

**Sabine Pass to Galveston Bay, Texas
Coastal Storm Risk Management and Ecosystem
Restoration
Final Integrated Feasibility Report and
Environmental Impact Study**

Appendix L

National Historic Preservation Act Coordination

May 2017



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

September 18, 2015

SWF-PEC-TN

Mr. Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Mr. Wolfe:

The U.S. Army Corps of Engineers, Galveston District (USACE) has prepared a draft report on the feasibility and environmental suitability of Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) projects between Sabine Pass and the Brazos River in Orange, Jefferson, and Brazoria Counties, Texas. Authorization for this study is based on a resolution from the Committee on Environmental and Public Works dated June 23, 2004, entitled "Coastal Texas Protection and Restoration Study." The study identified several alternatives for CSRM and ER projects in the study area and, more specifically, a tentatively selected plan (TSP) with three components: 1) a new levee/floodwall system in Orange and Northeast Jefferson counties called the Orange-Jefferson CSRM Plan; 2) improvements to existing floodwalls in the Port Arthur and Vicinity Hurricane Flood Protection Project (HFPP) called the Port Arthur and Vicinity CSRM Plan; and 3) improvements to existing levees and floodwalls in the Freeport and Vicinity HFPP called the Freeport and Vicinity CSRM Plan. Maps of the three TSP project components are attached as Figures 1 through 13.

The Area of Potential Effect (APE) for this project will be the footprint of the TSP for direct impacts to archeological resources plus a 1,500-foot buffer for indirect impacts to standing structures or buildings. The Orange-Jefferson CSRM Plan (Figures 1 through 6) overlaps five archeological sites and two cemeteries. Additionally, there are four National Register Properties within 1,500 feet of the proposed levee system (Navy Park Historic District, W.H. Stark House, Sims House, and the Woodmen of the World Lodge), all of which would experience reduced risk of storm surge damages with construction of the new levee system. The five archeological sites in Orange County (41OR15, OR39, OR59, OR60, and OR70) are all prehistoric sites that have poorly delineated boundaries, insufficient documentation, and have not been evaluated for National Register of Historic Places (NRHP) eligibility. All of these sites have the potential to be directly impacted by construction activities. The two cemeteries (Thomas Cemetery and an unknown cemetery) also have a potential to be directly affected by levee construction as their recorded boundaries overlap with the proposed project area.

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We request your comments on the proposed undertaking and the potential to affect historic properties in compliance with Section 106 of the National Historic Preservation Act of 1966. Thank you for your cooperation in this review process. If you have any questions concerning the proposed project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy". The signature is written in black ink and is positioned above the typed name and title.

Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

Enclosures

ATTACHMENTS

Figure 1: Orange and Jefferson Counties CSRM Plan

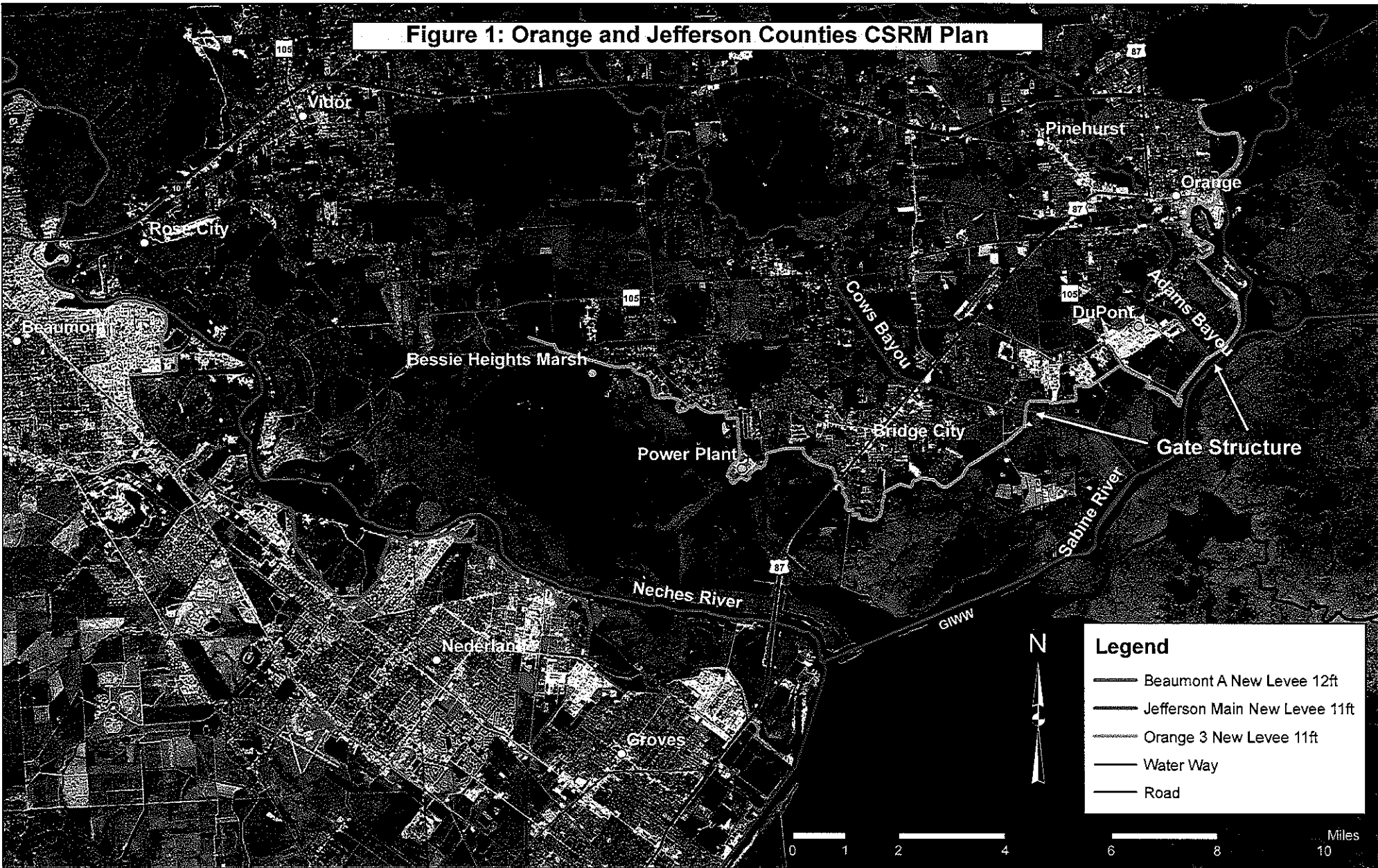
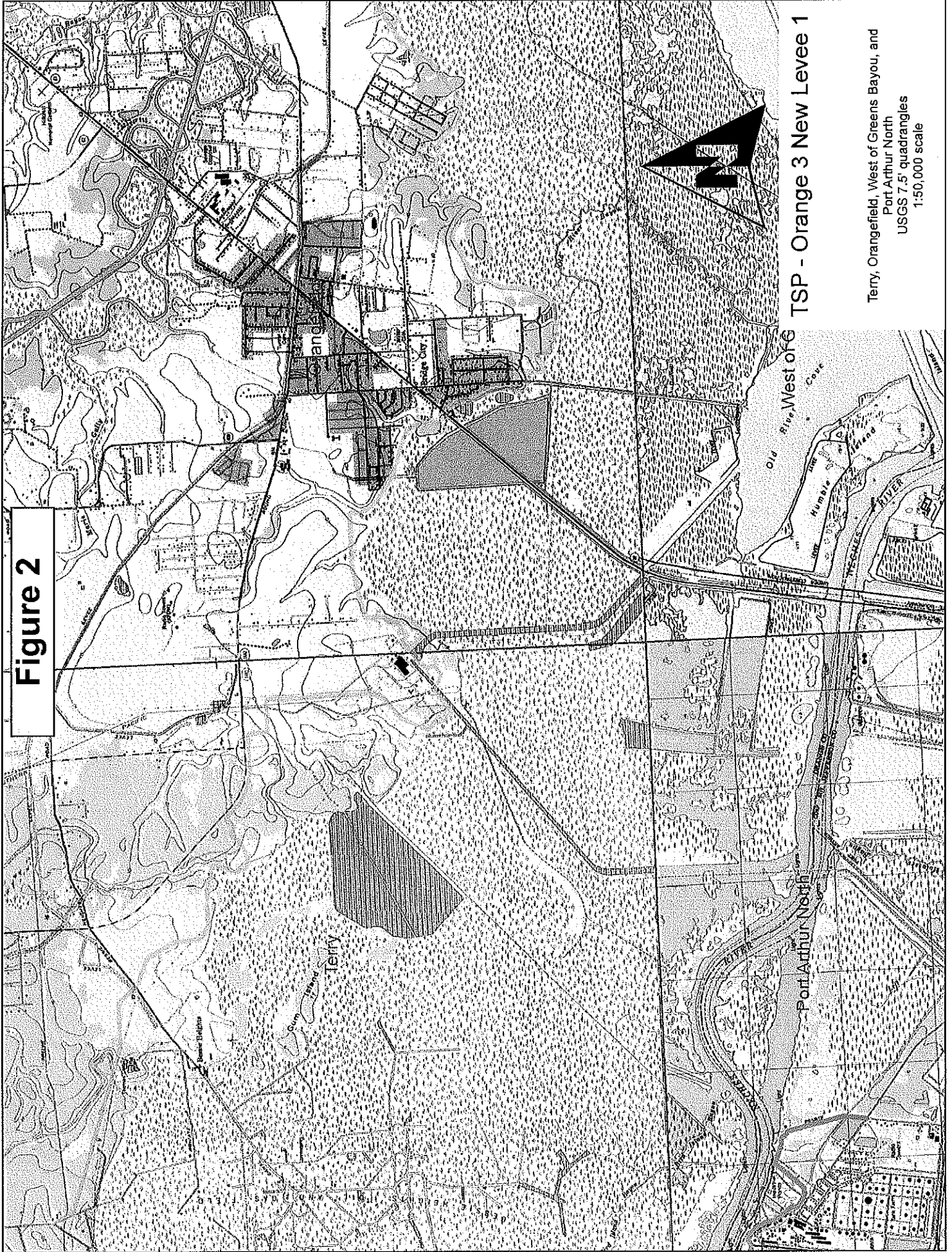


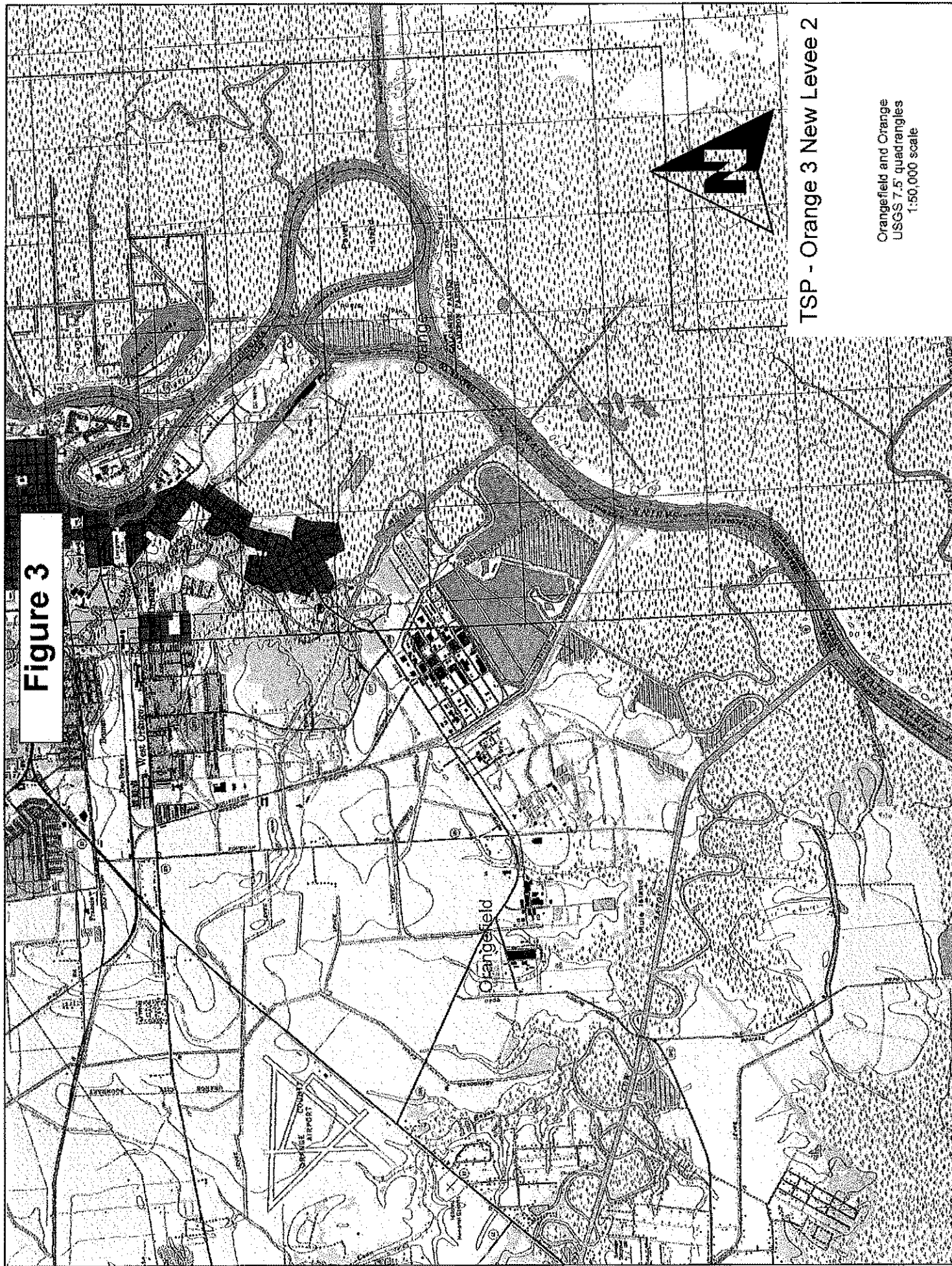
Figure 2



TSP - Orange 3 New Level 1

Terry, Orangefield, West of Greens Bayou, and
Port Arthur North
USGS 7.5' quadrangles
1:50,000 scale

