

Appendix E: Resource Agency and Public Coordination

Record of Coordination Activities



Jefferson County Ecosystem Restoration Study Public Notice

Posted 4/18/2017

Release no. 17-011

GALVESTON, Texas (April 18, 2017) – The U.S. Army Corps of Engineers Galveston District (USACE), in partnership with Jefferson County and the Sabine Neches Navigation District, is preparing an Integrated Feasibility Report and Environmental Assessment (EA) for the Jefferson County Ecosystem Restoration Study in Jefferson County, Texas. The study will help contribute to larger ongoing efforts to improve, preserve and sustain ecological resources along the Texas coast by stakeholder groups, non-governmental organizations and government agencies at the local, state and federal levels.

What is Jefferson County Ecosystem Restoration?

Jefferson County contains the largest contiguous estuarine marsh complex in Texas. The Chenier Plain landscape sustains a very high level of productivity within the freshwater to estuarine marsh, coastal prairie grasslands, tidal flats, creeks and basins of the system. This diversity of communities creates an extremely productive complex array of fish and wildlife resources, outdoor recreation opportunities and storm protection. The area is extremely important for commercial and recreational fisheries productivity and for wintering and migratory bird habitat.

The vast resources found in the coastal system are rapidly degrading due to a variety of changes in the system induced by development and natural processes. The Jefferson County coastal system is in need of aquatic habitat restoration due to several identified problems contributing to degradation of habitat for fish and wildlife using beaches, dunes and marshes. The key factors identified as having a negative effect on the aquatic habitat include: erosion, decreased sediment supplies, decreased drainage, decreased freshwater inflows, tidal influences and increasing salinities.

What is a U.S. Army Corps of Engineers Civil Works Feasibility Study?

A Civil Works feasibility study is the initial step in the USACE process for addressing many of the nation's significant water resources needs and typically focuses on one or more of USACE's key mission areas: flood risk management, navigation, or ecosystem restoration. After Congress has both authorized and appropriated funds to begin a study, USACE works with a non-federal sponsor (sponsor) and a multi-disciplinary Project Delivery Team to conduct a feasibility study. A feasibility study establishes the federal interest, engineering feasibility, economic justification and environmental acceptability of a water resources project recommended for congressional authorization and construction. Specifically, the Corps and the sponsor work together to identify water resources problems, formulate and evaluate solutions, resolve conflicting interests and prepare recommendations. Feasibility studies are cost shared equally between the sponsor and the federal government. Typically, the feasibility study and resulting recommendation for project authorization in the form of a Chief's Report should be completed at a total cost of \$3 million and within three years of study initiation.

How can you participate in the study process?

If you would like to provide input on the study, please provide comments to JCSER@usace.army.mil. For more news and information, visit www.swg.usace.army.mil. Find us on Facebook, www.facebook.com/GalvestonDistrict or follow us on Twitter, www.twitter.com/USACEgalveston.



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

April 3, 2017

**Agency Scoping Meeting Invitation
Jefferson County, Texas Ecosystem Restoration Feasibility Study**

The U.S. Army Corp of Engineers (USACE) Galveston District, in partnership with Jefferson County, is initiating the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, for the Jefferson County Ecosystem Restoration Feasibility Study (Enclosure). The EA will be integrated into a Feasibility Report that will describe the results of investigations and analyses used to determine the feasibility of restoring the aquatic habitat along the Jefferson County coastline. The study will help contribute to larger ongoing efforts to improve, preserve, and sustain ecological resources along Texas' coast by stakeholder groups, non-governmental organizations, and government agencies at the local, state, and federal level.

Your agency has been identified as having interest in the proposed project based on your jurisdiction by law and/or special expertise. We are hosting a resource agency scoping meeting via webinar on May 2, 2017 from 1:00 to 3:00 pm, at which time we will present the study background and work completed to date. Subsequent meetings, including at least one additional webinar and a 2-day workshop, will be held in mid-May and early June, respectively. Your agency's participation in these meetings will be an integral part in refining and screening restoration alternatives and identifying impacts the proposed alternatives may have on environmental resources.

If you intend to have a representative participate at the scoping meeting, please send their contact information to Melinda Fisher at Melinda.Fisher@usace.army.mil. If you have questions or would like to discuss the study in more detail, please contact Melinda Fisher of my staff at 918-669-7423 or by e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Sims", is positioned above the typed name.

Douglas Sims, RPA
Chief, Environmental Compliance Branch
Regional Planning and Environmental Center

Enclosure

News Release for Study Initiation

Jefferson County Ecosystem Restoration Study, Jefferson County, Texas

The U.S. Army Corps of Engineers, Galveston District (USACE), in partnership with Jefferson County, is preparing an Integrated Feasibility Report and Environmental Assessment (EA) for the Jefferson County Ecosystem Restoration Study in Jefferson County, Texas. The study will help contribute to larger ongoing efforts to improve, preserve, and sustain ecological resources along the Texas coast by stakeholder groups, non-governmental organizations, and government agencies at the local, state, and federal level.

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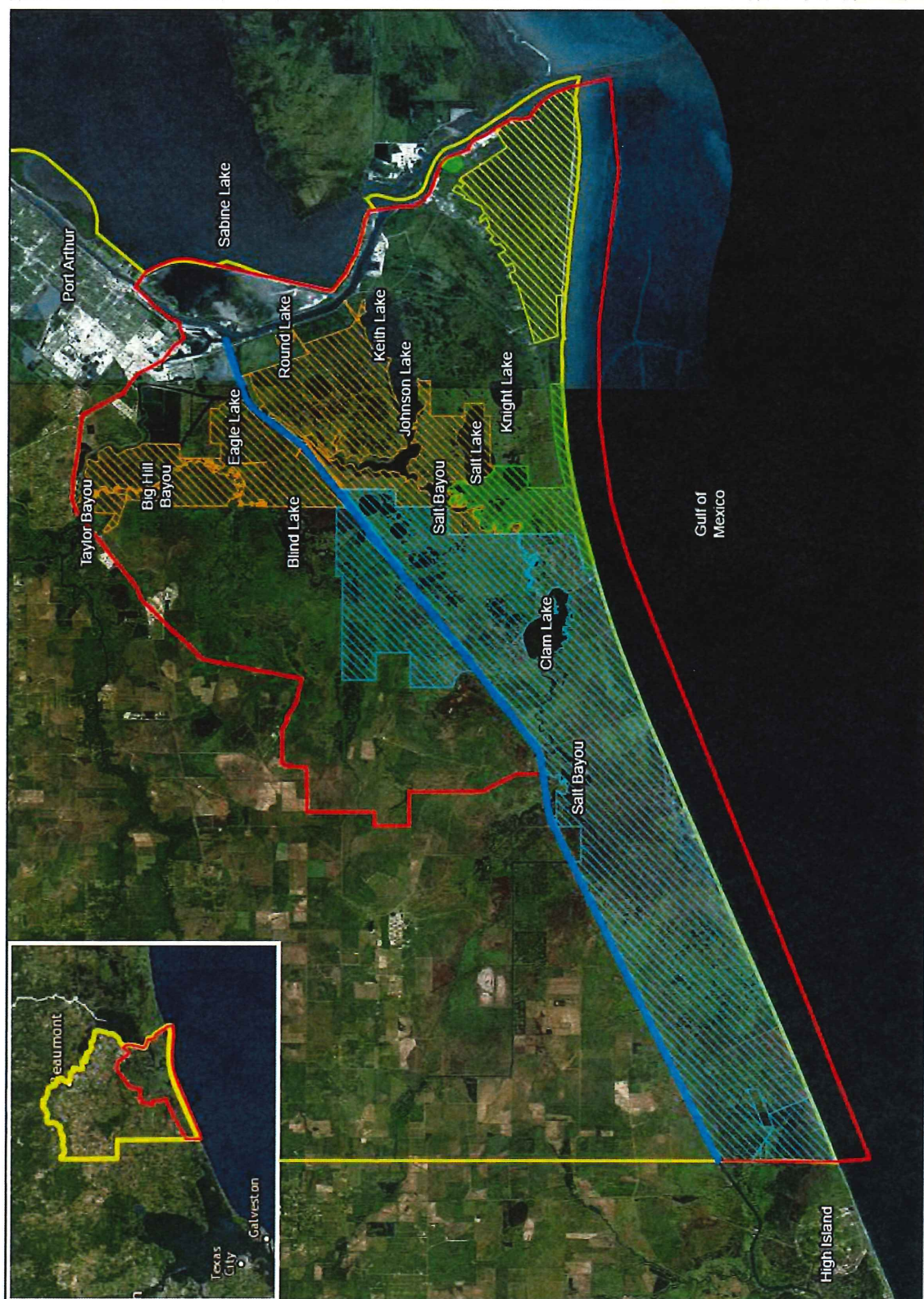
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How can you participate in the study process?









If you would like to provide input on the study, please provide comments to Melinda Fisher, Environmental Lead, USACE—Regional Planning and Environmental Center, Environmental Compliance Branch, 1645 S. 101st E. Ave, Tulsa, OK 74128 or via email at Melinda.Fisher@usace.army.mil.


