APPENDIX 14
CULTURAL RESOURCES

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A14-1 ITEM 1: MRL SEIS II PA INITIATION LETTER AND RESPONSES

A14-1.1 MRL SEIS II PA Initiation Letter

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Jo Ann Battise, Principal Chief
Alabama-Coushatta Tribe of Texas
571 State Park Rd 56
Livingston, TX 77351

Dear Principal Chief Battise:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Alabama-Coushatta Tribe of Texas pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

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Nelson Harjo, Chief
Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

Dear Chief Harjo:

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Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Samanth Robinson, Tribal Historic Preservation Officer, Alabama-Quassart Tribal Town, aqhpo@mail.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

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Bobby Komardley, Chairman
Apache Tribe of Oklahoma
Tribal Chairman
P O Box 1330

Dear Mr. Komardley:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Apache Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Lguy93@hotmail.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Tamara Francis-Fourkiller, Chairman
Caddo Nation of Oklahoma
117 Memorial Lane
P.O. Box 487

Dear Chairman Francis-Fourkiller:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Caddo Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

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information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter will be provided to Mr. Derrick Hill, THPO, Caddo Nation of Oklahoma, dhill@caddo.xyz

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Bill John Baker, Principal Chief
Cherokee Nation of Oklahoma
PO Box 948

Dear Mr. John Baker:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Cherokee Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Elizabeth Toombs, Tribal Historic Preservation Officer, elizabeth-toombs@cherokee.org.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Bill Anoatubby, Governor
Chickasaw Nation
PO Box 1548
Ada, Ok 74821

Dear Mr. Anoatubby:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Chickasaw Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Karen Brunso, THPO, at Karen.Brunso@chicksaw.net and to HPO@chickasaw.net

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Melissa Darden, Chairman
Chitimacha Tribe of Louisiana
P.O. Box 661
Charenton, LA 70523

Dear Chairman Darden:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Chitimacha Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mrs. Kimberly Walden, M. Ed., Cultural Director/Tribal Historic Preservation Officer, Chitimacha Tribe of Louisiana, kim@chitimacha.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Chief Batton:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Choctaw Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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Development of Streamlined Section 106 Consultation Procedures

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Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Chairman Sickey:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Coushatta Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

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historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Deborah Dotson, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Dotson:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Delaware Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms Kim Penrod, Director, Historic Preservation at kpenrod@delawarenation.com and Ms. Nekole Allgood, NAGPRA Coordinator at NAllgood@delawarenation.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Chester Brooks, Chief
Delaware Tribe of Indians
5100 Tuxedo Blvd
Bartlesville, OK 74006

Dear Mr. Brooks:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Delaware Tribe of Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Brice Obermeyer, Director at Deleware Tribes Historic Preservation Office, at bobermeyer@delawaretribe.org and cbrookes@delawaretribe.org.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Richard Sneed, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 1927
Cherokee, NC 28719

Dear Mr. Sneed:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Eastern Band of Cherokee Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Russel Townsend, Director, Historic Preservation at russtown@nc-cherokee.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Glenna J. Wallace, Chief
Eastern Shawnee Tribe of Oklahoma
12755 S. 705 Rd.
Wyandotte, Ok 74370

Dear Ms. Wallace:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Eastern Shawnee Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Brett Barnes
Tribal Historic Preservation Officer at bbarnes@estoo.net.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Principal Chief Smith:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Jena Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

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- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Lynn Williams, Tribal Chair
Kaw Nation
P O Box 50
Kaw City, OK 74641

Dear Ms. Williams:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Kaw Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to lwilliams@kawnation.com, fhacket@kawnatino.com and Ms. Crystal Douglas, Tribal Historic Preservation Officer at crystal_douglas@kawnation.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Jeremiah Hobia, Mekko
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

Dear Mekko Hobia:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Kialegee Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. David Cook, Heriate and Cultura Dept. Kialegee Tribal Town, david.cook@kialegeetribe.net and henry.harjo@kialegeetribe.net.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Lester Randall, Chairman
Kicapoo Tribe of Kansas
824 111th Drive
Horton, KS 66439

Dear Mr. Randall:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Kicapoo Tribe of Kansas pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to eric.sheets@ktik-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Johnathan Wilber, Tribal Administrator
Menominee Indian Tribe of Wisconsin
P O Box 910
Keshena, WI 54135

Dear Mr. Wilber:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Menominee Indian Tribe of Wisconsin pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

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Work Items to address ***levee deficiencies*** include construction of:

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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to jwilber@mitw.org and Mr. David Grignon, Tribal Historic Preservation Officer and Director at dgrignon@mitw.org.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Douglas G. Langford, Chief
Miami Tribe of Oklahoma
P O Box 1326
Miami, OK 74355

Dear Mr. Langford:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Miami Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to dlankford@miamination.com and Ms. Diane Hunter, THPO at dhunter@miamination.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Chief Ben:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Mississippi Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Mr. James Floyd, Principal Chief
Muscogee (Creek) Nation
Attn: Historic and Cultural Preservation Office
P.O. Box 580

Dear Principal Chief Floyd:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Muscogee (Creek) Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Corain Lowe-Zepeda, Tribal Historic Preservation Officer, Muscogee (Creek) Nation, section106@mcn-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Geoffrey Standing Bear, Principal Chief
Osage Nation of Oklahoma
627 Grandview
Pawhuska, OK 74056

Dear Mr. Standing Bear:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Osage Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Dr. Andrea Hunter, THPO at ahunter@osagenation-nsn.gov and Jess.Hendrix@osagenation-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

John R. Shotton, Chairman
Otoe-Missouria Tribe of Oklahoma
8151 Hwy 177
Red Rock, OK 74651

Dear Mr. Shotton:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Otoe-Missouria Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided jshotton@omtribe.org and to Elsie Whitehorn, THPO, at ewhitehorn@omtribe.org.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Craig Harper, Chief
Peoria Tribe of Indians of Oklahoma
118 S. Eight Tribes Trail
Miami, OK 74354

Dear Mr. Harper:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Peoria Tribe of Indians of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided chiefharper@peoriatribe.com and to Logan Pappenfort, Second Chief and Tribal Historic Preservation Officer, at lpappenfort@peoriatribe.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Stephanie Bryan, Chairwoman
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, AL 36502

Dear Chairwoman Bryan:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Poarch Band of Creek Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Carolyn White, Acting Tribal Historic Preservation Officer, cwhite@pci-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Douglas Rhodd, Chairman
Ponca Tribe of Oklahoma
20 White Eagle Drive
Ponca City, Ok 74601

Dear Mr. Rhodd:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Ponca Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Halona Cabe, THPO, at halona.clawson@ponca.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

John Berrey, Chairman
Quapaw Tribe of Oklahoma
5681 South 630 Road
Quapaw, OK 74363

Dear Mr. Berrey:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Quapaw Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Everett Bandy, THPO at ebandy@quapawtribe.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Tiauna Carnes, Chair
Sac and Fox Nation of Missouri in Kansas and Nebraska
305 N. Main Street
Reserve, KS 66434

Dear Mr. Carnes:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Sac and Fox Nation of Missouri in Kansas and Nebraska pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An eletronic copy of this letter with enclosures will be provided to the egreen@sacandfoxcasino.com of the Historic Preservation Office Sac and Fox Nation of Missouri in Kansas and Nebraska.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 3, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Kay Rhoads, Principal Chief
Sac and Fox Nation of Oklahoma
Administration Building
920883 S. Hwy 99 Bldg A

Dear Ms. Rhoads:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as September 30, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Sac and Fox Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances

and information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach providing a safe and levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involve driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.
- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and, typically, additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and, like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mrs. Lisa Montgomery, EPA Director at lmontgomery@sacandfoxnation-nsn.gov and to Sandra Massey at smassey@sacandfoxnation-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Greg Chilcoat, Principal Chief
Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

Dear Principal Chief Chilcoat:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Seminole Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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Development of Streamlined Section 106 Consultation Procedures

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Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

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Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Theodore Isham, Tribal Historic Preservation Officer, Seminole Nation of Oklahoma, isham.t@sno-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Marcellus W. Osceola, Chairman
Seminole Tribe of Florida
6300 Sterling Road
Hollywood, FL 33024

Dear Chairman Osceola:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Seminole Tribe of Florida pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Dr. Paul N. Backhouse, Tribal Historic Preservation Officer, Seminole Tribe of Florida, THPOCompliance@semtribe.com; paulbackhouse@semtribe.com; and Mr. Bradley Mueller, Compliance Rev

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Ron Sparkman, Chief
Shawnee Tribe
P.O. Box 189
Miami OK 74355

Dear Mr. Sparkman:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Shawnee Tribe pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the "Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the "greatest flood having a reasonable probability of occurrence" when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the "Refined 1973 MR&T PDF Flowline." The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

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Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

rondede1@gmail.com and to Ms. Tonya Tipton at shawneetribe@shawnee-tribe.com.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Ryan Morrow, Town King/Mekko
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859

Dear Mekko Morrow:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Thlopthlocco Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and

information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves

driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Terry Clouthier, Tribal Historic Preservation Officer, thpo@tttown.org.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Chairman Barbry:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Tunica-Biloxi Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to significantly affect

historic properties, protected tribal resources, tribal rights, or Indian lands.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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information that was not considered in the 1998 SEIS I nor through supplemental environmental evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

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USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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driving additional piles and tying those into the existing structure to ensure increased resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: 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.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Joey Bunch, Chief
United Keetowah Band of Cherokee Indians in Oklahoma
P O Box 746
Tahlequah, OK 74464

Dear Mr. Bunch:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the United Keetowah Band of Cherokee Indians in Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Ms. Shelia Bird, THPO, at eoosahwee-voss@ukb-nsn.gov and Ms. Karen Pritchett at kpritchett@ukb-nsn.gov.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Scott Kaufman, Director
Arkansas Historic Preservation Program
1100 North Street
Little Rock, AR 72201

Dear Mr. Kaufman:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Arkansas Historic Preservation Program pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

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Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: Hard Copy Only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Rachel Leibowitz, Ph.D., Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Natural Resources Way.
Springfield, IL 62702

Dear Ms. Leibowitz, Ph.D.:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Illinois Historic Preservation Agency pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: Hard Copy Only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Nicholas Laracuente, State Historic Preservation Officer
Kentucky Heritage Council
The Barstow House
410 High Street

Dear Mr. Laracuente:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Kentucky Heritage Council pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: Hard Copy Only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Ms. Sanders:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the LA State Historic Preservation Officer pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

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

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Underwood John, Chief Archaeologist
Mississippi Department of Archives and History
Review and Compliance Officer
P.O. Box 571

Dear Mr. John:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Mississippi Department of Archives and History pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

In partial fulfillment of responsibilities under the National Environmental Policy Act and Section 106 of the National Historic Preservation Act, USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to affect historic properites.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

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Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: An electronic copy of this letter with enclosures will be provided to Mr. Hall Bell, MDAH Review and Compliance Officer, hbell@mdah.ms.gov

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Toni M. Prawl, Deputy State Historic Preservation Officer
MO State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Dr. Prawl:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the MO State Historic Preservation Office pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: Hard Copy Only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

Patrick McIntyre, Jr., Executive Director and SHPO
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37243-0442

Dear Mr. McIntyre, Jr.:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Tennessee Historical Commission pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

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Development of Streamlined Section 106 Consultation Procedures

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

cc: Hard Copy Only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

September 11, 2019

SUBJECT: Notice of Intent to Prepare a Programmatic Agreement (PA) to support the "Supplement II to the Final Environmental Impact Statement, Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement (SEIS II)" for proposed work items in the Memphis, Vicksburg, and New Orleans Districts of the U.S. Army Corps of Engineers

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

Dear Mr. Nelson:

The United States Army Corps of Engineers (USACE), is initiating the process to develop a Programmatic Agreement for the currently identified authorized remaining work required to complete the Mississippi River Levees (MRL) Feature of the Mississippi River and Tributaries (MR&T) Project pursuant to section 106 of the National Historic Preservation Act 1966 as amended (NHPA) (54 U.S.C. § 300101 et seq.). USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). Additional communications will follow to firm up this date and time.

This letter is intended to notify the Office of Federal Agency Programs pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. Vicksburg District (MVK) acts as the lead USACE district for the development of the SEIS II for MRL construction activities on the MR&T Project, and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking across three USACE Districts (Memphis, Vicksburg, and New Orleans Districts) and encompassing portions of seven States (Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana). USACE maintains a project website (https://www.mvk.usace.army.mil/MRLSEIS/) with current information and previous environmental documentation and will post the completed PA here, when complete.

As part of USACE's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), USACE offers you the opportunity to review and comment on the potential of the proposed actionss described in this letter to affect historic properties.

Project Background

The MR&T Project is designed to provide flood risk reduction in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana. The MR& T Project has four major elements 1) levees and floodwalls to contain flood flows; 2) floodways to pass excess flows past critical Mississippi River reaches; 3) channel improvement and stabilization measures to provide efficient navigation alignment, increased flood-carrying capacity, and protection of the levee system; and 4) tributary basin improvements, such as retention lakes and sediment reduction features. The MR&T Project functions as a system across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana. The project was initiated under the authority of the Flood Control Act of 1928, as amended. *The Mississippi River Levees (MRL) feature—the subject of the current effort—has been under construction since 1928 and continually augmented through time* (See Attachment A-Figure 1, and https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/MRT_Levees.pdf for a more detailed description of the history of the construction effort).

The goal of the MR&T Project is to provide an environmentally sustainable project for comprehensive flood damage control, protection, and risk reduction from the “Project Design Flood (the PDF). The PDF is a hypothetical flood that was developed to determine the design flood to be used in designing the MR&T levee system in the lower Mississippi River Basin, and is defined as the “greatest flood having a reasonable probability of occurrence” when the operable features of the entire MR&T Project are considered. The PDF flowline upon which the current design for the construction of the mainline levee system and remaining unconstructed levees is based, is the “Refined 1973 MR&T PDF Flowline.” The Mississippi River mainline levees protect the lower Mississippi River Valley against the PDF by confining flow to the leveed channel, except where it enters backwater areas, overflows several levees designed to overtop and fill tributary basins, or is intentionally diverted into four floodway areas. (A figure which depicts the PDF in cubic feet per second is here https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/ProjectDesignFlood.jpg).

The initiation of construction of the MRL feature predates the passage of both NEPA and the NHPA. Subsequent to the passage of those laws, USACE developed an Environmental Impact Statement completing it in 1976 (1976 Final EIS - https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1976_Final_EIS.pdf). A supplemental EIS was published in 1998 (1998 SEIS I- https://www.mvk.usace.army.mil/Portals/58/docs/PP/MRL_SEIS/1998_MRL_SEIS_Volume1.pdf) to supplement the earlier document and to evaluate the effects of continued construction of the MRL levee enlargements, stability berms, seepage control, and erosion protection measures focusing on the levees of the MRL that were the most deficient in height and on seepage control measures for levee reaches with observable signs of seepage. Since publication of these two documents, USACE has determined that various sections (reaches) of the mainline levee system are deficient in varying amounts, and that certain remedial measures need to be undertaken to control seepage and to raise and stabilize the deficient sections of the levee to protect the lower Mississippi River Valley against the PDF and maintain the structural integrity of the MRL system. To address the additional needs and due to significant new circumstances and information that was not considered in the 1998 SEIS I nor through supplemental environmental

evaluations (EA) since 1998, USACE has undertaken the development of additional NEPA documentation for the MR&T MRL. Updating the NEPA documentation provides the opportunity to gather all relevant information on environmental impacts as a result of the flood control mission on the MRL and use it to develop a more environmentally sustainable approach to providing a safe levee system.

Description of the Undertaking (MRL Construction Items)

USACE's investigation into the current condition of the MRL system demonstrated that there are over 225 miles of MRL that are either grade deficient or are subjected to seepage at unacceptable levels. The purpose of the undertaking is to improve sections of deficient sections of the MRL to provide the authorized risk reduction against the PDF (i.e., modifying existing MRL features to include: levee enlargements; stability and seepage berms, installation of relief wells, sheet pile cutoffs walls and the construction of slurry trenches to accomplish this goal). The undertaking does not include reformulation or wholesale realignment of existing MRL features, only work on existing features.

At this time, these areas have been broken into 124 work items (see Attachment A). These proposed work items are represented on a pdf map on the project webpage: https://www.mvk.usace.army.mil/Portals/58/Project_Map.pdf. They can generally be categorized into two groups: projects to address Levee Deficiencies, and projects to address Seepage Deficiencies. See the Levee Deficiency Visual Aid and the Seepage Control Visual aid on the project website of typical cross-sections and photos of these types of activities, as well as the narrative description below.

