

Sabine Neches Navigation Improvement Project Integrated Section 203 Feasibility Report and Environmental Assessment

Appendix L Section 106 Programmatic Agreement



February 2026



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT RD.
GALVESTON, TX 77550

NOV 29 2023

Mr. Randall Reese
Executive Director and CEO
Sabine Neches Navigation District
8180 Anchor Drive
Port Arthur, Texas 77642

Dear Mr. Reese:

The U.S. Army Corps of Engineers, Galveston District (USACE) has executed a Programmatic Agreement (PA) pursuant to 36 CFR 800.14 (b) for the Sabine Neches Waterway Channel Improvement Project in Jefferson County, Texas. This PA outlines the process for addressing the potential effects on historic properties that may result from construction activities and potential effects during the operation and maintenance of the existing and proposed project. A signed, executed copy of the PA is included for your records.

Thank you for your cooperation in this process. If you have any questions or if you need any additional information concerning this project, please contact Ryan Miranda at (409) 239-8510, ryan.w.miranda@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Blackmon".

Rhett A. Blackmon, P.E.
Colonel, U.S. Army
Commanding

Enclosure

PROGRAMMATIC AGREEMENT
AMONG THE
THE U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
THE SABINE NECHES NAVIGATION DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER.

REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR
CONSTRUCTION OF NAVIGATION IMPROVEMENTS AND MAINTENANCE
MEASURES FOR THE SABINE – NECHES WATERWAY,
SOUTHEAST TEXAS AND SOUTHWEST LOUISIANA

WHEREAS, the signatories for this Programmatic Agreement (hereinafter “PA”) are the U.S. Army Corps of Engineers, Galveston District (hereinafter “USACE”); the Sabine Neches Navigation District (hereinafter “SNND”); the Texas Historic Preservation Officer; and the Louisiana State Historic Preservation Officer; and

WHEREAS the consulting parties for this PA are Native American Indian Tribes that attach religious and cultural significance to identified historic properties; and

WHEREAS, the U.S. Army Corps of Engineers, Galveston District has determined that navigation improvements and ongoing maintenance of the Sabine-Neches Waterway (hereinafter, “undertakings”) may have an effect on properties eligible for inclusion in the National Register of Historic Places (hereinafter “NRHP”) (hereinafter, “historic properties”) pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C § 470) (hereinafter “NHPA”) and its implementing regulation, “Protection of Historic Properties,” (36 CFR § 800); and

WHEREAS, the Sabine-Neches Waterway (hereinafter “SNWW”), a federal navigation project that is administered by the USACE under the authority of the Rivers and Harbors Act of 1899; and

WHEREAS, navigational improvements described in the Final Feasibility Report (hereinafter “FFR”) and the Final Environmental Impact Statement (hereinafter “FEIS”), dated March 2011, the Report of the Chief of Engineers, dated July 22, 2011, and Project Partnership Agreement between the Department of the Army and the Sabine-Neches Navigation District for Sabine-Neches Waterway Channel Improvement Project Southeast Texas and Southwest Louisiana, dated July 26, 2019 that address navigation improvement opportunities along the Texas and Louisiana border and are under construction; and

WHEREAS, the Sabine-Neches Navigation District is a political subdivision of the state of Texas operating in Jefferson County for over 100 years and has initiated a feasibility study of additional navigation improvements to the SNWW, Texas and

Louisiana, under the authority of Section 203 of the Water Resources Development Act, 1986 (hereinafter “WRDA”), as amended by Section 101 of WRDA 2020; and

WHEREAS, the SNND is the non-federal partner with the USACE for undertakings and is providing all lands, easements, rights-of-way, relocations, removals, and upland placement areas necessary for the SNWW channel improvement construction and operation; and

WHEREAS, the Area of Potential Effects (hereinafter “APE”) shall be established by the USACE in consultation with the appropriate State Historic Preservation Officer (Hereinafter “SHPO”) and shall include all areas to be directly and indirectly affected by new dredging and channel construction, construction staging and access areas, new or extensions of existing placement areas, ecological mitigation features, areas affected by the beneficial uses of dredged material, changes to aids to navigation, and ongoing maintenance dredging activities related to the SNWW project; and

WHEREAS, the size of the project area and the number of alternatives being studied for proposed channel improvements make it necessary to defer final identification and evaluation of historic properties until authorization of proposed improvements is obtained; and