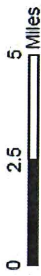
Comments or questions regarding the planning process should be directed to Jerica Richardson, Lead Planner, USACE—Regional Planning and Environmental Center, Civil Planning Branch, 819 Taylor St, Fort Worth, TX 76102 or via email at Jerica.M.Richardson@usace.army.mil.

Jefferson County Shoreline Ecosystem Restoration Feasibility Study



LEGEND

-  GIWW
-  Focused Study Area
-  J.D. Murphree Wildlife Management Area
-  McFaddin National Wildlife Refuge
-  Sabine Pass Battleground
-  Sea Rim State Park
-  Texas Point National Wildlife Refuge
-  Jefferson County



Texas Parks and Wildlife Department

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Regional Director, Ecosystem Resources Program
Texas Parks and Wildlife Department
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Nathan Londonberg
Texas Parks and Wildlife
Sea Rim State Park
Park Superintendent
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Texas Commission on Environmental Quality

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Water Quality Assessment Section
Standards Implementation Team
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Texas General Land Office

Mr. Ray Newby
Texas General Land Office
Coastal Resources Program
P.O. Box 12873
Austin, TX 78711-2873

Texas Water Development Board

Ms. Carla Guthrie, Ph.D.
Surface Water Division Director
Texas Water Development Board
PO Box 13231
Austin, TX 78711-3231

512-463-7847

Carla.Guthrie@twdb.texas.gov

Texas Department of Transportation

Mr. Matthew Mahoney
Waterways Program Coordinator
Texas Department of Transportation, Maritime Division
118 E. Riverside Drive
Austin, TX 78704

U.S. Fish and Wildlife Service—Southwest Region

Mr. Chuck Ardizzone
Project Leader
US Fish and Wildlife Service
Texas Coastal Ecological Services Field Office
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281-286-8282 x228

Doug Head
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McFaddin National Wildlife Refuge
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Ernie Crenwelge
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National Marine Fisheries Service (NOAA)

Mr. David Bernhart
Assistant Regional Administrator
National Marine Fisheries Service
Southeast Regional Office
Protected Resources Division
263 13th Avenue South
St. Petersburg, FL 33701-5505

Mr. Rusty Swafford
Branch Supervisor
National Marine Fisheries Service
Habitat Conservation Division
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rusty.swafford@noaa.gov

Environmental Protection Agency—Region 6

Ms. Maria Martinez
Section Chief, Wetlands Section
US Environmental Protection Agency, Region 6
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Martinez.maria@epa.gov

National Resource Conservation Service

Mr. Scott Alford
District Conservationist
US Department of Agriculture
National Resources Conservation Service
7705 West Bay Road
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scott.alford@tx.usda.gov

Texas Historical Commission

Mark Wolfe
Executive Director
Texas Historical Commission
1511 Colorado St.
Austin, TX 78701

Tribes (in letter address as Dear Chairman Poncho, for example)

Mr. Lovelin Poncho
Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA

Ms. Jo Ann Battise
Chairperson
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

Mr. Matthew M. Komalty
Chairman
Kiowa Indian Tribe of Oklahoma
100 Kiowa Way
Carnegie, OK 73015

Mr. Russell Martin
President
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74654

Mr. Roy B. Brown
Chairman
Northern Arapaho Tribe
533 Ethete Rd.
Ethete, WY 82520

From: [Andrew Sipocz](#)
To: [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Cc: [David Riskind](#); [Justin Rhodes](#); [Ruth Mathews](#); [Michael Strutt](#)
Subject: [Non-DoD Source] RE: Jefferson County Ecosystem Restoration Study Resource Agency Scoping Meeting
Date: Tuesday, May 02, 2017 2:43:47 PM

Ms. Fisher:

Thanks for hosting the webinar and conference call on the Jefferson County Ecosystem Restoration Study.

I was able to obtain the PowerPoint and other graphics from other TPWD staff.

In terms of the material presented:

- The beach environment and marshes between SH 87 and the Gulf at Sea Rim State Park are currently in good shape. The connection of the marshes with the Gulf via intermittent tidal channels is an important part of the maintenance of the high quality marshlands in this area. High rainfall years and the subsequent runoff flushes open the connections. They then they refill with sand and silt from shoreline drift during dry years. This works very well in maintain the balance between fresh and saltwater and the various marsh species. The occasional salt water intrusion prevents the marshes from becoming monoculture stands of cattail and provides the open water needed for the growth of submerged aquatics. Beach nourishment might block these connections and so is not desired at this time. Also, the shoreline is not moving inland at the Park at this time due to the influence of the Sabine Jetty.
- We are currently engaged in the monitoring of a dune restoration project on the State Park. This project was initially going to include sand fencing; however, it was determined that native beach grass plantings would suffice to capture sand and rebuild the dunes at the Park following Hurricane Ike. The work is being funded by the BP Deepwater Horizon remediation plan.
- The conceptual model shows a single outcome of sea level rise and sediment supply. There are large portions of the study area (areas south of the GIWW) that could receive increased mineral sediment with sea level rise and the subsequent breaching of the beach ridge. The main natural sediment supply that created the Jefferson County marshes, and most Chenier Plain marshes, were sediments delivered via tidal waters carrying in Mississippi River fine clays and silts from nearshore waters.

During the tail end of the last sea level rise episode, at the end of the Pleistocene, the marshes were created by the infilling of embayments behind the emerged barrier islands. This infilling came to an end with the stabilization of sea levels and the loss of direct tidal connections to the Gulf. The re-initiation of sea level rise through man-made influences (global climate change) will, if unimpeded, once again open up the marshes to the Gulf. Although most current environmental management is aimed at trying to prevent this from

occurring, in the long run, it maybe the best way to conserve the Jefferson County Chenier Plain ecosystem. There is a vast amount of fine sediment that occurs just offshore of the Jefferson County beach. Often after storms or high tide events, the beach is covered deeply in freshly deposited clay. Similarly these muds have created a large amount of marsh behind the Sabine Lake Jetty (now Texas Point NWR) and the Galveston Bay Jetty (Bolivar Marshes). It may be possible to steer this sediment into the Jefferson County marshes via a created inlet from the Gulf, or simply let it occur naturally.

I.e. we all like what sea level rise and the tide built for us between 2 and 5,000 years ago, but we don't want to see it remade under the current sea level rise episode.

Some of the Nation's best coastal geologists work here in Texas. I recommend contacting them to see if they'd be willing to provide input into this process. James Gibeaut at Texas A&M in Corpus Christi Harte Institute ([Blockedhttps://www.harterresearchinstitute.org/people/james-jim-4-gibeaut](https://www.harterresearchinstitute.org/people/james-jim-4-gibeaut)) and John Anderson, the Maurice Ewing Professor of Oceanography at Rice University, are both familiar with and have published widely about the area's coastal geomorphology ([Blockedhttp://earthscience.rice.edu/directory/user/12/](http://earthscience.rice.edu/directory/user/12/)).

Andy

Andrew Sipocz
Region 4 Natural Resource Coordinator
State Parks
14200 Garrett Road
Houston, TX 77044

(281) 456-8266 x229 (office)
(832) 330-2369 (cell)



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

June 26, 2018

JOINT NOTICE OF AVAILABILITY

DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED U.S. ARMY CORPS OF ENGINEERS JEFFERSON COUNTY ECOSYSTEM RESTORATION FEASIBILITY STUDY

The U.S. Army Corps of Engineers (USACE) Galveston District, in partnership with Jefferson County and the Sabine Neches Navigation District, hereby informs the public of the release of the draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) and Finding of No Significant Impact (FONSI) for the Jefferson County Ecosystem Restoration Feasibility Study in Jefferson County, Texas.

The vast resources found in the Jefferson County coastal system are rapidly degrading due to a variety of changes in the system induced by development and natural processes. The Jefferson County coastal system is in need of aquatic habitat restoration due to several identified problems contributing to degradation of habitat for fish and wildlife utilizing beaches, dunes, and marshes. The key factors identified as having a negative effect on the aquatic habitat include: erosion, decreased sediment supplies, decreased drainage, decreased freshwater inflows, tidal influences, and increasing salinities. The DIFR-EA has been prepared to identify and evaluate potential alternatives to address ecosystem degradation and disclose all associated impacts that would result from the construction and operation of the proposed ecosystem restoration alternative.

The DIFR-EA and Draft FONSI will be available for download starting June 27, 2018 at the following Galveston District website:

<http://www.swg.usace.army.mil/BusinessWithUs/PlanningEnvironmentalBranch/DocumentsforPublicReview/>

Compact disc (CD) copies of the report can be requested from Ms. Melinda Fisher, at the mailing or e-mail address below. In addition, paper copies of the report are available for review at the following locations:

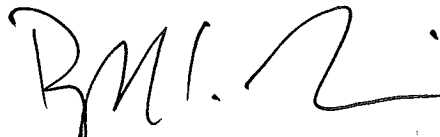
Jefferson County Courthouse
1149 Pearl Street
Beaumont, Texas 77701

Sabine Neches Navigation District
8180 Anchor Drive
Port Arthur, Texas 77642

The USACE will accept written public comments on the DIFR-EA for a 30-day period starting on June 27, 2018 and continuing through July 27, 2018. Comments on the report must be postmarked by July 27, 2018. You may send written comments or questions to Ms. Melinda Fisher, Biologist, Environmental Compliance Branch, Regional

Planning and Environmental Planning Center, 2488 E 81st Street, Tulsa, Oklahoma 74137-4290 or you may e-mail comments or questions to Melinda.Fisher@usace.army.mil.