Work Items to address ***seepage deficiencies*** include construction of:

- Seepage Berms, which are berms placed on the protected side of the levee to increase the weight of the soil and decrease its permeability thereby forcing seepage away from the toe of the levee. This technique requires the use of suitable borrow material from a close sources.
- Relief Wells, which are relatively small wells placed near the toe of the protected side of the levee to capture the seeping water and pump/redirect it. This strategy uses existing drainage ditches as much as possible, but could require excavation of collector ditches, re-ditching, and/or hardening of ditches (e.g. rip-rap) to provide proper erosion control to account for the volume of captured water from the wells.
- Slurry Trenches, which are trenches excavated to a determined depth to stop levee under-seepage on the river side of the existing levee and filled with impervious materials or sheet piling. This activity typically requires temporary access roads, clearing and grubbing of the work area, deep excavation and stockpiling of materials.
- Sheet Pile Cut-offs, this is the installation of a sheet pile cut-off wall within the existing levee section. This typically requires the construction of temporary access roads, clearing and grubbing of the levee, degrading of the levee to a certain elevation, installation of sheet pile, and reconstruction of the authorized levee profile.

Work Items to address ***levee deficiencies*** include construction of:

- Floodwall Replacement, typically occurs in urban areas where there is little space to expand the footprint of a flood protection feature. This type of undertaking involves driving additional piles and tying those into the existing structure to ensure increased

resistance to water loads, or the removal of the existing wall to place new floodwalls to meet the current design elevation, referred to as the authorized grade. While these undertakings typically have a smaller footprint than other activities to address grade deficiencies, they occur in areas with dense urban archaeological deposits and are more likely to affect NRHP-eligible or listed districts including National Historic Landmark Districts.

- Levee Enlargement, which is raising the elevation of the top of the levee to its proper grade through the placement of suitable material. This technique requires clearing and grubbing, the use of suitable borrow material from close sources, and typically additional land side/protected site right-of-way to account for the additional widening or shifting of the centerline of the levee.
- Slope Flattening, this activity goes beyond ordinary maintenance with the objective of reducing the slope of the levee by increasing the ratio of height to width of the levee profile (e.g. moving from a 1:3 to a 1:5 ratio) along reaches of the levee with recurrent levee slides. This action typically requires clearing and grubbing, re-working of the damaged levee section, and like the Levee Enlargement, the addition of suitable borrow material from a close source, as well as increasing the right-of-way.

Development of Streamlined Section 106 Consultation Procedures

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”, and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE 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 series of undertakings and establish protocols for continuing consultation with the SHPOs, 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 Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures USACE 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.

Consulting Parties and the Public

Consulting Parties and the Public

USACE is forwarding this letter and attachments to various consulting parties for their review and comments as required by 36 CFR §800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

Conclusion

Again, USACE would like to propose a date and time for the initial Section 106 consultation meeting, via Teleconference, as October 7, 2019 at 1pm (CDT). The purpose of the initial meeting will be to discuss the proposed undertakings across the three districts and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE 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.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the development of the Section 106 agreement for the MRL SEIS II. Please let USACE know if this is impractical so that alternative arrangements can be made.

Please notify any of the District Tribal Liaisons or Archaeologists with questions or comments. Their contact information follows: Jason A. Emery, MVN Archaeologist and District Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil; Ms. Pam Lieb, MVM Archaeologist and District Tribal Liaison, at (901) 544-0710 or pamela.d.lieb@usace.army.mil; Ms. Kristen Camp, MVK District Tribal Liaison at (601) 631-7934 or Kristen.F.Camp@usace.army.mil; and Ms. Ashely Fedoroff, MVK Archaeologist at (601) 631-5278 or ashley.m.fedoroff@usace.army.mil. Should you want to respond via U.S. Mail, please send to: Regional Planning and Environment Division, South, Environmental Planning Branch, Attn: USACE-PDS-N, 7400 Leake Ave, New Orleans, LA 70118-3651.

Sincerely,

Robert A. Hilliard
Colonel, Corps of Engineers
District Commander

Enclosures

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

Attachment A & Figure 1.

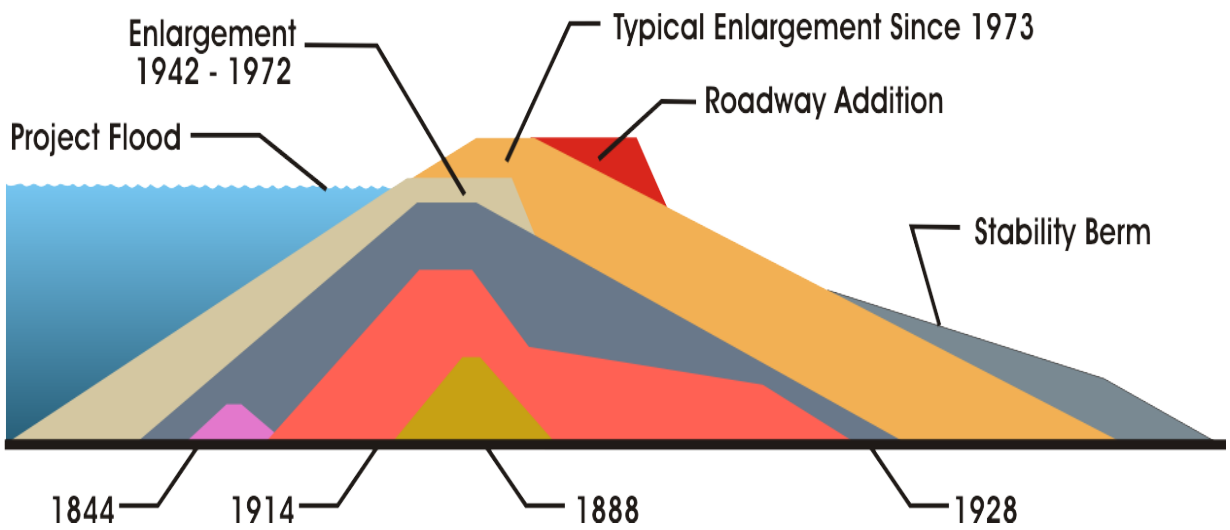

Figure 1. Typical Section of MRL features. This is a conceptual profle of the levee features indicating the design form and date of construction.

Projects By District and Work Item

Memphis District (MVM) Projects

For West Bank Ohio River

1. Mound City to Cairo Levee 0/0+00 to 2/26+00. This item of work is 2.5 miles long and is located on right descending bank opposite river mile 965. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 2 feet on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 3.2 acres of a cultivated field one mile northeast of Mound City, MO riverside of the mainline levee.

2. North Mound City, IL Sump. This item of work is 250 feet long on the right descending bank opposite river mile 962. It consists of installing relief wells with the associated drainage work to control seepage. Preliminary design indicates that the relief wells will be located at levee stations 2/45+00 to 2/47+50 landside of the levee.

3. Mound City to Cairo Levee 2/26+00 to 4/0+00. This item of work is 1.5 miles long and is located on right descending bank opposite river mile 962. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Borrow material for the embankment is

tentatively proposed to be obtained from 3.9 acres of a cultivated field one mile northeast of Mound City, MO riverside of the mainline levee.

4. Mound City to Cairo Levee 4/30+00 to 5/7+00. This item of work is less than a mile long and is located on right descending bank opposite river mile 961. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.8 acres of a cultivated field one mile northeast of Mound City, MO riverside of the mainline levee.

5. Mound City to Cairo, IL 7/50+00 to 8/4+00. This item of work is 200 feet long and is located on right descending bank opposite river mile 958. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 2 foot on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.1 acres of a cultivated field one mile northeast of Mound City, MO riverside of the mainline levee.

6. Cairo, IL Floodwall. This item of work is 3.2 miles long and is located on the right descending bank opposite river mile 956. It consists of replacing the existing floodwall. Preliminary design indicates the new floodwall will be located on the landside of the existing floodwall or within the existing floodwall footprint.

7. Fish Market Gate/High 51 Closure. This item of work is 3,500 feet long and is located on the right descending bank opposite river mile 955. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 2 foot on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 1.8 acres of a cultivated field riverside of levee stations 10/50+75 to 11/5+00.

For East Bank Mississippi River

8. Hickman Floodwall Embankment Tie-in. This item of work is 500 feet long and is located on the left descending bank opposite river mile 922. It consists of construction of levee that would extend from the existing floodwall to tie-in to high ground. Preliminary design indicates the levee will be 3 feet in height on average with a 5 foot crown. The design slopes 1 foot vertical on 3.5 feet horizontal will result in base width of the levee approximately 26 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.1 acres of cleared land 1000 feet west of the Levee Grade Raise adjacent to Hickman Harbor.

9. Hickman Levee Grade Raise. This item of work is 500 feet long and is located on the left descending bank opposite river mile 922. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 2 feet on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.3 acres of cleared land 1000 feet west of the Levee Grade Raise adjacent to Hickman Harbor.

10. Island 8 Parcel 3, KY (4/0+00 to 5/20+00). This item of work is 1.4 miles long and is located on the left descending bank opposite river mile 918. It consists of installing relief wells with associated drainage work to control seepage. Preliminary design indicates that relief wells will be located at levee stations 4/0+00 to 5/20+00 landside of the levee.

11. Lake No. 9 – KY-TN State Line (21/3+80 to 21/7+30). This item of work is 350 feet long and is located on the left descending bank opposite river mile 902. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.2 acres of a cultivated field riverside of levee stations 21/2+79 to 21/4+79.

12. Great River Road Slope Flattening (12/45+00 to 15/0+00). This item of work is 2.2 miles long and is located on the left descending bank opposite river mile 848. It consists of flattening the landside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 41.5 acres of a cultivated field riverside of levee stations 13/0+00 to 15/0+00.

13. Great River Road Slope Flattening (20/0+00 to 37/0+00). This item of work is 2 miles long and is located on the left descending bank opposite river mile 832. It consists of flattening the landside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Preliminary design indicates that the slope flattening will be located at levee stations 20/0+00 to 21/0+00, 27/11+00, 32/5+00, 33/20+00, and 34/27+00 landside of the levee. Borrow material for the embankment is tentatively proposed to be obtained from 323.6 acres of a cultivated field riverside of levee stations 26/20+00 to 29/40+00.

For West Bank Mississippi River

14. Nash, MO Slope Flattening (11/12+00 to 12/0+00). This item of work is 0.8 miles long and is located on the right descending bank opposite river mile 49 AC. It consists of flattening the landside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 12.6 acres of a cultivated field riverside of levee stations 7/48+13 to 8/2+00.

15. Commerce to Birds Point (15/0+00 to 17/49+00). This item of work is 1.5 miles long and is located on right descending bank opposite river mile 29 AC. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 15/52+00 to 16/45+00, 16/30+00, and 17/30+00 to 17/49+00. Borrow material for the embankment is tentatively proposed to be obtained from 0.4 acres of a cultivated field riverside of levee stations 16/30+92 to 16/33+00.

16. Commerce to Birds Point (17/49+00 to 32/0+00). This item of work is 6 miles long and is located on right descending bank opposite river mile 22 AC. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1.5 feet on average which will increase the base width of the levee approximately 45 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 17/49+00 to 20/14+69, 20/53+36 to 22/37+00, 27/25+63 to 32/0+00. Borrow material for the embankment is tentatively proposed to be obtained from 30.3 acres of cultivated fields riverside of levee stations 18/0+00 to 18/36+49, 18/38+00 to 19/17+00, 19/41+02 to 19/48+02, 20/10+00 to 20/14+69, 21/8+00 to 22/0+00, 22/44+28 to 23/0+00, 28/38+68 to 30/18+00, 31/15+00, 31/22+00 to 31/25+00, and 31/33+37 to 31/37+00, respectively.

17. Birds Point – New Madrid Setback (0/0+00 to 12/32+00). This item of work is 3.5 miles long and is located on right descending bank opposite river mile 947. It consists of raising the grade of the

existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 1/18+00 to 1/20+00, 2/2+00 to 2/14+00, 3/0+00 to 6/30+00 and 9/26+00. Borrow material for the embankment is tentatively proposed to be obtained from 8.2 acres of cultivated fields riverside of levee stations 1/52+93 to 2/1+85, 3/3+00 to 3/10+00, 3/20+00 to 4/20+00, and 5/26+00 to 5/39+00, respectively.

18. Birds Point – New Madrid Frontline Levee (43/21+00 to 87/0+00). This item of work is 3 miles long and is located on right descending bank opposite river mile 920. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 2.5 feet on average which will increase the base width of the levee approximately 50 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 49/25+00 to 49/28+00, 65/5+00, 72/0+00 to 73/8+00, 75/20+00 to 76/14+00 and 77/20+00 to 78/8+00 Borrow material for the embankment is tentatively proposed to be obtained from 9.1 acres of a cultivated fields riverside of levee stations 30/42+00 to 31/3+00.

19. Birds Point – New Madrid Setback (12/32+00 to 36/0+00). This item of work is 3 miles long and is located on right descending bank opposite river mile 915. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 15/25+00, 16/24+00, 17/16+00 to 17/23+00, 23/9+00 to 24/33+00, 27/46+00 to 27/48+00, and 28/37+00 to 34/0+00. Borrow material for the embankment is tentatively proposed to be obtained from 16.6 acres of a cultivated field riverside of levee stations 30/37+00 to 31/2+00.

20. Farrenburg Levee, MO Slope Flattening (1/50+00 to 2/21+00). This item of work is 0.5 miles long and is located on the right descending bank opposite river mile 889. It consists of flattening the waterside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 8.4 acres of a cultivated field riverside of levee stations 30/42+00 to 31/3+00.

21. New Madrid, MO to MO-AR Levee (5/0+00N to 0/0+00). This item of work is 0.5 miles long and is located on right descending bank opposite river mile 882. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 4/22+00N to 4/11+00N, 3/5+00N to 3/1+00N, 2/14+00N to 2/7+00N, and 0/35+00N to 0/13+00N. Borrow material for the embankment is tentatively proposed to be obtained from 1.1 acres of a cultivated fields riverside of levee stations 4/19+01N to 4/14+51N, 0/37+00 to 0/39+00, and 0/25+00 to 0/30+00.

22. New Madrid, MO to MO-AR Levee (2/0+00S to 2/30+00S). This item of work is 0.5 miles long and is located on right descending bank opposite river mile 877. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1.5 foot on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.7 acres of a cultivated field riverside of levee stations 2/19+00S to 2/26+00.

23. Barfield, AR Slope Flattening (61/0+00 to 61/25+00). This item of work is 0.5 miles long and is located on the right descending bank opposite river mile 807. It consists of flattening the waterside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Borrow material for the

embankment is tentatively proposed to be obtained from 8.5 acres of a cultivated field riverside of levee stations 60/47+50 to 63/0+00.

24. Wilson, AR Slope Flattening (100/0+00 to 100/36+00). This item of work is 0.8 miles long and is located on the right descending bank opposite river mile 766. It consists of flattening the waterside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 13.1 acres of a cultivated field riverside of levee stations 100/4+01 to 100/37+48.

25. Pecan Point, AR Slope Flattening (116/40+00 to 117/45+00). This item of work is 1 miles long and is located on the right descending bank opposite river mile 762. It consists of flattening the waterside levee slopes from 1 foot vertical on 3.5 feet horizontal to 1 foot vertical on 5 feet horizontal which will increase the base width of the levee approximately 65 feet on average Borrow material for the embankment is tentatively proposed to be obtained from 19.6 acres of a cultivated field riverside of levee stations 117/11+00 to 118/1+00.

26. St. Thomas, AR Berm Re-evaluation. This item of work is 6 miles long and is located on the right descending bank opposite river mile 762. It consists of installing relief wells with associated drainage work to control seepage. Preliminary design indicates that relief wells will be located at levee stations 120/0+00 to 126/0+00 landside of the levee.

27. MO-AR State Line to St. Francis River Levee Part 1 (134/0+00 to 138/0+00). This item of work is 2 miles long and is located on right descending bank opposite river mile 747. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 134/11+00 to 134/25+00, 134/50+00, 135/49+00 to 136/8+00, and 136/40+00 to 137/30+00. Borrow material for the embankment is tentatively proposed to be obtained from 3.5 acres of cultivated fields riverside of levee stations 134/8+00 to 134/14+00, 135/50+00 to 136/0+00, 136/48+00 to 137/5+00, and 137/14+00 to 137/18+00, respectively.

28. MO-AR State Line to St. Francis River Levee Part 2 (145/0+00 to 147/0+00). This item of work is 2 miles long and is located on right descending bank opposite river mile 741. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1.5 feet on average which will increase the base width of the levee approximately 45 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 5.4 acres of cultivated fields riverside of levee stations 145/36+00 to 145/50+11 and 146/29+23 to 146/36+00.