WHEREAS, the USACE, the Texas and Louisiana SHPOs and the SNND agree that it is advisable to accomplish compliance with Section 106 through the development and execution of this PA in accordance with 36 CFR § 800.6 and 36 CFR § 800.14(b)(3); and

WHEREAS, the USACE sent letters requesting comment on this PA to the Apache Tribe of Oklahoma, the Alabama-Coushatta Tribe of Texas, the Alabama-Quassarte Tribal Town, the Coushatta Tribe of Louisiana, the Caddo Tribe of Oklahoma, the Choctaw Nation, the Eastern Shawnee Tribe of Oklahoma, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Tonkawa Tribe of Indians of Oklahoma, the Tunica-Biloxi Tribe of Louisiana, and the Wichita and Affiliated Tribes for which the undertaking was believed to be in these Tribal Nations areas of interest, from which no commentary was received; and

WHEREAS, the USACE has invited the Advisory Council on Historic Preservation (hereinafter “ACHP”) to determine whether the ACHP wishes to enter into the Section 106 process, from which ACHP provided a non-participation response; and

NOW, THEREFORE, the USACE, the SNND, and the SHPOs, agree that the proposed undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertakings on historic properties and to satisfy the USACE’s Section 106 responsibilities for all individual aspects of the undertaking.

STIPULATIONS

The USACE will ensure that the following stipulations are carried out:

I. Identification, Evaluation, Effect Determination and Resolution

A. *Scope of Undertaking.* This PA shall be applicable to all construction activities related to the SNWW channel improvement project, activities related to maintenance dredging, and additional navigation improvements to the SNWW, Texas and Louisiana, under the authority of Section 203 of WRDA, as amended by Section 101 of WRDA 2020.

B. *Secretary of the Interior's Qualifications and Standards.* The USACE shall ensure that that the Principal Investigator (PI) hired to conduct the work will meet the Secretary of Interior's standards and that all work conducted in conjunction with this PA is performed in a manner consistent with the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation", as amended (48 Federal Register 44716-44740; September 23, 1983), or the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR § 68), as appropriate.

C. *Definitions.* The definitions set forth in 36 CFR § 800.16 are incorporated herein by reference and apply throughout this PA.

D. *Texas Professional Qualifications, Requirements, and Antiquities Permit.* The USACE shall ensure that the PI hired to conduct the work meets the Professional Qualifications and Requirements listed in the Texas Administrative Code (TAC) § 26.4 and is able to be issued a Texas Antiquities Permit. The USACE shall ensure that before any construction work on state-owned (public) land is initiated, the Texas State Historic Preservation Officer shall be notified and undertake the process of obtaining an Antiquities Permit.

E. *Louisiana Professional Qualifications, Requirements, and Antiquities Permit.* The USACE shall ensure that the PI hired to conduct the work meets the Professional Qualifications and Requirements listed in the Louisiana Administrative Code tit. 25 § I-102.

F. *Identification of Historic Properties.* Prior to the initiation of construction or maintenance activities, the USACE and SNND shall make a reasonable and good faith effort to identify historic properties located in the APE in accordance with 36 CFR § 800.4. These steps may include, but are not limited to, background research, consultation, oral history interviews, sample field investigations, and field surveys. The level of effort for these activities shall be determined in consultation with the appropriate SHPO, the SNND, and consulting party(ies). If no historic properties are identified in the APE, the USACE shall document this finding pursuant to 36 CFR § 800.11(d) and retain this documentation in USACE files for at least seven (7) years.

G. *Evaluation of National Register Eligibility.* If historic properties are identified within the APE, the USACE shall determine their eligibility for the National Register of Historic Places (NRHP) in accordance with the process described in 36 CFR § 800.4(c) and the criteria established in 36 CFR § 60. The determination of cultural significance shall be conducted in consultation with the appropriate SHPO, the SNND, and the consulting party(ies). Should the appropriate SHPO agree with the USACE determination that a property is or is not eligible, such consensus shall be deemed conclusive for the purpose of the PA. After coordination under this agreement, should the appropriate SHPO not concur with the USACE determination regarding the eligibility of a property, the USACE shall obtain a determination of eligibility from the Keeper of the National Register of Historic Places pursuant to 36 CFR § 63.2.