This public notice is also issued for the purpose of advising all known interested parties that there is pending before the Texas Commission on Environmental Quality (TCEQ) a decision on water quality certification. Any comments concerning this application may be submitted to: TCEQ, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. A copy of the public notice, with a description of work, has been made available for review in the TCEQ's Austin Office.

A handwritten signature in black ink, appearing to read 'D.C. Sims', with a stylized flourish at the end.

Douglas C. Sims, PMP, RPA
Environmental Compliance Branch Chief
Regional Planning and Environmental Center



JOINT NOTICE OF AVAILABILITY

Posted 7/6/2018

Joint Notice of Availability

**Draft Integrated Feasibility report and Environmental assessment for the Proposed U.S. Army Corps of Engineers
Jefferson County Ecosystem Restoration Feasibility Study**

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Douglas C. Sims, PMP, RPA

Environmental Compliance Branch Chief
Regional Planning and Environmental Center

From: Fisher, Melinda CIV USARMY CESWF (US)
To: "Kaspar, Paul"; "Andrew Sipocz"; "Caimee Schoenbaechler"; "evan.turner@twdb.texas.gov"; "mike.morgan@tpwd.texas.gov"; Mike Rezsutek-TPWD; "Stephen Mcdowell"; "nathan.londenberg@tpwd.texas.gov"; "ray.newby@glo.texas.gov"; Dianna Ramirez (Dianna.Ramirez@GLO.TEXAS.GOV); "chuck_ardizzone@fws.gov"; "Donna Anderson"; Swafford, Rusty; "matthew.mahoney@txdot.gov"; Head, Douglas; "Ernie Crenwelge"; "Tim Cooper"; "Lili Murphy"; "Ruth Mathews"; Kaufman, Michael; "scott.alford@tx.usda.gov"; "Houston, Robert"; "Martinez, Maria"; "Carla.Guthrie@twdb.texas.gov"; "Peter Schaefer"; "karla.reexe@noaa.gov"
Cc: Reese, Randall; Rao, Don; Jackson, Fred; Oxford, Hubert; MCGUIRE, Amanda M (Mandy) CIV USARMY CESWF (US); Garrett, Natalie S CIV USARMY CESWF (US); Misir, Shakhbar D CIV USARMY CESWG (US)
Subject: Jefferson County Ecosystem Restoration Feasibility Study -- Draft Report Release
Date: Thursday, June 28, 2018 4:38:00 PM
Attachments: [Signed NOA.pdf](#)

Good Afternoon!

The Draft Integrated Feasibility Report and Environmental Assessment for the Jefferson County Ecosystem Restoration Feasibility Study is now available for public review. You and/or someone in your supervisory chain will soon be receiving, by mail, a copy of the Main Report and all of the associated Appendices on a CD. In the meantime, all the documents are available for review on the SWG website at: <https://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/>.

We will be accepting comments until July 27, 2018. They can be e-mailed to Melinda.Fisher@usace.army.mil or mailed to US Army Corps of Engineers, ATTN: Melinda Fisher (RPEC), 2488 E 81st St, Tulsa, OK 74137-4290.

The attached Notice of Availability provides additional information about the study. Please feel free to forward this e-mail to anyone I missed or whom you think would be interested in the study.

If you have any questions, please feel to contact me. Have a great day!

Melinda Fisher

~~~~~  
Melinda Fisher  
Wildlife Biologist  
Regional Planning & Environmental Center (RPEC)  
Environmental Compliance Branch  
Technical Section  
Office: 918-669-7423  
Cell: 918-953-9534  
~~~~~


From: [Kaspar, Paul](#)
To: [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Subject: [Non-DoD Source] RE: Jefferson County Ecosystem Restoration Feasibility Study -- Draft Report Release
Date: Wednesday, July 11, 2018 2:33:47 PM

Melinda,

The EPA Wetlands has screened the DIFR-EA that has been noticed and will not provide any direct substantive written comments at this time.

Thanks

Paul Kaspar
Environmental Engineer
US. EPA - Region 6 (Houston Lab)
Water Division, Wetlands Section (6WQ-EM)
10625 Fallstone Road
Houston, TX 77099
Office: 214.665.7459
Fax: 281.983.2124
Email: kaspar.paul@epa.gov

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

From: Fisher, Melinda CIV USARMY CESWF (US) [<mailto:Melinda.Fisher@usace.army.mil>]
Sent: Thursday, June 28, 2018 4:51 PM
To: Kaspar, Paul <kaspar.paul@epa.gov>; Andrew Sipocz <Andrew.Sipocz@tpwd.texas.gov>; Schoenbaechler Caimee <caimee.schoenbaechler@twdb.texas.gov>; evan.turner@twdb.texas.gov; Morgan Mike <mike.morgan@tpwd.texas.gov>; Mike Rezsutek-TPWD <michael.rezsutek@tpwd.state.tx.us>; Stephen McDowell <Stephen.McDowell@tpwd.texas.gov>; 'nathan.londenberg@tpwd.texas.gov' <nathan.londenberg@tpwd.texas.gov>; Ray.Newby_GLO.TEXAS.GOV <Ray.Newby@GLO.TEXAS.GOV>; Ramirez Dianna <dianna.ramirez@glo.texas.gov>; Ardizzone, Charles <chuck_ardizzone@fws.gov>; Anderson, Donna <donna_anderson@fws.gov>; Swafford, Rusty <rusty.swafford@noaa.gov>; Mahoney, Matthew <matthew.mahoney@txdot.gov>; Head, Douglas <douglas_head@fws.gov>; 'Ernie Crenwelge' <ernie_crenwelge@fws.gov>; 'Tim Cooper' <tim_cooper@fws.gov>; 'Lili Murphy' <lili.murphy@tceq.texas.gov>; 'Ruth Mathews' <Ruth.Mathews@tpwd.texas.gov>; Kaufman, Michael <mkaufman@navigationdistrict.org>; Alford, Scott <scott.alford@tx.usda.gov>; Houston, Robert <Houston.Robert@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Guthrie, Carla <Carla.Guthrie@twdb.texas.gov>; Peter Schaefer <peter.schaefer@tceq.texas.gov>; karla.reexe@noaa.gov
Cc: Reese, Randall <rreese@navigationdistrict.org>; Rao, Don <drao@co.jefferson.tx.us>; Jackson, Fred <fjackson@co.jefferson.tx.us>; Oxford, Hubert <hubertoxford@benoxford.com>; MCGUIRE, Amanda M (Mandy) CIV USARMY CESWF (US) <Amanda.Mcguire@usace.army.mil>; Garrett, Natalie S CIV USARMY CESWF (US) <Natalie.S.Garrett@usace.army.mil>; Misir, Shakhar D CIV USARMY CESWG (US) <shakhar.d.misir@usace.army.mil>
Subject: Jefferson County Ecosystem Restoration Feasibility Study -- Draft Report Release

Good Afternoon!

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[Blockedhttps://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/](https://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/).

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Melinda Fisher

~~~~~  
Melinda Fisher  
Wildlife Biologist  
Regional Planning & Environmental Center (RPEC) Environmental Compliance Branch Technical Section  
Office: 918-669-7423  
Cell: 918-953-9534  
~~~~~



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

July 12, 2018 F/SER46: RS

Colonel Lars N. Zetterstrom
District Engineer, Galveston District
Department of the Army, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Zetterstrom:

The NOAA's National Marine Fisheries Service Habitat Conservation Division (NMFS HCD) has reviewed the June 26, 2018, Public Notice for the "DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED U.S. ARMY CORPS OF ENGINEERS JEFFERSON COUNTY ECOSYSTEM RESTORATION AND FEASIBILITY STUDY". The U.S. Army Corps of Engineers (USACE) is proposing to conduct environmental restoration in the Jefferson County, Texas coastal system, which has been rapidly degrading due to a variety of changes in the system induced by human development and natural causes.

Implementation of the USACE recommended plan would include restoration of 8,421 acres of marsh and construction of 6,592 linear feet (1.25 miles) of offset breakwaters placed along the south bank of the Gulf Intracoastal Waterway. Marsh restoration would beneficially use material dredged from the Sabine-Neches Waterway to increase the marsh elevation in five restoration units. Renourishment would occur at approximately year 30 to increase the target elevation to provide resiliency and sustainability in anticipation of projected relative sea level change. Submerged aquatic vegetation is expected to increase in parts of the restoration units. Increase in emergent marsh and submerged aquatic vegetation habitat would benefit postlarval/juvenile and subadult brown shrimp; postlarval/juvenile and subadult white shrimp; and postlarval/juvenile red drum.