29. West Memphis, AR Re-Evaluation. This item of work is 2 miles long and is located on the right descending bank opposite river mile 726. It consists of installing relief wells with associated drainage work to control seepage. Preliminary design indicates that relief wells will be located at levee stations 156/0+00 to 158/0+00 landside of the levee.

30. West Memphis, AR Seepage Remediation. This item of work is 2.8 miles long and is located on the right descending bank opposite river mile 723. It consists of installing relief wells with associated drainage work to control seepage. Preliminary design indicates that relief wells will be located at levee stations 158/40+00 to 161/29+00 landside of the levee.

31. Horseshoe Lake, AR. This item of work is 3.2 miles long and is located on the right descending bank opposite river mile 705. It consists of installing relief wells with associated drainage work to

control seepage. Preliminary design indicates that relief wells will be located at levee stations 177/0+00 to 180/11+00 landside of the levee.

32. MO-AR State Line to St. Francis Levee Part 3 (183/0+00 to 190/0+00). This item of work is 3.5 miles long and is located on right descending bank opposite river mile 697. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 183/8+00 to 183/44+00, 184/30+00 to 185/1+00, 186/28+00 to 186/39+00, and 187/0+00 to 190/0+00. Borrow material for the embankment is tentatively proposed to be obtained from 8.8 acres of cultivated fields riverside of levee stations 184/4+50 to 184/8+20, 184/39+00 to 184/43+00, 186/30+00 to 186/36+00, and 187/37+63 to 188/15+50, respectively.

33. MO-AR State Line to St. Francis Levee Part 4 (190/0+00 to 198/0+00). This item of work is 5.5 miles long and is located on right descending bank opposite river mile 693. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1.5 feet on average which will increase the base width of the levee approximately 45 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 190/0+00 to 195/0+00, 195/42+00 to 196/15+00, and 197/18+00. Borrow material for the embankment is tentatively proposed to be obtained from 13.5 acres of a cultivated field riverside of levee stations 187/37+63 to 188/15+50.

34. MO-AR State Line to St. Francis Levee Part 5 (198/0+00 to 210/30+00). This item of work is 5.5 miles long and is located on right descending bank opposite river mile 682. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1.5 feet on average which will increase the base width of the levee approximately 45 feet on average. Preliminary design indicates that the grade raise will be located at levee stations 199/0+00, 199/25+00 to 204/42+00, and 208/8+00 to 210/25+00. Borrow material for the embankment is tentatively proposed to be obtained from 20.8 acres of cultivated fields riverside of levee stations 199/0+00 to 199/23+01, 204/30+00 to 204/31+00, and 209/30+20 to 209/40+20, respectively.

35. Elaine, AR to Laconia Circle Levee (48/4+00S to 48/8+90S). This item of work is 500 feet long and is located on the right descending bank opposite river mile 620. It consists of raising the grade of the existing levee to control overtopping. The grade raise is approximately 1 foot on average which will increase the base width of the levee approximately 35 feet on average. Borrow material for the embankment is tentatively proposed to be obtained from 0.4 acres of a cultivated field riverside of levee stations 48/0+00 to 48/3+08.

Vicksburg District (MVK) Projects

36. Deeson-Gunnison, MS, Berm, Item 611-L. This item of work is 7.2 miles long and located on the left descending bank opposite river mile 611. The item consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 11-acre borrow location is assumed to be on the river side of the levee in a pasture area.

37. Rosedale, MS, Berm, Item 587-L. This item of work is 3.2 miles long and located on the left descending bank opposite river mile 587. The item consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 20-acre borrow area for is assumed to be on the river side of the levee in a bottomland hardwood area.

38. Bolivar, MS, Berm, Item 577-L. This item of work is 2.8 miles long and located on the left descending bank opposite river mile 577. The item consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 14-acre borrow location is assumed to be on the river side of the levee in a bottomland hardwood area.

39. Brunswick-Halpino, MS, Levee Enlargement and Seepage Remediation, Item 443-L. This item of work is 4.3 miles long and located on the left descending bank opposite river mile 443. The item consists of raising the levee an average of 3.5 feet with a river side shift of the centerline and will be further analyzed to determine if seepage measures are needed. The tentatively proposed 19-acre borrow location is assumed to be on the land side of the levee in a bottomland hardwood area.

40. Morville-Black Hawk, LA, Berm, Item 355-R. This item of work is 1.8 miles long and located on the right descending bank opposite river mile 355. The item consists of constructing a berm and/or enlarging two existing berms to control seepage. The tentatively proposed 11-acre borrow location is assumed to be on the land side of the levee in a cropland area.

41. Morville-Black Hawk, LA, Levee Enlargement, Item 351-R. This item of work is 4.5 miles long and located on the right descending bank opposite river mile 351. The item consists of raising the levee an average of 2.3 feet with a river side shift of the centerline. The tentatively proposed 51-acre borrow location is assumed to be on the river side of the levee in a pasture/bottomland hardwood area.

42. Morville-Black Hawk, LA, Berm, Item 348-R. This item of work is 0.3 miles long and located on the right descending bank opposite river mile 348. The item consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 13-acre borrow location is assumed to be on the river side of the levee in a cropland area.

43. Morville-Black Hawk, LA, Levee Enlargement and Berm, Item 345-R. This item of work is 3.4 miles long and located on the right descending bank opposite river mile 345. The item consists of raising the levee an average of 2.0 feet with a river side shift of the centerline. In addition, this item of work consists of constructing two berms and/or enlarging an existing berm to control seepage. The tentatively proposed 112-acre borrow location is assumed to be on both the river side and land side of the levee in cropland and bottomland hardwood areas.

44. Morville-Black Hawk, LA, Berm, Item 340-R. This item of work is 1.4 miles long and located on the right descending bank opposite river mile 340. The item consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 18-acre borrow location is assumed to be on the river side of the levee in a shrub-scrub/bottomland hardwood area.

45. Morville-Black Hawk, LA, Levee Enlargement and Berm, Item 333-R. This item of work is 3.4 miles long and located on the right descending bank opposite river mile 333. The item consists of raising the levee an average of 1.2 feet with a river side shift of the centerline. In addition, this item of work also consists of constructing a berm and/or enlarging an existing berm to control seepage. The tentatively proposed 39-acre borrow location is assumed to be on the river side of the levee in a cropland/bottomland hardwood area.

46. Morville-Black Hawk, LA, Levee Enlargement, Item 330-R. This item of work is 1.5 miles long and located on the right descending bank opposite river mile 330. The item consists of raising the levee an average of 1.0 foot with a river side shift of the centerline. The tentatively proposed 14-acre borrow location is assumed to be on the river side of the levee in a bottomland hardwood area.

47. Morville-Black Hawk, LA, Levee Enlargement, Item 326-R. This item of work is 2.8 miles long and located on the right descending bank opposite river mile 326. The item consists of raising the levee

an average of 1.0 foot with a river side shift of the centerline. The tentatively proposed 24-acre borrow location is assumed to be on the river side of the levee in a shrub/bottomland hardwood area.

48. Morville-Black Hawk, LA, Levee Enlargement and Seepage Remediation, Item 320-R. This item of work is 3.2 miles long and located on the right descending bank opposite river mile 320. The item consists of raising the levee an average of 2.2 feet with a river side shift of the centerline. Due to the proximity of Red River State Wildlife Management Area, relief wells will be installed instead of the standard berm embankment. The tentatively proposed 40-acre borrow location is assumed to be on the river side of the levee in a bottomland hardwood area.

New Orleans District (MVN) Projects

49. Combined Lower/Upper 5th 308-317-W, LA, Levee, Item 312.5-R. This item of work is 4.7 miles long and located on the right descending bank opposite river mile 312.5. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a flood side shift of the centerline. The borrow area (approximate 16 acres) to construct the levee raise for this item is located on the river side of the levee in a bottomland hardwood wetland area.

50. Old River Lock - Levee, LA, Levee, Item 304-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 304. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a levee lift straddling the existing levee centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood wetland area.

51. Smithland to Lacour 289-298 R, LA, Levee and Berm, Item 293.5-R. This item of work is 8.4 miles long and located on the right descending bank opposite river mile 293.5. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with the levee lift straddling the existing levee centerline. The work also consist of constructing a berm for a portion of the item to control seepage. The borrow area (approximate 20 acres) to construct the levee raise and berm for this item is located on the land side of the levee in a bottomland hardwood wetland area.

52. Pt Coupee Levee Enlargement, LA, Levee, Item 268-R. This item of work is 0.2 miles long and located on the right descending bank opposite river mile 268. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a flood side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood wetland area.

53. Arbroth Levee Enlargement, LA, Levee, Item 253-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 253. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a flood side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood wetland area.

54. Smithfield Levee Enlargement, LA, Levee, Item 246-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 246. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a flood side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area and/or bottomland hardwood wetland area.

55. Fancy Point, LA, Levee, Item 242.5-R. This item of work is 2.9 miles long and located on the right descending bank opposite river mile 242.5. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow

area (approximate 11 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area and/or bottomland hardwood wetland area.

56. Thomas Point, LA, Levee, Item 240.3-R. This item of work is 0.8 miles long and located on the right descending bank opposite river mile 240.3. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area and/or bottomland hardwood wetland area.

57. Port Allen, LA, Levee, Item 231-R. This item of work is 2.5 miles long and located on the right descending bank opposite river mile 231. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 9 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

58. Port Allen Lock – Levee, LA, Levee, Item 228-R. This item of work is 0.01 miles long and located on the right descending bank opposite river mile 228. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with the levee lift straddling the existing levee centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

59. Addis, LA, Levee, Item 223-R. This item of work is 0.3 miles long and located on the right descending bank opposite river mile 223. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

60. Ben Hur Road, LA, Levee, Item 217.6-L. This item of work is 0.07 miles long and located on the left descending bank opposite river mile 217.6. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

61. Morrisonville, LA, Levee, Item 216-R. This item of work is 2.8 miles long and located on the right descending bank opposite river mile 216. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 9 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

62. Plaquemines Point, LA, Berm and/or Wells, Item 208-L. This item of work is 0.9 miles long and located on the left descending bank opposite river mile 208. The item consist of either embankment berm construction and/or relief wells to control seepage in the area. The borrow area (approximate 5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

63. Plaquemine/Reveille, LA, Levee, Item 206.7-R. This item of work is 2.7 miles long and located on the right descending bank opposite river mile 206.7. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 4 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

64. Lower Plaquemines Point, LA, Levee, Item 199-L. This item of work is 5.5 miles long and located on the left descending bank opposite river mile 199. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 14 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

65. Bayou Goula to Alhambra, LA, Levee, Item 194.5-R. This item of work is 0.7 miles long and located on the right descending bank opposite river mile 194.5. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

66. Carville, LA, Levee, Item 189-L. This item of work is 0.7 miles long and located on the left descending bank opposite river mile 189. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1.5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

67. Claiborne Island, LA, Berm, Item 189-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 189. The work consist of constructing a berm for control seepage. The borrow area (approximate 3 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

68. Marchand, LA, Levee, Item 181-L. This item of work is 0.05 miles long and located on the left descending bank opposite river mile 181. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

69. ABLD-1 180 R, LA, Levee, Item 180-R. This item of work is 0.7 miles long and located on the right descending bank opposite river mile 180. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side or flood side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

70. Smoke Bend, LA, Levee, Item 178-R. This item of work is 3.3 miles long and located on the right descending bank opposite river mile 178. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 10 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

71. Stella Landing, LA, Levee, Item 173.9-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 173.9. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

72. Aben, LA, Levee, Item 172.6R. This item of work is 1.6 miles long and located on the right descending bank opposite river mile 172.6. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 4 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

73. Point Houmas (Lauderdale), LA, Levee, Item 165-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 165. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

74. Brilliant Point 163.5 R, LA, Levee, Item 163.5-R. This item of work is 1.7 miles long and located on the right descending bank opposite river mile 163.5. The item consist of raising the levee an

average of 2.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 10 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

75. Romeville, LA, Levee, Item 163-L. This item of work is 0.05 miles long and located on the left descending bank opposite river mile 163. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

76. Barton Lane 159.7 R, LA, Levee, Item 159.7-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 159.7. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

77. St. Amelia 158R, LA, Levee, Item 158-R. This item of work is 0.02 miles long and located on the right descending bank opposite river mile 158. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

78. Romeville/College Point 156.8 L, LA, Levee, Item 156.8-L. This item of work is 0.1 miles long and located on the left descending bank opposite river mile 156.8. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

79. St. James Moonshine, LA, Levee, Item 156-R. This item of work is 1.3 miles long and located on the right descending bank opposite river mile 156. The item consist of raising the levee an average of 3.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

80. Welham Plantation, LA, Levee, Item 154-L. This item of work is 0.5 miles long and located on the left descending bank opposite river mile 154. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

81. Belmont, LA, Levee, Item 152-L. This item of work is 0.04 miles long and located on the left descending bank opposite river mile 152. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

82. Vacherie, LA, Levee, Item 149-R. This item of work is 0.2 miles long and located on the right descending bank opposite river mile 149. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

83. Paulina/Lutcher/Gramercy, LA, Levee, Item 148-L. This item of work is 3.8 miles long and located on the left descending bank opposite river mile 148. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a land side shift of the centerline.

The borrow area (approximate 10 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

84. Wallace, LA, Levee, Item 147.3-R. This item of work is 0.8 miles long and located on the right descending bank opposite river mile 147.3. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

85. Gramercy.Mt. Airy/48 mile Point, LA, Levee, Item 144-L. This item of work is 0.3 miles long and located on the left descending bank opposite river mile 144. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

86. Oak Alley - Willow Grove 142.6-144 R, LA, Levee, Item 143.7-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 143.7. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

87. Upper Edgard 142 R, LA, Levee, Item 142-R. This item of work is 0.3 miles long and located on the right descending bank opposite river mile 142. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

88. Reserve, LA, Levee, Item 136-L. This item of work is 2.1 miles long and located on the left descending bank opposite river mile 136. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 3 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

89. Lower Edgard (3) 135.2-136.2 R, LA, Levee, Item 135.7-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 135.7. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

90. Laplace, LA, Levee, Item 133-L. This item of work is 0.5 miles long and located on the left descending bank opposite river mile 133. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

91. Lower Edgard 131.7 R, LA, Levee, Item 131.7-R. This item of work is 0.4 miles long and located on the right descending bank opposite river mile 131.7. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

92. 35 Mile Point, LA, Levee, Item 130-L. This item of work is 0.6 miles long and located on the left descending bank opposite river mile 130. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2.5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

93. Hahnville, Flagville, Dufresne 120-128.5 R, LA, Levee, Item 124.3-R. This item of work is 0.4 miles long and located on the right descending bank opposite river mile 124.3. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

94. Bonnet Carre to New Sarpy, LA, Levee, Item 124-L. This item of work is 1.8 miles long and located on the left descending bank opposite river mile 124. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 4 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

95. Lone Star to Davis Pond, LA, Levee, Item 119.2-R. This item of work is 1.0 miles long and located on the right descending bank opposite river mile 119.2. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

96. Ama #2, LA, Levee, Item 117.3-R. This item of work is 0.2 miles long and located on the right descending bank opposite river mile 117.3. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

97. Cyanamid, LA, Levee, Item 115.5-R. This item of work is 0.3 miles long and located on the right descending bank opposite river mile 115.5. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

98. St. Rose (Kenner Revet), LA, Levee, Item 115-L. This item of work is 1.3 miles long and located on the left descending bank opposite river mile 115. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 3 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area.

99. Ama, LA, Levee, Item 113.5-R. This item of work is 0.2 miles long and located on the right descending bank opposite river mile 113.5. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

100. Waggaman, LA, Levee, Item 110.4-R. This item of work is 0.4 miles long and located on the right descending bank opposite river mile 110.4. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

101. Upper Avondale, LA, Levee, Item 108.3-R. This item of work is 0.6 miles long and located on the right descending bank opposite river mile 108.3. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

102. Lower Avondale, LA, Levee or Floodwall, Item 107-R. This item of work is 1.4 miles long and located on the right descending bank opposite river mile 107. The item consist of either raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The item for a floodwall consists of raising the current elevation of the floodwall an average of 2.0 feet for 1.4 miles. In order to meet the current design grade, the existing floodwall will be replaced completely with a new pile-founded concrete T-wall as well as adding steel gates across the ramps. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

103. Dugas to Celotex, LA, Levee, Berm and/or Wells, Item 100.4-R. This item of work is 0.7 miles long and located on the right descending bank opposite river mile 100.4. The item consist of raising the levee an average of 1.0 feet extending over the length of the work item with a land side shift of the centerline. The item also will consist of either embankment berm construction and/or relief wells to control seepage in the area. The borrow area (approximate 4.5 acres) to construct the levee raise and berm for this item is located on the land side of the levee in a pasture land area.