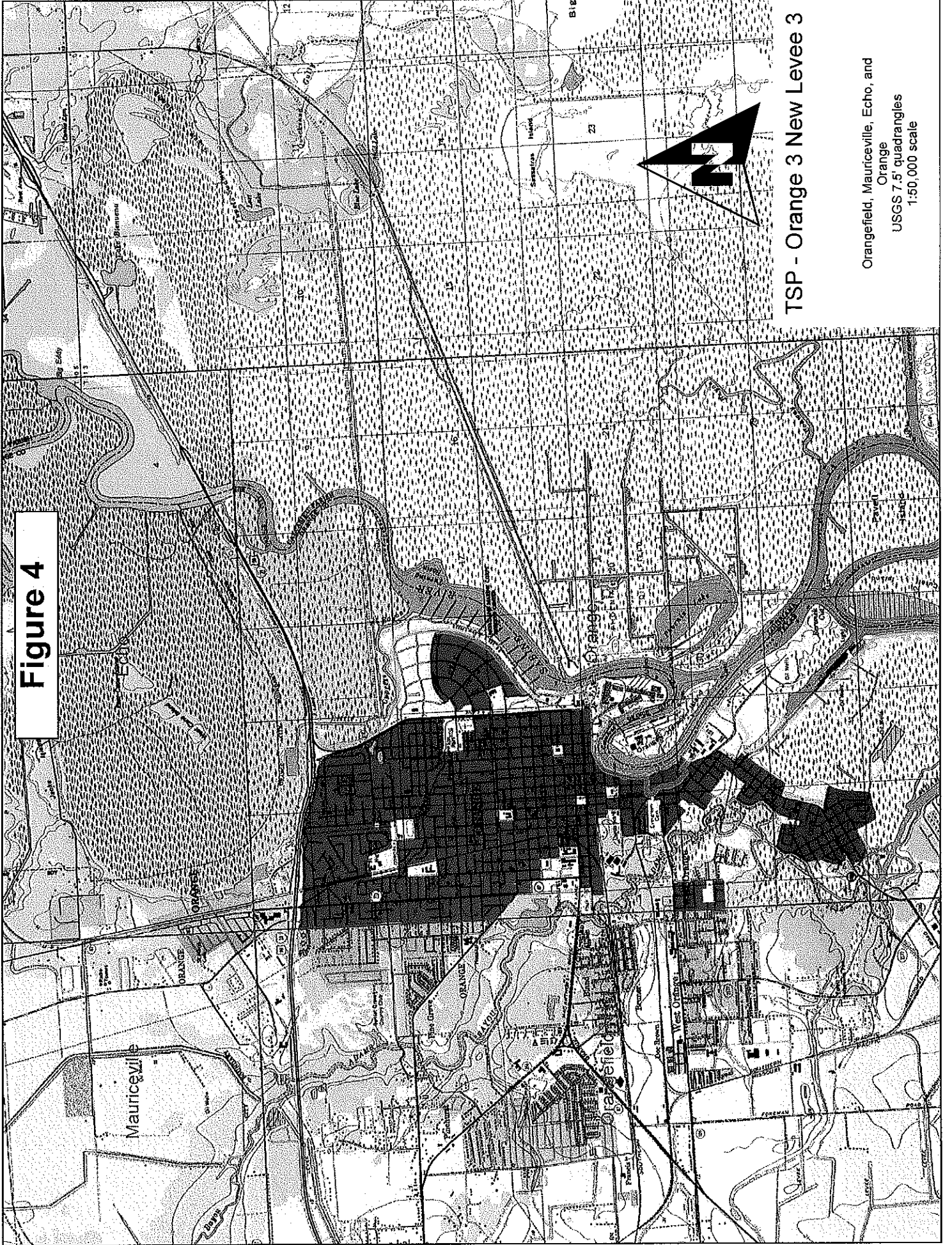
Figure 3



TSP - Orange 3 New Levee 2

Orangefield and Orange
USGS 7.5' quadrangles
1:50,000 scale

Figure 4



TSP - Orange 3 New Levee 3

Orangefield, Mauriceville, Echo, and
Orange
USGS 7.5' quadrangles
1:50,000 scale

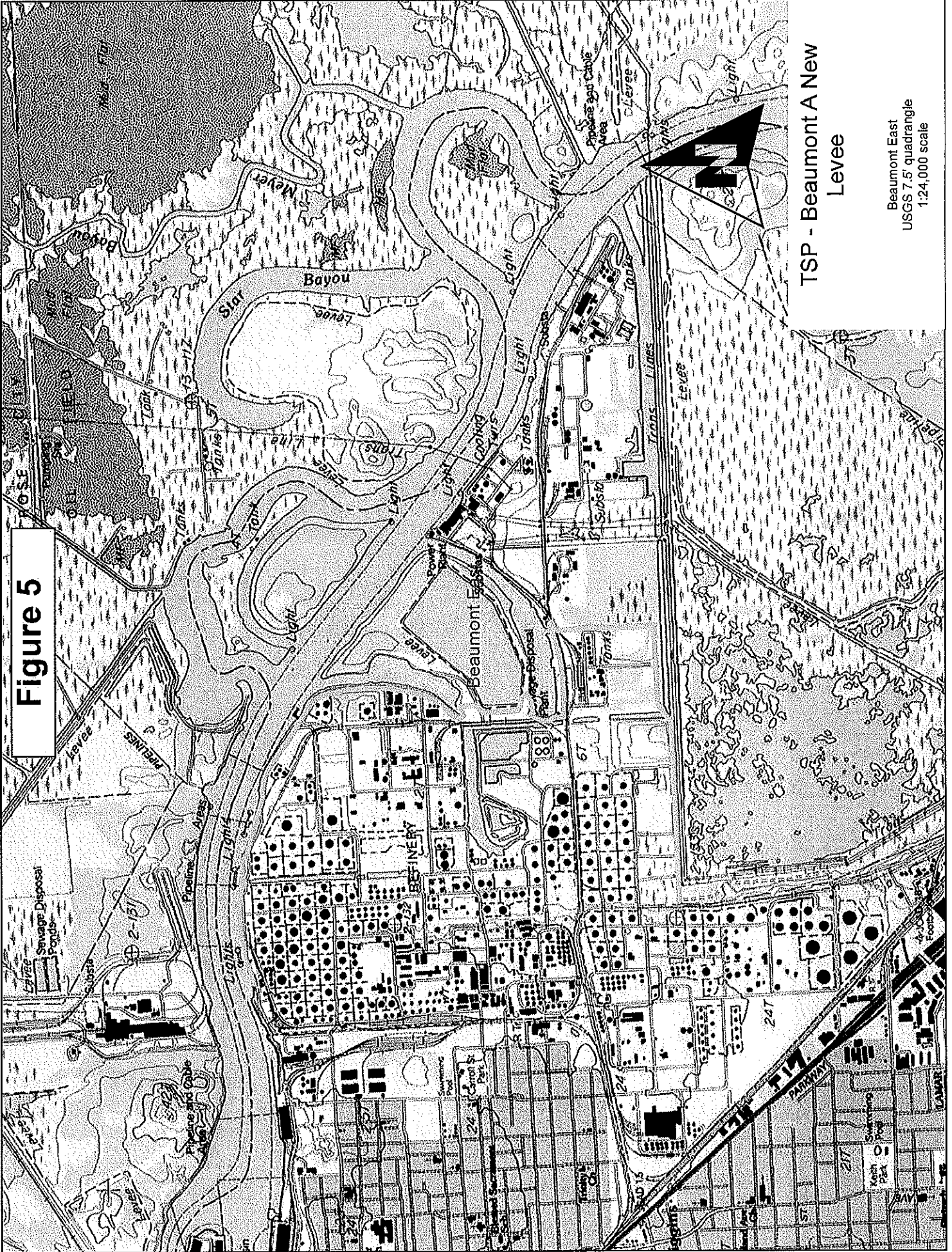
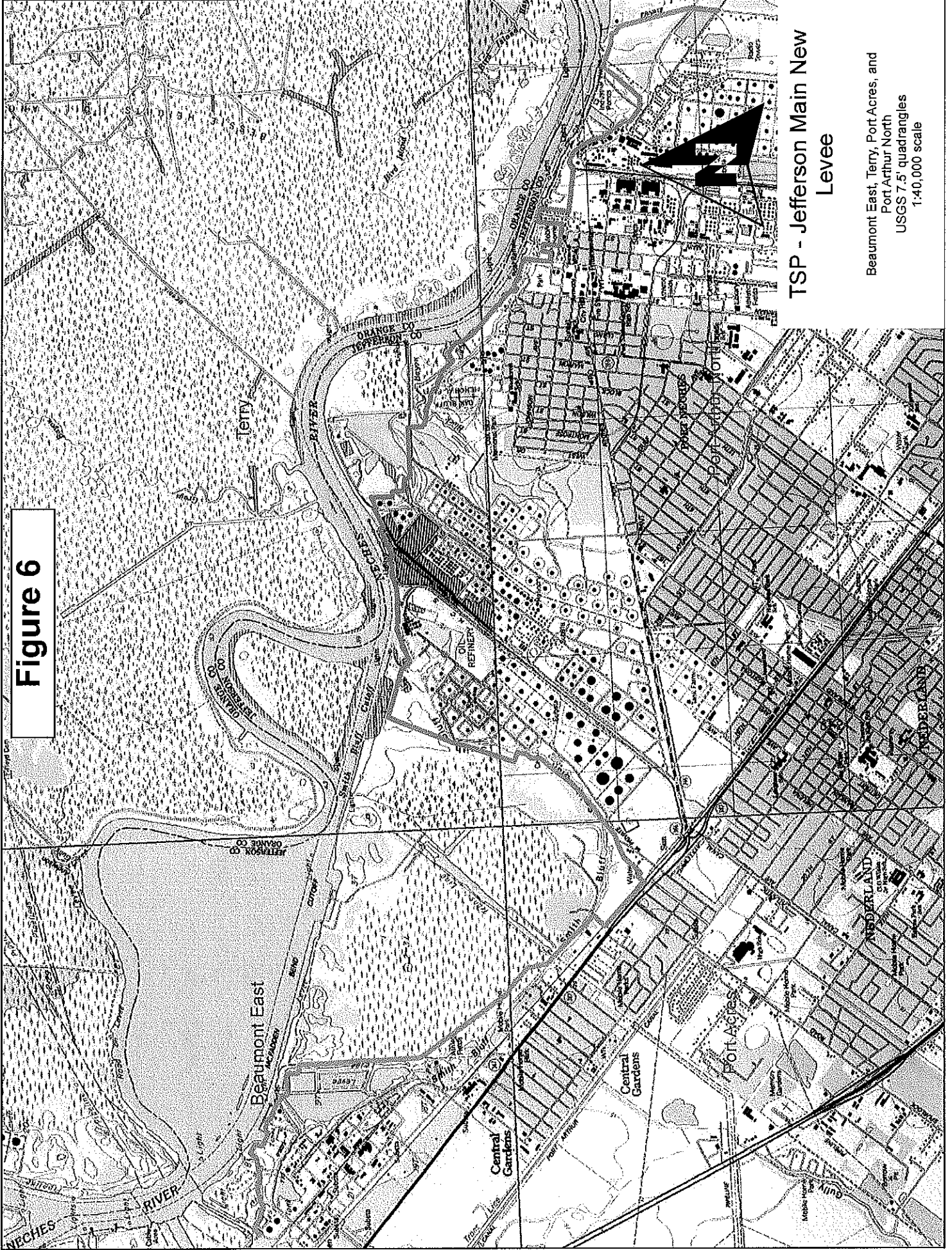


Figure 5

TSP - Beaumont A New
Levee

Beaumont East
USGS 7.5' quadrangle
1:24,000 scale

Figure 6



TSP - Jefferson Main New
Levee

Beaumont East, Terry, Port Acres, and
Port Arthur North
USGS 7.5' quadrangles
1:40,000 scale

Figure 7: Port Arthur and Vicinity CSRM Plan



Legend

- Existing Levee
- Existing Floodwall
- 8-10ft I-Wall Raise
- Closure Structure Raise
- I-Wall Raise Near Tank Farm
- I-Wall Raise Near Vaiero
- Road
- Water Way