The creation of estuarine emergent wetlands would result in the loss of mud bottoms and estuarine water column as emergent marsh would replace those habitat types. Loss of mud bottom EFH could result in negative impacts to subadult brown shrimp and postlarval/juvenile red drum. Although adverse impacts would occur to some types of EFH, more productive types of EFH (i.e., estuarine emergent wetlands) would be created. Under Alternative 4Abu and 2Abu, construction of GIWW armoring and segmented breakwaters would convert open water (combination of estuarine mud bottoms, Gulf waters, marsh edge, offshore, beach, coastal, and sand EFH) to rock, which is not considered EFH. However, the loss of EFH would be offset long term by the increase in the quantity and quality of EFH due to a decrease in long-term turbidity and suspended sediments from continual erosion and land loss.



Staff from NMFS HCD have been participating on the Salt Bayou Workgroup, a multi-agency technical stakeholder group focused on the Salt Bayou ecosystem, which has met annually since 2000 to identify ecological issues and opportunities in the watershed, and recently published the Salt Bayou Watershed Restoration Plan. The USACE's proposed Ecosystem Restoration Project for Jefferson County would support the Workgroup's overall goals for this coastal system. We concur with the USACE's Essential Fish Habitat (EFH) Assessment conclusion that the project will significantly enhance and protect the long-term health of the ecosystem and any short-term impacts to EFH will be offset by the project's benefits. Therefore, the USACE has fulfilled the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

A handwritten signature in cursive script that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4, Dale, Neely

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 16, 2018

Ms. Melinda Fisher
Biologist
Environmental Compliance Branch
Regional Planning and Environmental Planning Center
2488 E. 81st Street
Tulsa, Oklahoma 74137-4290

Via: E-mail

Re: TCEQ NEPA Request #2018-181, Draft Integrated Feasibility Report and Environmental Assessment for the Proposed U.S. Army corps of Engineers Jefferson County Ecosystem Restoration Feasibility Study; Jefferson County

Dear Ms. Fisher:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for general conformity impact in accordance with 40 CFR Part 93 indicates that the proposed action is located in Jefferson County, which is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity rules for these standards do not apply. The TCEQ is evaluating the South Coast Air Quality Management District v. EPA, No. 15-1115 (D.C. Cir. 2018), which in the future could potentially result in a change of classification for previous ozone standards for Jefferson County.

The Office of Water does not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. We recommend that the applicant take necessary steps to ensure that best management practices are used to control runoff from construction sites to prevent detrimental impact to surface and ground water.

The management of industrial and hazardous waste at the site including waste treatment, processing, storage and/or disposal is subject to state and federal regulations. Construction and Demolition waste must be sent for recycling or disposal at a facility authorized by the TCEQ. Special waste authorization may be required for the disposal of asbestos containing material.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA Coordinator, at (512) 239-3500 or NEPA@tceq.texas.gov.

Sincerely,

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

Ryan Vise
Division Director
Intergovernmental Relations

From: [chris guerrero](#)
To: [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Subject: [Non-DoD Source]
Date: Sunday, July 22, 2018 11:09:22 AM

Please don't let more Texas ports be turned into oil export terminals! Think of all the wildlife in danger. It's only a matter of time until another oil spill!

Thank You
Chris Guerrero

Sent from my iPad



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 26 2018

Ms. Melinda Fisher
Biologist
Environmental Compliance Branch
Regional Planning and Environment Planning Center
2488 E. 81st Street
Tulsa, OK 74137-4290

Dear Ms. Fisher:

The Environmental Protection Agency (EPA) has reviewed the Integrated Feasibility Study Report and Draft Environmental Assessment/Finding of No Significant Impact (EA/FNSI) for the U.S. Army Corps of Engineers Jefferson County Ecosystem Restoration Study for Jefferson County, Texas. Our review is provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 C.F.R. Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The study is intended to identify ecosystem-related problems throughout coastal Jefferson County, review ecosystem restoration opportunities within the study area, and identify a plan that improves, preserves, and sustains the ecosystem resources. In addition to the “no action” alternative, four alternatives with varying levels of ecosystem restoration were evaluated, including the recommended plan. Implementation of the recommended plan would include restoration of 8,421 acres of marsh and construction of 6,592 linear feet (1.25 miles) of offset breakwaters that would be placed along the south bank of the Gulf Intracoastal Waterway. Based upon our review of the environmental analysis provided in the Draft EA/FNSI, the EPA has no objection to the proposed action.

The EPA appreciates the opportunity to review the Draft EA/FNSI. If you have any questions, please contact Michael Jansky, the lead reviewer for this project, at (214) 665-7451 or by email at jansky.michael@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be "Cheryl T. Seager", with a long horizontal line extending to the right.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

From: jasrcj@aol.com
To: [Fisher, Melinda CIV USARMY CESWF \(US\)](#)
Subject: [Non-DoD Source] Jefferson County
Date: Friday, July 27, 2018 8:58:08 AM

Jefferson County

The Alamo Plan is selected. It will not stand. It does not meet study objectives. The border of Texas will retreat from the invasion of the Gulf. And the land mass is being flanked by the erosion wave wash from the operation of the GIWW. As the Russians took the Crimea from Ukraine, the gulf will take the Coast of Jefferson County, Texas. The National Guard stationed on the coast will not be able to stop the destructive power of the wind, water, and salt. Without shore protection, the GIWW will be just the Gulf.

Bang for the Buck plans that protect the shoreline and the shore of the GIWW are presented that can stand against the invasion of the sea. The entire length of the GIWW armoring is justified as the unit costs are consistent with the erosion prevented for each unit. This item is a navigation mitigation cost that does not require a nonfederal cost share sponsor; thus, not impacted by that constraint. As well as stopping land erosion, the armoring also limits salt intrusion and does provide habitat.

WRDA 2016 encourages Federal agencies to work together to protect the shoreline. The coast marshes are the first line of defense for ameliorating hurricane impacts that cause billions in damages. Protection provided now can give big returns limiting life loss, human suffering, and massive property damage. The Jefferson County gulf shoreline is also the first line of defense for the protection of GIWW's inland navigation (which supports the benefits of the nation's deep draft navigation). The recommended plan should include USFWS. USFWS should get the same opportunity of authorization and appropriation to restore the coastal marshes without having to do another feasibility study.

The state of Texas and the Federal government need to secure their receding southern border.

H.R.M. McDavitt
Friendship



August 3, 2018

Life's better outside.®

Ms. Melinda Fisher
U.S. Army Corps of Engineers, Regional Planning and Environmental Center
2488 E. 81st Street
Tulsa, Oklahoma 74137-4290

Commissioners

Ralph H. Duggins
Chairman
Fort Worth

S. Reed Morian
Vice-Chairman
Houston

T. Dan Friedkin
Houston

Anna B. Galo
Laredo

Bill Jones
Austin

Jeanne W. Latimer
San Antonio

James H. Lee
Houston

Dick Scott
Wimberley

Kelcy L. Warren
Dallas

Lee M. Bass
Chairman-Emeritus
Fort Worth

Re: Draft Integrated Feasibility Report and Environmental Assessment for the Proposed U.S. Army Corps of Engineers Jefferson County Ecosystem Restoration Feasibility Study

Dear Ms. Fisher:

Texas Parks and Wildlife Department (TPWD or Department) has reviewed the draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) and draft Finding of No Significant Impact (FONSI), issued June 26, 2018, for the Jefferson County Ecosystem Restoration Feasibility Study in Jefferson County, Texas. The U.S. Army Corps of Engineers (USACE) identified the tentatively selected plan (TSP) as Alternative 4Abu (Keith Lake Restoration). The TSP would use dredged material from the Sabine-Neches Waterway to restore 8,421 acres of freshwater, intermediate, and brackish marsh habitat on TPWD's J.D. Murphree Wildlife Management Area (JDMWMA), the McFaddin National Wildlife Refuge (MNWR), and private land. The TSP would also construct 6,592 linear feet of segmented breakwaters along the southern shoreline of the Gulf Intracoastal Waterway (GIWW) to reduce erosion.

TPWD understands the need for, and supports implementation of, ecosystem restoration activities in Jefferson County. Indeed, TPWD has been participating in this feasibility study and has supplied several of the project ideas that have been included in the DIFR-EA's alternatives. TPWD agrees with the needs for restoration identified in the feasibility study, particularly along the interior marshes south of the GIWW. Restoration of this ecosystem will require a long-term, large-scale, coordinated effort to restore elevation to marsh soils and a proper hydrologic pattern to the system to maintain the long-term viability of the marshes and lakes within the county. Overall, TPWD supports the goals of marsh and hydrologic restoration presented in the DIFR-EA, and can agree on the types of projects identified in the TSP.

TPWD has been a leader in conservation efforts within Jefferson County for many years. The Department's ownership of approximately 25,000 acres of coastal marsh habitat within the JDMWMA, membership on the Salt Bayou Working Group, and contributions toward the Salt Bayou Watershed Restoration Plan provide us with the knowledge and background to address landscape scale marsh and hydrology restoration efforts. TPWD has conducted restoration activities,

including over 1,900 acres of marsh restoration on JDMWMA and hydrologic restoration, with private property owners and private industry as partners over the last decade and will conduct additional restoration projects in the coming years.