104. Barataria Blvd., LA, Levee, Item 99.5-R. This item of work is 0.1 miles long and located on the right descending bank opposite river mile 99.5. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

105. Harvey Lock Forebay – Levee, LA, Levee or Floodwall, Item 98.3-R. This item of work is 0.3 miles long and located on the right descending bank opposite river mile 98.3. The item consist of either raising the levee an average of 3.5 feet extending over the length of the work item with a flood side shift of the centerline. The item for a floodwall consists of raising the current elevation of levee with a new pile-founded concrete T-wall an average of 3.5 feet for 0.3 miles. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

106. Gretna Phase II 97-97.8 R, LA, Levee or Floodwall, Item 97.4-R. This item of work is 0.2 miles long and located on the right descending bank opposite river mile 97.4. The item consist of either raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The item for a floodwall consists of raising the current elevation of levee with a new pile-founded concrete T-wall an average of 1.5 feet for 0.2 miles. The borrow area (less than an acre) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

107. Algiers Point 93.75-95.5 R, LA, Levee or Floodwall, Item 94.6-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 94.6. The item consist of either raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The item for a floodwall consists of raising the current elevation of levee with a new pile-founded concrete T-wall an average of 1.5 feet for 0.5 miles. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area and pasture land area.

108. IHNC Lock Forebay 92.6L - Levee, LA, Levee, Item 92.6-L. This item of work is 3.2 miles long and located on the left descending bank opposite river mile 92.6. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 7 acres) to construct the levee raise for this item is located on the land side of the levee in a marsh wetland area.

109. Holy Cross, LA, Levee, Item 92-L. This item of work is 0.4 miles long and located on the left descending bank opposite river mile 92. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area

(approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a marsh wetland area.

110. Domino Sugar, LA, Relief Wells, Item 91-L. This item of work is 0.6 miles long and located on the left descending bank opposite river mile 91. The item consist of installation of relief wells to control seepage in the area.

111. US Coast Guard Reservation, LA, Levee, Item 90.6-R. This item of work is 3.3 miles long and located on the right descending bank opposite river mile 90.6. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 6.5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area / pasture land area.

112. Algiers Lock – Levee, LA, Levee, Item 88-R. This item of work is 0.5 miles long and located on the right descending bank opposite river mile 88. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1.5 acres) to construct the levee raise for this item is located on the land side of the levee in a cropland area / pasture land area.

113. Chalmette Slip, LA, Levee or Floodwall, Item 90-L. This item of work is 0.4 miles long and located on the left descending bank opposite river mile 90. The item consist of either raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The item for a floodwall consists of raising the current elevation of the floodwall an average of 1.5 feet for 0.4 miles. In order to meet the current design grade, the existing floodwall will be replaced completely with a new pile-founded concrete T-wall. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood area.

114. Chalmette Battle Field (1), LA, Levee or Floodwall, Item 88.5-L. This item of work is 0.4 miles long and located on the left descending bank opposite river mile 88.5. The item consist of either raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The item for a floodwall consists of raising the current elevation of the floodwall an average of 1.5 feet for 1.25 miles. In order to meet the current design grade, the existing floodwall will be replaced completely with a new pile-founded concrete T-wall. The borrow area (approximate 3 acres) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood area.

115. Chalmette Battle Field (2), LA, Levee, Item 86.1-L. This item of work is 0.4 miles long and located on the left descending bank opposite river mile 86.1. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood area.

116. Stanton, LA, Levee, Item 84.3-R. This item of work is 0.6 miles long and located on the right descending bank opposite river mile 84.3. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 1 acre) to construct the levee raise for this item is located on the land side of the levee in a cropland area and pasture land area.

117. Oakville to Alliance, LA, Levee, Item 67-R. This item of work is 6.6 miles long and located on the right descending bank opposite river mile 67. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 10 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

118. Carnaevon to Phoenix, LA, Levee, Item 67-L. This item of work is 7.0 miles long and located on the left descending bank opposite river mile 67. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 12 acres) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood wetland area.

119. Alliance to Ironton, LA, Levee, Item 61.5-R. This item of work is 2.8 miles long and located on the right descending bank opposite river mile 61.5. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 5 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

120. Ironton to Deer Range, LA, Levee, Item 58-R. This item of work is 3.2 miles long and located on the right descending bank opposite river mile 58. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 6 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

121. Deer Range to W. Point a la Hache, LA, Levee, Item 52.5-R. This item of work is 7.7 miles long and located on the right descending bank opposite river mile 52.5. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 12 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

122. Phoenix to Bohemia, LA, Levee, Item 51-L. This item of work is 10.5 miles long and located on the left descending bank opposite river mile 51. The item consist of raising the levee an average of 2.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 19 acres) to construct the levee raise for this item is located on the land side of the levee in a bottomland hardwood wetland and marsh area.

123. W. Pt a la Hache to St. Jude, LA, Levee, Item 47.5-R. This item of work is 2.1 miles long and located on the right descending bank opposite river mile 47.5. The item consist of raising the levee an average of 2.0 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 5 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

124. Port Sulphur, LA, Levee, Item 37-R. This item of work is 1.1 miles long and located on the right descending bank opposite river mile 37. The item consist of raising the levee an average of 1.5 feet extending over the length of the work item with a land side shift of the centerline. The borrow area (approximate 2.5 acres) to construct the levee raise for this item is located on the land side of the levee in a pasture land area.

Attachment B - List of Recipients:

Federally Recognized Tribes

1 Absentee-Shawnee Tribe of Indians
2 Alabama-Coushatta Tribe of Texas
3 Alabama-Quassarte Tribal Town
4 Apache Tribe of Oklahoma
5 Caddo Nation of Oklahoma
6 Cherokee Nation of Oklahoma
7 Chickasaw Nation
8 Chitimacha Tribe of Louisiana
9 Choctaw Nation of Oklahoma
10 Coushatta Tribe of Louisiana
11 Delaware Nation
12 Delaware Tribe of Indians
13 Eastern Band of Cherokee Indians
14 Eastern Shawnee Tribe of Oklahoma
15 Jena Band of Choctaw Indians
16 Kaw Nation
17 Kialegee Tribal Town
18 Kicapoo Tribe of Kansas
19 Menominee Indian Tribe of Wisconsin
20 Miami Tribe of Oklahoma
21 Mississippi Band of Choctaw Indians
22 Muscogee (Creek) Nation
23 Osage Nation of Oklahoma
24 Otoe-Missouria Tribe of Oklahoma
25 Peoria Tribe of Indians of Oklahoma
26 Poarch Band of Creek Indians
27 Ponca Tribe of Oklahoma
28 Quapaw Tribe of Oklahoma
29 Sac and Fox Nation of Missouri in Kansas and Nebraska
30 Sac and Fox Nation of Oklahoma
31 Seminole Nation of Oklahoma
32 Seminole Tribe of Florida
33 Shawnee Tribe
34 Thlopthlocco Tribal Town
35 Tunica-Biloxi Tribe of Louisiana
36 United Keetowah Band of Cherokee Indians in Oklahoma

SHPOs

37 Arkansas Historic Preservation Program
38 Illinois Historic Preservation Agency
39 Kentucky Heritage Council
40 LA State Historic Preservation Officer
41 Mississippi Department of Archives and History
42 MO State Historic Preservation Office
43 Tennessee Historical Commission

Federal Agencies

44 Advisory Council on Historic Preservation, Office of Federal Agency Programs

A14-1.2 MRL SEIS II PA Initiation Letter Responses

Preserving America's Heritage

September 25, 2019

Jason A. Emery
Archaeologist
U.S. Army Corps of Engineers
New Orleans District
7400 Leake Avenue
New Orleans, LA 70118-3651

Ref: *Mainline Mississippi River Levees Multi-District Consultation*
Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee

Dear Mr. Emery:

The Advisory Council on Historic Preservation (ACHP) has received your notification of adverse effect for the referenced undertaking that was submitted in accordance with Section 800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). The background documentation included with your submission does not meet the specifications in Section 800.11(e) of the ACHP's regulations. We, therefore, are unable to determine whether Appendix A of the regulations, *Criteria for Council Involvement in Reviewing Individual Section 106* Cases, applies to this undertaking. Accordingly, we request that you submit the following additional information so that we can determine whether our participation in the consultation to resolve adverse effects is warranted.

- Copies or summaries of any views provided by consulting parties, the public, and the Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee State Historic Preservation Officers.
- Copies or summaries of any views or comments provided by any affected Indian tribe.

Upon receipt of the additional information, we will notify you within 15 days of our decision.

If you have any questions, 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

Hon. Aimee K. Jorjani
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director

March 27, 2020

The Honorable R.D. James
Assistant Secretary for the Army for Civil Works
Office of the Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310-0108

Ref: *Mainline Mississippi River Levees Multi-District Programmatic Agreement*
U.S. Army Corps of Engineers Memphis, Vicksburg, and New Orleans Districts
ACHPConnect Log Number: 014473

Dear Mr. James:

In response to the recent notification by the United States Army Corps of Engineers, the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Section 106 agreement document for the referenced undertaking. Our decision to participate in this consultation is based on the Criteria for Council Involvement in Reviewing Individual Section 106 Cases, contained within the regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because it has the potential for procedural problems, presents important questions of policy or interpretation, and it presents issues of concern to Indian tribes.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Colonel Robert A. Hilliard, Vicksburg District Commander, of this decision.

Our participation in this consultation will be handled by Mr. Christopher Daniel, who can be reached at 202.517.0223 or via e-mail at cdaniel@achp.gov. We look forward to working with your agency and other consulting parties to reach agreement on appropriate measures to avoid, minimize, or mitigate adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION
401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

TENNESSEE HISTORICAL COMMISSION
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37243-0442
OFFICE: (615) 532-1550
www.tnhistoricalcommission.org

September 30, 2019

Col. Robert A. Hilliard
U.S. Army Corps of Engineers, Vicksburg District
Regional Planning and Environment Division, South
Environmental Planning Branch: Attn: USACE-PDS-N
7400 Leake Ave.
New Orleans, LA 70118-3651

RE: COE-V / Vicksburg District/Corps of Engineers, Mainline Mississippi River Levees and Channel Improvement Project, Dyer and Lake Counties, TN

Dear Col. Hilliard:

In response to your request, we have reviewed the documents submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, concur that a multi-state programmatic agreement is an appropriate strategy for meeting your agency's Section 106 compliance responsibilities. We will continue to consult with your agency in the development of an agreement document. Please direct questions and comments to Jennifer M. Barnett (615 687-4780). We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

A14-2 ITEM 2: LOWER MISSISSIPPI VALLEY CULTURAL TIMELINES

The provided timelines are based on archaeological research. While the cultural sequence is continuous and independent of the current states' jurisdictions. The timelines presented below are provided by each state to facilitate management of cultural resources in each state.

Table A14- 1.Cultural Sequence for Illinois.

Historic	Post War (A.D. 1946-present) Urban Industrial (A.D. 1901-1945) Early Industrial (A.D. 1871-1900) Frontier (A.D. 1841-1870) Pioneer (A.D. 1781-1840)	
	Colonial (A.D. 1673-1780)	*Historic Native American (A.D. 1650-1830)*
Prehistoric	Mississippian (A.D. 900-1700)	*Late Mississippian (A.D. 1300-1673)* *Oneta Culture (A.D. 900-1650)* *Cahokia Culture (A.D. 900-1350)*
	Late Woodland (A.D. 350-900)	
	Middle Woodland (200 B.C.-A.D. 350)	*Havanna Hopewell Culture (500 B.C.-A.D. 400)*
	Early Woodland (1000-200 B.C.)	*Crab Orchard (600-200 B.C.)* *Marion Culture (600-200 B.C.)*
	Late Archaic (3000-1000 B.C.) Middle Archaic (6000-3000 B.C.) Early Archaic (8000-6000 B.C.)	
	PaleoIndian (10,000-8000 B.C.)	

Table A14- 2. Cultural Sequence for Kentucky.

Historic	Industrial & Commercial Consolidation (A.D. 1915-1945) Postbellum Recovery & Industrialization (A.D. 1865-1915) Civil War (A.D. 1861-1865) Antebellum (A.D. 1820/1830-1860) Early Settlement (A.D. 1775-1820/1830)	
	Pre-Settlement Exploration (A.D. 1650/1700-1775)	*Historic Cherokee (A.D. 1650-1830)*
Prehistoric	Mississippian (A.D. 1150/1200-1700)	*Angel Culture (A.D. 1050-1350)*
	Late Woodland (A.D. 400/450-1150/1200)	*Yankeetown Culture (A.D. 700-1000)* *Pisgah Culture (A.D. 600-1200)* *Plum Bayou Culture (A.D. 600-1000)* *Hamilton Culture (A.D. 400-900)*
	Middle Woodland (100 B.C.-A.D. 400/450)	*Hopewell Culture (100 B.C.-A.D. 500)*
	Early Woodland (800-100 B.C.)	*Crab Orchard (600-200 B.C.)* *Adena Culture (1000-200 B.C.)*
	Late Archaic (3000-800 B.C.) Middle Archaic (6000-3000 B.C.) Early Archaic (8000-6000 B.C.)	
	PaleoIndian (9500-8000 B.C.)	*Dalton Culture (8500-7900 B.C.)*

Table A14- 3. Cultural Sequence for Missouri.

Historic	Urban/Industrial (A.D. 1960-1960) Early Industrial (A.D. 1866-1899) Civil War (A.D. 1861-1865) Territorial (A.D. 1804-1820) Colonial (A.D. 1700-1803)	
Prehistoric	Mississippian (A.D. 1050-1650)	*Nodena Culture (A.D. 1400-1650)* *Parkin Culture (A.D. 1350-1650)* *Cahokia Culture (A.D. 900-1350)*
	Late Woodland (A.D. 450-1050)	*Plum Bayou Culture (A.D. 600-1000)* *Hamilton Culture (A.D. 400-900)*
	Middle Woodland (100 B.C.-A.D. 400)	*Miller I Culture (100 B.C.-A.D. 200)*
	Early Woodland (700-100 B.C.)	*Crab Orchard (600-200 B.C.)* *Adena Culture (1000-200 B.C.)*
	Late Archaic (3000-700 B.C.) Middle Archaic (5000-3000 B.C.) Early Archaic (7800-5000 B.C.)	
	PaleoIndian (10,000-7800 B.C.)	*Dalton Culture (8500-7900 B.C.)*

Table A14- 4. Cultural Sequence for Tennessee

Historic	Urban/Industrial (A.D. 1960-1960) Early Industrial (A.D. 1866-1899) Civil War (A.D. 1861-1865) Territorial (A.D. 1804-1820) Colonial (A.D. 1700-1803)	
Prehistoric	Late Mississippian (A.D. 1350-1650)	*Nodena Culture (A.D. 1400-1650)* *Parkin Culture (A.D. 1350-1650)*
	Middle Mississippian (A.D. 1100-1350)	
	Early Mississippian (A.D. 900-1100)	*Miller III Culture (A.D. 800-1100)*
	Late Woodland (A.D. 400-900)	*Plum Bayou Culture (A.D. 600-1000)* *Hamilton Culture (A.D. 400-900)* *Baytown Culture (A.D. 300-700)* *Miller II Culture (A.D. 300-800)*
	Middle Woodland (200 B.C.-A.D. 400)	*Miller I Culture (100 B.C.-A.D. 200)*
	Early Woodland (1000-200 B.C.)	*Crab Orchard (600-200 B.C.)* *Adena Culture (1000-200 B.C.)*
	Late Archaic (3000-1000 B.C.) Middle Archaic (6000-3000 B.C.) Early Archaic (8000-6000 B.C.)	
	PaleoIndian (11,500-8000 B.C.)	*Dalton Culture (8500-7900 B.C.)* *Clovis Culture (11,400-9000 B.C.*
	Pre-Clovis (Pre-11,400 B.C.)	

Table A14- 5. Cultural Sequence for Mississippi.

