

Neuse River Basin Flood Risk Management Technical Report

Appendix G. Cultural Resources



**US Army Corps
of Engineers**

February 2023

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**DRAFT PROGRAMMATIC AGREEMENT AMONG THE U.S. ARMY CORPS OF
ENGINEERS, WILMINGTON DISTRICT, THE NORTH CAROLINA STATE
HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL
ON HISTORIC PRESERVATION (IF PARTICIPATING) REGARDING THE
NEUSE RIVER BASIN FLOOD RISK MANAGEMENT STUDY**

WHEREAS, the U.S. Army Corps of Engineers, Wilmington District (District) is proposing to undertake measures to reduce flooding damages in the Neuse River Basin in North Carolina (Project);

WHEREAS, the Neuse River Basin Flood Risk Management Study (Study) is conducted under the authority of House Resolution 2532 that the U.S. House of Representatives Committee on Transportation and Infrastructure adopted July 23, 1997;

WHEREAS, the North Carolina Department of Environmental Quality is the Study's non-federal sponsor;

WHEREAS, the Undertaking consists of the dry floodproofing of 12 residential and non-residential structures;

WHEREAS, the Areas of Potential Effect broadly includes areas where initial Study analyses indicate modification of existing structures will be economically feasible in the city of Raleigh, Wake County, NC;

WHEREAS, the 12 structures proposed for dry floodproofing have not be evaluated for eligibility for listing in the National Register of Historic Places (NRHP) (see Appendix A);

WHEREAS, pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C § 306108), the District has determined, in accordance with 36 CFR Part 800.5 that the Undertaking will have the potential to have adverse effects on properties listed on or eligible for listing on the NRHP to include standing structures, and historic districts;

WHEREAS, the District has notified the Advisory Council on Historic Preservation (ACHP) of the potential for the Undertakings to affect historic properties and that a programmatic agreement will be prepared;

WHEREAS, the ACHP has **accepted/declined** to participate in this programmatic agreement;

WHEREAS, the District has consulted and will continue to consult with the North Carolina State Historic Preservation Office (SHPO), the North Carolina Office of the State Archaeologist, the Cherokee Nation of Oklahoma, the Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, and the certified

local governments contained within Wake County, NC, to define and implement process for taking into consideration the effects of the Undertaking on historic properties; and

WHEREAS, the District involved the general public through review of the National Environmental Policy Act (NEPA) process, which affords all persons, organizations, and government agencies the right to review and comment on proposed major federal actions that are evaluated by a NEPA document and participate in public meetings during the review of the feasibility report.

NOW, THEREFORE, the District, North Carolina SHPO, and ACHP (if participating) agree that the Undertakings shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

STIPULATIONS

I. MAINLAND LOCATIONS FOR RESIDENTIAL AND NON-RESIDENTIAL MEASURES

A. NON-STRUCTURAL MEASURES

1. Non-structural measures considered in the Undertaking include dry floodproofing. These involve the alteration of buildings and structures on a case-by-case basis. The District will identify the properties to be floodproofed and determine if these properties are listed or eligible for listing in the NRHP based on, but not limit to:
 - a. review(s) of the NRHP and/or the NC SHPO and Office of State Archaeology (OSA) database; and/or
 - b. additional field investigations as needed; and
 - c. consultation in accordance with Stipulation VII.
2. As part of these investigations, the District will also determine if archaeological survey(s) are required and carry out these investigations, as necessary. All investigations will be coordinated in accordance with Stipulation VII.
3. If a property is determined to be eligible for the NRHP, the District will determine, in accordance with Stipulation VII, if the historic property will be adversely affected by the proposed non-structural measure and, if adversely affected, ways to resolve the adverse effect(s) in accordance with Stipulation II.
4. The District will coordinate the results of investigations in accordance with the process identified in Stipulation VII.