Marsh on private lands south of Keith Lake are experiencing a rapid conversion to open water through loss of organic soils and loss in elevation. Beneficial use of dredge materials in these areas would greatly improve conditions of these emergent marshes. TPWD strongly encourages USACE to expand the proposed elevation modification footprint into these lands to increase the acres of emergent marsh restored as well as prevent creation of a bowl of land between Keith Lake and the chenier ridges. Such a feature will trap water between restored marsh and the chenier ridges leading to drowning of those marshes and conversion of additional acres of marsh to open water.

Beneficial use of dredge material within the JDMWMA also needs to be carefully conducted so as not to adversely affect the normal water exchange and overland sheet flow of water from MNWR through the system. The potential is present to create a bowl within MNWR which could lead to drowning of marshes if elevations created by beneficial use materials are excessive and impede sheet flow through the marsh.

TPWD wants to reiterate that restoration work conducted on state-owned lands must be done in a manner consistent with the mission of TPWD, Department policy, and applicable state laws (e.g., (Chapter 26 of the Parks and Wildlife Code of Texas and Chapter 34 of the Texas Natural Resources Code). Specific details of any restoration activity will need to be reviewed on a case-by-case basis, and each project will need to be compatible with the mission, and short-term and long-term restoration needs and goals of the Department at the time the project is undertaken.

When able to do so, TPWD is willing to participate in the restoration activities proposed by the USACE and the non-federal sponsor(s) as outlined in Alternative 4Abu or a modified version of it. However, TPWD does not grant exclusive access to any one partner for restoration and will continue to pursue restoration partnerships with private industry and others. The areas identified in Alternative 4Abu within the JDMWMA may, at TPWD discretion, be restored at any time if need and availability of beneficial use material coincide. This may make areas within JDMWMA identified in Alternative 4Abu unavailable to the non-federal sponsor(s) and USACE. The USACE plan should have sufficient flexibility to adapt to changing restoration scenarios through time.

It is our understanding that the non-federal sponsor(s) is responsible for funding a portion of each project, and that TPWD will not be required to provide that funding. TPWD can provide access to emergent marsh in need of restoration consistent with the mission of the Department, and applicable state law and regulation, but is unable to provide funding towards completion of any project.

In summary, TPWD supports the restoration of emergent marsh within Jefferson County at the ecosystem level and encourages the USACE and non-federal sponsor(s) to pursue these activities whenever and wherever feasible. The Department cannot provide support for a specific project until details of that project are known and have been reviewed by the Department.

TPWD appreciates the opportunity to review the DIFR-EA and emphasizes the importance of continued coordination with our agency through the planning, engineering, design, construction, and maintenance phases of this project.

Questions can be directed to Dr. Mike Rezsutek (409-736-2551) or Mr. Mike Morgan (281-534-0146).

Sincerely,



Rebecca Hensley
Regional Director, Ecosystem Resources Program
Coastal Fisheries Division

RH:CR:MNM

Record of Tribal Coordination and Consultations

To:	From:	Subject:	Resolution:
TX SHPO			
Kerry Nichols (September 28, 2017)	Doug Sims USACE Fort Worth	in Focused Array of Alternatives	Letter Received from TX SHPO October 24, 2017
Kerry Nichols (September 28, 2017)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	Letter Received from TX SHPO October 24, 2017
Amy Borgens (December 5, 2017)	Seth Sampson USACE Fort Worth	Email sent giving Focused Array of Alternatives and Measure Descriptions asking	No Response
Amy Borgens (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Email (5-14-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	Response received June 8, 2018
Amy Borgens (May 10, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	Response received June 8, 2018
Maggie Moore/Bill Martin (July 2, 2018)	Seth Sampson USACE Fort Worth	1st round of TX SHPO comments received. Emailed revised draft PA and response to 1st round of comments provided by TX SHPO staff.	No Response
Seth Sampson USACE Fort Worth (August 14, 2018)	Maggie/Moore/Bill Martin	2nd round of TX SHPO comments received.	Addressed
Maggie Moore/Bill Martin (July 9, 2018)	Seth Sampson USACE Fort Worth	Emailed revised draft PA and response to 2nd round of comments provided by TX SHPO staff.	No Response
Seth Sampson USACE Fort Worth (August 14, 2018)	Bill Martin		Response received 9-17-18. TX SHPO approves revised draft. Moving approved draft to consulting parties requesting approval to move to signature
Maggie Moore/Bill Martin (September 10, 2018)	Seth Sampson USACE Fort Worth	Emailed PA requesting his office sign it and return signature page to me.	Received signed TX SHPO signature page on 11-6-18
Bill Martin (11-1-18)	Seth Sampson USACE Fort Worth		

Coushatta Tribe of Louisiana

Dr. Linda Langley (September 28, 2017)	Doug Sims USACE Fort Worth	Letter to Determine Interest in	Response received on October 3, 2017 from Dr. Langley
Dr. Linda Langley (September 28, 2017)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	Response received on October 3, 2017 from Dr. Langley
Dr. Linda Langley (December 4, 2017)	Seth Sampson USACE Fort Worth	Array of Alternatives and Measure Descriptions asking for input on TSP	Response received on December 5, 2017 from Dr. Langley
Dr. Linda Langley (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	No Response
Dr. Linda Langley (May 10, 2018)	Seth Sampson USACE Fort Worth	Email (5-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	No Response
Dr. Linda Langley (July 2, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	No Response
Dr. Linda Langley (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	Response received on 9-26-18. Coushatta Tribe of Louisiana approve. Request the tribes be consulted on the choice of curation facilities, if collections happen.

Kiowa Indian Tribe of Oklahoma

Ms. Kellie Lewis (9-28-17)	Doug Sims USACE Fort Worth	Letter to Determine Interest in Focused Array of Alternatives	Email Response received from Kellie Lewis on 9-28-17
Ms. Kellie Lewis (9-28-17)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	Email Response received from Kellie Lewis on 9-28-17
Seth Sampson USACE Fort Worth	Ivy Smith (9-29-17)	Requesting data sent to Ms. Lewis	Data sent (10-2-17) Email Response received
Ivy Smith (10-12-17)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	asking for more data (October 12, 2017)

Ivy Smith (12-4-17)	Seth Sampson USACE Fort Worth	Array of Alternatives and Measure Descriptions asking for input	No Response
Ms. Kellie Lewis (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment	Email response received from Ivy Smith on May 11, 2018 indicating if they have comments they will respond within 30 days
Ms. Kellie Lewis (May 10, 2018)	Seth Sampson USACE Fort Worth	Email (5-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment	Email response received from Ivy Smith on May 11, 2018 indicating if they have comments they will respond within 30 days
Seth Sampson USACE Fort Worth	Ivy Smith (June 6, 2018)	Email to elicit comment of Draft PA and comment on the TSP	Email response received from Ivy Smith on June 6, 2018 indicating they have no objection with the draft PA and would like continued consultation with their Tribal Nation
Ivy Smith (July 2, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	No Response
Ivy Smith (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	No Response received within 30 days, moved PA to Signature

Alabama-Coushatta Tribe of Texas

Mr. Amon Sylestine (September 28, 2017)	Doug Sims USACE Fort Worth	in Focused Array of Alternatives	No Response
Mr. Amon Sylestine (September 28, 2017)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	No Response
Mr. Bryant Celestine (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	Received verbal yes to consulting party status on 5-30-18

Mr. Bryant Celestine (May 10, 2018)	Seth Sampson USACE Fort Worth	Email (5-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	Received verbal yes to consulting party status on 5-30-18
Mr. Bryant Celestine (July 2, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	No Response
Mr. Bryant Celestine (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature seeking clarification on whether his Tribal Nation wanted to be removed from the PA and consulted with only on the 106 report.	Mr. Celestine indicated his Tribal Nation wants to be removed from the PA, his tribe wants to be involved with the 106 process only.
Mr. Bryant Celestine (10-3-18)	Seth Sampson USACE Fort Worth		

Tonkawa Tribe of Oklahoma

Ms. Miranda Myer (September 28, 2017)	Doug Sims USACE Fort Worth	Letter to Determine Interest in Focused Array of Alternatives	No Response
Ms. Miranda Myer (September 28, 2017)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	No Response
Ms. Miranda Myer (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	No Response
Ms. Miranda Myer (May 10, 2018)	Seth Sampson USACE Fort Worth	Email (5-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	No Response
Lauren Brown (NAGRPA Coordinator)	Seth Sampson USACE Fort Worth	Phone call to illicit interest in undertaking.	Response-Interested
Lauren Brown (NAGRPA Coordinator) (July 2, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	No Response

Lauren Brown (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	No Response received within 30 days, moved PA to Signature
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Northern Arapaho Tribe