Historic	Modern Era (post A.D. 1941) Pre World War II (A.D. 1900-1941) Reconstruction and Recovery (A.D. 1865-1900) Civil War (A.D. 1861-1865) Antebellum (A.D. 1818-1860) Colonial/Territorial (A.D. 1680-1817)	
	Protohistoric (A.D. 1550-1680)	*Plaquemine (A.D. 1200-1700)*
Prehistoric	Mississippian (A.D. 1000-1550)	*Plaquemine (A.D. 1200-1700)*
	Late Woodland (A.D. 500-1000)	*Miller III Culture (A.D. 700-1100)* *Coles Creek Culture (A.D. 600-1050)* *Plum Bayou Culture (A.D. 600-1000)* *Troyville Culture (A.D. 400-1100)* *Baytown Culture (A.D. 300-700)* *Miller II Culture (A.D. 300-700)*
	Middle Woodland (100 B.C.-A.D. 400/450)	*Miller I Culture (A.D. 100 B.C.-A.D. 200)* *Marksville Culture (200 B.C.-A.D. 400)*
	Early Woodland (500-0 B.C.)	*Tchefuncte Culture (600-200 B.C.)*
	Late Archaic (2000-500 B.C.)	*Poverty Point Culture (1730-1250 B.C.)* *Jaketown Culture (1800-1000 B.C.)*
	Middle Archaic (6000-2000 B.C.) Early Archaic (8000-6000 B.C.)	
	PaleoIndian (10,000-8000 B.C.)	

Table A14- 6. Cultural Sequence for Arkansas.

Historic	Modern Era (A.D. 1968-present)	
	World War II Trough Faubus (A.D. 1941-1967)	
	Early Twentieth Century (A.D. 1901-1940)	
	Civil War - Reconstruction (A.D. 1861-1874)	
	Louisiana Purchase - Early Statehood (A.D. 1803-1860)	
	European Exploration (A.D. 1550-1680)	*Late Caddo Culture (A.D. 1400-1800)*
Prehistoric	Mississippian/Plaquemine (A.D. 900-1600)	*Nodena Culture (A.D. 1400-1650)*
		Parkin Culture (A.D. 1350-1650)
		Middle Caddo Culture (A.D. 1100-1400)
		Early Caddo Culture (A.D. 800-1100)
		Coles Creek Culture (A.D. 600-1050)
	Late Woodland (A.D. 300-900)	*Plum Bayou Culture (A.D. 600-1000)*
		Baytown Culture (A.D. 300-700)
	Middle Woodland (200 B.C.-A.D. 300)	*Marksville Culture (200 B.C.-A.D. 400)*
	Early Woodland (650-200 B.C.)	*Crab Orchard (600-200 B.C.)*
		Tchefuncte Culture (600-200 B.C.)
	Late Archaic (3000-650 B.C.)	*Poverty Point Culture (1730-1250 B.C.)*
	Middle Archaic (5000-3000 B.C.)	
	Early Archaic (8000-5000 B.C.)	
	PaleoIndian (11,500-8000 B.C.)	*Dalton Culture (8500-7900 B.C.)*

Table A14- 7. Cultural Sequence for Louisiana.

Historic	Post World War II (A.D. 1945-present) Industrial and Modern (A.D. 1890-1945) War and Aftermath (A.D. 1860-1890) Antebellum (A.D. 1803-1860)	
	Historic Exploration (A.D. 1541-1803)	*Late Caddo Culture (A.D. 1400-1800)*
Prehistoric	Mississippian/Plaquemine (A.D. 1200-1700)	*Middle Caddo Culture (A.D. 1100-1400)*
	Late Woodland (A.D. 400/450-1150/1200)	*Early Caddo Culture (A.D. 800-1100)* *Coles Creek Culture (A.D. 700-1100)* *Plum Bayou Culture (A.D. 600-1000)* *Troyville Culture (A.D. 400-700)* *Baytown Culture (A.D. 300-700)*
	Middle Woodland (100 B.C.-A.D. 400/450)	*Marksville Culture (200 B.C.-A.D. 400)*
	Early Woodland (800-100 B.C.)	*Tchefuncte Culture (600-200 B.C.)*
	Late Archaic (2000-800 B.C.) Middle Archaic (6000-2000 B.C.) Early Archaic (8000-6000 B.C.)	*Poverty Point Culture (1730-1250 B.C.)*
	PaleoIndian (11,500-8000 B.C.)	

A14-3 ITEM 3: SUMMARY OF CULTURAL RESOURCES PER WORK ITEM

Table A14- 8. Memphis District Cultural Resources Summary.

MVM Work Item	# of Cultural Resources in Work Item	# of Cultural Resources in Vicinity (1 mile of Work Item/APE)	Additional Work Needed (Y/N)
965-R	2	11	Yes
962.3-R	2	12	Yes
962.5-R	4	29	Yes
961-R	1	6	Yes
958-R	1	0	Yes
956-R	4	10	Yes
955-R	1	7	Yes
922-L	1	12	Yes
921-L	0	19	Yes
918-L	1	12	Yes
902-L	1	4	Yes
848-L	0	1	Yes
832-L	0	7	Yes
49-R AC	1	17	Yes
29-R AC	0	3	Yes
22-R AC	0	9	Yes
947-R	2	103	Yes
920-R	2	19	Yes
915-R	2	30	Yes
889-R	3	6	Yes
882-R	2	23	Yes
877-R	2	5	Yes
807-R	0	5	Yes
766-R	0	4	Yes
762-R	0	17	Yes
754-R	0	4	Yes
747-R	0	17	Yes
741-R	3	10	Yes
726-R	3	8	Yes
723-R	7	12	Yes
705-R	0	4	Yes
697-R	1	6	Yes
693-R	1	9	Yes
682-R	1	8	Yes
620-R	1	2	Yes

Table A14- 9. Vicksburg District Cultural Resources Summary.

MRL Work Item	# of Cultural Resources in Work Item	# of Cultural Resources in Vicinity (1 mile of Work item/APE)	Additional Work Needed (Y/N)
615-L	0	1	Yes
611-L	0	0	Yes
587-L	0	27	Yes
577-L	0	4	Yes
443-L	0	5	Yes
355-R	0	0	Yes
351-R	0	1	Yes
348-R	0	0	Yes
345-R	0	1	Yes
341-R	1	3	Yes
340-R	1	4	Yes
337-R	1	4	Yes
333-R	0	5	Yes
330-R	0	0	Yes
327-R	0	1	Yes
326-R	0	1	Yes
20-R	1	1	Yes

Table A14- 10. New Orleans District Cultural Resources Summary.

MRL Work Item	# of Cultural Resources in Work Item	# of Cultural Resources in Vicinity (1 mile of Work item/APE)	Additional Work Needed (Y/N)
312.5 R	1	0	Yes
304-R	2	3	Yes
293.5-R	2	23	Yes
268-R	0	2	Unlikely
253-R	0	1	Yes
246-R	0	4	Yes
242.5 R	0	6	Yes
240.3R	0	4	Yes
231-R	4	47	Yes
228-R	0	10	Unlikely, except for the NRHP Assessment of the Port Allen Lock
223-R	0	5	Yes
217.6-L	0	9	Yes
216-R	0	6	Yes
208-L	0	12	Yes
206.7 R	4	96	Yes
199-L	9	59	Yes
194.5-R	7	135	Yes
189-L	2	16	Yes
189-R	3	8	Yes
181-L	0	10	Yes
180-R	4	9	Yes
178-R	4	36	Yes
173.9-R	0	10	Yes
172.6-R	0	13	Yes
165-R	0	14	Yes
163.5-R	1	29	Yes
163-L	3	9	Yes, mitigation
159.7-R	16	15	Yes, cemetery
158-R	0	9	Yes
156.8-L	2	9	Yes
156-R	0	16	Yes
154-L	0	93	Yes
152-L	1	11	Yes
149-R	1	17	Yes
148-L	48	80	Yes
147.3-R	1	40	Yes
144-L	1	27	Yes
143.7-R	0	25	Yes
142-R	0	19	Yes
136-L	6	60	Yes
135.7R	2	37	Yes
133-L	1	5	Yes
131.7R	2	3	Yes
130-L	0	7	Yes
124.3-R	30	90	Yes

MRL Work Item	# of Cultural Resources in Work Item	# of Cultural Resources in Vicinity (1 mile of Work item/APE)	Additional Work Needed (Y/N)
124-L	0	42	Yes
119.2-R	1	6	Yes
118.5-R	0	3	Unlikely
117.3-R	1	27	Yes
115.5-R	1	13	Yes
115-L	0	20	Yes
113.5-R	2	11	Yes
109.6-R	0	3	Yes
110.4-R	0	4	Yes
108.3-R	1	5	Yes
107-R	0	4	Yes
102.1-R	0	34	Yes
100.4-R	0	10	Yes
100-L	0	38	Yes
99.5-R	0	7	Yes
98.7-L	0	32	Yes
98.3-R	2	20	Yes
98.1-L	2	59	Yes
97.4-R	2	64	Yes
96.5-L	3	116	Yes
95.3-L	0	181	Yes
95-L	0	142	Yes
94.8-L	7 (1 NHL)	207	Yes
94.6-R	4	156	Yes
94.5-L	4 (1 NHL)	204	Yes
94.1-L	8 (1NHL)	179	Yes
93.6-L	7	98	Yes
93-L	2	66	Yes
92.6L	5	109	Yes
92-L	4	101	Yes
91.2-L	7	75	Yes
91-L	1	50	Yes
90.8-L	0	43	Yes
90.6-R	4	51	Yes
90-L	2	37	Yes
88.5-L	2	29	Yes
88-R	1	1	Unlikely, except for the NRHP Assessment of the Port Allen Lock
86.1-L	2	16	Yes
84.3-R	0	9	Yes
67-R	7	33	Yes
67-L	11	88	Yes
61.5-R	5	31	Yes
58-R	0	19	Yes
52.5-R	5	35	Yes
51-L	13	81	Yes
47.5-R	2	21	Yes
37-R	8	39	Yes

MRL Work Item	# of Cultural Resources in Work Item	# of Cultural Resources in Vicinity (1 mile of Work item/APE)	Additional Work Needed (Y/N)
Upper Fifth MRL SEIS 2 Pit.	0	0	Unlikely
Atchafalaya Basin MRL SEIS 2 Pit 1	0	3	Unlikely
Atchafalaya Basin MRL SEIS 2 Pit 2	0	26	Yes
Pontchartrain MRL SEIS 2 Pit	0	7	Unlikely
Pits – West Jefferson	0	19	Unlikely
Algiers MRL SEIS 2 Pit	0	4	Unlikely
Orleans Pit	0	0	Unlikely
Lake Borgne Pit	1	5	Yes
Lafourche Pit	0	5	Yes
Grand Prairie MRL SEIS 2 Pit 1	0	9	No
Grand Prairie MRL SEIS 2 Pit 2	0	2	No
Plaquemines MRL SEIS 2 Pit	1	13	Yes

A14-3.1 Memphis District Cultural Resources Summary

For West Bank Ohio River

1. Mound City to Cairo Levee 0/0+00 to 2/26+00, Item 965-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Site 11PU141, although no longer existent, and the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

2. North Mound City, IL Sump, Item 962.3-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW, however, several significant sites with burials are adjacent to the project area and the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

3. Mound City to Cairo Levee 2/26+00 to 4/0+00, Item 962.5-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Sites 11PU140, 11PU141, and 11PU217, and the Trail of Tears boundary directly intersects the project area. Site 11PU140 is recommended as eligible. Historic cartographic, geomorphological, and soils data suggest portions of this project area have high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

4. Mound City to Cairo Levee 4/30+00 to 5/7+00, Item 961-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW, however the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

5. Mound City to Cairo, IL 7/50+00 to 8/4+00, Item 958-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW, however the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

6. Cairo, IL Floodwall, Item 956-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Portions of the Cairo National Register District have been identified within the project ROW. In addition, the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

7. Fish Market Gate/High 51 Closure, Item 955-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW, however the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

For East Bank Mississippi River

8. Hickman Floodwall Embankment Tie-in, Item 922-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

9. Hickman Levee Grade Raise, Item 921-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data

suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

10. Island 8 Parcel 3, KY (4/0+00 to 5/20+00), Item 918-L. The entire work item for this project item was surveyed in 1982. Although it is unlikely any additional cultural resources would be located, the Trail of Tears boundary is located within the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

11. Lake No. 9 – KY-TN State Line (21/3+80 to 21/7+30), Item 902-L. There have been no previously recorded cultural surveys or cultural sites within the work item. However, the project item falls within the boundary of the American Battle Protection Program (ABPP) defined core area for the Civil War Battle of New Madrid therefore the area should be considered sensitive for significant historic resources. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

12. Great River Road Slope Flattening (12/45+00 to 15/0+00), Item 848-L. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

13. Great River Road Slope Flattening (20/0+00 to 37/0+00), Item 832-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

For West Bank Mississippi River

14. Nash, MO Slope Flattening (11/12+00 to 12/0+00), Item 49-R AC. Portions of this work item have been previously surveyed for the presence of cultural deposits. The project item falls within the boundary of the ABPP defined core area for the Civil War Battle of Cape Girardeau, therefore, the area should be considered sensitive for significant historic resources. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

15. Commerce to Birds Point (15/0+00 to 17/49+00), Item 29-R AC. The entire work item for this project item was surveyed in 1982. Sites 23ST281, 282, and 283 are within the project area. Site 23ST283 was recommended for evaluation. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore

following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

16. Commerce to Birds Point (17/49+00 to 32/0+00), Item 22-R AC. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

17. Birds Point – New Madrid Setback (0/0+00 to 12/32+00), Item 947-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Site 23MI187 has been identified within the project ROW and needs to be evaluated. In addition, the Benge Route of the Trail of Tears boundary directly intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

18. Birds Point – New Madrid Frontline Levee (43/21+00 to 87/0+00), Item 920-R. There have been no previously recorded cultural surveys or cultural sites within the work item. However, the Crosno Fortified Village, a preserved temple Mound listed on the NRHP is just outside the project area. In addition, areas associated with the ABPP, particularly the Battle of New Madrid, as well as the Trail of Tears boundary are located within the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

19. Birds Point – New Madrid Setback (12/32+00 to 36/0+00), Item 915-R. There have been no previously recorded cultural surveys within the work item. However, Site 23MI47, an unevaluated prehistoric mound group falls within the project area. In addition, portions of the ABPP Battle of New Madrid boundary intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

20. Farrenburg Levee, MO Slope Flattening (1/50+00 to 2/21+00), Item 889-R. There have been no previously recorded cultural surveys within the work item. However, the Hunter-Dawson House, the NRHP Trail of Tears and portions of the ABPP Battle of New Madrid Island Number 10 falls within the project area. In addition, portions of the Battle of New Madrid boundary intersects the project area. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

21. New Madrid, MO to MO-AR Levee (5/0+00N to 0/0+00), Item 882-R. Portions of this ROW have previously been surveyed for the presence of cultural deposits. Both the Trail of Tears and the ABPP Battle of New Madrid been identified within the work item. Historic cartographic,

geomorphological, and soils data suggest portions of this project area have high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

22. New Madrid, MO to MO-AR Levee (2/0+00S to 2/30+00S), Item 877-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Both the Trail of Tears and the ABPP Battle of New Madrid and Island Number 10 have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

23. Barfield, AR Slope Flattening (61/0+00 to 61/25+00), Item 807-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

24. Wilson, AR Slope Flattening (100/0+00 to 100/36+00), Item 766-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. There have been no previously recorded sites within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

25. Pecan Point, AR Slope Flattening (116/40+00 to 117/45+00), Item 762-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

26. St. Thomas, AR Berm Re-evaluation, Item 754-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. There have been no previously recorded sites within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

27. MO-AR State Line to St. Francis River Levee Part 1 (134/0+00 to 138/0+00), Item 747-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

28. MO-AR State Line to St. Francis River Levee Part 2 (145/0+00 to 147/0+00), Item 741-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. The Sultana shipwreck (3CT0370/40SY0739) is located on the western bank of Chicken Island and is considered

eligible. Additionally, the Trail of Tears Trail and the ABPP Battle of Memphis I study area are within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

29. West Memphis, AR Re-Evaluation, Item 726-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. No known cultural sites are within the project ROW, however, the Trail of Tears Trail and the ABPP Battle of Memphis I study area are within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

30. West Memphis, AR Seepage Remediation, Item 723-R. The entire work item for this project was surveyed in 1980. All archaeological sites located within the project during this survey were found to be ineligible. However, the Trail of Tears Trail and the ABPP Battle of Memphis I study area are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

31. Horseshoe Lake, AR, Item 705-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

32. MO-AR State Line to St. Francis Levee Part 3 (183/0+00 to 190/0+00), Item 697-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

33. MO-AR State Line to St. Francis Levee Part 4 (190/0+00 to 198/0+00), Item 693-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. No known cultural sites are within the project ROW, however, the Trail of Tears Trail is within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

34. MO-AR State Line to St. Francis Levee Part 5 (198/0+00 to 210/30+00), Item 682-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. No known cultural sites are within the project ROW, however, the Trail of Tears Trail is within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area

have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

35. Elaine, AR to Laconia Circle Levee (48/4+00S to 48/8+90S), Item 620-R. Portions of this work item have been previously surveyed for the presence of cultural deposits. No known cultural sites are within the project ROW, however, the Trail of Tears Trail is within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

