described in the TM.
- B. Recordation for Standing Structures (Established Standards):** The Treatment Plan will document the proposed Level and Standard that will be most appropriate to capturing the significance of the historic property prior to alteration and define the responsible entity. Choices will be made between the NPS Heritage Documentation Programs: Historic American Building Standards (HABS), Historic American Engineering Standards (HAER); or Historic American Landscape Standards (HALS) at Level III, Level II or Level I. During the development of the Treatment Plan, CEMVN will coordinate with the NPS, SHPO, Tribe(s), as necessary, to make the selection. For any project requiring recordation to any of these standards, CEMVN will ensure that a trained professional photographs the exterior and/or interior, if it is accessible, in the selected standard with an emphasis on documenting those portions of the historic property that will be altered or demolished. The trained professional will take photographs of the views identified by CEMVN, in consultation with the CPRA, SHPO, Tribe(s), and other Consulting Parties, as appropriate, and will print specifically identified images and produce the required historical narrative.
- III. PUBLIC INTERPRETATION:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to design an educational or public interpretive plan. The educational or public interpretive plan may include historical markers, signs,

displays, educational pamphlets, websites, workshops, videos, and other similar mechanisms to educate the public on historic properties within the local community, state, or region. In certain instances, SHPO may request that the proposed historical marker conform to the requirements of the Louisiana Historical Marker Program, in the Department of Culture, Recreation, and Tourism, and request that the CPRA apply to state programs to provide for a uniform interpretive program.

- IV. **HISTORICAL CONTEXT STATEMENTS:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate to identify the topic, audience, framework of a historic context statement, and format for the final deliverable. The context statement may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the specific statewide preservation plan or the NPS National Historic Landmark Thematic Framework.
- V. **ORAL HISTORY DOCUMENTATION:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to identify the list of potential interview candidates; the parameters of the oral history project; qualifications of the individual or individuals conducting the oral interviews; the process for any ongoing coordination with the appropriate SHPO and relevant Tribe(s); and format for the final deliverable.
- VI. **HISTORIC PROPERTY INVENTORY:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to establish the appropriate level of effort to accomplish an inventory/re-inventory. Efforts may be directed towards the resurvey of previously designated historic properties, per 36 CFR 800.16(l), which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. The proposed TM will describe the boundaries of the survey area and the data collection method in keeping with SHPO's guidance for surveys.
- VII. **NATIONAL REGISTER AND NATIONAL HISTORIC LANDMARK NOMINATIONS:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to identify the individual properties that would benefit from a completed NRHP or NHL nomination form. Once the Consulting Parties have agreed to a property, the responsible entity will continue to coordinate with CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, through the drafting of the NRHP nomination form or will contact the NHL Program to begin the nomination process. SHPO and/or Tribe(s) will provide adequate guidance to the responsible entity during the preparation of the nomination form. The responsible entity will work with SHPO to ensure the completed NRHP form is presented to the National Register Review Committee in a timely manner for consideration by SHPO and the Keeper of the Register.
- VIII. **GEO-REFERENCES OF HISTORICAL MAPS AND AERIAL PHOTOGRAPHS:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to identify the historical maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the responsible entity will continue to coordinate with CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, through the scanning and geo-referencing process and will submit drafts of paper maps and electronic files to CEMVN, SHPO, Tribe(s), and other Consulting Parties, as appropriate, for review. The final deliverable produced by the responsible entity will include a 1) paper copy of each scanned image, 2) a

geo-referenced copy of each scanned image, 3) original high-resolution digital image of map/aerial photograph in TIFF file format, 4) copies of the user agreements for every geo-referenced image with transferability of use to all parties, 5) a process report outlining the research, and 6) the metadata relating to both the original creation of the paper maps and the digitization process.

- IX. ARCHAEOLOGICAL RESEARCH DESIGN AND DATA RECOVERY PLAN:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to recover data from archaeological properties listed in, or eligible for listing in the NRHP, which will be adversely affected by ground-disturbing activities that are part of the Undertaking. The research design and data recovery plan will be consistent with the SOL's Guidelines for Archaeological Documentation and ACHP's recommendations on the recovery of significant information from archaeological sites. All work shall conform to the most current SHPO guidelines as augmented by Tribal or other local guidelines, as provided in Stipulation VI. Standards, and, if applicable, Stipulation X. Treatment of Human Remains and Items of Religious and Cultural Importance.
- X. SALVAGE:** The CPRA shall work with CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to identify selective architectural elements that may be salvaged from a built resource slated for demolition. The elements will be removed at the agent or contractor's expense. The salvaged elements may be re-used in another resource or in displays for educational purposes. As an alternative, the agent or contractor, in consultation with CEMVN, CPRA, SHPO, and/or Tribe(s), and other Consulting Parties, will attempt to identify a private or public not-for-profit local or regional historic preservation organization interested in receiving a donation of the architectural features. The organization may sell the architectural features to the general public for the specific purpose of raising funds to support future historic preservation activities in the region. Any income derived by the agent or contractor from the sale of architectural features may be considered project income by the program to be deducted from proceeds of the grant. Salvage activities shall not occur at or below grade in order to avoid affecting unevaluated archaeological resources.
- XI. VIBRATION MONITORING:** CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to develop and implement a feasible vibratory reduction strategy. The plan will follow the best practices outlined in NCHRP 25- 25, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects* (2012) ([https://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25\(72\)_FR.pdf](https://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25(72)_FR.pdf)) or similar. Generalized steps include:
- Consultation between the historic building owner, Project Delivery Team, and reviewing agencies, such as SHPO and local planning departments, to identify potential risks, negotiate changes, and agreement on protective measures;
 - Documentation of the condition of the historic building prior to commencement of adjacent work, including a detailed photo survey of existing damage as specified in the particular treatment plan;
 - Establishment of vibration limits not to be exceeded based on condition of building, founding soil conditions, and type of construction vibration;
 - Implementation of vibration mitigating measures on the construction site and/or at the historic building, which could include specific means and methods or protective measures;

- Vibration monitoring during construction (use of accelerometers, seismometers and/or inclinometers) and visual inspection by trained field personnel;
- Regular condition surveys and reviews during construction to identify damage, to evaluate the efficacy of protective measures already in place, and to identify and implement additional corrective steps.

XII. RELOCATION: The CPRA shall work with CEMVN, and/or the CPRA shall consult with SHPO, Tribe(s), and other Consulting Parties, as appropriate, to develop and implement a feasible relocation plan. The relocation must conform to all applicable State and local regulations. Generalized steps include:

- If a historic property proposed for relocation is a contributing building within a listed or eligible NRHD, the CPRA shall make every effort to relocate the historic property within the same historic district. The CPRA shall provide documentation to SHPO, Tribes(s), and other Consulting Parties, that explains why relocation is required and the basis for selection of the new site. The CPRA shall provide the proposed location of the new site to SHPO, Tribe(s), and other Consulting Parties for their review and comment.
- A qualified archaeological professional shall determine whether there are any potential archaeological sites at the proposed new location. If such potential exists, a qualified archaeological professional shall follow the process set out in Section VII Project Review of this PA.
- Upon approval of an alternative site by Consulting Parties, the CPRA shall ensure any relocation of a historic building shall be carried out in accordance with the recognized approaches in Moving Historic Buildings (John Obed Curtis, reprinted 1991 by W. Patram for the International Association of Structural Movers, IASM, P.O. Box 1213) by a professional mover who has the capability to move historic properties properly.
- If the CPRA determines that they cannot identify an alternative site acceptable to Consulting Parties, the qualified professional shall consult with SHPO, Tribes(s), and other Consulting Parties to develop another TM.