Mr. Devin Oldman (September 28, 2017)	Doug Sims USACE Fort Worth	Letter to Determine Interest in Focused Array of Alternatives	No Response
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Mr. Devin Oldman (September 28, 2017)	Seth Sampson USACE Fort Worth	Email to Determine Interest in Focused Array of Alternatives	No Response
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Mr. Devin Oldman (May 10, 2018)	Doug Sims USACE Fort Worth	Letter to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	No Response
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Mr. Devin Oldman (May 10, 2018)	Seth Sampson USACE Fort Worth	Email (5-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment.	Interested in being a consulting party to the PA (5-16-18)
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Mr. Devin Oldman (July 2, 2018)	Seth Sampson USACE Fort Worth	Email notifying of Draft Report and EA available online for public comment.	No Response
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Mr. Devin Oldman (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	No Response received within 30 days, moved PA to Signature
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Alabama-Quassarte Tribal Town

Samantha Robison (July 2, 2018)	Doug Sims USACE Fort Worth	Letter (7-2-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
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Samantha Robison (July 3, 2018)	Seth Sampson USACE Fort Worth	Email (7-3-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Samantha Robison (7-11-18)	Seth Sampson USACE Fort Worth	Follow up Email (7-11-18) to Determine Interest in participating in Study and PA.	No Response
Samantha Robison (7-18-18)	Seth Sampson USACE Fort Worth	Follow up Email (7-18-18) to Determine Interest in participating in Study and PA.	No Response
Samantha Robison (7-30-18)	Seth Sampson USACE Fort Worth	Follow up Email (7-30-18) to Determine Interest in participating in Study and PA.	No Response
Seth Sampson USACE Fort Worth	Samantha Robison (8-6-18)	interest and requesting consulting party status on PA	Tribal Nation Consulting Party list. Email indicating Ms. Robison no longer works for the Tribe and that Janice Lowe was correct POC.
Samantha Robison (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	

Caddo Nation of Oklahoma

Tamara Francis-Chairman (July 2, 2018)	Doug Sims USACE Fort Worth	Letter (7-2-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Tamara Francis-Chairman (7-3-18)	Seth Sampson USACE Fort Worth	Email (7-3-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response

Seth Sampson USACE Fort Worth	Derek Hill (Caddo Nation)	interest and request consulting party status	Acknowledged, added to Tribal Nation Consulting Party list.
Derek Hill (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	No Response received within 30 days, moved PA to Signature

Mescalero Apache Tribe

Holly Houghten (July 2, 2018)	Doug Sims USACE Fort Worth	Letter (7-2-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Holly Houghten (7-3-18)	Seth Sampson USACE Fort Worth	Email (7-3-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Holly Houghten (7-11-18)	Seth Sampson USACE Fort Worth	Email (7-11-18) followup to determine interest	No Response
Holly Houghten (7-18-18)	Seth Sampson USACE Fort Worth	Email (7-18-18) followup to determine interest	No Response
Holly Houghten (7-30-18)	Seth Sampson USACE Fort Worth	Email (7-30-18) followup to determine interest	No Response
Historic Preservation Office	Seth Sampson USACE Fort Worth	Phone call (8-7-18) to determine interest.	Tribal Nation only interested in being consulted on with inadvertent discoveries and 106 report. PA consultation fulfilled.

Tunica-Biloxi Indian Tribe of Louisiana

Earl J. Barbry Jr. (7-2-18)	Doug Sims USACE Fort Worth	Letter (7-2-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
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Earl J. Barbry Jr. (7-3-18)	Seth Sampson USACE Fort Worth	Email (7-3-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Earl J. Barbry Jr. (7-11-18)	Seth Sampson USACE Fort Worth	Email (7-11-18) followup to determine interest	No Response
Earl J. Barbry Jr. (7-18-18)	Seth Sampson USACE Fort Worth	Email (7-18-18) followup to determine interest	No Response
Seth Sampson USACE Fort Worth	Earl J. Barbry Jr. (7-24-18)	Email (7-24-18) requesting consulting party status on the PA	Acknowledged, added to Tribal Nation Consulting Party list.
Earl J. Barbry Jr. (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	No Response received within 30 days, moved PA to Signature

United Keetoowah Band of Cherokee Indians

Sheila Bird (July 2, 2018)	Doug Sims USACE Fort Worth	Letter (7-2-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Sheila Bird (7-3-18)	Seth Sampson USACE Fort Worth	Email (7-3-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Seth Sampson USACE Fort Worth	Sheila Bird (7-11-18)	Email indicating the UKBCI is not interested in the project.	Consultation Fulfilled

Kickapoo Tribe of Oklahoma

Pam Wesley (7-9-18)	Seth Sampson USACE Fort Worth	Email (7-9-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment.	No Response
Pam Wesley (7-11-18)	Seth Sampson USACE Fort Worth	Follow up Email (7-11-18) to Determine Interest in participating in Study and PA.	No Response
Pam Wesley (7-18-18)	Seth Sampson USACE Fort Worth	Follow up Email (7-18-18) to Determine Interest in participating in Study and PA.	No Response
Seth Sampson USACE Fort Worth	Pam Wesley (7-23-18)	Email and letter indicating interest and request consulting party status	Acknowledged, added to Tribal Nation Consulting Party list.
Pam Wesley (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	Response received on 9-28-18. Kickapoo Tribe of Oklahoma approve.

Quapaw Tribe of Oklahoma

Everett Bandy (7-5-18)	Seth Sampson USACE Fort Worth	Email (7-5-18) to Determine Interest in participating in Study and PA.	Response (7-10-18) Tribal Nation not interested in Texas: Consultation Fulfilled
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Delaware Nation

Kim Penrod (7-6-18)	Seth Sampson USACE Fort Worth	Email (7-6-18) to Determine Interest in participating in Study and PA.	Responded requesting more information: Sent draft PA
Kim Penrod (7-10-18)	Seth Sampson USACE Fort Worth	Email (7-10-18) Follow up email to determine interest	No response
Kim Penrod (7-18-18)	Seth Sampson USACE Fort Worth	Email (7-18-18) Follow up email to determine interest	No response

Seth Sampson (USACE Fort Worth)	Kim Penrod (7-30-18)	Email (7-30-18) indicating interest and requesting consulting party status on PA	Acknowledged, added to Tribal Nation Consulting Party list.
Kim Penrod (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	Response received (11-6-18) Delaware Nation approve.

Apache Tribe of Oklahoma

Isaac Anthony Galan (7-2-18)	Seth Sampson USACE Fort Worth	Email (7-2-18) to Determine Interest in participating in Study and PA	No response
Isaac Anthony Galan (7-11-18)	Seth Sampson USACE Fort Worth	Email (7-11-18) to Determine Interest in participating in Study and PA. Provided the draft PA for review and comment. Notified of Draft Report and EA available online for Public Comment	No response
Isaac Anthony Galan (7-18-18)	Seth Sampson USACE Fort Worth	Email (7-18-18) Follow up email to determine interest	No response
Switchboard	Seth Sampson USACE Fort Worth	Phone call (8-7-18) to determine interest	Not interested in Jefferson County, Texas

Seminole Nation of Oklahoma

Theodore Isham (6-28-18)	Seth Sampson USACE Fort Worth	Email (6-28-18) to Determine Interest in participating in Study and PA	Response indicating no interest
Seth Sampson USACE Fort Worth	Theodore Isham (7-23-18)	Email (7-23-18) indicating interest and requesting consulting party status on PA	Acknowledged, added to Tribal Nation Consulting Party list.
Theodore Isham (7-24-18)	Seth Sampson USACE Fort Worth	Email (7-24-18) notifying of Draft Report and EA available online for Public Comment	No Response

Theodore Isham (9-25-18)	Seth Sampson USACE Fort Worth	Email to Consulting Parties requesting approval for draft PA to move to signature	Response received on 10-1-18. Seminole Nation of Oklahoma approve.
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Cherokee Nation of Oklahoma

Elizabeth Toombs (7-5-18)	Seth Sampson USACE Fort Worth	Email (7-5-18) to Determine Interest in participating in Study and PA	Response (7-5-18) Tribal Nation not interested in Texas: Consultation Fulfilled
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Whichita and Affiliated Tribes

Gary Mcadams (7-6-18)	Seth Sampson USACE Fort Worth	Email (7-6-18) to Determine Interest in participating in Study and PA	Response (7-6-18) Study out of Tribal Nations area of interest in Texas: Consultation Fulfilled
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Thlopthlocco Tribal Town

Terry Clouthier (6-25-18)	Seth Sampson USACE Fort Worth	Email (6-25-18) to Determine Interest in participating in Study and PA	Response (6-25-18) Study out of Tribal Nations area of interest in Texas: Consultation Fulfilled
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Poarch Band of Creek Indians

Carolyn White (6-27-18)	Seth Sampson USACE Fort Worth	Email (6-27-18) to Determine Interest in participating in Study and PA	Response (6-27-18) Study out of Tribal Nations area of interest in Texas: Consultation Fulfilled
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Kickapoo Traditional Tribe of Texas

Judith Puente (7-18-18)	Seth Sampson USACE Fort Worth	Phone call (7-18-18) to Determine Interest in participating in Study and PA	Response (7-18-18) Study out of Tribal Nations area of interest in Texas: Consultation Fulfilled
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Kialegee Tribal Town

David Cook (6-25-18)	Seth Sampson USACE Fort Worth	Interest in participating in Study and PA	of Tribal Nations area of interest in
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TEXAS HISTORICAL COMMISSION

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June 8, 2018



Seth Sampson
Archeologist
Environmental Compliance Bran
Regional Planning and Environmental Center
United States Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Programmatic Agreement for the Jefferson County Ecosystem Restoration Study and Environmental Assessment in Jefferson County, Texas (USACE-Galveston District, Sabine-Neches Navigational District, Jefferson County, Tracking No. 201809591)

Dear Mr. Sampson:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). As the state agency responsible for administering the Antiquities Code of Texas, these comments also provide recommendations on compliance with state antiquities laws and regulations.