H. *Assessment of Adverse Effects*

1. *No Historic Properties Affected.* The USACE shall make a reasonable and good faith effort to evaluate the effect of each undertaking on historic properties in the APE. The USACE may conclude that no historic properties are affected by an undertaking if no historic properties are present in the APE. This finding shall be documented in compliance with 36 CFR § 800.11(d) and shared with the appropriate SHPO. Upon receipt, the appropriate SHPO shall have thirty (30) calendar days in which to review the findings and provide a written response to the USACE. The documentation shall also be retained by the USACE for at least seven (7) years. The USACE shall provide information on the finding to the public upon request, consistent with the confidentiality requirements of 36 CFR § 800.11(c).

2. *Finding of No Adverse Effect.* The USACE, in consultation with the appropriate SHPO, the SNND, and consulting party(ies), shall apply the criteria of adverse effect to historic properties within the APE in accordance with 36 CFR § 800.5 and as defined in 36 CFR § 800.16(i). The USACE may propose a finding of no adverse effect if the undertaking's effects do not meet the criteria of 36 CFR § 800.5(a)(1) or the undertaking is modified to avoid adverse effects in accordance with 36 CFR § 68. The USACE shall provide documentation of this finding which meets the requirements of 36 CFR § 800.11(e) to the appropriate SHPO. Upon receipt, the appropriate SHPO shall have 30 calendar days in which to review the findings and provide a written response to the USACE. The USACE may proceed with the undertaking upon receipt of written concurrence from the appropriate SHPO. Failure of the appropriate SHPO to respond within thirty (30) days of receipt of the no adverse effect finding shall be considered agreement with the finding. The USACE shall notify all consulting parties and signatories, and maintain a record of the finding and provide information on the finding to the public upon request, consistent with the confidentiality requirements of 36 CFR § 800.11(c). If the appropriate SHPO objects within 30 days of receipt of the findings, USACE shall consult with the appropriate SHPO to resolve the disagreement or forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to 36 CFR 800.4(d)(1)(iv)(A) through (d)(1)(iv)(C). USACE will concurrently notify all consulting parties that such a request has been made and make the request documentation available to the public.

3. *Resolution of Adverse Effect.* If the USACE determines that the undertaking will have an adverse effect on historic properties as measured by criteria in 36 CFR § 800.5(a)(1), the agency shall consult with the appropriate SHPO, the SNND, and the consulting party(ies) to resolve adverse effects in accordance with 36 CFR § 800.6.

a. For historic properties that the USACE and the appropriate SHPO agree will be adversely affected, the USACE shall:

- 1) Consult with the appropriate SHPO to identify other individuals or organizations to be invited to become consulting parties. If additional consulting parties are identified, the USACE shall provide to them copies of documentation specified in 36 CFR § 800.11(e) subject to confidentiality provisions of 36 CFR § 800.11(c).
- 2) Afford the public an opportunity to express their views on resolving adverse effects in a manner appropriate to the magnitude of the project and its likely effects on historic properties.
- 3) Consult with the appropriate SHPO, the SNND, and consulting party(ies) which have indicated an interest in the undertaking, to seek ways to avoid, minimize or mitigate adverse effects.
- 4) Prepare a historic property treatment plan which describes the mitigation measures that the USACE proposes to resolve the undertaking's adverse effects, and provide this plan for review and comment to the appropriate SHPO, the SNND, and consulting party(ies) that have indicated an interest in the undertaking. Upon receipt, all signatories shall have thirty (30) calendar days in which to provide a written response to the USACE.

b. If the USACE and appropriate SHPO fail to agree on how adverse effects will be resolved, the USACE shall request that the ACHP join the consultation. USACE will provide the ACHP with documentation pursuant to 36 CFR § 800.11(g).

- 1) If the ACHP agrees to join the consultation, the USACE shall proceed in accordance with 36 CFR § 800.9.
- 2) If, after consulting to resolve adverse effects pursuant to Stipulation of this PA, the ACHP, USACE, or SHPOs determines that further consultation will not be productive, then any party may terminate consultation in accordance with the notification requirement and process prescribed by 36 CFR § 800.7.

- I. USACE will compile an annual report which documents the activities and actions carried out under this agreement which will be distributed for informational purposes to the consulting party(ies) no later than 1 February of each calendar year.

II. Post Review Changes and Discoveries

A. *Changes in the Undertaking.* If construction on the undertaking has not commenced and the USACE determines that it will not conduct the undertaking as originally coordinated, the USACE shall reopen consultation pursuant to Stipulation I E – F if historic properties are located in the APE.