II. RESOLUTION OF ADVERSE EFFECTS

- A. The District shall continue consultation in accordance with VII.B below, as appropriate, pursuant to 36 CFR Part 800.6 to avoid, minimize or mitigate adverse effects to historic properties.
- B. The District shall notify the North Carolina SHPO, Catawba Nation, Eastern Band of Cherokee, United Keetoowah Band of Cherokee, and the Cherokee Nation of Oklahoma, with the inclusion of the certified local governments of Wake County, other municipalities, and property owners and others as necessary to provide documentation regarding the identification and evaluation of the historic properties. The District will consult with the North Carolina SHPO, Catawba Nation, Eastern Band of Cherokee, United Keetoowah Band of Cherokee, and the Cherokee Nation of Oklahoma, with the inclusion of the certified local governments of Wake County, other municipalities, and property owners and others as necessary to determine how best to resolve any adverse effects and document the proposed resolution.
- C. Once there is agreement on how the adverse effects will be resolved, the District shall prepare a treatment plan that will identify the activities to be implemented that will resolve the adverse effects. The treatment plan will be provided to appropriate consulting parties for review and comment prior to implementation.
- D. If there are disputes and/or disagreements on the resolution of adverse effects, the District shall seek to resolve such objection through consultation in accordance with procedures outlined in Stipulation VII.B.

III. PUBLIC INVOLVEMENT AND OUTREACH

- A. The District shall inform the public of the existence of this PA and the District's plan for meeting the stipulations of the PA. Copies of this agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection via the District's website. Information regarding the specific, potentially sensitive resources will be withheld in accordance with the Freedom of Information Act and National Register Bulletin No. 29. Any comments received from the public related to the activities identified by this PA shall be taken into account by the District.
- B. The District shall develop publicly-accessible information about the cultural resources and historic properties investigations for the Undertaking in the form of brief publication(s), exhibit(s), or website if the Undertaking is authorized and implemented.

IV. UNANTICIPATED DISCOVERY

- A. The following language shall be included in construction plans and specifications:

“When a previously identified cultural resource, including but not limited to archaeological sites, standing structures, and properties of traditional religious and cultural significance to the Indian Tribes are discovered during the execution of the Project, the individual(s) who made the discovery shall immediately secure the vicinity and make a reasonable effort to avoid or minimize harm to the resource, and notify the Project’s Contracting Officer’s Representative (COR) and the District. All activities shall cease within a minimum of 50 feet from the inadvertent discovery (50-foot radius ‘no work’ buffer) until authorized by the District and the Project COR.”

- B. If previously unidentified and unanticipated properties are discovered during the Undertaking, the District shall cease all work in the vicinity of the discovery until it can be evaluated in accordance with 36 CFR Part 800.13 “Post Review Discoveries.” Upon notification of an unanticipated discovery, the District shall implement any additional reasonable measures to avoid or minimize effects to the resource. Any previously unidentified cultural resource will be treated as though it is eligible for the NRHP until such other determination may be made.

- C. The District shall immediately notify the North Carolina SHPO, the appropriate Certified Local Government(s) (where applicable), and the Indian Tribes within 48 hours of the finding and request consultation to determine the nature of the find, the NRHP eligibility and the assessment and resolution of adverse effects, if identified.

1. If it is determined the unanticipated discovery is not eligible for the NRHP, then the suspension of work in the area of the discovery will end.
2. If it is determined that the cultural resource is eligible for the NRHP, then the suspension of work will continue, and the District, in consultation with the North Carolina SHPO, the appropriate Certified Local Government(s) (where applicable), and the Indian Tribes will determine the actions to avoid, minimize, or mitigate adverse effects to the historic property and will ensure that the appropriate actions are carried out.
3. If there is a disagreement on the appropriate course of action to address an unanticipated discovery or effects to an unanticipated discovery, then the District shall initiate the dispute resolution process set forth in Stipulation IX below.

V. DISCOVERY OF HUMAN REMAINS

- A. If any human remains and/or grave-associated artifacts are encountered during any of the investigations, including data recovery, the District shall follow the

North Carolina OSA's "Unmarked Human Burial and Human Skeletal Remains Protection Act," found in North Carolina General Statute Chapter 70, Article 3, and, as appropriate, develop a treatment plan for human remains that is responsive to the ACHP's Policy Statement on Human Remains" (September 27, 1988), the Native American Graves Protection and Repatriation Act (PL 101-601) and, U.S. Army Corps of Engineers, Policy Guidance Letter No. 57 (1998) Indian Sovereignty and Government-to-Government Relations with Indian Tribes.

- B. The following language shall be included in the construction plans and specifications:

"When human remains, suspected human remains, or indications of a burial are discovered during the execution of a Project, the individual(s) who made the discovery shall immediately notify the local law enforcement, coroner/medical examiner, and the Project COR and the District, and make a reasonable effort to protect the remains from any harm. The human remains shall not be touched, moved or further disturbed. All activities shall cease within a minimum of 50 feet from the area of the find (50-foot radius 'no work' buffer) until authorized by the District."