0 1.25 2.5

Miles
5

Figure 8

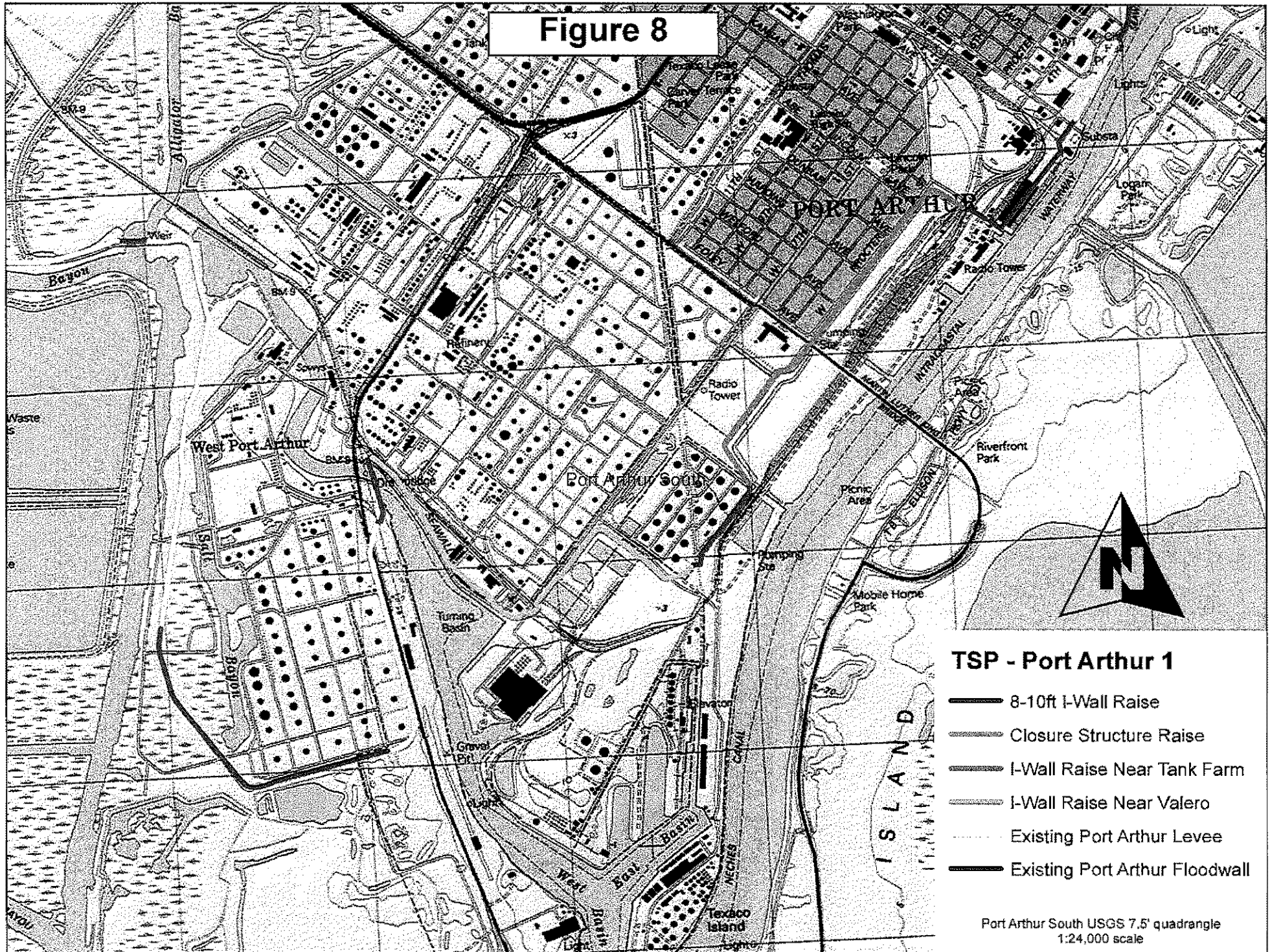
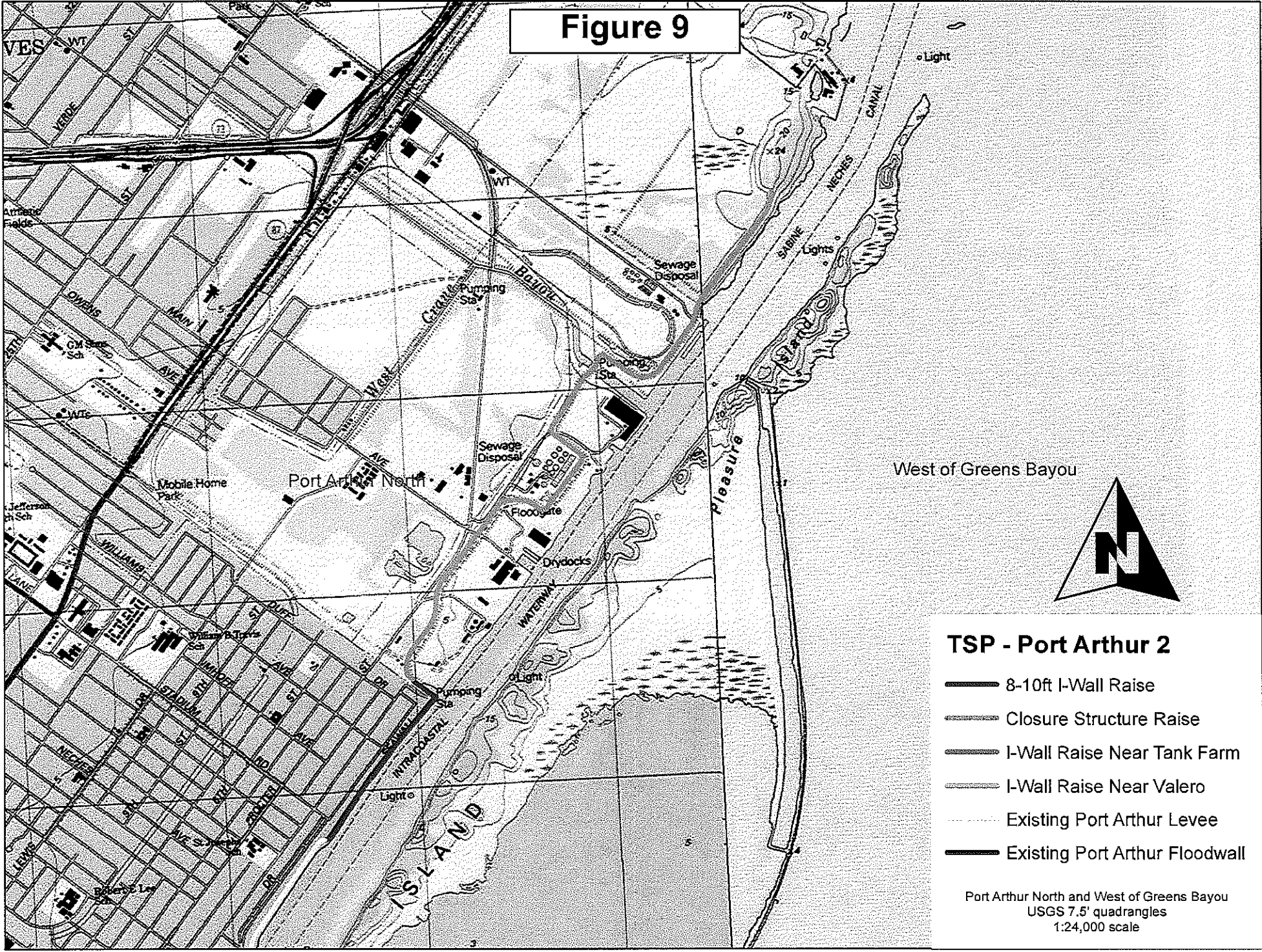


Figure 9

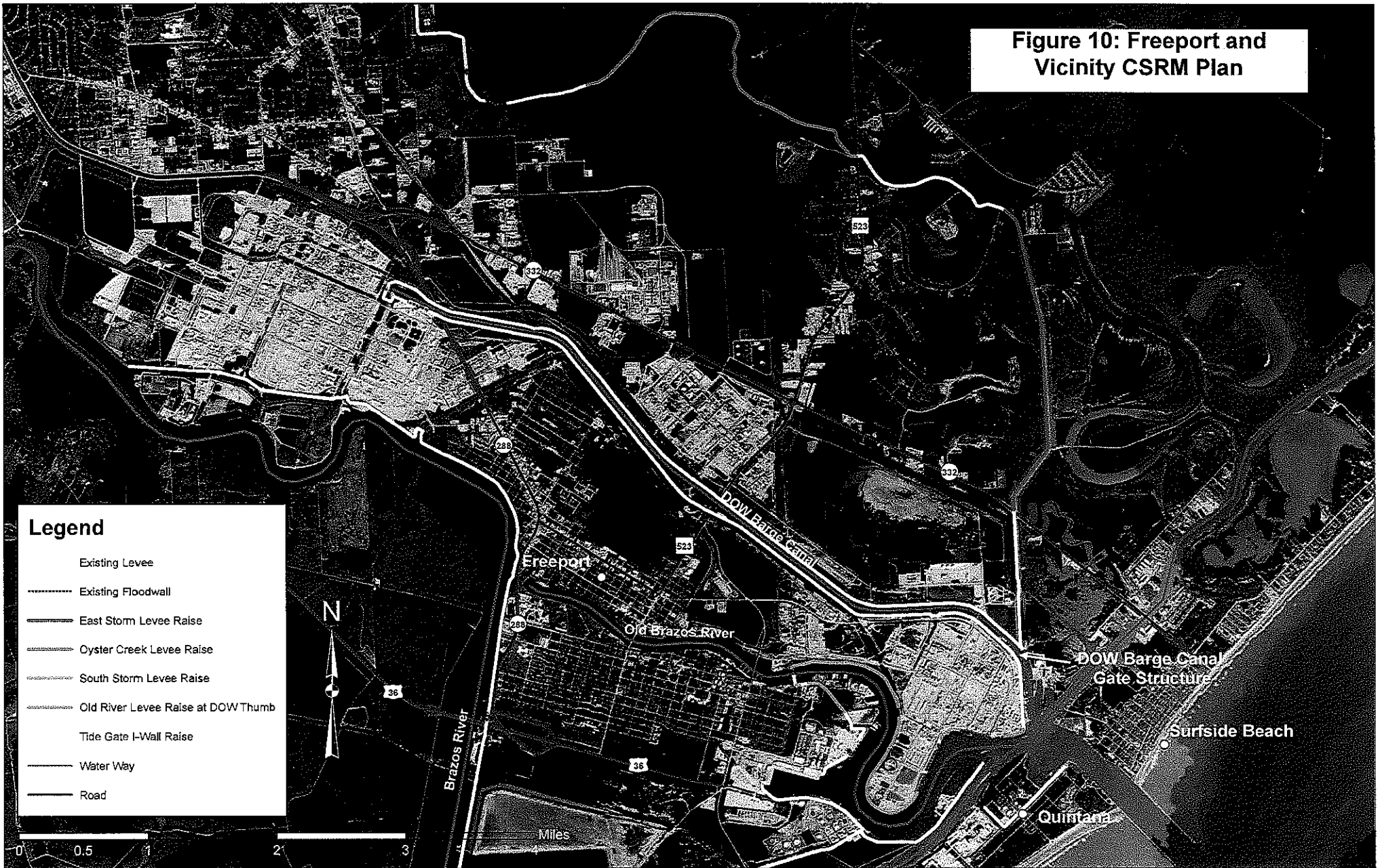


TSP - Port Arthur 2

- 8-10ft I-Wall Raise
- Closure Structure Raise
- I-Wall Raise Near Tank Farm
- I-Wall Raise Near Valero
- Existing Port Arthur Levee
- Existing Port Arthur Floodwall

Port Arthur North and West of Greens Bayou
 USGS 7.5' quadrangles
 1:24,000 scale