B. *Unanticipated Discoveries or Effects.* Pursuant to 36 CFR § 800.13(a)(2), if historic properties are discovered after construction on an undertaking has begun, or unanticipated effects on historic properties are found after construction on an undertaking has commenced, the USACE shall develop a treatment plan to resolve adverse effects and notify the appropriate SHPO, the SNND, and any consulting party(ies) within two working days of the discovery. The notification shall include the USACE assessment of National Register eligibility of affected properties and proposed actions to resolve the adverse effects. Comments received from the SHPO, the SNND, or other consulting party(ies) within two (2) working days of the notification shall be taken into account by the USACE in carrying out the proposed treatment plan. The USACE may assume concurrence from the appropriate SHPO in the historic property's eligibility assessment by USACE unless otherwise notified by the appropriate SHPO. The USACE shall provide a summary in their annual report of actions taken under subsection II B. In addition, the summary will be provided to the consulting party(ies) involved in any actions under this subsection.

III. Curation and Disposition of Recovered Materials and Records

A. The USACE shall ensure that all archeological materials and associated records owned by the State of Texas or SNND, which result from identification, evaluation, and treatment efforts conducted under an Antiquities Permit according to this PA, are accessioned into a curational facility that has been certified or granted provisional status by the Texas SHPO in accordance with the Texas Administrative Code, Title 13, Part 2, Chapter 29.6 and meets the standards of 36 CFR § 79, except as specified in Stipulation IV for human remains. Management and care of artifacts and collections shall follow the Texas Administrative Code, Title 13, Part 2, Chapter 29. Archeological items and materials from privately-owned lands in Texas shall be returned to their owners upon completion of analyses required for Section 106 compliance under this PA.

B. Archeological collections generated from Louisiana lands shall be prepared for curation according to the collection's standards of the Louisiana Division of Archeology and curated with the Louisiana Division of Archeology. Archeological items and materials from privately-owned lands may be returned to owners if requested. Private property owners in Louisiana shall be encouraged to curate with the state of Louisiana to ensure

long-term preservation and future research potential of non-state owned collections. All associated records from archeological sites in Louisiana shall be curated with the Louisiana Division of Archeology.

IV. Treatment of Native American Human Remains

A, Texas:

1. *Prior Consultation of Native American Burials.* If the USACE's investigations conducted pursuant to Stipulation I of this PA indicate a high likelihood that Native American human remains may be encountered, the USACE shall develop a treatment plan for these remains in consultation with the Texas SHPO, the SNND, and any consulting party(ies). The USACE shall ensure that Tribes indicating an interest in the undertaking are afforded a reasonable opportunity to identify concerns, advise on identification and evaluation, and participate in the resolution of adverse effects in compliance with the terms of this PA.

2. *Inadvertent Discovery in Texas.* Immediately upon the inadvertent discovery of human remains during historic properties investigations or construction activities conducted pursuant to this PA, the USACE shall ensure that all ground disturbing activities cease in the vicinity of the human remains and any associated grave goods. Within two working days of the discovery, the USACE shall initiate consultation with the Texas SHPO and any consulting party(ies). Pursuant to Chapter 711 of Texas Health and Safety Code, remains will not be removed from a plot without written consent of plot owner or Native American Indian Tribe. The USACE shall consult with the Texas SHPO and the Native American Indian Tribes which have expressed an interest in the undertaking in an effort to develop a plan for resolving the adverse effects.

B. Louisiana:

1. *Prior Consultation of Native American Burials.* If the USACE's investigations conducted pursuant to Stipulation I of this PA indicate a high likelihood that human remains may be encountered, the USACE and Louisiana Division of Archaeology shall consult under the terms of the Louisiana Unmarked Human Burials Site Preservation Act (R.S. 8:671-681) to prepare a permit for their removal and reinterment. The Division of Archaeology shall have the responsibility of consulting with USACE, Tribes, and other interested parties as appropriate to develop a treatment plan for any remains encountered. The treatment plan will include a detailed scope of work for the identification, and if necessary, removal, documentation, and reinterment of all human remains. Upon agreement by the USACE, the Appropriate SHPO, and the appropriate consulting party(ies), the Division shall issue a permit for the investigation.