VI. PROFESSIONAL QUALIFICATIONS AND STANDARDS

- A. The District shall ensure that qualified professionals meeting the National Park Service professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all identification and evaluation plans related to this undertaking, to include remote sensing surveys, underwater investigations, historic structure inventory and documentation.
- B. All historic structures surveys carried out pursuant to this PA will be undertaken in accordance with the standards and guidelines of the North Carolina SHPO and North Carolina OSA, and the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR §68).
- C. All archaeological investigations carried out pursuant to this PA will be undertaken in accordance with the North Carolina OSA "Archaeological Investigations Standards and Guidelines." Any work completed on state-owned land will comply with Section .1600 of Title 07, Subchapter 04R of the North Carolina Administrative Codes.

VII. ADMINISTRATIVE TERMS

A. REPORTING

1. Each year following the execution of this PA until it expires or is terminated, the District shall provide the North Carolina SHPO, Certified Local Governments, and Indian Tribes a summary report detailing work undertaken pursuant to this PA. This report will include any scheduling changes, problems encountered, project work completed, PA activities completed, and any objections and/or disputes received by the District in its efforts to carry out the terms of this PA. Copies of the summary report will be posted in the District project website.
2. Following authorization and appropriation, the District shall coordinate a meeting with the signatories to be held annually on a mutually agreed upon date to evaluate the effectiveness of this PA and discuss activities carried out pursuant to this PA during the preceding year and activities scheduled for the upcoming year.

B. COORDINATION, CONSULTATION, AND REVIEW PERIODS

1. The District will provide the draft and final reports pertaining to the investigations to North Carolina SHPO, Catawba Nation, Eastern Band of Cherokee, United Keetoowah Band of Cherokee, and the Cherokee Nation of Oklahoma, with the inclusion of the certified local governments of Wake County for review.
2. Coordination and consultation on determinations of eligibility of resources to be listed in the NRHP, the need for additional investigations, assessments of adverse effects, and resolution of adverse effects will include North Carolina SHPO, Catawba Nation, Eastern Band of Cherokee, United Keetoowah Band of Cherokee, and the Cherokee Nation of Oklahoma, with the inclusion of the certified local governments of Wake County (when appropriate).
3. Unless otherwise stated, all review periods will be 30 calendar days and any comments resulting from those reviews must be submitted to the District in writing (via electronic or regular mail).
4. With the submission of final reports, the District will respond to comments, identifying how comments were/were not taken into account as part of report revisions or recommendation for additional action.
5. If a response is not received by the end of the review period, the District will assume concurrence with the subject determination, evaluation, plan, report or other document submitted.

VIII. DISPUTE RESOLUTION

1. Should any signatory object in writing to the District at any time to any actions proposed or the manner in which the terms of this PA are implemented, the District and the signatories shall attempt to resolve any disagreement arising from implementation of this PA.
2. If there is a determination that the disagreement cannot be resolved, the District shall forward all documentation relevant to the dispute to the ACHP and request the ACHP's recommendations or request the comments of the ACHP in accordance with 36 CFR Part 800.7(c).
3. The ACHP shall provide the District with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Any ACHP recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7(c), with reference only to the subject of the dispute. The District shall respond to ACHP recommendations or comments indicating how the District has taken the ACHP's recommendations or comments into account prior to proceeding with the Undertaking activities that are the subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.
4. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the District shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide the signatories and the ACHP with a copy of such written response.

IX. WITHDRAWAL AND TERMINATION

1. Any signatory may withdraw its participation in this PA by providing thirty (30) calendar days advance written notification to all other signatories. In the event of withdrawal, any signatory to this PA may terminate it by providing 30 calendar days written notice to the signatories. In the event of withdrawal, this PA will remain in effect for the remaining signatories.
2. This agreement may be terminated in accordance with 36 CFR Part 800, provided that the signatories consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Any signatory requesting termination of this PA will provide thirty (30) calendar days advance written notification to all other signatories.
3. In the event of termination, the District will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

X. DURATION AND SUNSET CLAUSE

1. This PA shall take effect upon execution by the District, the North Carolina SHPO, and the ACHP (if participating) with the date of the final signature.
2. This PA will continue in full force and effect until the Undertaking is complete and all terms of this PA are met, unless the Undertaking is terminated or authorization is rescinded or a period of ten years from execution of the PA has passed, at which time the agreement may be extended as written provided all signatories concur.