Figure 10: Freeport and Vicinity CSRM Plan



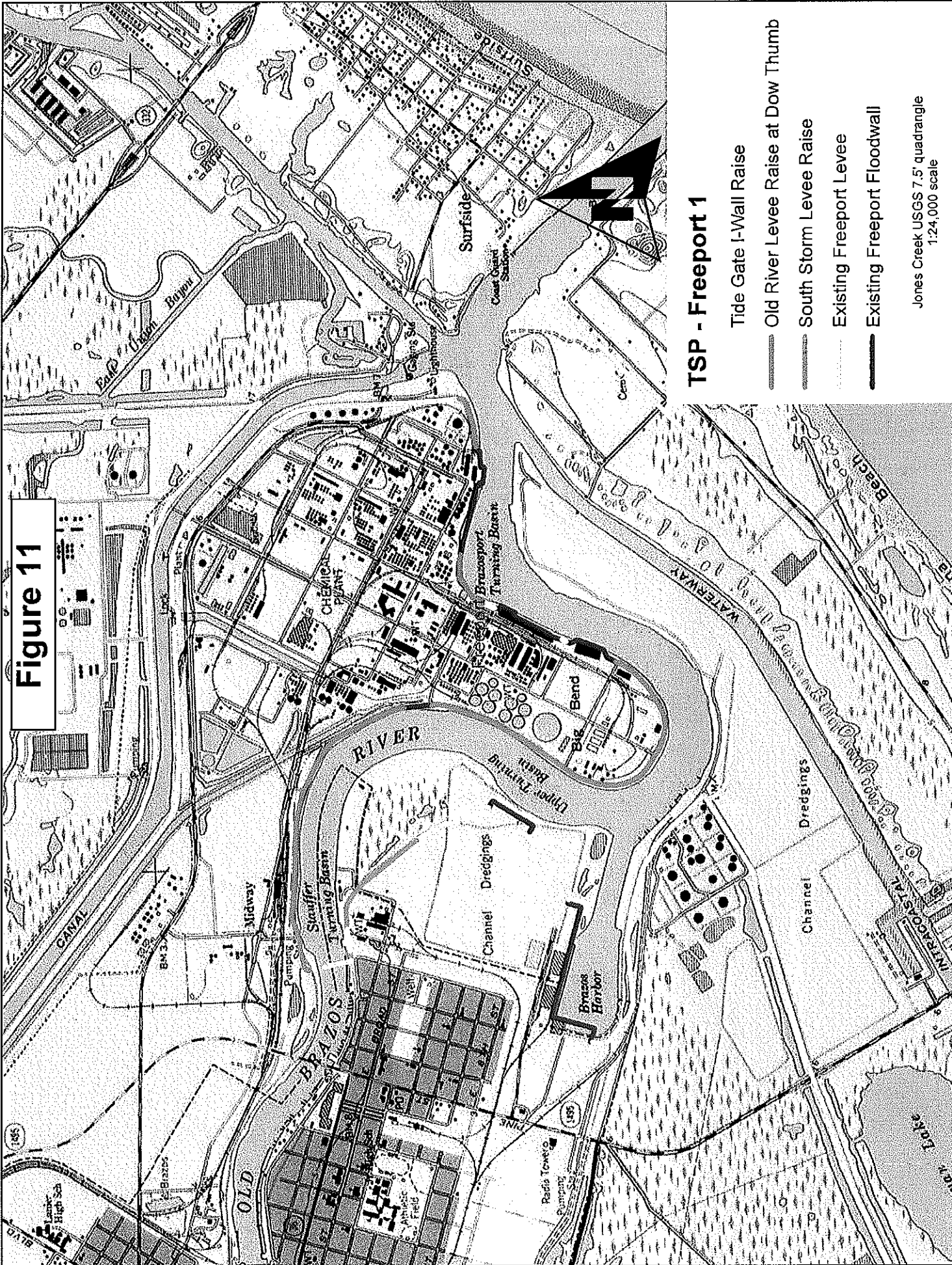


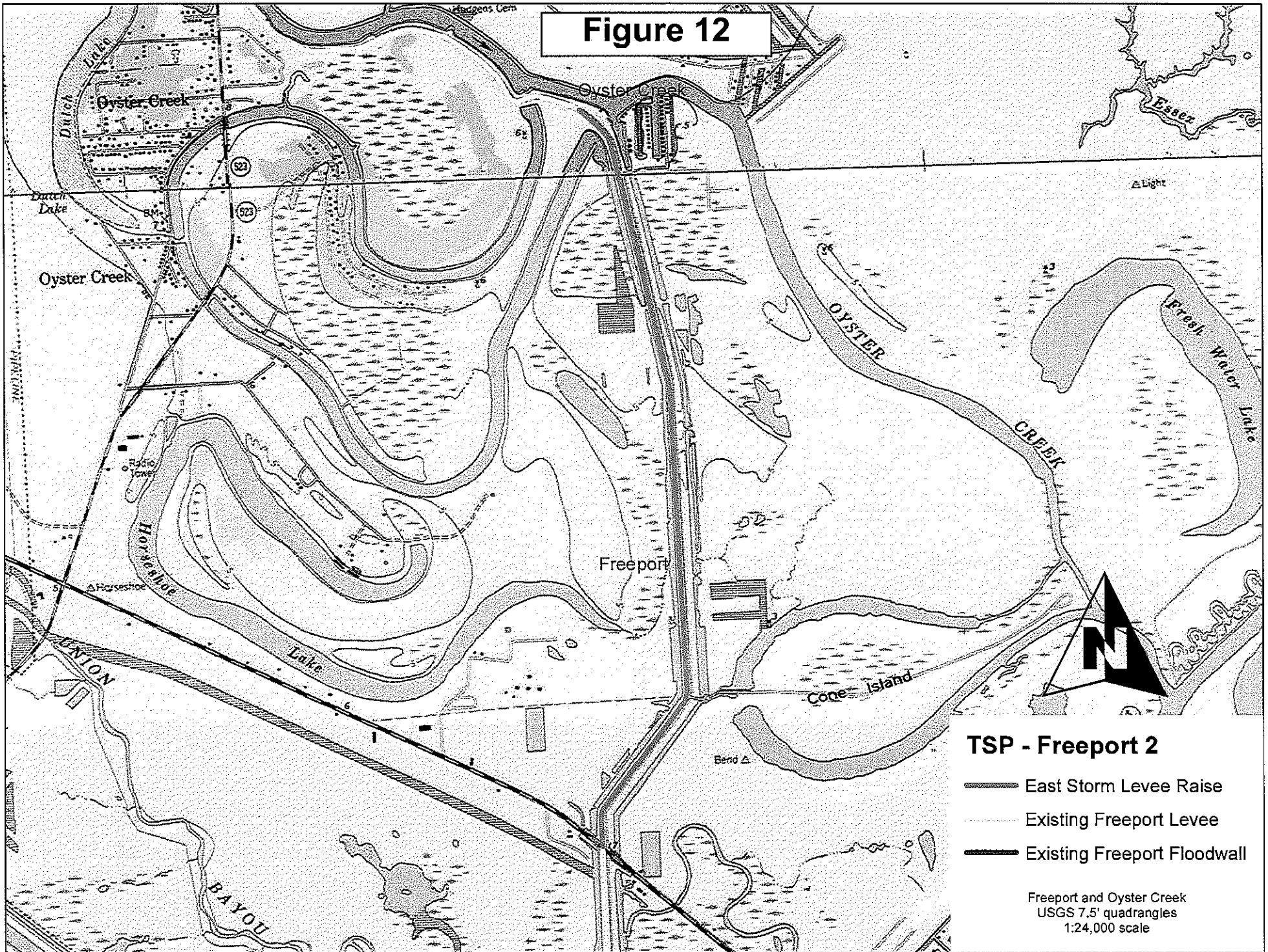
Figure 11

TSP - Freeport 1

- Tide Gate I-Wall Raise
- Old River Levee Raise at Dow Thumb
- South Storm Levee Raise
- Existing Freeport Levee
- Existing Freeport Floodwall

Jones Creek USGS 7.5' quadrangle
1:24,000 scale

Figure 12

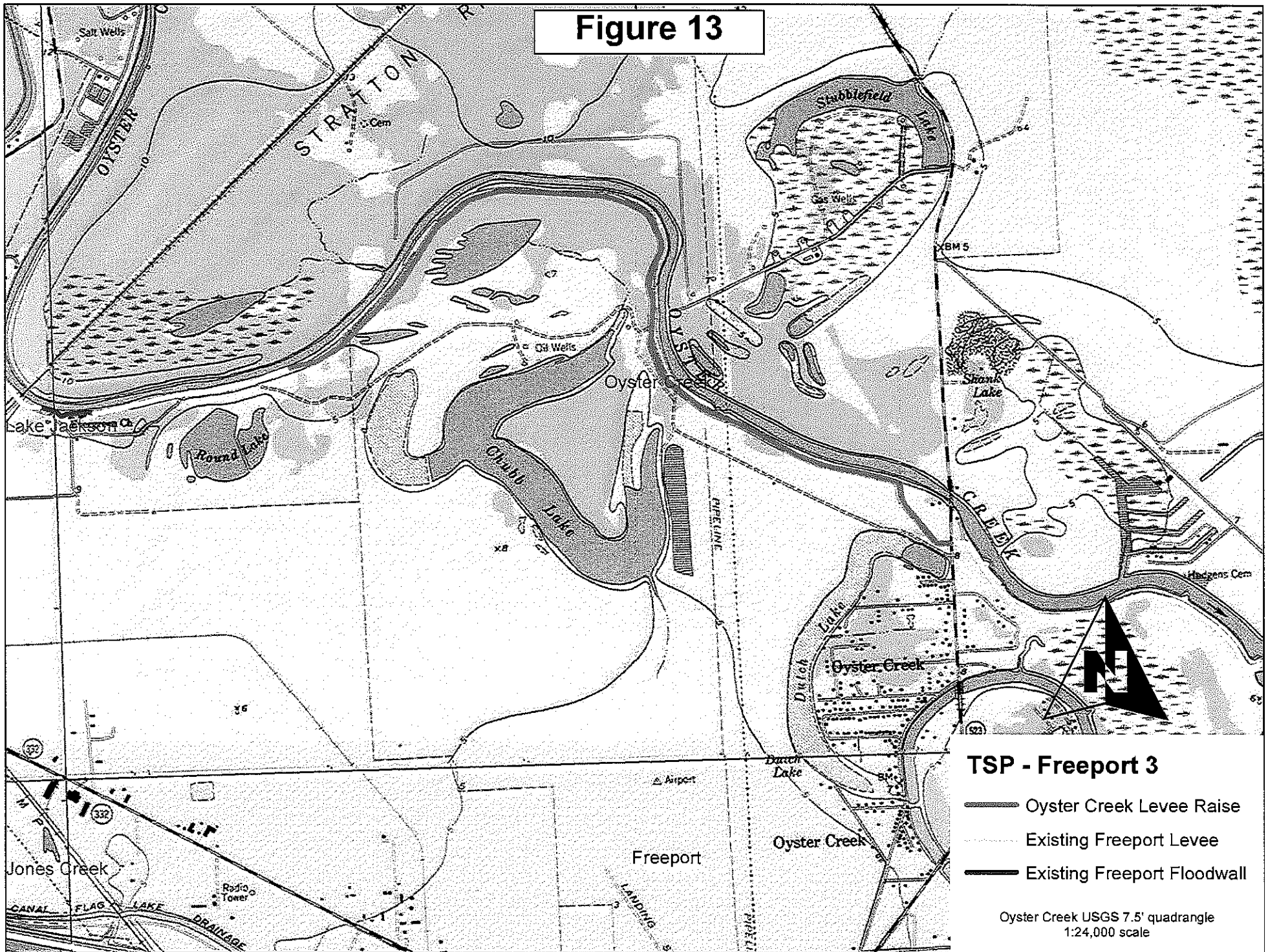


TSP - Freeport 2

- East Storm Levee Raise
- - - Existing Freeport Levee
- Existing Freeport Floodwall

Freeport and Oyster Creek
USGS 7.5' quadrangles
1:24,000 scale

Figure 13



- TSP - Freeport 3**
- Oyster Creek Levee Raise
 - - - Existing Freeport Levee
 - Existing Freeport Floodwall

Oyster Creek USGS 7.5' quadrangle
1:24,000 scale



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

September 18, 2015

SWF-PEC-TN

Dr. Ian Thompson
Choctaw Nation of Oklahoma
Tribal Historic Preservation Officer
P.O. Drawer 1210
Durant, OK 74072-1210

Dear Dr. Thompson:

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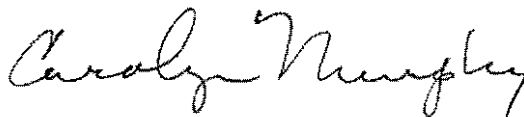
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We request your comments on the proposed undertaking and the potential to affect historic properties in compliance with Section 106 of the National Historic Preservation Act of 1966. Thank you for your cooperation in this review process. If you have any questions concerning the proposed project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,



Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

Enclosures



Choctaw Nation of Oklahoma

Historic Preservation

P.O. Box 1210 • Durant, OK 74702-1210

Gary Batton
Chief

Jack Austin, Jr.
Assistant Chief

October 27, 2015

Carolyn Murphy
Department of the Army
Galveston District, Corps of Engineers
PO Box 1229
Galveston, TX 77553-1229

RE: Draft Report on the Feasibility and Environmental Suitability of Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) Projects between Sabine Pass and the Brazos River in Orange, Jefferson, and Brazoria Counties, Texas.

Dear Ms. Murphy,

The Choctaw Nation of Oklahoma thanks you for the correspondence regarding the above referenced project. Orange, Jefferson, and Brazoria Counties, Texas lie outside of the Choctaw Nation of Oklahoma's area of historic interest. The Choctaw Nation of Oklahoma respectfully defers to the other Tribes that have been contacted. If you have any questions, please contact me by email.

Sincerely,

Dr. Ian Thompson, Ph.D., RPA
Tribal Historic Preservation Officer
Tribal Archaeologist, NAGPRA Specialist

By: 

Daniel Ragle
NHPA Section 106 Reviewer
dragle@choctawnation.com
Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74701



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

September 18, 2015

SWF-PEC-TN

Mr. Bryant Celestine
Alabama-Coushatta Tribes of Texas
Tribal Historic Preservation Officer
571 State Park Road 56
Livingston, TX 77351

Dear Mr. Celestine:

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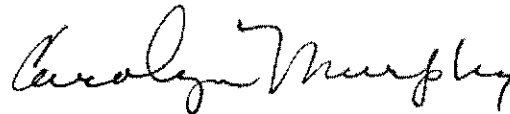
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Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

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

September 28, 2015

SWF-PEC-TN

Mr. Jim Arterberry
The Comanche Nation
Tribal Historic Preservation Officer
#6 SW "D" Avenue, Suite A
Lawton, OK 73507

Dear Mr. Arterberry:

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Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
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DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

September 28, 2015

SWF-PEC-TN

Dr. Linda Langley
Coushatta Tribe of Louisiana
Tribal Historic Preservation Officer
1940 C.C. Bel Road
Elton, LA 70532

Dear Dr. Langley:

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

September 18, 2015

SWF-PEC-TN

Ms. Amie Tahbone
Kiowa Indian Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

Dear Ms. Tahbone:

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The Area of Potential Effect (APE) for this project will be the footprint of the TSP for direct impacts to archeological resources plus a 1,500-foot buffer for indirect impacts to standing structures or buildings. The Orange-Jefferson CSRM Plan (Figures 1 through 6) overlaps five archeological sites and two cemeteries. Additionally, there are four National Register Properties within 1,500 feet of the proposed levee system (Navy Park Historic District, W.H. Stark House, Sims House, and the Woodmen of the World Lodge), all of which would experience reduced risk of storm surge damages with construction of the new levee system. The five archeological sites in Orange County (41OR15, OR39, OR59, OR60, and OR70) are all prehistoric sites that have poorly delineated boundaries, insufficient documentation, and have not been evaluated for National Register of Historic Places (NRHP) eligibility. All of these sites have the potential to be directly impacted by construction activities. The two cemeteries (Thomas Cemetery and an unknown cemetery) also have a potential to be directly affected by levee construction as their recorded boundaries overlap with the proposed project area.

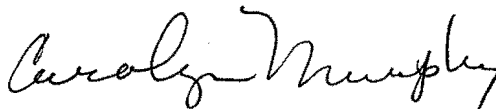
These cemeteries are not well documented and their locations may not be accurate within the existing state databases.