The review staff, led by Maggie Moore, Amy Borgens, and Justin Kockritz, have reviewed the draft programmatic agreement. Please revise the document in accordance with our enclosed comments.

Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Maggie Moore at (512) 463-6508.**

Sincerely,

for
Mark Wolfe, State Historic Preservation Officer

MW/wam

Enclosure



Comments on: Draft Programmatic Agreement for the Jefferson County Ecosystem Restoration Study and Environmental Assessment in Jefferson County, Texas

- Page 2, paragraph 5: Is this list of tribes contacted inclusive enough? A list of tribal contacts may be downloaded from our website: <http://www.thc.texas.gov/project-review/tribal-consultation-guidelines/tribal-contacts>
- Page 2, 2nd to last paragraph: According to a letter received by our office (Tracking No. 201810093), the ACHP has in fact declined to participate, unless their participation is requested at a future date, correct?
- I.A, 5th line: Remove “directly.”
- I.A, last line: “The establishment of the APE will not exceed 30 days” from when? SHPO/THPO receipt of written USACE notification of proposed APE?
- I.B: Add that that Principal Investigator must be qualified and able to be issued a Texas Antiquities Permit.
- I.E, 1st line: Revise to read, “If potential historic properties...”
- I.E, 12th-13th lines: Revise to read, “The determinations of eligibility shall...”
- I.E: Sites on state public land should also be assessed as SALs.
- I.F.1: Should cite 36 CFR § 800.4 and refer to the Dispute Resolution clause if consulting parties do not concur with USACE findings of effect.
- I.F.2: Should also refer to Dispute Resolution clause.
- I.F.3.a.4, last sentence: “Once the mitigation plan is fulfilled...”
- II.A, last sentence: “Archeological items and materials from privately owned lands will NOT be collected, and as such will require in-field analysis by senior staff with laboratory experience and knowledge of regional artifacts.”
- II.C, 6th line: “will comply with §711 of the Texas Health and Safety Code and Chapter 22 of the Texas Administrative Code, Title 13, Part 2.”
- III.A: “Archeological items and materials from privately owned lands will NOT be collected.” Delete “items and”, and add that associated records from private lands WILL be curated.
- pp. 16-18: Who are the signatories for the SNND and Jefferson County? Also, see above, didn’t the ACHP decline to be a signatory?
- Appendix B: Throughout Appendix B, there is inconsistency in the use of the terms APE vs study area vs general study area vs focused study area. These need to be more clearly defined, and usage confined to those precise definitions.
- Appendix B, page 2: It says it is “situated in the Lower Rio Grande Valley.” Revise as needed.
- Appendix B, pp.2: should be Perttula et al. 1995.
- Appendix B, pp. 2-3: study area needs to be more clearly defined, especially in regard to what/how many resources are present.
- Appendix B, pp. 2-3: The entire cultural chronology is inappropriately divided, lacking important detail, and insufficient to provide an overview of the project area. Given that the majority of archeological sites in the area are prehistoric shell middens, the prehistoric cultural chronology section should consist of more than a simple table of dates. Moreover, the dates presented in the table are more consistent with Central

Texas and the High Plains prehistoric chronology than with the upper Texas Coast or even Southeast Texas chronological divisions. Furthermore, the historic section is similarly oddly divided (centuries rather than recognized historical periods), and lacks information on extensive river use, steam boating, the Battle of Sabine Pass, etc., and no history relating to the underwater resources is mentioned. A more detailed and accurate discussion of the prehistoric and historic cultural history and types of sites in the area should be added. The report of the most recent work at McFaddin Beach contains a far more comprehensive cultural chronology of the region (Costa, August G. 2017. *Archeological Monitoring of McFaddin Beach (41JF50), Ridge Restoration, Jefferson County, Texas*. Coastal Environments, Inc. Texas Antiquities Permit 7985).

- Appendix B, p. 4, 2nd paragraph, 2nd sentence: Lists 42 archeological sites in the focused study area, but the table has only 41 archeological sites and one architectural resource. Several sites are either within a kilometer of the project area and not included in the table (41JF28), or are near the study area and should be included if the APE changes: 41JF62 (a burial), and 41JF45, 41JF47, 41JF48
- Appendix B, pp. 5-9: Recommended Plan should probably be moved to the beginning.
- Appendix B, p.6, paragraph 2 and Table 1: If TPWD and US Fish and Wildlife are land owners, why are they not signatories to the PA?
- Appendix B, Table 2: Please include THC Nos. for the shipwrecks so they can be cross-referenced to the Atlas data.
- Appendix B, Table 2. *Stonewall* is listed as archeological site 41CH267. This is an error. *Stonewall* is a reported, undiscovered Civil War shipwreck with a positional accuracy of 5 miles. Site 41CH267 is an identified shipwreck that well outside of the project area, on the north side of Lake Anahuac near Turtle Bayou. The only shipwrecks in the APE that are documented archeological sites are *Clifton* and *Dan*.
- Appendix B, Table 2, pp. 3-4: There are 26 reported shipwrecks whose positional accuracy places them within .25 miles of the APE. Nearby wrecks in Sabine Lake are not included in the list below. The shipwreck layer in Atlas is primarily reported, undiscovered shipwrecks taken from primary and secondary sources; only 7% of the THC shipwrecks presented in Atlas are validated, recorded archeological sites. In the APE for the proposed Jefferson County Ecosystem Restoration Study, only *Clifton* (41JF65, THC No. 652) and *Dan* (in Louisiana, 16CM144, THC No. 2405) are underwater archeological sites. The reported, undiscovered shipwrecks cannot be evaluated for the NRHP as they are not archeological sites—with the exception of *Clifton* and *Dan*. On page 4 it is stated that none of the shipwrecks were evaluated for the NRHP (which most cannot be) but this is also incorrect as *Clifton* has been recommended as eligible. *Clifton* is also a State Antiquities Landmark. Though *Dan* has not formally been evaluated by a contract archeological firm, Louisiana State Archeologist Chip McGimsey highly recommends *Dan* as eligible for the NRHP (Chip McGimsey, elec. Communication 2018).

THC No.	Shipwreck ID	Site No.
183	Clark Oil Barge No. 1	NA
184	Clark Oil Barge No. 2	NA
324	<i>John Sealy</i>	NA
495	<i>Terry Walker</i>	NA
652	<i>Clifton</i>	41JF65
656	<i>Morning light</i>	NA
657	<i>Revenge</i>	NA
1007	<i>Ella</i>	NA
1114	Unknown	NA
1244	Unknown	NA
1245	Unknown	NA
1246	Unknown	NA
1247	Unknown	NA

THC No.	Shipwreck ID	Site No.
1250	Unknown	NA
1253	Unknown	NA
1312	<i>John P. Smith</i>	NA
1519	<i>Sachem</i>	NA
1957	<i>Julius Caesar</i>	NA
2405	<i>Dan</i>	16CM144
2406	<i>Pearl Plant</i>	NA
2470	<i>Annie Taylor</i>	NA
2475	<i>Catherine</i>	NA
2478	<i>Gillum</i>	NA
2487	<i>Stonewall</i>	NA
2490	Unknown	NA
3708	<i>Delaware Sun</i>	NA

- Appendix B: In addition to archeological sites, any significant underwater remote-sensing targets that have been recommended for avoidance need to also be included as potential cultural resources within the project area. Mandated THC avoidance is 50 m from the perimeter of the magnetometer or sonar target. These targets are treated as unevaluated archeological sites until they are ground-truthed and confirmed. If they are determined to not be submerged cultural resources then the avoidance is waived. A survey of the Sabine-Neches Waterway was conducted in 2004 by PBS&J under Antiquities Permit 3061. The following magnetometer targets were recommended for avoidance within the Sabine River in the APE illustrated in the figure submitted with the desktop review: OS2.4, OS2.5, OS1.1, OS1.2, OS1.3, IS1.4, IS1.5, IS1.6, IS1.10s, IS11s, IS2.1, and IS2.14s
- Appendix B: On page 4 it is stated there are 13 shipwrecks and on page 9 it says 23. I would amend page 9 to state that 24 reported, undiscovered shipwrecks have the potential to be impacted, in addition to archeological sites *Clifton* (41JF65) and *Dan* (16CM144). In addition to the archeological sites, significant remote-sensing targets OS2.4, OS2.5, OS1.1, OS1.2, OS1.3, IS1.4, IS1.5, IS1.6, IS1.10s, IS11s, IS2.1, and IS2.14s, discovered during the archeological remote-sensing survey in 2005 (Enright et al 2005, TAC Permit No. 3061), must be avoided by all proposed work. If these targets cannot be avoided then additional archeological investigations, in the form of ground-truthing, is required.
- Appendix B, p. 9, 2nd paragraph: What about sites 41JF 12, 22, 23, 37, 38, and 98? They look like they could be affected.
- Appendix B, p. 9, 2nd paragraph, sentence 4: Remove apostrophe from shipwreck's
- Appendix B, p. 9, 3rd paragraph, sentence 1: Some of the areas were previously surveyed, including for the USACE, but those surveys were conducted in the late 1970s and early 1980s, did not meet current minimum survey standards, and must be redone.
- Appendix B, p. 9, 3rd paragraph, sentence 2: This does not seem true for underwater archeology and contradicts the above paragraph.
- Appendix B, p. 10?, sentence 2: Is the USACE proposing to survey only previously unsurveyed areas, the entire APE, or TBD?