2. *Inadvertent Discovery in Louisiana.* If an unmarked burial site, or human skeletal remains are discovered in Louisiana, the USACE shall notify the local law enforcement office within 24 hours and the Louisiana Division of Archaeology within 72 hours. Upon discovery, all disturbing activity shall cease and shall not resume until the

Louisiana Division of Archeology has consulted with USACE, Tribes, and other interested parties as appropriate under the Louisiana Unmarked Human Burials Sites Preservation Act (R.S. 8:671-681) to develop a plan for addressing the discovery. This shall be done within thirty (30) days. The primary goal will be to redefine the project to avoid disturbing the remains. If the remains cannot be avoided, the Division of Archaeology, in consultation with USACE, Tribes and other parties as appropriate, shall develop a mitigation plan under a permit from the Division to disinter, document, and reinter the human remains.

C. *ACHP's "Policy Statement regarding Treatment of Burial Sites, Human Remains and Funerary Objects"* (March 1, 2023). The USACE will abide by the principles and policy set forth by the ACHP in "Policy Statement regarding Treatment of Burial Sites, Human Remains and Funerary Objects" as published on March 1, 2023.

D. *Dispute Resolution*. If, during consultations conducted under paragraphs A and B of this stipulation, the appropriate SHPO, USACE, and the consulting party(ies) cannot agree upon a consensus plan for resolving adverse effects, the matter shall be referred to the ACHP for resolution in accordance with the procedures outlined in 36 CFR § 800.9.

V. PA Amendments, Disputes, and Termination

A. *Amendments*. Any party to this PA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR § 800.6(c)(7) to consider such an amendment. The amendment will be effective on the date a copy, signed by all of the signatories, is filed by the ACHP.

B. *Disputes*. Should any signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the USACE shall consult with such party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP in accordance with the procedures outlined in 36 CFR § 800.9. The ACHP shall provide the USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide the signatories with a copy of the written response. The USACE will then proceed according to its final decision.

If the ACHP does not provide advice regarding the dispute within the thirty (30) day time period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide them and the ACHP with a copy of such written response.

The USACE's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

C. *Termination of PA.* Any party to this PA may terminate it by providing sixty (60) days notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination of this PA by the appropriate SHPO, the USACE shall comply with the provisions of 36 CFR § 800 Subpart B. Once the PA is terminated, and prior to work continuing on the undertaking, the USACE must either (a) execute anew PA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The USACE shall notify the signatories as to the course of action it will pursue.

VI. Termination of Consultation

If, after consulting to resolve adverse effects pursuant to Stipulation I, II or IV of this PA, the USACE or the appropriate SHPO determines that further consultation will not be productive, then either party may terminate consultation in accordance with the notification requirements and process prescribed by 36 CFR § 800.7.

VII. Terms of this Agreement

A. This PA shall be effective once all the signatories have signed the agreement.

B. This PA shall be executed in counterparts, with a separate page for each Signatory. The USACE, Galveston District shall provide a complete copy of the executed PA, including all signatory pages and attachments, to all signatories.

C. This PA shall remain in effect for a period of ten (10) years from the last date of its execution by all signatories. Prior to such time, the USACE may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with stipulation V. No later than sixty (60) days prior to the expiration of this PA, the USACE will notify all parties in writing of the impending end of the ten-year period to determine if there are any objections to renewing this PA. If there are no objections received by the USACE prior to expiration of the first 10-year period, the PA will continue to remain in force for a subsequent ten (10) year period.

PROGRAMMATIC AGREEMENT
BETWEEN THE
THE U.S. ARMY CORPS OF ENGINEERS GALVESTON DISTRICT
THE SABINE NECHES NAVIGATION DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER

REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR
CONSTRUCTION OF NAVIGATION IMPROVEMENTS AND MAINTENANCE
MEASURES FOR THE SABINE – NECHES WATERWAY,
SOUTHEAST TEXAS AND SOUTHWEST LOUISIANA