There are numerous cultural resources that occur near the APE for the Port Arthur (Figures 7 through 9) and Freeport CSRM Plans (Figures 10 through 13); however, all of these resources as currently mapped occur outside of the areas proposed for improvements. In Port Arthur, there are no cultural resources that overlap with the areas for proposed improvements along the existing HFPP. However, there are three archeological sites (41BO4, BO119, and BO121) that are within proximity to the proposed improvement areas along the Freeport HFPP. These three sites all occur along Oyster Creek (Figure 13), are poorly delineated, lack sufficient documentation, and have not been evaluated for NRHP eligibility.

Based on the current information for the proposed levee construction and improvements, there is a potential to affect historic properties and cemeteries. These effects consist of direct impacts from earth moving and excavation activities related to construction and potential indirect effects on historic structures such as diminished view shed from the raising of levees and floodwalls. The USACE recommends intensive cultural resources investigations to identify and evaluate any historic properties within proposed construction areas. The USACE intends to execute a Programmatic Agreement (PA) to govern the scope of investigations, which will be determined in concert with the Texas SHPO and Native American Tribes. A draft PA has been developed and provided for public and tribal review as Appendix L in the Draft Integrated Feasibility Report and Environmental Impact Statement. A compact disk of this report is enclosed.

We request your comments on the proposed undertaking and the potential to affect historic properties in compliance with Section 106 of the National Historic Preservation Act of 1966. Thank you for your cooperation in this review process. If you have any questions concerning the proposed project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,



Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

Enclosures



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

September 18, 2015

SWF-PEC-TN

Ms. Holly Houghton
Mescalero Apache Tribe, for Lipan
Tribal Historic Preservation Officer
P.O. Box 227
Mescalero, NM 88340

Dear Ms. Houghton:

The U.S. Army Corps of Engineers, Galveston District (USACE) has prepared a draft report on the feasibility and environmental suitability of Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) projects between Sabine Pass and the Brazos River in Orange, Jefferson, and Brazoria Counties, Texas. Authorization for this study is based on a resolution from the Committee on Environmental and Public Works dated June 23, 2004, entitled "Coastal Texas Protection and Restoration Study." The study identified several alternatives for CSRM and ER projects in the study area and, more specifically, a tentatively selected plan (TSP) with three components: 1) a new levee/floodwall system in Orange and Northeast Jefferson counties called the Orange-Jefferson CSRM Plan; 2) improvements to existing floodwalls in the Port Arthur and Vicinity Hurricane Flood Protection Project (HFPP) called the Port Arthur and Vicinity CSRM Plan; and 3) improvements to existing levees and floodwalls in the Freeport and Vicinity HFPP called the Freeport and Vicinity CSRM Plan. Maps of the three TSP project components are attached as Figures 1 through 13.

The Area of Potential Effect (APE) for this project will be the footprint of the TSP for direct impacts to archeological resources plus a 1,500-foot buffer for indirect impacts to standing structures or buildings. The Orange-Jefferson CSRM Plan (Figures 1 through 6) overlaps five archeological sites and two cemeteries. Additionally, there are four National Register Properties within 1,500 feet of the proposed levee system (Navy Park Historic District, W.H. Stark House, Sims House, and the Woodmen of the World Lodge), all of which would experience reduced risk of storm surge damages with construction of the new levee system. The five archeological sites in Orange County (41OR15, OR39, OR59, OR60, and OR70) are all prehistoric sites that have poorly delineated boundaries, insufficient documentation, and have not been evaluated for National Register of Historic Places (NRHP) eligibility. All of these sites have the potential to be directly impacted by construction activities. The two cemeteries (Thomas Cemetery and an unknown cemetery) also have a potential to be directly affected by levee construction as their recorded boundaries overlap with the proposed project area.

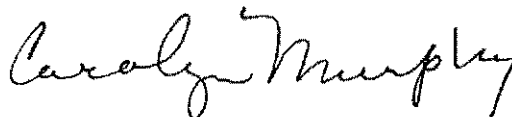
These cemeteries are not well documented and their locations may not be accurate within the existing state databases.

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Based on the current information for the proposed levee construction and improvements, there is a potential to affect historic properties and cemeteries. These effects consist of direct impacts from earth moving and excavation activities related to construction and potential indirect effects on historic structures such as diminished view shed from the raising of levees and floodwalls. The USACE recommends intensive cultural resources investigations to identify and evaluate any historic properties within proposed construction areas. The USACE intends to execute a Programmatic Agreement (PA) to govern the scope of investigations, which will be determined in concert with the Texas SHPO and Native American Tribes. A draft PA has been developed and provided for public and tribal review as Appendix L in the Draft Integrated Feasibility Report and Environmental Impact Statement. A compact disk of this report is enclosed.

We request your comments on the proposed undertaking and the potential to affect historic properties in compliance with Section 106 of the National Historic Preservation Act of 1966. Thank you for your cooperation in this review process. If you have any questions concerning the proposed project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,



Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

Enclosures



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

September 18, 2015

SWF-PEC-TN

Ms. Miranda Allen
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653

Dear Ms. Allen:

The U.S. Army Corps of Engineers, Galveston District (USACE) has prepared a draft report on the feasibility and environmental suitability of Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) projects between Sabine Pass and the Brazos River in Orange, Jefferson, and Brazoria Counties, Texas. Authorization for this study is based on a resolution from the Committee on Environmental and Public Works dated June 23, 2004, entitled "Coastal Texas Protection and Restoration Study." The study identified several alternatives for CSRM and ER projects in the study area and, more specifically, a tentatively selected plan (TSP) with three components: 1) a new levee/floodwall system in Orange and Northeast Jefferson counties called the Orange-Jefferson CSRM Plan; 2) improvements to existing floodwalls in the Port Arthur and Vicinity Hurricane Flood Protection Project (HFPP) called the Port Arthur and Vicinity CSRM Plan; and 3) improvements to existing levees and floodwalls in the Freeport and Vicinity HFPP called the Freeport and Vicinity CSRM Plan. Maps of the three TSP project components are attached as Figures 1 through 13.

The Area of Potential Effect (APE) for this project will be the footprint of the TSP for direct impacts to archeological resources plus a 1,500-foot buffer for indirect impacts to standing structures or buildings. The Orange-Jefferson CSRM Plan (Figures 1 through 6) overlaps five archeological sites and two cemeteries. Additionally, there are four National Register Properties within 1,500 feet of the proposed levee system (Navy Park Historic District, W.H. Stark House, Sims House, and the Woodmen of the World Lodge), all of which would experience reduced risk of storm surge damages with construction of the new levee system. The five archeological sites in Orange County (41OR15, OR39, OR59, OR60, and OR70) are all prehistoric sites that have poorly delineated boundaries, insufficient documentation, and have not been evaluated for National Register of Historic Places (NRHP) eligibility. All of these sites have the potential to be directly impacted by construction activities. The two cemeteries (Thomas Cemetery and an unknown cemetery) also have a potential to be directly affected by levee construction as their recorded boundaries overlap with the proposed project area.

These cemeteries are not well documented and their locations may not be accurate within the existing state databases.

There are numerous cultural resources that occur near the APE for the Port Arthur (Figures 7 through 9) and Freeport CSRM Plans (Figures 10 through 13); however, all of these resources as currently mapped occur outside of the areas proposed for improvements. In Port Arthur, there are no cultural resources that overlap with the areas for proposed improvements along the existing HFPP. However, there are three archeological sites (41BO4, BO119, and BO121) that are within proximity to the proposed improvement areas along the Freeport HFPP. These three sites all occur along Oyster Creek (Figure 13), are poorly delineated, lack sufficient documentation, and have not been evaluated for NRHP eligibility.

Based on the current information for the proposed levee construction and improvements, there is a potential to affect historic properties and cemeteries. These effects consist of direct impacts from earth moving and excavation activities related to construction and potential indirect effects on historic structures such as diminished view shed from the raising of levees and floodwalls. The USACE recommends intensive cultural resources investigations to identify and evaluate any historic properties within proposed construction areas. The USACE intends to execute a Programmatic Agreement (PA) to govern the scope of investigations, which will be determined in concert with the Texas SHPO and Native American Tribes. A draft PA has been developed and provided for public and tribal review as Appendix L in the Draft Integrated Feasibility Report and Environmental Impact Statement. A compact disk of this report is enclosed.

We request your comments on the proposed undertaking and the potential to affect historic properties in compliance with Section 106 of the National Historic Preservation Act of 1966. Thank you for your cooperation in this review process. If you have any questions concerning the proposed project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,



Carolyn Murphy
Chief, Unit A
NEPA & Cultural Resources Section
Environmental Technical Services Branch
Regional Planning & Environmental Center

Enclosures



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

Burks-Copes
PEC_TN

May 26, 2016

Regional Planning & Environmental Center
Coastal Section

Mr. Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Mr. Wolfe:

The U.S. Army Corps of Engineers (USACE) proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.14 to address impacts associated with the Sabine Pass to Galveston Bay Coastal Storm Risk Management and Ecosystem Restoration Project in Orange, Jefferson, Chambers, Galveston, Harris, and Brazoria Counties, Texas. Because effects on historic properties cannot be fully determined prior to approval of the undertaking, we find it necessary to defer identification and evaluation of historic properties. A Draft PA is included as an enclosure for your review.

The purpose of the project is to reduce the damages and risks associated with coastal storms and associated flooding as well as maintain and/or restore coastal habitat that contributes to storm surge attenuation. The recommended plan would include the construction of levees, floodwalls and gate structures as well as improvements to existing hurricane systems and ecosystem restoration.

The Area of Potential Effects (APE) includes all areas to be affected by new construction, construction staging and access areas, new or extensions of existing levees or borrow areas, ecological mitigation features, and project maintenance activities, defined as the footprint of all areas of direct impacts and a 1,500-foot buffer for indirect impacts to standing structures or buildings. A preliminary records search for previously recorded cultural resources revealed that the recommended plan has the potential to affect eight archeological sites (41OR15, OR39, OR59, OR60, OR70, BO4, BO119, and BO121), four National Register of Historic Places properties (Navy Park Historic District, W.H. Stark House, Sims House, and the Woodmen of the World Lodge), and two cemeteries (Evergreen and Thomas cemeteries). A review of prior archeological investigations indicates that only isolated pockets of the APE have been surveyed. Additional cultural resources investigations will be performed when specific construction plans have been finalized and impact areas identified.

In conclusion, we request your review and comment on the draft PA. We invite your signature pursuant to 36CFR800.6.(b)(1). We are inviting the Advisory Council on Historic Preservation as a signatory to this PA to afford that agency an opportunity to join the consultation if it so chooses. We have invited the non-Federal sponsors of this project, Orange

County, Jefferson County Drainage District No. 7, and Velasco Drainage District to be signatories to the PA as well.

Thank you for your cooperation in this review process. If you have any questions concerning this project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,

Kelly A. Burks-Copes
Acting Chief, Coastal Section

Enclosure

**PROGRAMMATIC AGREEMENT
REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR
THE SABINE PASS TO GALVESTON BAY COASTAL STORM RISK
MANAGEMENT AND ECOSYSTEM RESTORATION PROJECT
IN
ORANGE, JEFFERSON, CHAMBERS, GALVESTON, HARRIS, AND
BRAZORIA COUNTIES, TEXAS
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
ORANGE COUNTY, TEXAS, JEFFERSON COUNTY DRAINAGE DISTRICT
NO. 7, AND THE VELASCO DRAINAGE DISTRICT**

WHEREAS, the U.S. Army Corps of Engineers, Galveston District (USACE) has determined that new construction, improvements to existing facilities, and maintenance of existing facilities of the Sabine Pass to Galveston Bay Coastal Storm Risk Management and Ecosystem Restoration Study (hereinafter, "undertaking") may have an effect on historic properties eligible for listing in the National Register of Historic Places (NRHP) (hereinafter, "historic properties") pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) (NHPA), as amended, and its implementing regulations (36 CFR 800); and

WHEREAS, the Sabine Pass to Galveston Bay Coastal Storm Risk Management and Ecosystem Restoration Study was authorized by resolution by the Committee of Transportation and Infrastructure of the United States House of Representatives dated February 16, 2000, in accordance with Section 110 of the Rivers and Harbors Act of 1962 requesting the Secretary of the Army to review the feasibility of providing shore protection and related improvements between Sabine Pass and the entrance of Galveston Bay; and

WHEREAS, Orange County, the Jefferson County Drainage District No. 7, and the Velasco Drainage District are the non-Federal partners with the USACE for construction and maintenance of this undertaking, and are providing the necessary lands, easements, relocations and rights-of-way; and

WHEREAS, the Area of Potential Effect (APE) includes the footprint of all areas of direct impacts and a 1,500-foot buffer for indirect impacts to standing structures or buildings, as a result of new construction, improvements to existing facilities, and maintenance of existing facilities; and

WHEREAS, this Programmatic Agreement (PA) is being executed to describe the process the USACE and Orange County, the Jefferson County Drainage District No. 7,

and the Velasco Drainage District will utilize in the event that unanticipated discoveries are identified during construction and maintenance activities; and

WHEREAS, the USACE, the Texas State Historic Preservation Officer (SHPO), and the Non-Federal Sponsor have agreed that it is advisable to execute this PA for the purposes stated above in accordance with 36 CFR 800.6 and 36 CFR 800.14(b)(1)(ii); and

WHEREAS, the USACE has invited the Advisory Council on Historic Preservation (Council) to participate and the Council has declined to enter into the Section 106 process; and

WHEREAS, in accordance with 36 C.F.R. § 800.14(b), the USACE has notified the Alabama-Coushatta Tribe of Texas, the Comanche Indian Tribe, the Coushatta Tribe of Louisiana, the Mescalero Apache Tribe, Kiowa Indian Tribe of Oklahoma, and the Tonkawa Tribe of Indians of Oklahoma of the development and execution of this PA.