A14-3.2 Vicksburg District Cultural Resources Summary

36. Cessions, MS, Seepage Remediation, Item 615-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

37. Deeson-Gunnison, MS, Seepage Remediation, Item 611-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

38. Rosedale, MS, Seepage Remediation, Item 587-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

39. Bolivar, MS, Seepage Remediation, Item 577-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

40. Brunswick-Halpino, MS, Levee Enlargement and Seepage Remediation, Item 443-L. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

41. Morville-Black Hawk, LA, Seepage Remediation, Item 355-R. There have been no previously recorded cultural surveys or cultural sites within the work item. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a potential for the

presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

42. Morville-Black Hawk, LA, Levee Enlargement, Item 351-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

43. Morville-Black Hawk, LA, Seepage Remediation, Item 348-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

44. Morville-Black Hawk, LA, Levee Enlargement and Seepage Remediation, Item 345-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

45. Morville-Black Hawk, LA, Seepage Remediation, Item 341-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. One (1) cultural site is located within the project ROW. Site 16CO52 has been assessed as Not NRHP Eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

46. Morville-Black Hawk, LA, Seepage Remediation, Item 340-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. One (1) cultural site is located within the project ROW. Site 16CO53 has been assessed as Not NRHP Eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

47. Morville-Black Hawk, LA, Seepage Remediation, Item 337-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. One (1) cultural site is located within the project ROW. Site 16CO54 has been assessed as Not NRHP Eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have a high potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

48. Morville-Black Hawk, LA, Levee Enlargement and Seepage Remediation, Item 333-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

49. Morville-Black Hawk, LA, Levee Enlargement, Item 330-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

50. Morville-Black Hawk, LA, Levee Enlargement and Seepage Remediation, Item 326-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. No cultural sites have been identified within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

51. Morville-Black Hawk, LA, Levee Enlargement and Seepage Remediation, Item 320-R. (Adverse Effect) Portions of this work item have previously been surveyed for the presence of cultural deposits. One (1) cultural site is located within the project ROW. Site 16CO51 has been assessed as NRHP eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). The project as outlined would likely have an adverse effect/impact on this resource. Mitigation will be carried at this site following the terms of the MRL SEIS II PA. Additionally, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

A14-3.13 New Orleans District Cultural Resources Summary

52. Combined Lower/Upper 5th 308-317-W, LA, Levee, Item 312.5-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. One (1) cultural site is located within the project ROW. Site 16CO196, a mid-twentieth century artifact scatter has not been assessed for NRHP eligibility (36 CFR 60.4 [a-d]). Additionally, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

53. Old River Lock - Levee, LA, Levee, Item 304-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. Two (2) cultural sites are located within the project ROW. Old River Navigation Canal Lift Bridge, and the Old River Lock, both are mid-twentieth century structures that are assessed as NRHP eligible (36 CFR 60.4 [a-d]). Additionally, historic

cartographic, geomorphological, and soils data suggest portions of this project area have a low potential for the presence of unidentified cultural resources. Therefore, following the process outlined in the MRL SEIS II PA for further historic property avoidance, minimization, and potential mitigation efforts are recommended.

54. Smithland to Lacour 289-298 R, LA, Levee and Berm, Item 293.5-R. No portions of this work item has previously been surveyed for the presence of cultural deposits. Two (2) cultural sites, cemeteries, are located immediately adjacent to/within the project ROW. St. Stephens cemetery dating from the early-19th century and Mt. Zion cemetery dating from the early-20th century are adjacent to the project item and will require special care to ensure avoidance measures are implemented. They have not been assessed for the NRHP criteria (36 CFR 60.4 [a-d]). Additionally, historic cartographic, geomorphological, and soils data suggest portions of this project area have high potential for the presence of unidentified cultural resources related to the late19th to early-20th century (burials, historic structures, and landscapes), therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

55. Pt Coupee Levee Enlargement, LA, Levee, Item 268-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. While nine archaeological sites are in the vicinity of the work item, none are recorded within it. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of unidentified cultural resources related to the late18th to early-20th century, however, based on past surveys it is unlikely to remain intact. Regardless, the process outlined in the MRL SEIS II PA for further consultation is recommended.

56. Arbroth Levee Enlargement, LA, Levee, Item 253-R. None of this work item has been previously surveyed for the presence of cultural deposits. A single historic period cemetery, the Glennon Cemetery, dating to the early-20th century that is considered significant for the NRHP is in close proximity to the work item. While the historic cartographic, geomorphological, and soils data do not suggest that there is a significant potential for unidentified resources, the presence of the cemetery in proximity to the project should be specifically addressed in terms of the processes outlined in the MRL SEIS II PA through further consultation.

57. Smithfield Levee Enlargement, LA, Levee, Item 246-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

58. Fancy Point, LA, Levee, Item 242.5-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

59. Thomas Point, LA, Levee, Item 240.3-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

60. Port Allen, LA, Levee, Item 231-R. Portions of this work item have been previously surveyed for the presence of cultural deposits, but largely the area has not been surveyed. Two individually listed NRHP properties occur in close proximity to the project item: Monte Vista Plantation House (NPS# 80001769), and Poplar Grove Plantation House (NPS# 87002136), as well as two (2) archeological sites (16WBR7 and 16WBR16), both of which are shipwrecks that have not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Additionally, historic cartographic data and the presence of prehistoric archaeological deposits within the ROW strongly suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

61. Port Allen Lock – Levee, LA, Levee, Item 228-R. No portion of this work item has been previously surveyed for the presence of cultural deposits and no historic properties have been recorded. However, the Port Allen Lock, built in 1961, will require evaluation in terms of the NRHP; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

62. Addis, LA, Levee, Item 223-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, additionally a handful of historic archeological sites, cemeteries, and a single NRHP property dated from the nineteenth and twentieth centuries have been recorded in the area; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

63. Ben Hur Road, LA, Levee, Item 217.6-L. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

64. Morrisonville, LA, Levee, Item 216-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

65. Plaquemines Point, LA, Berm and/or Wells, Item 208-L. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

66. Plaquemine/Reveille, LA, Levee, Item 206.7-R. No portion of this work item has been previously surveyed for the presence of cultural deposits. However, historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

67. Lower Plaquemines Point, LA, Levee, Item 199-L. Portions of this work item have been previously surveyed for the presence of cultural deposits, but largely the area has not been surveyed. Two National Register Historic Properties (Bayou Plaquemine Lock, Plaquemine NRHD) have been recorded in the project area, as well as two (2) archeological sites (16IV129, 16IV130) both of which are related to the listed historic properties. Further investigation to determine the properties' NRHP eligibility under the Criteria for Evaluation (36 CFR 60.4 [a-d]) should be done, particularly for criteria d. Historic cartographic data and the presence of historic archaeological deposits within the ROW strongly suggest portions of this project area have potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended, and, if necessary, mitigation

68. Bayou Goula to Alhambra, LA, Levee, Item 194.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the work item, including several that intersected portions of this project item, and a number of historic archeological sites, standing structures, cemeteries, and National Register Historic Properties or Districts dated from the late eighteenth to twentieth centuries have been recorded in the area, large portions of the project item have not been subjected to systematic investigation for cultural resources. Seven archeological sites have been recorded in the project area (Sites 16IV131, 16IV135, 16IV139, 16IV141, 16IV163, 16IV191, and 16IV192), including both prehistoric and historic deposits. Four of these have not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), and three have been assessed as not eligible. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the work item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended, and, if necessary, mitigation.

69. Carville, LA, Levee, Item 189-L. Although multiple cultural resources investigations have occurred in the general vicinity of the work item and several historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, only portions of the project item have been subjected to systematic investigation for cultural resources. Two archeological sites have been recorded within the project area (Sites 16IV143 and 16IV144), which have been assessed as not eligible, applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Carville, Louisiana project item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

70. Claiborne Island, LA, Berm, Item 189-R. Although multiple cultural resources investigations have occurred in the general vicinity of the work item and several historic archeological sites and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. Three archeological sites have been recorded in the project area (Sites 16IV50, 16IV51, and 16IV226). Two of these, Sites 16IV50 and 16IV51, were determined to be eligible for listing on the

NRHP, and the remaining site has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [ad]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the work item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended, and, if necessary, mitigation.

71. Marchand, LA, Levee, Item 181-L. Although a number of cultural resources investigations have occurred in the general vicinity of work item and several historic archeological sites, cemeteries, and structures dated from the nineteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that work item's has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

72. ABLD-1 180 R, LA, Levee, Item 180-R. Although a number of cultural resources investigations have occurred in the general vicinity of the Work Item and several historic archeological sites, cemeteries, and structures dated from the nineteenth to twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. Three archeological sites (16AN20, 16AN21, and 16AN22) and one historic standing structure (LHRI# 03-002620) are located partially within or in close proximity to the current project item, and these resources have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, data from historic map research indicate multiple buildings situated along portions of the project item, including several clusters of buildings that align well with recorded site locations several plantations. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that Work Item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

73. Smoke Bend, LA, Levee, Item 178-R. Multiple cultural resources investigations have occurred in the general vicinity of the work item and a number of historic archeological sites, cemeteries, and National Register properties or districts have been recorded in the area. These resources include three sites associated with historic plantations that are located partially within or in close proximity to the current project item., and have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]) (i.e., Sites 16AN18-20). Furthermore, data from the examined historic maps show multiple structures encompassed within, and in the immediate vicinity of, the currently proposed project item. Although portions of the project item have been subjected to investigation for cultural resources, most of the project area has not been examined systematically; furthermore, data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Work Item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

74. Stella Landing, LA, Levee, Item 173.9-R. Multiple cultural resources investigations have occurred in the general vicinity of the work item and several historic archeological sites and National Register properties or districts dated from the nineteenth and twentieth centuries have been recorded in the area, and portions of the project item itself have been subjected to systematic investigation for cultural resources. Despite this, data from the previous cultural resources investigations in the area

coupled with information derived from historic maps and geomorphologic data indicate that the Work Item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

75. Aben, LA, Levee, Item 172.6R. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of historic archeological sites, cemeteries, and an NRHP property dated from the nineteenth and twentieth centuries have been recorded in the area. Of particular note is Site 16AN118 (Viala Plantation), which was located partially within the project item and has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d). The project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there is a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

76. Point Houmas (Lauderdale), LA, Levee, Item 165-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites and one cemetery dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself only partially has been subjected to systematic investigation for cultural resources and no cultural resources have been recorded previously within the project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

77. Brilliant Point 163.5 R, LA, Levee, Item 163.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites and three cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself only partially has been subjected to systematic investigation for cultural resources and one cultural resource (Site 16SJ17, Welcome Plantation) has been recorded previously within the project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there is a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

78. Romeville, LA, Levee, Item 163-L. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item, and a number of historic archeological sites that dated from the nineteenth to twentieth centuries, and one dated from the eighteenth century, have been recorded in the area. Additionally, one structure was recorded in or within close proximity of the project item, and the Colomb Plantation, a previously NRHP listed historic plantation with an associated cemetery, was located approximately 0.5 km (0.3 mi) east of the project item. The item lies entirely within Sites 16SJ20 and 16SJ21, and has been entirely subjected to cultural resources investigations. However, only those portions surveyed by the 1992 cultural resources investigations (Hinks et al. 1994) consisted of full coverage. The remaining portions (Pearson et al. 1980) should not be considered as having been investigated sufficiently for the presence of cultural resources. Although field methods in this area were described as pedestrian survey, shovel testing, and auger testing (Pearson et al. 1980:5-18), there are no maps indicating the location of each shovel test. It is noted that "[t]he failure to locate pre 1800 cultural remains on Helvetia is probably due to the ground cover

conditions (pasture) on the front lands of the plantation rather than to an actual absence of these materials in the area" (Pearson et al. 1980:7-1 to 7-2). This indicates that at least the eastern portion of the survey area, i.e., those portions located within the bounds of Site 16SJ21, were not investigated using subsurface methods. The identification of numerous localities within the bounds of Site 16SJ20 indicates that those portions of the project area were more extensively surveyed. However, reporting on the most recent fieldwork, performed at Site 16SJ21 in 2012 and 2013 by URS Corporation, is not currently available on the Louisiana Department of Culture, Recreation, and Tourism website as of the time of the current investigation. Without information regarding the recently investigated portions and their depositional integrity, an accurate appraisal of the most current known condition of the project area is not possible. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there is a high potential for the presence of previously unrecorded cultural resources in those portions of the project item located within the boundaries of Site 16SJ21, and a low potential for the presence of previously unrecorded cultural resources in those portions of the project item located within the boundaries of Site 16SJ20; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

79. Barton Lane 159.7 R, LA, Levee, Item 159.7-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, and cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. One archeological site, a cemetery that dates from the eighteenth century, has been recorded in the project area (Site 16SJ23), which has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there is a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

80. St. Amelia 158R, LA, Levee, Item 158-R. Although several cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of historic archeological sites, NRHP properties, and a cemetery dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there is a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

81. Romeville/College Point 156.8 L, LA, Levee, Item 156.8-L. Although some cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of historic archeological sites, NRHP properties, and cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources using modern standards. One known archeological site, Site 16SJ31, lies partially within and adjacent to the project area, and this site has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Romeville/ College Point 156.8-L, Louisiana work item location has a high potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

82. St. James Moonshine, LA, Levee, Item 156-R. Although some cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of historic archeological sites, NRHP properties, and structures dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

83. Welham Plantation, LA, Levee, Item 154-L. Although some cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of historic archeological sites, NRHP properties, and structures dated from the eighteenth to twentieth centuries have been recorded in the area, no known cultural resources occur directly within the project item, and the project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

84. Belmont, LA, Levee, Item 152-L. Although some cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, NRHP properties, and structures dated from the nineteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Site 16SJ38, which occurs in close proximity to the current project item, has been evaluated and recommended as not eligible for listing on the NRHP, applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended..

85. Vacherie, LA, Levee, Item 149-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, National Register Historic Properties or Historic Districts, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the immediate vicinity of the project area (Site 16SJ40), which has been mitigated by data recovery. However, data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project item location has a high potential for the presence of cultural resources; therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

86. Paulina/Lutcher/Gramercy, LA, Levee, Item 148-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, National Register Historic Properties or Historic Districts, and cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has largely not been subjected to systematic investigation for cultural resources. Nine archeological sites have been recorded in the immediate vicinity of the project area, which were described as historic deposits or scatters that were dated from the mid to late nineteenth to the

twentieth centuries, and all were determined to be not eligible for listing on the NRHP. Additionally, a number of historic standing structures and several National Register individual properties and districts were recorded in the immediate or general vicinity. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

87. Wallace, LA, Levee, Item 147.3-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16SJ108), which has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

88. Gramercy.Mt. Airy/48 mile Point, LA, Levee, Item 144-L. Portions of this work item have previously been surveyed for the presence of cultural deposits. 27 cultural resources are located within 1 mile (1.6 km) of the project area. One (1) cultural resource is located within the project ROW. Site 16JB68 is considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

89. Oak Alley - Willow Grove 142.6-144 R, LA, Levee, Item 143.7-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 25 cultural resources are located within 1 mile (1.6 km) of the project area. No cultural resources are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

90. Upper Edgard 142 R, LA, Levee, Item 142-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 19 cultural resources are located within 1 mile (1.6 km) of the project area. No cultural resources are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

91. Reserve, LA, Levee, Item 136-L. Portions of this work item have previously been surveyed for the presence of cultural deposits. 60 cultural resources are located within 1 mile (1.6 km) of the project area. 6 cultural resources are located within the project ROW. Site 16SJB67 is Not Eligible for NRHP, while sites 16SJB8 and 16SJB12 are considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). 3 early 20th century historic structures were previously recorded with in the project ROW but they are likely plotted incorrectly and thus believed to lie outside the direct project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore

following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended..

92. Lower Edgard (3) 135.2-136.2 R, LA, Levee, Item 135.7-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 37 cultural resources are located within 1 mile (1.6 km) of the project area. 2 cultural resources are located within the project ROW. Site 16SJB27 is Eligible for the NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). 1 historic structure was previously recorded with in the project ROW but it likely plotted incorrectly and thus believed to lie outside the direct project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended..