SIGNATORY:
DISTRICT ENGINEER, U.S. ARMY CORPS OF ENGINEERS, GALVESTON



29 Nov 23

Colonel Rhett A. Blackmon, P.E., District Commander

Date

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SIGNATORY:
SABINE-NECHES NAVIGATION DISTRICT



Randall Reese, Executive Director and CEO

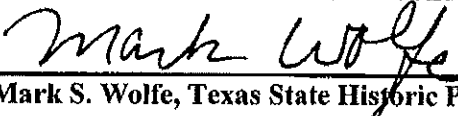
10/4/23

Date

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SIGNATORY:
TEXAS STATE HISTORIC PRESERVATION OFFICER



Mark S. Wolfe, Texas State Historic Preservation Officer

10/18/23

Date

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SIGNATORY:
LOUISIANA STATE HISTORIC PRESERVATION OFFICER

Kristin P. Sanders

September 18, 2023

Kristin P. Sanders, State Historic Preservation Officer

Date

Appendix A- Project Description

Federal agencies are required under Section 106 of the National Historic Preservation Act to “take into account the effects of their undertakings on historic properties” and consider alternatives “to avoid, minimize, or mitigate the undertaking’s adverse effects on historic properties” [(36 CFR 800.1(a-c)] in consultation with the State Historic Preservation Officer (SHPO) and appropriate federally recognized Indian Tribes (Tribal Historic Preservation Officers- THPO) [(36 CFR 800.2(c)]. In accordance with this and other applicable regulations, including the National Environmental Policy Act (NAGPRA), the Native American Graves Protection and Repatriation Act (NAGPRA), The antiquities Code of Texas, and Engineer Regulation (ER) 1105-2-100, the U.S. Army Corps of Engineers (USACE has reviewed of the Texas Historical Commission (THC) ATLAS Database to better determine the existing conditions and potential risks of encountering cultural resources.

This document has been prepared to provide background information supporting coordination of a Programmatic Agreement to ensure that Section 106 requirements will be fulfilled for the study’s Feasibility Report. Information is presented on the project, the Area of Potential Effects (APE), cultural resources in the study area, investigations that have been conducted to identify historic properties, and potential project effects on these properties.

Federal Interest

Federal interest in Water Resources development is established by law. Within the larger Federal interest in water resource development, the USACE is authorized to carry out project in seven mission areas: navigation, flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, water supply, hydroelectric power generation and recreation.

The Sabine Neches Waterway Navigation Channel system consists of 64-mile-long channel that leads from the Gulf of Mexico through the Sabine Pass, past the Port of Orange, Texas, and up past Port Arthur into the Port of Beaumont, Texas. These channels are included in the study area as well as bodies of water such as Sabine Lake and adjacent marshes in Texas and Louisiana, the Neches River Channel up to the new Neches River Saltwater Barrier, the Sabine River channel to the Sabine Island Wildlife Management Area (WMA), the GIWW west to Star Bayou, the GIWW east to Gum Cove Ridge, and the Gulf shoreline extending to 10 miles either side of the Sabine Pass (See Figure I-1). This project is supporting industry within the navigation system but allowing deep draft vessels further into the system and increasing the ability of the ports to support more shipping.

Project Purpose

This Project is being performed under the authorization derived in response to June 5, 1997, Senate resolution from the Committee on Environment and Public Works. The resolution states:

The Secretary of the Army shall review previous reports on the Sabine-Neches Waterway published as Document No. 80, 83rd Congress, Second Session, House Document No. 533, 87th congress, Second Session; and other pertinent reports to determine the feasibility of modifying the channels serving the ports of Beaumont, Port Arthur, and Orange, Texas, in the interest of commercial navigation.

The primary purpose of this study is to make improvements to the Sabine Neches Waterway Navigation channel system to support industry within the system. These improvements include the deepening and

extending of the channels leading into the Sabine Pass around Port Arthur and the Port of Beaumont, adjusting pipelines to meet required horizontal and vertical clearances, hardening bridge supports, and the expansion of upland placement areas for dredging material.

Recommended Plan

The Recommended Plan for this project calls for a 48-foot-deep channel from Sabine Pass Channel to the Port of Beaumont on the Neches River Channel with no additional widening, widening and deepening of Taylor Bayou turning basins and channels to 48 feet, and several turning basins and anchorage basins on the Neches River Channel. The Recommended Plan would increase the existing channel depth by 8 feet, increasing the inland portion from 40 to 48 feet and increasing the existing offshore portions from 42 to 50 feet (plus over depth and advance maintenance as needed). Two feet of over depth and 2 feet of advance maintenance are included for the entire channel length. In high shoaling areas, additional advance maintenance is required to maintain current maintenance dredging cycles along the waterway. The existing offshore channel will also be extended by approximately 13.2 miles at a water bottom width of 700 feet. The total length of the SNWW with the proposed channel modifications would be approximately 77 miles. No modifications to the existing Sabine Pass jetties are required by the proposed project. Currently, cultural resource investigations and geotechnical surveys have taken place within the project area and construction of a portion of the Channel is contracted to begin soon.