NOW, THEREFORE, the USACE, the SHPO, and Orange County, the Jefferson County Drainage District No. 7, and the Velasco Drainage District agree that the proposed undertaking shall be implemented and administered in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties and to satisfy the USACE's Section 106 responsibilities for all individual aspects of the undertaking.

STIPULATIONS

I. Identification, Evaluation, Effect Determination, and Resolution

- A. **Scope of Undertaking.** This PA shall be applicable to all new construction, improvements, and maintenance activities related to the proposed Coastal Storm Risk Management and Ecosystem Restoration project. The APE shall be established by the USACE in consultation with the SHPO and shall include all areas to be directly affected by new construction, construction staging and access areas, new or extensions of existing levees or borrow areas, ecological mitigation features, and project maintenance activities.
- B. **Qualifications and Standards.** The USACE shall ensure 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" (48 FR 44716-44740; September 23, 1983), as amended, 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. Identification of Historic Properties. Prior to the initiation of construction, the USACE shall make a reasonable and good faith effort to identify historic properties located within the APE. These steps may include, but are not limited to, background research, consultation, oral history interviews, sample field investigations, and field survey. The level of effort for these activities shall be determined in consultation with the SHPO and any Native American Indian Tribe or Tribes (Tribes) that attach religious and cultural significance to identified properties. All draft reports of survey or site testing investigations shall be submitted to the SHPO for review and comment. If the SHPO comments are not received by the USACE within thirty (30) days of receipt, the reports and their recommendations shall be considered adequate and the reports may be finalized. Comments received by the USACE from the SHPO or Tribes shall be addressed in the final reports, which shall be provided to all consulting parties. If no historic properties are identified in the APE, the USACE shall document this finding pursuant to 36 CFR 800.11(d), provide this documentation to the SHPO.
- E. Evaluation of National Register Eligibility. If cultural resources are identified within the APE, the USACE shall determine their eligibility for the NRHP in accordance with the process described in 36 CFR 800.4(c) and criteria established in 36 CFR 60. All draft reports of NRHP site testing or other NRHP investigations shall be submitted to the SHPO and Tribes for review and comment. If SHPO comments are not received by the USACE within 30 days of receipt, the reports or investigations and their recommendations shall be considered adequate and the reports may be finalized. Comments received by the USACE from the SHPO or Tribes shall be addressed in the final report, which shall be provided to all consulting parties. The determinations of significance shall be conducted in consultation with the SHPO and Tribes. Should the USACE and the SHPO agree that a cultural resource is or is not eligible, then such consensus shall be deemed conclusive for the purpose of this PA. Should the USACE and the SHPO not agree regarding the eligibility of a cultural resource, the USACE shall obtain a determination of eligibility from the Keeper of the National Register pursuant to 36 CFR 63. For cultural resources found not eligible for the NRHP, no further protection or consideration of the site will be afforded for compliance purposes.
- F. 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, in consultation with the SHPO, may conclude that no historic properties are affected by an undertaking if no historic properties are present in the APE, or the undertaking will have no effect as defined in 36 CFR 800.16(i). This finding shall be documented in compliance with 36 CFR 800.11(d) and the documentation shall be provided to the SHPO and 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 or 36 CFR 800.11(c).

2. Finding of No Adverse Effect. The USACE, in consultation with the SHPO, and Tribes shall apply the criteria of adverse effect to historic properties within the APE in accordance with 36 CFR 800.5. 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 to the SHPO documentation of this finding meeting the requirements of 36 CFR 800.11(e). The SHPO shall have 30 days in which to review the findings and provide a written response to the USACE. The USACE may proceed upon receipt of written concurrence from the SHPO. Failure of the SHPO to respond with 30 calendar days of receipt of the finding shall be considered agreement with the finding. The USACE shall 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).
3. Resolution of Adverse Effect. If the USACE, in consultation with the SHPO, determines that the undertaking will have an adverse effect on historic properties as measured by criteria in 36 CFR 800.5(a)(1), the USACE shall consult with the SHPO and Tribes to resolve adverse effects in accordance with 36 CFR 800.6.
 - a) For historic properties that the USACE and the SHPO agree will be adversely affected, the USACE shall:
 - (1) Consult with the SHPO to identify other individuals or organizations to be invited to become consulting parties. If additional consulting parties are identified, the USACE shall provide 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 SHPO, Tribes, and any additional consulting parties to seek ways to avoid, minimize or mitigate adverse effects.
 - (4) Prepare an historic property plan (Plan) which describes mitigation measures the USACE proposes to resolve the undertaking's adverse effects and provide this Plan for review and comment to all consulting parties. All parties have 30 days in which to provide a written response to the USACE.

- b) If the USACE and the SHPO fail to agree on how adverse effects will be resolved, the USACE shall request that the Council join the consultation and provide the Council and all consulting parties with documentation pursuant to 36 CFR 800.11(g).
- c) If the Council agrees to join the consultation, the USACE shall proceed in accordance with 36 CFR 800.9.
- d) If, after consulting to resolve adverse effects, the Council, the USACE, or the SHPO determines that further consultation will not be productive, then any party may terminate consultation in accordance with the notification requirements and processes prescribed in 36 CFR 800.7.

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. D-F.
- B. Unanticipated Discoveries or Effects. Pursuant to 36 CFR 800.13(b)(3), if historic properties are discovered 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 SHPO and Tribes within 48 hours of the discovery. The notification shall include the USACE assessment of the NRHP eligibility of affected properties and proposed actions to resolve the adverse effects. Comments received from the SHPO and Tribes within 48 hours of the notification shall be taken into account by the USACE in carrying out the proposed treatment plan. The USACE may assume SHPO concurrence in its eligibility assessment and treatment plan unless otherwise notified by the SHPO within 48 hours of notification. USACE shall provide the SHPO and Tribes a report of the USACE actions when they are completed.

III. Curation and Disposition of Recovered Materials, Records, and Reports

- A. Curation. The USACE shall ensure that all archeological materials and associated records owned by the State of Texas or the Non-federal Sponsor (NFS), which result from identification, evaluation, and treatment efforts conducted under this PA, are accessioned into a curation facility in accordance with the standards of 36 CFR 79, the Antiquities Code of Texas (Texas Natural Resource Code, Chapter 191), the Texas Administrative Code 13 TAC §29.5, and the Council of Texas Archeologists Guidelines and Standards for Curation, except as specified in Stipulation IV for human remains. Any collected items owned by the State of Texas or the NFS shall be curated in perpetuity by the NFS at a repository certified by the Texas Historical Commission. Archeological items and materials from privately owned lands shall be returned to their owners upon completion of

analyses required for Section 106 compliance under this PA, unless the owners agree to donate the items for curation in perpetuity.

- B. Reports. The USACE shall provide copies of final technical reports of investigations and mitigation to the consulting parties and the SHPO, as well as additional copies for public distribution. All consulting parties shall withhold site location information or other data that may be of a confidential or sensitive nature pursuant to 36 CFR 800.11(c).

IV. Treatment of Native American Human Remains

- A. Prior Consultation. If the USACE's investigations, conducted pursuant to Stipulation I of this PA, indicate a high likelihood that Native American Indian human remains may be encountered, the USACE shall develop a treatment plan for these remains in consultation with the SHPO and Tribes. The USACE shall ensure that Tribes indicating an interest in the undertaking are afforded a reasonable opportunity to identify concerns, provide advice on identification and evaluation, and participation in the resolution of adverse effects in compliance with the terms of this PA.
- B. Inadvertent Discovery. 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 and that the site is secured from further disturbance or vandalism. The USACE shall be responsible for immediately notifying local law enforcement officials, and within 48 hours of the discovery, shall initiate consultation with the SHPO and Tribes to develop a plan for resolving the adverse effects.
- C. Dispute Resolution. If, during consultation conducted under paragraphs A and B of Stipulation IV, all consulting parties cannot agree upon a consensus plan for resolving adverse effects, the matter shall be referred to the Council for resolution in accordance with the procedures outlined in 36 CFR 800.9.

V. PA Amendments, Disputes and Termination

- A. Amendments. Any party to the 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.
- B. Disputes. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council in resolving the dispute in accordance with the procedures outlined in 36 CFR 800.9. The USACE shall forward to the Council and all consulting parties within fifteen (15) days of such a request all documentation relevant to the dispute, including

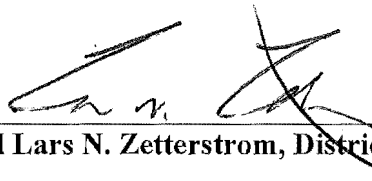
the USACE's proposed resolution of the dispute. The Council will respond to the request within thirty (30) days of receiving all documentation. The USACE will take any recommendations or comments from the Council into account in resolving the dispute. In the event that the Council fails to respond to the request within thirty (30) days of receiving all documentation, the USACE may assume the Council's concurrence with its proposed resolution and proceed with resolving the dispute.

- C. Termination of PA. Any party to this PA may terminate it by providing a sixty (60) day 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 the USACE shall comply with the provisions of 36 CFR 800, Subpart B.

VI. Term of this Agreement

- A. This PA remains in force for a period of ten (10) years from the date of its execution by all signatories, unless terminated pursuant to Stipulation V.C. Sixty (60) days prior to the conclusion of the ten (10) year period, the USACE shall notify all parties in writing of the end of the ten year period to determine if they have any objections to extending the term of this PA. If there are no objections received prior to expiration, the PA will continue to remain in force for a new ten (10) year period.

Execution of this PA and implementation of its terms evidences that the USACE has afforded the Council an opportunity to comment on the undertaking and its effects on historic properties, and that the USACE has taken into account those effects and fulfilled Section 106 responsibilities regarding the undertaking.

 COL, EN

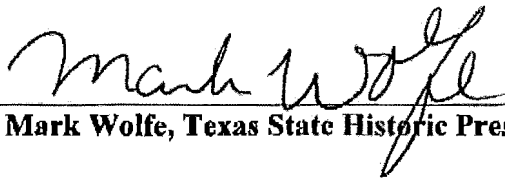
Colonel Lars N. Zetterstrom, District Engineer

24 FEB 17

Date

Signature Page for State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR
THE SABINE PASS TO GALVESTON BAY COASTAL STORM RISK
MANAGEMENT AND ECOSYSTEM RESOTRATION PROJECT
IN
ORANGE, JEFFERSON, CHAMBERS, GALVESTON, HARRIS, AND
BRAZORIA COUNTIES, TEXAS
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
ORANGE COUNTY, TEXAS, JEFFERSON COUNTY DRAINAGE DISTRICT
NO. 7, AND THE VELASCO DRAINAGE DISTRICT**



Mark Wolfe, Texas State Historic Preservation Officer

2/17/17
Date

Signature Page for Orange County, Texas

**PROGRAMMATIC AGREEMENT
REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR
THE SABINE PASS TO GALVESTON BAY COASTAL STORM RISK
MANAGEMENT AND ECOSYSTEM RESOTRATION PROJECT
IN
ORANGE, JEFFERSON, CHAMBERS, GALVESTON, HARRIS, AND
BRAZORIA COUNTIES, TEXAS
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
ORANGE COUNTY, TEXAS, JEFFERSON COUNTY DRAINAGE DISTRICT
NO. 7, AND THE VELASCO DRAINAGE DISTRICT**



Signatory for, Orange County, Texas

14 Feb 2017

Date

Signature Page for Jefferson County Drainage District No. 7

**PROGRAMMATIC AGREEMENT
REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR
THE SABINE PASS TO GALVESTON BAY COASTAL STORM RISK
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ORANGE, JEFFERSON, CHAMBERS, GALVESTON, HARRIS, AND
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NO. 7, AND THE VELASCO DRAINAGE DISTRICT**



Signatory for, Jefferson County Drainage District No. 7

02/16/17

Date

Signature Page for Velasco Drainage District

**PROGRAMMATIC AGREEMENT
REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR
THE SABINE PASS TO GALVESTON BAY COASTAL STORM RISK
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ORANGE, JEFFERSON, CHAMBERS, GALVESTON, HARRIS, AND
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AND
ORANGE COUNTY, TEXAS, JEFFERSON COUNTY DRAINAGE DISTRICT
NO. 7, AND THE VELASCO DRAINAGE DISTRICT**

George L. Kidwell, CHAIRMAN *2-16-17*
Signatory for, Velasco Drainage District Date

**The Sabine Pass to Galveston Bay Coastal Storm Risk Management and
Ecosystem Restoration Project, Orange, Jefferson, Chambers, Galveston,
Harris, and Brazoria Counties, Texas**

**Cultural Resources and Project Summary
For the Programmatic Agreement**

**U.S. Army Corps of Engineers
Galveston District**

Study Purpose

The US Army Corps of Engineers (USACE) has prepared an Integrated Feasibility Report and Environmental Impact Statement (IFR-EIS) (USACE, 2017) that presents the results of a feasibility study to recommend for Congressional approval a regional Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) project that encompasses the six coastal counties of the upper Texas coast between Sabine Pass and Galveston Bay. Authorization for the study is derived from a resolution from the Committee on Environmental and Public Works dated June 23, 2004 entitled “Coastal Texas Protection and Restoration Study”.

By resolution dated June 23, 2004 entitled “Coastal Texas Protection and Restoration Study”, the Committee on Environment and Public Works, U.S. Senate has requested that in accordance with Section 110 of the Rivers and Harbors Act of 1962 the Secretary of the Army develop a comprehensive plan for severe erosion along coastal Texas for the purposes of shoreline erosion and coastal storm damages, providing for environmental restoration and protection, increasing natural sediment supply to coast, restoring and preserving marshes and wetlands, improving water quality, and other related purposes to the interrelated ecosystem along the coastal Texas area.