XI. AMENDMENT

1. This PA may be amended upon agreement in writing by all signatories. Within thirty (30) calendar days of a written request to the District, the District will facilitate consultation between the signatories regarding the proposed amendment.
2. Any amendments will be in writing and will be in effect on the date the amended PA is filed with the ACHP.

XII. ANTI-DEFICIENCY ACT

All requirements set forth in this PA requiring expenditure of funds by the District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Part 1341). No obligation undertaken by the District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the District cannot perform any obligation set forth in this PA because of unavailability of funds that obligation must be renegotiated among the District and the signatories as necessary.

**DRAFT PROGRAMMATIC AGREEMENT AMONG THE U.S. ARMY CORPS OF
ENGINEERS, WILMINGTON DISTRICT, THE NORTH CAROLINA STATE
HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL
ON HISTORIC PRESERVATION (IF PARTICIPATING) REGARDING THE
NEUSE RIVER BASIN FLOOD RISK MANAGEMENT STUDY**

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities under the NHPA for all individual undertakings identified in the Study, and has afforded the North Carolina SHPO and the ACHP an opportunity to comment on the undertakings and their effects on historic properties.

TBD

Commander and District Engineer
Wilmington District, South Atlantic Division
U.S. Army Corps of Engineers

Date

**DRAFT PROGRAMMATIC AGREEMENT AMONG THE U.S. ARMY CORPS OF
ENGINEERS, WILMINGTON DISTRICT, THE NORTH CAROLINA STATE
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TBD

State Historic Preservation Officer
North Carolina Department of Natural and Cultural Resources

Date

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ENGINEERS, WILMINGTON DISTRICT, THE NORTH CAROLINA STATE
HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL
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NEUSE RIVER BASIN FLOOD RISK MANAGEMENT STUDY

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities under the NHPA for all individual undertakings identified in the Study, and has afforded the North Carolina SHPO and the ACHP an opportunity to comment on the undertakings and their effects on historic properties.