Caddo Nation of Oklahoma

Post Office Box 487 • Binger, Oklahoma 73009 • 405-656-2344 • Fax 405-656-2892

July 10, 2018

Company: Department of the Army Fort Worth District, Corp of Engineers
Description: Jefferson County Ecosystem Restoration Study, Jefferson County, Texas
County: Jefferson County
State: Texas
Point of Contact: Seth Sampson, Environmental Compliance Branch, (501)340-1049, seth.sampson@usace.army.mil

Dear Mr. Sampson,

The Caddo Nation of Oklahoma Cultural Preservation Department received correspondence regarding the above project. Our office is committed to protecting sites important to the Caddo Nation's tribal heritage, culture, and religion. Furthermore, we are particularly concerned with archaeological sites that may contain human burials or remains, and any associated funerary objects.

Based on the description of the site in the correspondence from your office, and upon researching our database(s) and files, we find that the Caddo people occupied this area either historically or prehistorically. We are excited and ready to consult on this project. We ask that you keep the Caddo Nation updated on the progress of the Cultural Resources Survey. Please continue with the project as planned. However, should this project inadvertently uncover an archaeological site or object(s), we request that you halt all construction and ground disturbance activities and immediately contact the appropriate federal or state agencies, as well as our office.

We appreciate your initiating contact with the Caddo Nation of Oklahoma in order to obtain proper consultation. Should you have any questions, please contact me at (405)656-2344 ext. 2081.

Sincerely,

Derek Hill

Cultural Preservation Department

Caddo Nation of Oklahoma

P.O. Box 487

Binger, OK 73009

(405)656-2344 ext. 2081

dhill@caddonation.org

Kickapoo Tribe of Oklahoma

P.O.Box 70
407 N. Hwy 102
McLoud, Oklahoma 74851

Administration Department
Phone: 405-964-4227; Fax: 405-964-4265

July 23, 2018

Ms. Melinda Fisher, Biologist
Environmental Compliance Branch
Regional Planning and Environmental Planning Center
2488 E 81st Street
Tulsa, OK 74137-4290

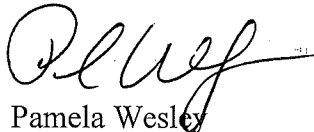
RE: Jefferson County Ecosystem Restoration
Feasibility Study Draft Integrated Feasibility
Report and Environmental Assessment
(JCER-DIFR-EA)

Dear Ms. Fisher:

Thank you for consulting with the Kickapoo Tribe of Oklahoma in regard to the above referenced site(s). At this time, the Kickapoo Tribe of Oklahoma has no objections to the proposed project at the intended site(s). However, in the event burial remains and/or artifacts are discovered during the development or construction process, the Kickapoo Tribe of Oklahoma would ask for immediate notification of such finding(s).

Should I be of any further assistance, please contact me at (405) 964-4227.

Sincerely,



Pamela Wesley
Administrative Assistant
Kickapoo Tribe of Oklahoma

Cc: File

David Pacheco, Jr.
NENAIKAPATA
CHAIRMAN

Nathan Gonzales
MAHMATOMA
VICE-CHAIRMAN

Unice Salazar
KISATEMOCUA
SECRETARY

George Lopez
TAPITAA
TREASURER

Janetta Mahtapene
KIOTHAHEQUAH
COUNCILPERSON

TEXAS HISTORICAL COMMISSION

real places telling real stories

August 9, 2018

Seth Sampson
Environmental Compliance Branch
Regional Planning and Environmental Center
United States Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Programmatic Agreement for the Jefferson County Ecosystem Restoration Study and Environmental Assessment in Jefferson County, Texas (USACE-Galveston District, Sabine-Neches Navigational District, Jefferson County) Tracking No. 201811927

Dear Mr. Sampson:

Thank you for your correspondence describing the above referenced project. This letter serves as further comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). As the state agency responsible for administering the Antiquities Code of Texas, these comments also provide recommendations on compliance with state antiquities laws and regulations.

The review staff, led by Maggie Moore, Amy Borgens, and Caitlin Brashear, have reviewed the revised draft programmatic agreement (PA). Appendix B, even with revisions, needs to be expanded so that it is commensurate in breadth with the historic section—especially in consideration of the quantity of prehistoric sites within the study area. If this cannot be done, then we recommend that the prehistoric and historic background be removed. Most PAs do not include this type of information in an appendix, and its removal will not affect the agreement.

For submerged portions of the focus study area, remote-sensing surveys may be required in areas not already addressed by archeological investigations conducted by PBS&J in 2005 under Antiquities Permit No. 3061. Finally, we noticed a few minor corrections and revisions that should be included in the document. Please see the attached comments and address them in the final version of the document.

Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Maggie Moore at (512) 463-6508.**

Sincerely,



for
Mark Wolfe
State Historic Preservation Officer

MW/ab

Enclosure



Comments on Programmatic Agreement for the Jefferson County Ecosystem Restoration Study and Environmental Assessment in Jefferson County, Texas.

p. 1. Additional Consulting Parties. Why are the SHPO and Tribes the only consulting parties listed during the first phases of consultation and additional consulting parties are considered only when adverse effects need to be resolved? Shouldn't additional consulting parties be sought up front and brought into the mix?

p. 2. We assume the whereas clause regarding Tribes will be augmented with the additional tribes listed in your email of 8/7/2018.

p. 3. Stipulation I. A. All parties have 30 days to review the APE from the date of receipt, not the date on your cover letter. Please change this statement.

p. 4. Stipulations I. D. and I. E. both set forth the procedures for identifying historic properties, since historic properties are those that are determined eligible for inclusion in the National Register of Historic Places. Therefore, we suggest changing Stipulation 1. D. to read "Cultural Resources Surveys." Testing is covered under Stipulation I. E., so it should be removed from Stipulation I. D.

Stipulation I. E. Please add a sentence that clarifies that the SHPO and Tribes and other consulting parties will be provided the opportunity to review and comment on a research design for test excavations prior to the initiation of fieldwork.

p. 6. Stipulation I. F. (1) (3) (a) (4). We try to review documents as quickly as possible, but 15 calendar days is not much time to review a data recovery plan, especially if more than one site requires mitigation. Please change this requirement to 30 days.

pp. 6-11. Stipulation II. Post Review Changes and Discoveries. Any discoveries that are investigated will require a report of investigations that can be sent to the SHPO, Tribes, and other consulting parties for review and comment. Please add this statement to the document.

p. 9. Stipulation II. C. Although it is mentioned later in the document, please reference the Medical Examiner/Coroner Act before the Health and Safety Code, because law enforcement and the medical examiner are the first to be involved when human remains are found.

p. 10. Stipulation II. C. (4). Please add a section (c) that states that a Notice of Cemetery will be filed with the County Clerk's office (form available on the THC website).

pp. 10-11. Stipulation II. C. (5). Please note that, if remains are to be removed, the Health and Safety Code requires a court order to be obtained from the District Court to remove the dedication and allow disinterment.

p. 11. Stipulation III. B. Please clarify that copies for public distribution must be redacted to remove specific site locational information.

TEXAS HISTORICAL COMMISSION

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September 17, 2018

Seth Sampson
Environmental Compliance Branch
Regional Planning and Environmental Center
United States Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Revised Draft Programmatic Agreement for the Jefferson County Ecosystem Restoration Study and Environmental Assessment in Jefferson County, Texas (USACE-Galveston District, Jefferson County, Sabine-Neches Navigational District, Tracking No. 201900273)

Dear Mr. Sampson:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). As the state agency responsible for administering the Antiquities Code of Texas, these comments also provide recommendations on compliance with state antiquities laws and regulations.

The review staff, led by Maggie Moore, Amy Borgens, and Caitlin Brashear, have reviewed the revised draft programmatic agreement (PA). Thank you for addressing our comments and resubmitting this document for review. We find this version of the PA acceptable and look forward to receiving the final version for signature.

Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Maggie Moore at (512) 463-6508.**

Sincerely,



for
Mark Wolfe
State Historic Preservation Officer

MW/mm