The study fits into the overall concept of the authorization to conduct an integrated and coordinated approach to locating and implementing opportunities for CSRM and ER. The non-

Federal sponsors include Orange County, Texas, the Jefferson County Drainage District No. 7, and the Velasco Drainage District. This document has been prepared to provide background information supporting coordination of a draft Cultural Resources Programmatic Agreement. Information is presented on the proposed 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.

Description of Existing Project

The proposed project area for the Sabine to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Study is located along the upper Texas coast and has been occupied by humans since the Paleoindian period dating to around 11,500 BP. The study area is characterized by upland coastal prairies dissected by streams and rivers and extensive bay and estuarine systems along the coast. The study area is primarily drained by the Trinity River, the San Jacinto River, Buffalo Bayou, and the Brazos River. Sediments in the region are generally fluvial sandy and silty clays overlying Pleistocene aged clay. Prehistoric sites are commonly found within these upper sediments along streams and rivers and along the shorelines of the bays and gulf coast, close to prime areas for resource exploitation. These sites include campsites, dense shell middens, and cemeteries, containing projectile points, stone, bone, and shell tools, aquatic and terrestrial faunal remains, hearth features, ceramics, and in some cases human remains and associated funerary objects. Historic age resources in the region consist of farmsteads and ranches, houses, buildings, bridges, tunnels, oil industry structures, cemeteries, lighthouses, shipwrecks, and the ruins of these buildings and structures. Although historic age resources can occur anywhere, these sites tend to be concentrated in small towns and urban areas, along roads, and within current and historic navigation paths. Shipwrecks may also occur in numerous locales due to the dynamic nature of the sea floor and bay bottoms and the lack of navigation improvements until the latter part of the 19th century. These dynamic conditions can result in shifting shoals and reefs that endanger ships as well as bury their wrecks as shorelines and bars migrate through time.

A preliminary assessment of the cultural resources within the region was conducted using a desktop review of the databases maintained by the Texas Historical Commission and the Texas

Archeological Research Laboratory for terrestrial and marine cultural resources as well as the shipwreck and obstruction databases of the National Oceanic and Atmospheric Administration and the Bureau of Ocean Energy Management. There are over 3,600 cultural resources located within this region of the upper Texas Coast. These cultural resources include National Historic Landmarks, National Register of Historic Places (NRHP) listed properties, archeological sites, cemeteries, historical markers, and shipwrecks and submerged resources. The National Historic Landmarks in the region include the San Jacinto Battlefield, the Battleship Texas, and the Tall Ship Elissa as well as National Historic Landmark Districts, the Galveston Strand Historic District and the Galveston East End Historic District. The NRHP Properties are generally located in urban areas and consist of historic houses, commercial and government buildings, and structures such as the Navy Park Historic District, W.H. Stark House, Sims House, Woodmen of the World Lodge, Main Street/Market Square Historic District, Pomeroy Homestead, Ross S. Sterling House, Ashbel Smith Building, Fort Travis, Washburn Tunnel and others.

Within the areas of the proposed new levee construction and improvements, a study area was examined within 200 feet of the proposed work for archeological resources and cemeteries and 1500 feet for historic structures and buildings. There are a total of eight archeological sites (41OR15, OR39, OR59, OR60, OR70, BO4, BO119, and BO121, three NRHP Properties (Navy Park Historic District, W.H. Stark House, and the Sims House), and two cemeteries (Thomas and an unknown cemetery) within this study area (Table 1). The eight archeological sites and three cemeteries have not been evaluated for NRHP eligibility.

The primary considerations concerning cultural resources are threats from direct impacts to intact terrestrial archeological sites and indirect impacts to historic structures and buildings from new construction and improvements. A large portion of the study area has been altered for industrial and commercial use, especially in the cities of Orange, Port Arthur, and Freeport. As such, these urban areas have a low probability for intact prehistoric archeological sites to occur. However, there is a moderate to high potential for encountering historic age archeological sites and cemeteries, as well as historic age structures and buildings. In those areas outside of the urban centers the potential for encountering prehistoric archeological sites is moderate to high. There

are no proposed actions within marine environments and therefore no potential to impact submerged cultural resources.

Table 1. Cultural Resources Located within the Study Area.

Resource	Type	Alternative	Component	Description	NR Status
41OR15	archeological	Orange	Prehistoric	shells, pottery, and bones exposed along west bank of Little Cypress Bayou	undetermined
41OR39	archeological	Orange	Prehistoric	shells, arrow points, debitage along the west bank of Little Cypress Bayou	undetermined
41OR59	archeological	Orange	Prehistoric	shell midden	undetermined
41OR60	archeological	Orange	Prehistoric	shell midden with ceramics	undetermined
41OR70	archeological	Orange	Prehistoric	shell midden	undetermined
Navy Park Historic District	district	Orange	Historic	eligible under criteria A and C; period of significance 1925 to 1949	listed
W.H. Stark House	building	Orange	Historic	eligible under criteria B and C; period of significance 1875 to 1924	listed
Sims House	building	Orange	Historic	eligible under criteria A, B, and C; period of significance 1900-1924	listed
Thomas	cemetery	Orange	Historic	private; Late 19th century	undetermined
unknown cemetery	cemetery	Port Arthur	Historic		undetermined
41BO4	archeological	Freeport	Prehistoric & Historic	single burial and hearth excavated in 1962; shell, debitage, pottery, brick, historic pipe fragment, and metal	undetermined
41BO119	archeological	Freeport	Prehistoric	shell midden, pottery, charcoal, possible hearth feature	undetermined
41BO121	archeological	Freeport	Prehistoric	shell midden	undetermined

Recommended Plan

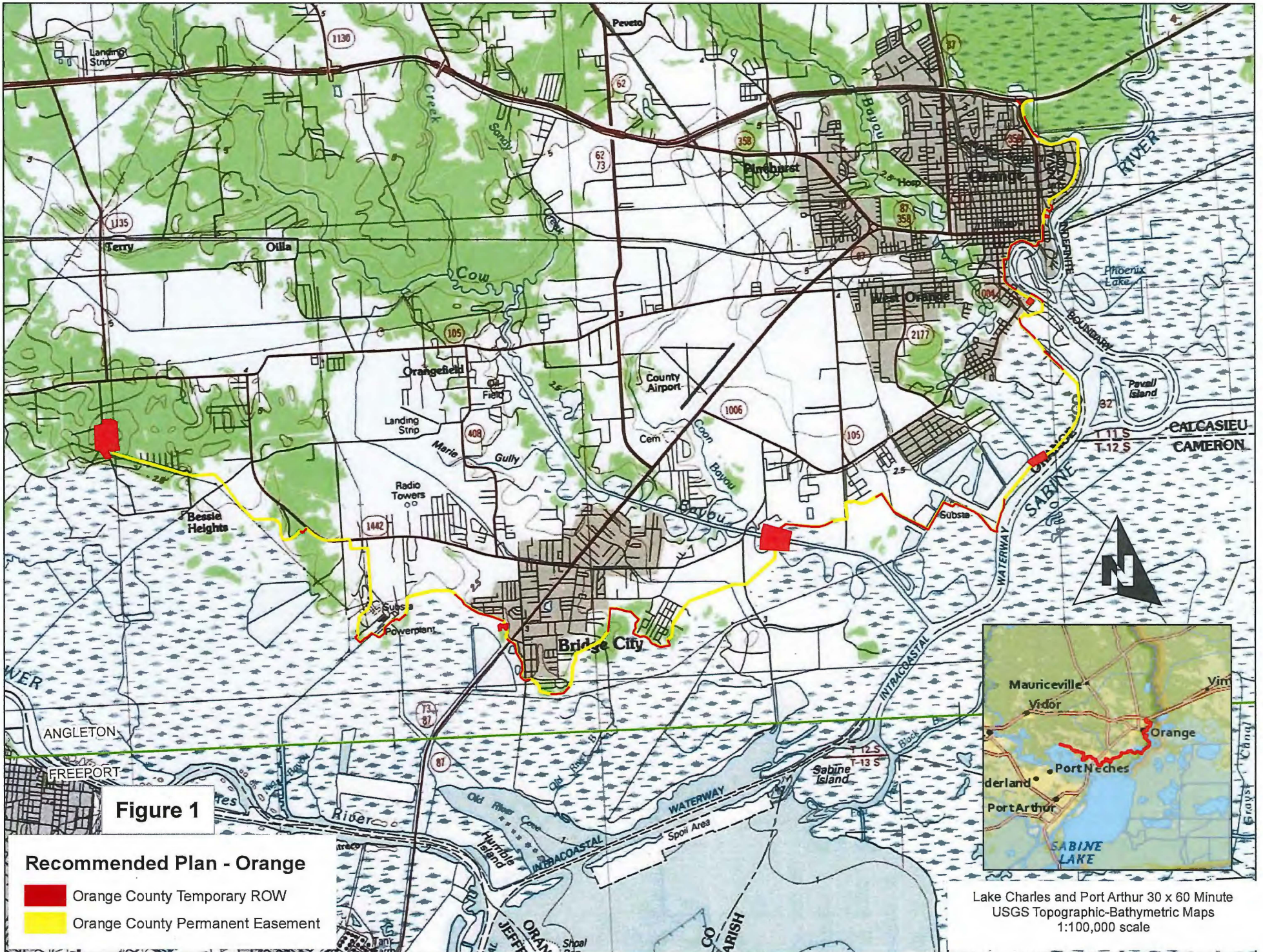
The Sabine Pass to Galveston Bay CSRM and ER project consists of the construction of the new Orange CSRM levee/floodwall system, and levee raising/floodwall improvements in the Port Arthur and Freeport CSRM Plans. The recommended plan includes construction of the following elements:

- The Orange 3 CSRM Plan would add about 15.4 miles of new levees, at elevations ranging from 12.0 to 17.5 feet above NAVD88 and about 11.4 miles of new floodwalls at elevations ranging from 13.5 to 16 feet above NAVD88. New pump stations would be constructed to mitigate interior flooding during surge events, and navigable sector gates would be constructed in Adams and Cow Bayous to reduce surge penetration (Figure 1).
- The Port Arthur and Vicinity CSRM Plan would raise about 11.3 miles of the existing 27.8 miles of earthen levee to elevations ranging from 14.4 to 17.2 feet above NAVD88, and construct or reconstruct about 5.3 miles of floodwall to elevations ranging from about 14.4 to 19.4 feet above NAVD88. A separate 1,830 feet of new earthen levee would be constructed in the Port Neches area northwest of the existing northern terminus. Numerous vehicle closure structures would be replaced and erosion protection would be added (Figure 2). The areas designated as Work Reaches on Figure 2 will not be affected.
- The Freeport and Vicinity CSRM Plan would raise about 13.1 miles of the existing earthen levee system and construct or reconstruct about 5.5 miles of floodwall, improving approximately 43 percent of the existing 43-mile long system. Final elevations would range from 15.8 to 23.8 feet above NAVD88. Navigable sector gates would be installed in the Dow Barge Canal to reduce surge penetration in that area. Numerous vehicle closure structures would be replaced and erosion protection would be added. Other project features include raising and reconstructing the Highway 332 crossing, installation of a drainage structure at the head of the Dow Barge Canal, and raising the floodwall at Port Freeport's Berth 5 dock (Figure 3). The areas designated as Work Reaches on Figure 3 will not be affected.

Cultural Resources and Area of Potential Effects

The activities associated with the proposed undertaking include all new construction, improvements, and maintenance activities related to the proposed Coastal Storm Risk Management and Ecosystem Restoration project. The Area of Potential Effect (APE) includes the footprint of all areas of direct impacts and a 1,500-foot buffer for indirect impacts to standing structures or buildings, as a result of new construction, construction of staging and access areas, new levees or extensions of existing levees or borrow areas, ecological mitigation features, and project maintenance activities.