93. Laplace, LA, Levee, Item 133-L. Portions of this work item have previously been surveyed for the presence of cultural deposits. 5 cultural resources are located within 1 mile (1.6 km) of the project area. 1 cultural resources are located within the project ROW. The late 19th century historic structure is considered Not Eligible for the NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

94. Lower Edgard 131.7 R, LA, Levee, Item 131.7-R. Portions of this ROW have previously been surveyed for the presence of cultural deposits. 3 cultural resources are located within 1 mile (1.6 km) of the project area. 2 cultural resources are located within the project ROW. Site 16SC31 is considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Site 16SC88 is Not Eligible for the NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

95. 35 Mile Point, LA, Levee, Item 130-L. Portions of this ROW have previously been surveyed for the presence of cultural deposits. 7 cultural resources are located within 1 mile (1.6 km) of the project area. No cultural resources are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

96. Hahnville, Flagville, Dufresne 120-128.5 R, LA, Levee, Item 124.3-R. Portions of this ROW have previously been surveyed for the presence of cultural deposits. 98 cultural resources are located within 1 mile (1.6 km) of the project area. 30 cultural resources are located within the project ROW. Sites 16SC19, 16SC20, 16SC22, 16SC47, 16SC55-59, and 16SC72 are all considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). 20 historic structures were previously recorded with in the project ROW but they are likely plotted incorrectly and thus believed to lie outside the direct project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

97. Bonnet Carre to New Sarpy, LA, Levee, Item 124-L. Portions of this ROW have previously been surveyed for the presence of cultural deposits. 42 cultural resources are located within 1 mile (1.6 km) of the project area. 4 cultural resources are located within the project ROW. 4 historic structures were previously recorded with in the project ROW but they are likely plotted incorrectly and thus believed to lie outside the direct project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

98. Lone Star to Davis Pond, LA, Levee, Item 119.2-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 6 cultural resources are located within 1 mile (1.6 km) of the project area. 1 cultural resources is located within the project ROW. Site 16SC74 is considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

99. Davis Pond Freshwater Diversion Structure Floodwall, LA, Floodwall, Item 118.5- R. Multiple cultural resources investigations have occurred in the general vicinity of work item and three historic archeological sites that dated from the nineteenth century have been recorded in the area. Previous work completed by Jones et al. (1994) and Wells et al. (2010) for the Davis Pond Diversion appears to have provided complete coverage of the currently proposed project item; furthermore, construction activities associated with the existing structure likely have destroyed all cultural resources in the immediate vicinity of the project item. While data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that there may have been a high potential for the presence of cultural resources, additional investigation for cultural resources may not be warranted. However, following the process outlined in the MRL SEIS II PA, USACE will document this.

100. Ama #2, LA, Levee, Item 117.3-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 27 cultural resources are located within 1 mile (1.6 km) of the project area. 1 cultural resources is located within the project ROW. Site 16SC61 is Not Eligible for NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

101. Cyanamid, LA, Levee, Item 115.5-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 13 cultural resources are located within 1 mile (1.6 km) of the project area. 1 cultural resources are located within the project ROW. Site 16SC63 is Not Eligible for the NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

102. St. Rose (Kenner Revet), LA, Levee, Item 115-L. Portions of this work item have previously been surveyed for the presence of cultural deposits. 20 cultural resources are located within 1 mile (1.6 km) of the project area. No cultural resources are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

103. Ama, LA, Levee, Item 113.5-R. Portions of this work item have previously been surveyed for the presence of cultural deposits. 11 cultural resources are located within 1 mile (1.6 km) of the project area. 2 cultural resources are located within the project ROW. Site 16JE141 is Not Eligible for NRHP, while sites 16JE25 is considered Unknown for NRHP eligibility applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA further historic property identification and evaluation is recommended.

104. Waggaman and Bridge City Levee and Floodwall, LA, Floodwall, Item 109.6-R. Reported as 110R in RCGA report. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a few historic archeological sites, standing structures, and one NRHP property dated from the eighteenth through twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources, and no archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a low potential for the presence of cultural resources. However, although the Huey P. Long Bridge (LRHI# 26- 00481) has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), this structure likely would constitute an eligible historic resource and its presence within the project area should be given consideration in planning for the proposed undertaking; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

105. Waggaman, LA, Levee, Item 110.4-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a few archeological sites and cemeteries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources, and no archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

106. Upper Avondale, LA, Levee, Item 108.3-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a few historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project area itself has not been subjected to systematic investigation for cultural resources. One archeological site (Site 16JE143) has been recorded in close proximity to the project area, and it has been assessed as not eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

107. Lower Avondale, LA, Levee or Floodwall, Item 107-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a few cemeteries and archeological sites dated from the eighteenth to twentieth centuries have been recorded in the area, the project area itself has only partially been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location

has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

108. Westwego Levee and Floodwall, LA, Floodwall, Item 102.1-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself only partially has been subjected to systematic investigation for cultural resources. No archeological sites or other cultural resources have been recorded directly within the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

109. Dugas to Celotex, LA, Levee, Berm and/or Wells, Item 100.4-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a few historic archeological sites dated from the nineteenth and twentieth centuries have been recorded in the area, the project area itself has only partially been subjected to systematic investigation for cultural resources. No archeological sites or other cultural resources have been recorded directly within the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

110. Nashville Ave. to Napoleon Ave. Floodwall, LA, Floodwall, Item 100-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources, particularly those associated with historic industrial and commercial activities along the river; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

111. Barataria Blvd., LA, Levee, Item 99.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a handful of archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself only partially has been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

112. Louisiana Avenue Wharves C&D, LA, Floodwall, Item 98.7-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the

previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

113. Harvey Lock Forebay – Levee, LA, Levee or Floodwall, Item 98.3-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and several historic archeological sites and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project area itself has not been subjected to systematic investigation for cultural resources. Two archeological sites have been recorded in close proximity to the project area (Sites 16JE208 and 16JE209), and although neither site has been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), they both were noted to be disturbed and lacked potential research value. While the data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that project location may once have had a high potential for the presence of cultural resources, land alterations associated with the construction of the existing lock likely have destroyed any archeological resources in the project area. However, the Harvey Lock structure itself may constitute a cultural resource, and the presence of this potential resource should be taken into consideration during planning for the proposed undertaking; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

114. Louisiana Ave to Jackson Ave Floodwall, LA, Floodwall, Item 98.1-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project area itself has not been subjected to systematic investigation for cultural resources. One archeological site (Site 16OR540) has been recorded in the project area; it has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), but it was recommended to be potentially significant. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

115. Gretna Phase II 97-97.8 R, LA, Levee or Floodwall, Item 97.4-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties that dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16JE211), which has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), and one National Register Historic District, (the Gretna NRHD) occurs in close proximity to the project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

116. Jackson to Thalia, LA Floodwall, Item 96.5-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic

investigation for cultural resources. Two archeological sites have been recorded in the project area (Sites 16OR117 and 16OR177). Due to a high degree of disturbance observed Site 16OR117 was assessed as not eligible for listing on the NRHP, whereas Site 16OR177 has been assessed as eligible for listing on the NRHP, and mitigation prior to redevelopment of the location was recommended. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

117. Thalia St. to Poydras St. Floodwall, LA, Floodwall, Item 95.3-L. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area; however, the project area itself largely has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded directly within the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

118. Spanish Plaza, LA, Floodwall, Item 95-L. Multiple cultural resources investigations have occurred in the general vicinity of Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, and the project item itself has largely been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

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119. Canal St. to Toulouse St. Floodwall, LA, Floodwall, Item 94.8-L. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area. Although the project item itself largely has been subjected to systematic investigation for cultural resources, six sites were located partially within or in close proximity to the project area (Sites 16OR98-103), and these sites have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

120. Algiers Point 93.75-95.5 R, LA, Levee or Floodwall, Item 94.6-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself only partially has been subjected to systematic investigation for cultural resources. Three archeological sites have been recorded in the project area (Sites 16OR093, 16OR125, and 16OR711) and is located partially within the Algiers Point National Register Historic District. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project area location has high potential for the presence of cultural resources; therefore,

following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

121. Dumaine St. Floodwall, LA, Floodwall, Item 94.5-L. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area. Furthermore, much of the project area previously has largely been subjected to systematic investigation for cultural resources. Two archeological sites have been recorded in the project area (Sites 16OR52 and 16OR104), one of which is listed on the NRHP (16OR52) and the other has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

122. Barracks St. to Montegut St. Floodwall, LA, Floodwall, Item 94.1-L. Multiple cultural resources investigations have occurred in the general vicinity of Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area. Furthermore, the project item itself largely has been subjected to systematic investigation for cultural resources. Four archeological sites have been recorded in the project area (Sites 16OR52, 16OR105, 16OR106, and 16OR112). Site 16OR52 currently is listed on the NRHP, and the remaining three sites have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

123. Montegut St. to Independence St. Floodwall, LA, Floodwall, Item 93.6-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has only partially been subjected to systematic investigation for cultural resources. Six archeological sites have been recorded in the project area (Sites 16OR109-114), which have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

124. Independence St. to I.H.N.C. Floodwall, LA, Floodwall, Item 93-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, only a portion of the project item has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16OR107), which has been assessed as not eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, the project item extends within close proximity to the U.S. Army Supply Base National Register Historic District. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and

geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

125. IHNC Lock Forebay 92.6L - Levee, LA, Levee, Item 92.6-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project area itself has not been subjected to systematic investigation for cultural resources. Three archeological sites (Sites 16OR107, 16OR131, and 16OR134) have been recorded in the project area. Of these, Site 16OR134 was assessed as eligible applying the NRHP Criteria for Evaluation (36 CFR 60.4 [ad]), Site 16OR107 was assessed as not eligible, and Site 16OR131 has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, the St. Claude Avenue Bridge (LHRI# 36-01802) also lies within or in close proximity to the current project area, and it also has been recommended as eligible for listing on the NRHP. Finally, the existing IHNC Lock structure itself is eligible for the NRHP constitutes a significant historic resource. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

126. Holy Cross, LA, Levee, Item 92-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. Three archeological sites have been recorded in the project area (Sites 16OR212, 16OR514, and 16OR658), which have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), although portions of Site 16OR212 (Jackson Barracks) are listed in the NRHP. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

127. Arabi Levee and Floodwall, LA, Floodwall, Item 91.2-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project area itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16SB119), which has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [ad]). While data from the examined historic maps indicate little development in the area between the late nineteenth century and the mid-twentieth century, these do not constitute a comprehensive examination of the archeological potential of the area. Activities associated with nearby plantations and the Jackson Barracks, as well as the Chalmette Battlefield, all contribute to the archeological potential of this location. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

128. Domino Sugar, LA, Relief Wells, Item 91-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded directly within the project area. While data from the examined historic maps indicate little development in the area between the late nineteenth century and the mid-twentieth century, these do not constitute a comprehensive examination of the archeological potential of the area. Activities associated with nearby plantations and the Jackson Barracks, as well as the Chalmette Battlefield, all contribute to the archeological potential of this location. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

129. Amstar Levee and Floodwall, LA, Floodwall, Item 90.8-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area,the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. While data from the examined historic maps indicate little development in the area between the late nineteenth century and the mid-twentieth century, these do not constitute a comprehensive examination of the archeological potential of the area. Activities associated with nearby plantations and the Jackson Barracks, as well as the Chalmette Battlefield, all contribute to the archeological potential of this location. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

130. US Coast Guard Reservation, LA, Levee, Item 90.6-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Three archeological sites have been recorded in the project area (16OR123, 16OR124, and 16OR143); the first two were assessed as not eligible for listing on the NRHP, and the latter one has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

131. Chalmette Slip, LA, Levee or Floodwall, Item 90-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of archeological sites, standing structures, cemeteries, and NRHP properties dated from the nineteenth and twentieth

centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site and NRHP District have been recorded partially within the project area: Site 16SB147 and the Chalmette National Historical Park (NPS# 66000889). Furthermore, the Chalmette Slip structure itself is approximately 100 years old, and may constitute a significant historic resource. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended..

132. Chalmette Battle Field (1), LA, Levee or Floodwall, Item 88.5-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16SB147) and is listed on the NRHP. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location in St. Bernard Parish has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

133. Algiers Lock – Levee, LA, Levee, Item 88-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item, the project itself only partially has been subjected to systematic investigation for cultural resources. No cultural resources have been identified within the project item, and only one resource, a cemetery has been recorded within 1.6 km (1 mi) of the project area. Furthermore, constructing of the Algiers Lock and the Gulf Intracoastal Waterway likely have destroyed any archeological resources within the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a low potential for the presence of cultural resources. However, the existing Algiers Lock structure itself is over 50 years old, and may constitute a significant cultural resource; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

134. Chalmette Battle Field (2), LA, Levee, Item 86.1-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Two archeological sites have been recorded in the project area (Sites 16SB104 and 16SB123), and of these, Site 16SB123 has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

135. Stanton, LA, Levee, Item 84.3-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item itself only partially has been subjected to systematic investigation for cultural resources. A single cemetery and several sites has been recorded within 1.6 km (1 mi) of the project item, although no known cultural resources occur within, or directly adjacent to, the project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

136. Oakville to Alliance, LA, Levee, Item 67-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites and cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Seven sites have been recorded in the project area (Sites 16PL85, 16PL86, 16PL111, 16PL115, 16PL122, 16PL169, and 16PL170). Two of these have been assessed as not eligible for listing on the NRHP, and five have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Historic maps depict moderate to heavy occupation of the area from the late nineteenth century onward, and some historic maps depict the presence of cemeteries not depicted on modern maps or indicated by the cemetery records consulted for this study. In summary, the data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

137. Carnaevon to Phoenix, LA, Levee, Item 67-L. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. Ten archeological sites have been recorded partially within or in close proximity to the project area (Sites 16PL37, 16PL44, 16PL88, 16PL89, 16PL106, 16PL114, 16PL116, 16PL121, 16PL129, and 16PL171), and one historic cemetery (English Turn Cemetery) is located nearby. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

138. Alliance to Ironton, LA, Levee, Item 61.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, only a portion of the southern half of the project item itself has been subjected to systematic investigation for cultural resources. Five archeological sites have been recorded in or immediately adjacent to the project area (Sites 16PL105, 16PL109, 16PL110, 16PL261, 16PL269). Two of the sites have been assessed as not eligible for listing on the NRHP, and the remaining three sites have not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence

of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

139. Ironton to Deer Range, LA, Levee, Item 58-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and several historic archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. No cultural resources have been identified directly within or adjacent to the current project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

140. Deer Range to W. Point a la Hache, LA, Levee, Item 52.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and National Register Historic Properties or Districts dated from the late eighteenth to twentieth centuries have been recorded in the area, the project item itself largely has not been subjected to systematic investigation for cultural resources. Five archeological sites have been recorded in the project area (Sites 16PL102, 16PL125, 16PL126, 16PL157, and 16PL266), which have not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

141. Phoenix to Bohemia, LA, Levee, Item 51-L. Multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, and the project item itself has been subjected to systematic investigation for cultural resources. Ten archeological sites have been recorded in the project area (Sites 16PL12, 16PL83, 16PL84, 16PL101/137/141, 16PL103, 16PL135, 16PL136, 16PL143, 16PL144, and 16PL145). Two of these (Sites 16PL84 and 16PL135) have been assessed as eligible for listing on the NRHP applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, the St. Thomas Cemetery (part of Site 16PL12) is located within or in very close proximity to the project item, while the Harlem Plantation House NRHP is located within about 20 m (65.6 ft of the project item. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a moderate potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

142. W. Pt a la Hache to St. Jude, LA, Levee, Item 47.5-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Two archeological sites have been recorded in the project area (Sites 16PL127 and 16PL266), which have not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the

project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

143. Port Sulphur, LA, Levee, Item 37-R. Although multiple cultural resources investigations have occurred in the general vicinity of the Work Item and a number of historic archeological sites, standing structures, cemeteries, and NRHP properties dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has only partially been subjected to systematic investigation for cultural resources. Seven archeological sites have been recorded in the project area (Sites 16PL131, 16PL132, 16PL222, 16PL225, 16PL229, 16PL231, and 16PL266), as was a single cemetery (Old St. Patrick's Cemetery), which was moved in 1952. Site 16PL231 was assessed as eligible for listing on the NRHP, five sites were determined to be not eligible for listing, and the single remaining site has not been assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, although the Old St. Patrick's Cemetery was relocated in 1952, there remains the possibility that some burials were not relocated and still may be located within the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the project location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

A14-3.4 New Orleans District Borrow Pits

All Borrow Pits were reviewed independent of the supporting work items in the New Orleans District due to the later development of the borrow locations. The cultural resources summaries (below) will inform each of the Work Item packages as they are funded for construction and further evaluation by the USACE.