Cultural Resources

Archival and historical research was conducted to develop a baseline level of knowledge for prehistoric and historic period cultural developments and to identify archeological and historical sites previously recorded in the project area. A review of published historical literature and previous archeological investigations yielded useful information for developing a chronology of cultural resources maintained by the Texas and Louisiana State historic preservation offices were relied upon to identify previously recorded archeological and historical sites within the project areas.

Cultural resources found in the project vicinity are generally of the following common types. Terrestrial prehistoric sites typically found in the project vicinity consist of eroded or partially eroded prehistoric shell midden sites. The majority of the shell middens are located along the main waterways, oxbows, and near the coast. Approximately 80 percent of these sites are comprised primarily of shells from the brackish-water clam (*Rangia Cuneata*) mixed with sparse pottery shards and faunal food remains. Some sites located closer to the coast also contain shells from the eastern oyster. Historic terrestrial sites in the project vicinity are related primarily to civil war military forts and outposts, although a few National Register structures such as the Sabine Pass Lighthouse and the Rainbow Bridge, are also present. The most typical marine sites in the project area are Civil War shipwrecks.

Area of Potential Effects and Scope of Work

APE includes the Recommended Plan as well as the marsh surrounding Sabine Lake where any dredge material will be used for ecosystem restoration projects. The Recommended Plan has the potential to affect historic properties since numerous prehistoric and historic sites, structures, and shipwrecks are located adjacent to the project area. Cultural resource surveys have been conducted within the study area (Gearhart 2019 and Foster et.al 2014) and others are in the process to be completed in the coming

years. The scope of this project and cultural resource surveys has been and will continue to be coordinated with the Texas and Louisiana State Historic Preservation Officers, respectively, and appropriate Tribal Nations.

References

Gearhart, Robert

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Appendix B- Maps

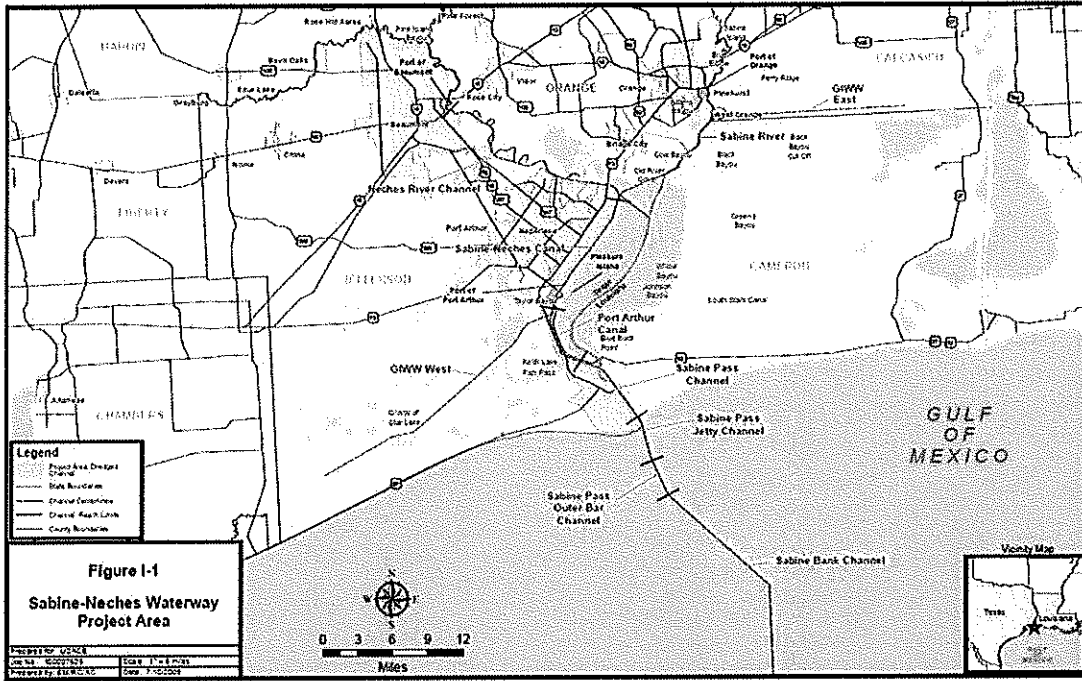


Figure I-1
Sabine-Neches Waterway
Project Area