Cultural resource surveys have been performed for much of the surrounding region and some of these investigations overlap with the proposed APE. The majority of the recommended plan in



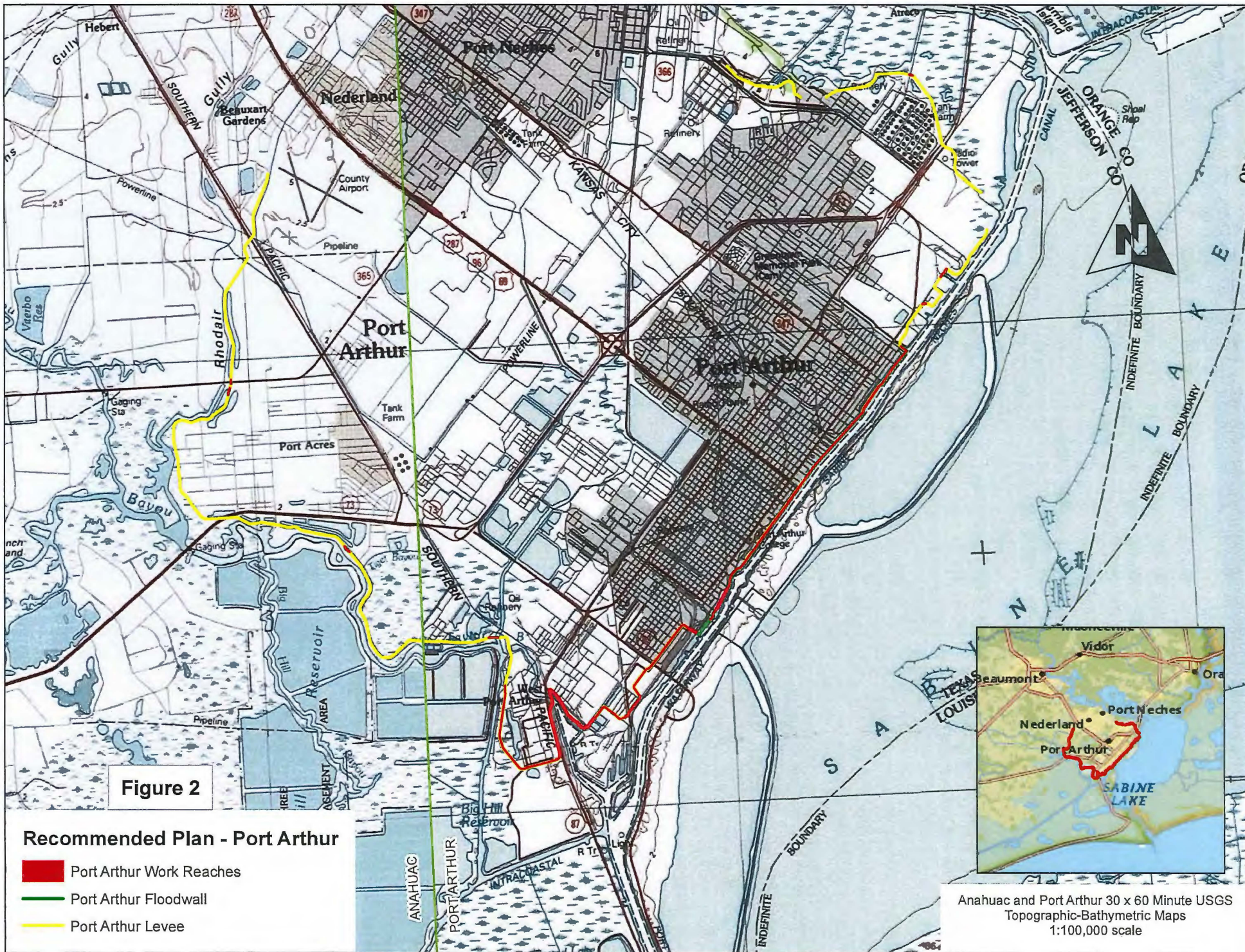
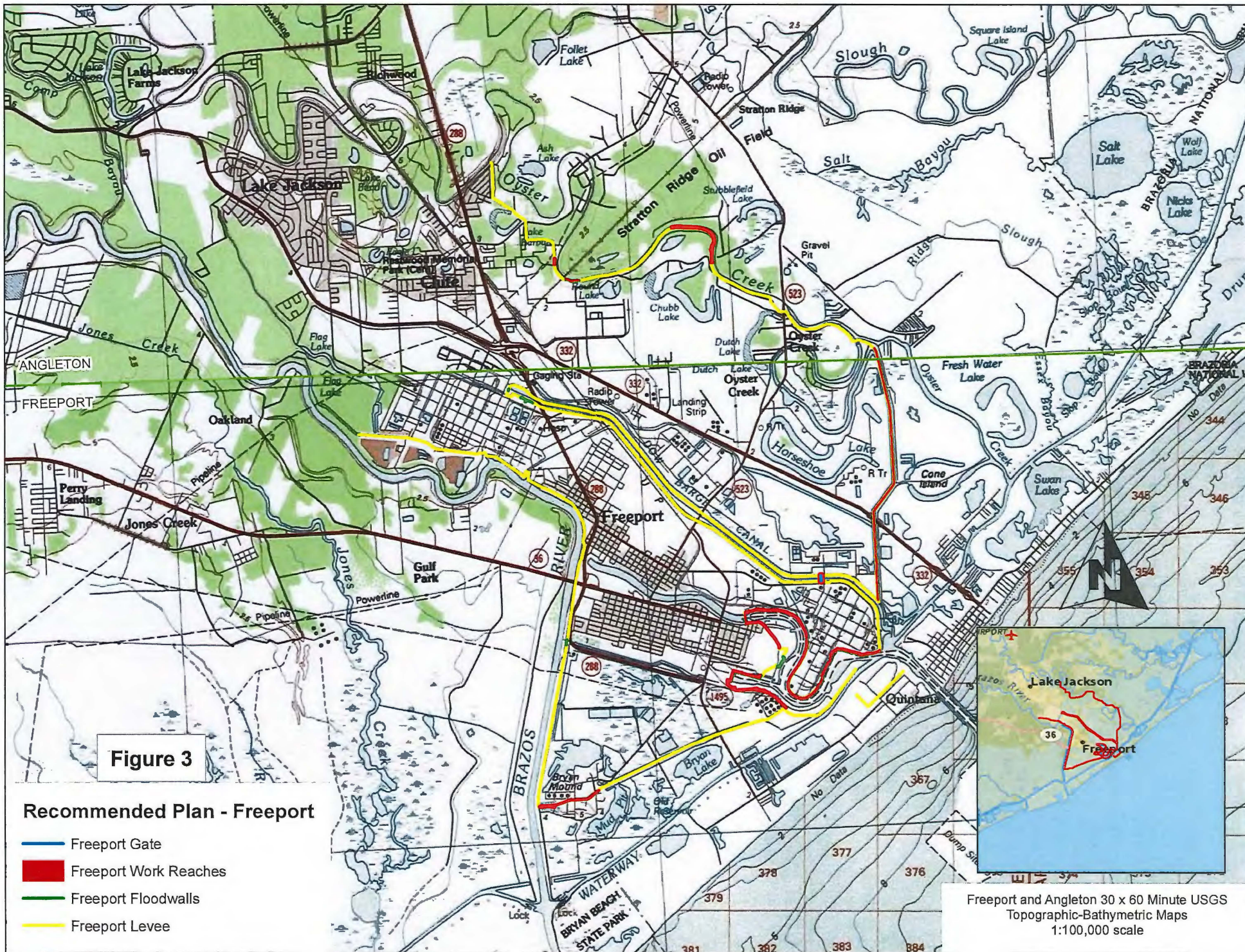


Figure 2

Recommended Plan - Port Arthur

- █ Port Arthur Work Reaches
- █ Port Arthur Floodwall
- █ Port Arthur Levee

Anahuac and Port Arthur 30 x 60 Minute USGS
 Topographic-Bathymetric Maps
 1:100,000 scale



Orange County has not been previously investigated for historic properties. There are several previous cultural resources surveys which intersect with the current study area however only three of these investigations has identified cultural resources within the current study area. These three investigations were USACE surveys of the shoreline along Adams Bayou and identified archeological sites 41OR60, 61, and 62 (Celmer 1985). Additional project that have intersected with the proposed study area include a survey by the Texas Department of Transportation along the IH-10 service road in 1981, two surveys of the Port of Orange berthing areas in 1993, a survey of U.S. Navy Operations Support Center in 2003, a survey of the City of Orange boat ramps, pier, and parking facility in 2004 (Cramer 2004), a survey of the Orangefield Water Supply Corporation (Corbin 1995), and a survey of the Shell Pipeline Company's Westward Ho pipeline in 2013. Freeman (1995) and Freeman and Freeman (1996) have also conducted Historic American Engineering Record documentation for U.S. Naval Station in Orange.

There have been fewer surveys in the Port Arthur study area and no cultural resources were recorded as a result of these investigations. Linear surveys have been conducted for the Port Arthur CO₂ Pipeline in 2011 (Dafoe and Lackowicz 2011), the Original Spindletop to Port Arthur Pipeline Corridor in 2008 (Leezer 2008), and a Texas Department of Transportation survey of State Highway 87 just south of the Neches River in 1975 (Weir 1975). Two larger surveys were conducted along Taylors Bayou by USACE as part of the Taylors Bayou Drainage and Flood Control Project in 1972 and 1986 (Aten 1972; Wooley 1986).

The entire Freeport study area was surveyed in 1976 for USACE by Texas A&M University as part of the Freeport, Texas Hurricane Flood Protection Project (Baxter and Ippolito 1976). Numerous sites were revisited or identified during these investigations including sites 41BO4, BO119, and BO121; the only three cultural resources within the study area. Baxter and Ippolito documented extensive damage to site 41BO4 and BO121 and recommended no further work at these locations, but they did recommend additional investigations at 41BO119 to determine its eligibility for inclusion in the NRHP.

Additional surveys have been conducted within the survey area including investigations for Velasco Drainage District (Celmer and Stokes 1985), Cluster Petroleum, Inc. pipeline (Good 1986), the Phillips 66 Old Ocean to Freeport pipeline (Turpin 1996), and the Freeport LNG pipeline (Lawrence and Miller 2004) and associated facilities (Pickering and Hughey 2005). Two surveys were also conducted for residential areas in 2010 and 2014 (Scott 2010).

The recommended plan will include new levee construction in parts of Orange and Jefferson Counties and improvements to existing hurricane protection systems in Port Arthur and Freeport, Texas. The new levee construction in Orange and Jefferson Counties overlaps with five archeological sites and two cemeteries. Additionally, there are three National Register Properties (Navy Park Historic District, W.H. Stark House, and the Sims House) within 1500 feet of the proposed levee system. The five archeological sites in Orange County (41OR15, OR39, OR59, OR60, and OR70) are all prehistoric sites that have poorly delineated boundaries, insufficient documentation, and have not been evaluated for NRHP eligibility. All of these sites have the potential to be directly impacted by construction activities. The two cemeteries also have a potential to be directly affected by levee construction as their recorded boundaries overlap with the proposed project area. These cemeteries, the Thomas cemetery and an unknown cemetery, are not well documented and their locations may not be accurate within the existing state databases.

There are numerous cultural resources that occur near the existing hurricane protection systems in Port Arthur and Freeport, however most of these resources occur outside of the areas proposed for improvements. In Port Arthur, there are no cultural resources that overlap with the areas for proposed improvements along the existing hurricane protection system. However, there are three archeological sites (41BO4, BO119, and BO121) that are within close proximity to the proposed improvement areas along the Freeport hurricane protection system. These three sites all occur along Oyster Creek, are poorly delineated, lack sufficient documentation, and have not been evaluated for NRHP eligibility.

Based on the current information for the proposed levee construction and improvements, there is a potential to affect historic properties and cemeteries. These effects consist of direct impacts

from earth moving and excavation activities related to construction and potential indirect effects such as diminished view shed from the raising of levees and floodwalls. The USACE recommends intensive cultural resources investigations to identify and evaluate any historic properties within proposed construction areas. The scope of these investigations will be determined in concert with the Texas State Historic Preservation Officer and Native American Tribes and in accordance with the Programmatic Agreement for this project.

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Preserving America's Heritage

February 21, 2017

Ms. Kelly A. Burks-Copes
Acting Chief, Coastal Section
Galveston District, Corp of Engineers
P. O. Box 1229
Galveston, TX 77553-1229

Ref: *Proposed Sabina Pass to Galveston Bay Coastal Storm Risk Management & Ecosystem
Restoration Project
Orange, Jefferson, Chambers, Galveston, Harris and Brazoria Counties, Texas*

Dear Ms. Burks-Copes:

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

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

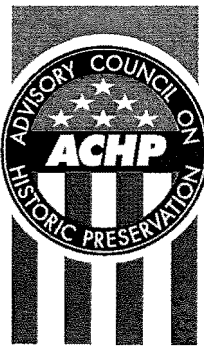
Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at cdaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



Preserving America's Heritage

June 15, 2016

Ms. Kelly Burks-Copes
Acting Chief, Coastal Section
Galveston District, Corp of Engineers
P. O. Box 1229
Galveston, TX 77553-1229

Ref: *Proposed Sabina Pass to Galveston Bay Coastal Storm Risk Management & Ecosystem Restoration Project*
Orange, Jefferson, Chambers, Galveston, Harris and Brazoria Counties, Texas

Dear Ms. Burks-Copes:

The Advisory Council on Historic Preservation (ACHP) has received your notification of adverse effect for the referenced undertaking that was submitted in accordance with Section 800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). The background documentation included with your submission does not meet the specifications in Section 800.11(e) of the ACHP's regulations. We, therefore, are unable to determine whether Appendix A of the regulations, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, applies to this undertaking. Accordingly, we request that you submit the following additional information so that we can determine whether our participation in the consultation to resolve adverse effects is warranted.

- A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- A description of the undertaking's effects on historic properties;
- Copies or summaries of any views or comments provided by consulting parties, the public, and the Texas State Historic Preservation Officer.
- Copies or summaries of any views or comments provided by any affected Indian tribe.

Upon receipt of the additional information, we will notify you within 15 days of our decision.

If you have any questions, please contact Mr. Brian Lusher at 202-517-0221 or via e-mail at blusher@achp.gov.

Sincerely,

Historic Preservation Technician
Office of Federal Agency Programs

TEXAS HISTORICAL COMMISSION

real places telling real stories

June 23, 2016

Kelly Burks-Copes
Acting Chief, Coastal Section
Department of the Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, TX 77553

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966,
Programmatic Agreement for proposed coastal storm risk management and ecosystem
restoration (106/CORPS)
THC Track #201607850*

Dear Ms. Burks-Copes,

Thank you for your correspondence describing the above referenced project which we received on May 31, 2016. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The History Programs, Regional Reviewer, Archaeology, and Marine Archaeology staff have completed their review of the Programmatic Agreement (PA) documentation provided. Some minor changes have been requested and can be found in red on the attached PA draft. In addition, we are requesting a full map of the project area be included and a better description of the possible activities be added to the possible activities in the preamble.

Thank you for your cooperation in this federal 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 Lydia Woods, at 512/463-9122 or lydia.woods@thc.state.tx.us .**

Sincerely,



Lydia Woods, East Texas Project Reviewer
For: Mark Wolfe, State Historic Preservation Officer

MW/lw

Cc: Theresa Goodness, Chair, Jefferson County Historical Commission