144. Upper Fifth MRL SEIS 2 Pit. Although multiple cultural resources investigations have occurred in the general vicinity of the Upper Fifth MRL SEIS 2 Pit, Louisiana project item, the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Upper Fifth MRL SEIS 2 Pit, Louisiana project item location has a low potential for the presence of cultural resources. While it is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

145. Atchafalaya Basin MRL SEIS 2 Pit 1. Only one cultural resources investigations have occurred in the general vicinity of the Atchafalaya Basin MRL SEIS 2 Pit 1 project item and a single historic archeological site and two modern cemeteries have been recorded in the area. The project item itself has not been subjected to systematic investigation for cultural resources, and due to the lack of data from previous investigations in the vicinity of this project item, any conclusions on its potential for cultural resources must be considered preliminary. The available data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data do suggest that the Atchafalaya Basin MRL SEIS 2 Pit 1 project item location has a low potential for the presence of cultural resources. While it is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

146. Atchafalaya Basin MRL SEIS 2 Pit 2. Although some cultural resources investigations have occurred in the general vicinity of the Atchafalaya Basin MRL SEIS 2 Pit 2 project item and a handful of historic archeological sites, standing structures, and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Atchafalaya Basin Pit 2, Louisiana project item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

147. Pontchartrain MRL SEIS 2 Pit. Although multiple cultural resources investigations have occurred in the general vicinity of the Pontchartrain MRL SEIS 2 Pit and a handful of historic archeological sites, cemeteries, and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, no known cultural resources have been recorded directly within the project item and the project item itself has only partially been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps indicate that cultural resources in the vicinity tend to be situated in close proximity to the Mississippi River and its tributaries, while the proposed borrow pit is set back several hundred meters from the river and within agricultural fields. These data indicate that the Pontchartrain MRL SEIS 2 Pit location has a low potential for the presence of cultural resources. While it is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

148. Lafourche MRL SEIS 2 Pit. No portions of this project work item have been previously been surveyed for the presence of cultural deposits. 5 cultural resources are located within 1 mile (1.6 km) of the project area. No cultural resources are located within the project ROW. Historic cartographic, geomorphological, and soils data suggest portions of this project area have potential for the presence of cultural resources, therefore following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

149. West Jefferson MRL SEIS 2 Pit. Although multiple cultural resources investigations have occurred in the general vicinity of the West Jefferson MRL SEIS 2 Pit and a handful of historic archeological sites and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. The project item is set back from the Mississippi River and within what formerly were undeveloped agricultural fields. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the West Jefferson MRL SEIS 2 Pit location has a low potential for the presence of cultural resources. While it is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

150. Algiers MRL SEIS 2 Pit. Although a few cultural resources investigations have occurred in the general vicinity of the Algiers MRL SEIS 2 Pit, Orleans Parish, Louisiana project item and four historic archeological sites dated from the eighteenth and twentieth centuries have been recorded in the area, the project item itself has only partially been subjected to systematic investigation for cultural resources. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Algiers MRL SEIS 2 Pit, Orleans Parish, Louisiana project item location has a low potential for the presence of

cultural resources. While the Work Item is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

151. Orleans MRL SEIS 2 Pit. Several cultural resources investigations have occurred in the general vicinity of the Orleans MRL SEIS 2 Pit, but the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites, cemeteries, or NRHP properties have been recorded in the area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Orleans MRL SEIS 2 Pit location has a low potential for the presence of cultural resources. While the Work Item is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

152. Lake Borgne MRL SEIS 2 Pit .Although multiple cultural resources investigations have occurred in the general vicinity of the Lake Borgne MRL SEIS 2 Pit project item and a few archeological sites and cemeteries dated from the eighteenth to twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16SB123), which has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, the Lake Borgne Canal, located approximately 75 m (246 ft) south of the proposed project item, is at least 117 years old and may constitute a significant cultural resource. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Lake Borgne Pit, Louisiana project item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

153. Grand Prairie MRL SEIS 2 Pit 1. Multiple cultural resources investigations have occurred in the general vicinity of the Grand Prairie Pit 1 project item and several historic archeological sites and cemeteries dated from the nineteenth and twentieth centuries have been recorded in the area, and the project item itself has been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Grand Prairie Pit 1 project item location has a low potential for the presence of cultural resources. While the Work Item is unlikely to contain cultural resources, USACE must still consult following the process outlined in the MRL SEIS II PA to conclude the Section 106 process.

154. Grand Prairie MRL SEIS 2 Pit 2. Although several cultural resources investigations have occurred in the general vicinity of the Grand Prairie Pit 2 project item and a couple of historic archeological sites and NRHP properties dated from the nineteenth and twentieth centuries have been recorded in the area, the project item itself has not been subjected to systematic investigation for cultural resources. No archeological sites have been recorded in the project area. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Grand Prairie Pit 2 project item location has a high potential for the presence of cultural resources; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

155. Plaquemines MRL SEIS 2 Pit. Multiple cultural resources investigations have occurred in the general vicinity of the Plaquemines Pit project item and a number of historic archeological sites and one cemetery dated from the eighteenth to twentieth centuries have been recorded in the area, and

the project item itself has been subjected to systematic investigation for cultural resources. One archeological site has been recorded in the project area (Site 16PL107), which has not been investigated fully or assessed applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]). Furthermore, one historic cemetery (St. Rosalie Cemetery) is indicated in the general vicinity of the project area, but the exact location of this cemetery is unknown. Data from the previous cultural resources investigations in the area coupled with information derived from historic maps and geomorphologic data indicate that the Plaquemines Pit project item location has a high potential for the presence of cultural resources. Because the location already has been surveyed systematically for cultural resources, additional investigation using traditional survey methods (i.e., transect shovel testing) may not be warranted; however, further investigation may be required to complete an assessment of Site 16PL107 applying the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), and to ascertain the location of the St. Rosalie Cemetery. Finally, it should be noted that the Plaquemines Pit project item extends partially within the proposed boundaries of the control structure for the Mid-Barataria Sediment Diversion Project, which is planned for construction beginning in 2022; therefore, following the process outlined in the MRL SEIS II PA for further historic property identification and evaluation is recommended.

A14-4 ITEM 4: MRL SEIS II PA – SUMMARY (to be replaced by final document)

The PA is still in negotiation between the consulting parties; therefore, it is not being included as a complete document. Negotiations for the development of this document have been extensive.

Document Summary

In summary, the PA defines the parties to the Section 106 consultation and ways to engage additional stakeholders including the public. The PA will be applicable across the three districts, New Orleans District (MVN), Vicksburg District (MVK) and/or Memphis District (MVM) for the current Work Items addressed in this document, as well as Co-located work for any authorized and funded civil works project addressing the enhancement or repair of the MRL features. This includes the co-location of features for the West Bank and Vicinity (WBV) and Lake Pontchartrain and Vicinity (LPV) Projects, but only the portions along the MRL. The PA includes Stipulations defining the necessary steps that must be taken to reach compliance with Section 106 of the National Historic Preservation Act and the process to address to engage each of the seven states, to include committing to follow the state guidelines set for conducting archaeological work and for addressing human remains within project Work Items that may come from state or private lands. Regarding the Federally-recognized Tribes, each has provided or will provide a Point of Contact for consultation, ensured that USACE is committing to treat human remains properly, and that there are adequate provision for consultation with both Federally-recognized Tribes and SHPOs throughout the implementation of the provisions of the programmatic agreement. The PA also addresses Post Review discoveries, dispute resolution procedures and provides processes for amendment or termination. Importantly, it also provides a selection of potential Treatment Measures to address adverse effects, should they occur during the implementation of individual Work Items.

Consulting Parties

Current parties invited to participate in the development of the PA are: the Absentee-Shawnee Tribe of Indians of Oklahoma, the Alabama-Coushatta Tribe of Texas, the Alabama-Quassarte Tribal Town, the Apache Tribe of Oklahoma, the Caddo Nation of Oklahoma, the Cherokee Nation, the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Delaware Nation, Oklahoma, the Delaware Tribe of Indians, the Eastern Band of Cherokee Indians, the Eastern Shawnee Tribe of Oklahoma, the Jena Band of Choctaw Indians, the Kaw Nation, Oklahoma, the Kialegee Tribal Town, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Menominee Indian Tribe of Wisconsin, the Miami Tribe of Oklahoma, the Mississippi Band of Choctaw Indians, the Otoe-Missouria Tribe of Indians, Oklahoma, the Peoria Tribe of Indians of Oklahoma, the Poarch Band of Creeks, the Ponca Tribe of Indians of Oklahoma, the Sac & Fox Nation of Missouri in Kansas and Nebraska, the Sac & Fox Nation, Oklahoma, the Seminole Tribe of Florida, the Shawnee Tribe, The Chickasaw Nation, The Choctaw Nation of Oklahoma, The Muscogee (Creek) Nation, The Osage Nation of Oklahoma, The Quapaw Nation of Oklahoma, The Seminole Nation of Oklahoma, Thlopthlocco Tribal Town, Tunica-Biloxi Tribe of Louisiana, the United Keetoowah Band of Cherokee Indians in Oklahoma, the , the ACHP, the Missouri, Illinois, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana State Historic Preservation Officers (SHPOs), and the National Park Service, National Trails Program; and

Current Draft Treatment Measures

To address adversely effected a historic properties, USACE may propose the application of one or more of the Treatment Measures set out below as part of an implementation plan. If USACE, in consultation with the SHPO of jurisdiction, Federally-recognized Tribes, and other consulting parties, determines that a treatment measure, *not included* in the list below is in the public interest and is the most appropriate means to resolve an adverse effect, USACE would use standard processes to document and implement the other Treatment Measure.

1. **PHOTOGRAPHIC RECORDATION:** USACE, in consultation with the SHPO of jurisdiction, and/or, Federally-recognized Tribe(s), 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. The photographic specifications set out below were previously determined by USACE, in consultation with the appropriate SHPO, to meet archival standards and are provided for guidance. Photographic images may include existing drawings and plans. If the parties determine that it is in the public interest to document a property through the preparation of measured drawings, USACE will initiate consultation to develop an MOA.

A. **Recordation for Standing Structures (Flexible Standards):** The responsible entity will **ensure that a trained professional** photograph 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 USACE, in consultation with the NFS, agent or contractor, SHPO of Jurisdiction, and/or Federally-recognized Tribe(s), and other consulting parties, as appropriate, and will print specifically identified images

i. Digital Photography: The digital photography and color photographs must comply with the "Best" category of requirements from the National Register 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.

ii. 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.

iii. 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.

iv. 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 treatment measure.

v. 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.

vi. 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.

vii. Review: The responsible entity may informally consult with USACE 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 treatment measure.

viii. Distribution: The responsible entity will prepare a minimum of three archival quality copies of the recordation materials and will forward two copies to SHPO of jurisdiction and one copy to the U.S, Army Corps of Engineers, Office of History, Humpreys Engineer Center. In consultation with the NFS, SHPO of jurisdiction, and/or Federally-recognized Tribe(s), and other consulting parties, as appropriate, may identify additional archives and/or parties that will receive copies of the recordation materials. The responsible entity will provide USACE with documentation confirming that the recordation materials have been archived as described in the treatment measure.

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 **Historic American Building Standards (HABS), the Historic American Engineering Standards (HAER); or the Historic American Landscape Standards (HALS) at Level III, Level II or Level I**. During the development of the Treatment Plan USACE will coordinate with the NPS, SHPO of jurisdiction and appropriate Federally-recognized Tribe(s), as necessary to make the selection. For any project requiring recordation to any of these standards, USACE will ensure that a trained professional photograph 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 USACE, in consultation with the NFS, SHPO of jurisdiction, and/or the appropriate

Federally-recognized Tribe(s), and other consulting parties, as appropriate, and will print specifically identified images and produce the required historical narrative:

2. Public Interpretation

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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 the SHPO of jurisdiction may request that the proposed historical marker conform to the requirements of the state in question, and request that the NFS apply to state programs to provide for a uniform interpretive program.

3. Historical Context Statements

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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 National Park Service's National Historic Landmark Thematic Framework.

4. Oral History Documentation

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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.

5. Historic Property Inventory

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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 toward 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 treatment measure will describe the boundaries of the survey area and the data collection method in keeping with the SHPO of jurisdiction's guidance for surveys and define the survey objective.

6. National Register and National Historic Landmark Nominations

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized Tribe(s), and other consulting parties, as appropriate , to identify the individual properties that would benefit from a completed National Register of Historic Places (NRHP) or National Historic Landmark (NHL) nomination form. Once the parties have agreed to a property, the responsible entity will continue to coordinate with USACE, the SHPO of jurisdiction, appropriate Federally-recognized 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. The SHPO of jurisdiction and/or Federally-recognized Tribe(s) will provide adequate guidance to the responsible entity during the preparation of the

nomination form. The responsible entity will work with the SHPO of jurisdiction to ensure the completed NRHP form is presented to the particular state's National Register Review Committee in a timely manner for consideration by the State Historic Preservation Officer and the Keeper of the Register.

7. Geo-References of Historical Maps and Aerial Photographs

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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 USACE, the appropriate SHPO, Tribe(s), and other consulting parties, SHPO, and/or 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 USACE, the appropriate SHPO, Tribe(s), and other consulting parties, SHPO, and/or 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.

8. Archaeological Research Design and Data Recovery Plan

USACE shall develop and implement a data recovery plan with a research design in consultation with the SHPO of jurisdiction, appropriate Federally-recognized 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 Secretary of the Interior's Guidelines for Archaeological Documentation (http://www.nps.gov/history/local-law/arch_stnds_7.htm) ACHP's recommendations on the recovery of significant information from archaeological sites. http://www.achp.gov/archguide.html. All work shall conform to the most current guidelines per the SHPO of jurisdiction and as augmented by Federally-recognized Tribal or other local guidelines, as provide in Stipulation VI. Standards, and, if applicable, Stipulation IX. Treatment of Human Remains and Items of Religious and Cultural Importance.

9. Marketing Plan for Demolition or Abandonment

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized tribe(s), and other consulting parties, as appropriate, to develop and implement a feasible marketing plan to advertise the availability of historic structures identified for demolition or abandonment for sale and/or relocation. A good faith and reasonable marketing plan will include publicizing and advertising the property in newspapers, magazines, and/or websites of record for a specific period of time. The plan may require the purchaser to relocate the property outside of the Special Flood Hazard Area (100-year floodplain), and the plan will give preference to a purchaser who proposes to use a professional house mover that follows the recommendations in Moving Historic Buildings by John Obed Curtis (1975, reprinted 1991 by W. Patram for the International Association of Structural Movers) or other similar updated reference material. If a good faith and reasonable marketing effort does not result in the identification of a party or parties willing to purchase and, if necessary, relocate the property, the property may be demolished or abandoned. This marketing plan will be used in conjunction with Treatment Measure I, Recordation Package. USACE will ensure that the property is recorded prior to relocation or demolition.

10. Salvage

The NFS or contractor shall work with USACE, the SHPO of jurisdiction, and/or appropriate Federally-recognized Tribe(s), and other consulting parties, as appropriate, to identify selective architectural elements that may be salvaged from a building/structure slated for demolition. The elements will be removed at the agent or contractor's expense. The salvaged elements may be re-used in another structure or in displays for educational purposes. As an alternative, the agent or contractor, in consultation with USACE, NFS, 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.

11. Assessment and Reduction of Vibratory Affects

USACE, and/or the NFS shall consult with the SHPO of jurisdiction, appropriate Federally-recognized 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) or similar. Generalized steps are the following: 1) Consultation between 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. 2) Documentation of the condition of the building prior to commencement of adjacent work, including a detailed photo survey of existing damage as specified in the particular treatment plan. 3) Establishment of vibration limits not to be exceeded based on condition of building, founding soil conditions, and type of construction vibration. 4) Implementation of protective measures at both the construction site and the historic building, which could include specific means and methods to be used and those that will not be used and as specified in the BCOES. 5) Implement regular monitoring during construction to identify damage, evaluate the efficacy of protective measures already in place and to identify and implement additional corrective steps. The results of any implemented plan will be shared with the consulting parties to the particular adverse effect and summarized in the annual plan.

<u>The MRL SEIS II PA current title is:</u>

PROGRAMMATIC AGREEMENT

AMONG THE
U.S. ARMY CORPS OF ENGINEERS (USACE), MEMPHIS, NEW ORLEANS, AND VICKSBURG DISTRICTS
THE CHICKASAW NATION;
THE CHOCTAW NATION OF OKLAHOMA;
THE OSAGE NATION;
THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER;
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER;
THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER;
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER;
THE MISSISSIPPI STATE HISTORIC PRESERVATION OFFICER;
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER;
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER;
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE MISSISSIPPI RIVER AND TRIBUTARIES PROJECT:
MISSISSIPPI RIVER LEVEE FEATURES