Reid Nelson
Executive Director, Acting
Advisory Council on Historic Preservation

Date

PROGRAMMATIC AGREEMENT - APPENDIX A

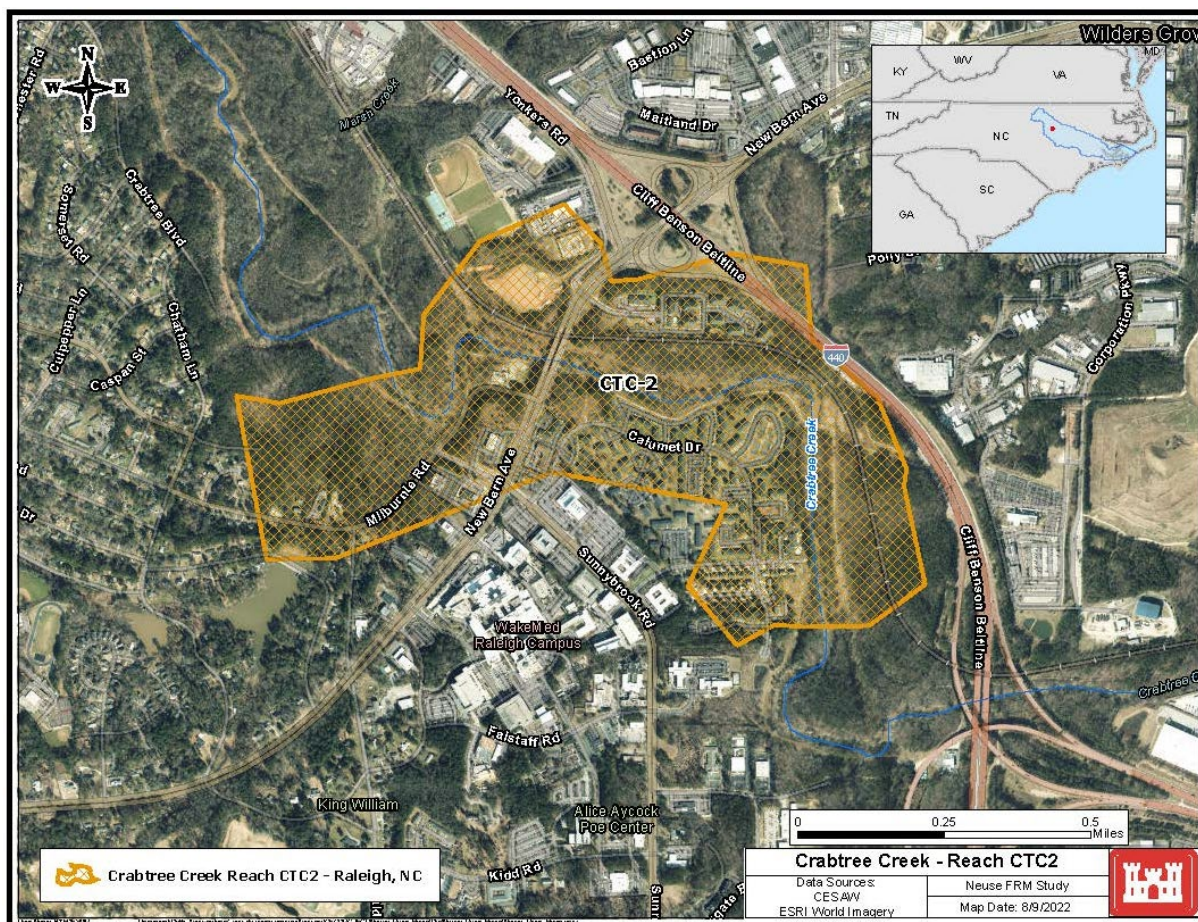


Figure 1. Footprint of Recommended Plan, Crabtree Creek, Raleigh, NC



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

July 29, 2020

Teresa Young
Planning & Environmental Branch
Wilmington District, USACE
69 Darlington Ave.
Wilmington, NC 28403-1343

Teresa.R.Young@usace.army.mil

RE: Feasibility Study for Flood Risk Management (FRM) measures in the Neuse River Basin, Multi County,
ER 20-1243

Dear Ms. Young:

We are in receipt of your May 29, 2020, letter concerning the above-referenced study.

Our records indicate that there are 6,689 archaeological sites recorded within the area of interest. Of these, fifteen (15) are listed in the National Register of Historic Places (NRHP), while one hundred and thirty-one (131) have been determined eligible for listing the NRHP. An additional two sites (2) have been placed on the state study list, an internal listing process that occurs before being nominated to the National Register. Two thousand six hundred and sixty-seven (2,667) sites have been determined not eligible, while the remaining three thousand eight hundred and seventy-four (3,874) are either unassessed or do not have their eligibility status recorded in our GIS database.

We look forward to working with your agency on this project. Please let us know if you would like additional information on a particular subset of the recorded sites, or all 6,689 sites, and we can discuss a data sharing agreement between our agencies.

To aid you in your planning, you may wish to visit our GIS website at:

<https://nc.maps.arcgis.com/home/group.html?id=d56ec9c8aa77423b931f4d359f103ac6%2Fhpoweb%2Fdefault.htm&view=list&categories=%5B%22%2FCategories%2FHPOWEB%22%5D#content/hpoweb/default.htm> There you will find information on all of the known above-ground historic properties that we have identified and evaluated over time. For more detailed mapping and files, you may contact Andrew Edmonds at: 919-814-6592 or at Andrew.Edmonds@ncdcr.gov to request assistance and permission as an advanced user.

Until more specific plans are available for review, we are unable to offer further comments.

The above comments are made pursuant to Section 106 and 110 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above-referenced tracking number.

Sincerely,



 Ramona Bartos, Deputy
State Historic Preservation Officer

cc: Andrew Edmonds, HPO

Andrew.Edmonds@ncdcr.gov



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 18, 2022

SUBJECT: Neuse River Basin Flood Risk Management Study, N.C.

Ramona Bartos
Director, Division of Historic Resources
Acting State Historic Preservation Officer
North Carolina Division of Historical Resources
4617 Mail Service Center
Raleigh, NC 27699-4617

Dear Ms. Bartos:

The U.S. Army Corps of Engineers (USACE), Wilmington District, continues to study the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Beaufort, Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The USACE has previously discussed this project with your office under Environmental Review (ER) number 20-1243. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and will address its effects to the natural and human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places under 36 C.F.R. § 800.3. Therefore, we are initiating consultation with your office.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this

stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase, if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study on historic properties. This uncertainty prevents the USACE from conducting the surveys necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a Study-specific programmatic agreement (PA) with your office to comply with Section 106 of the NHPA. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation by your office, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study is congressionally authorized, funding is appropriated, and prior to construction by executing the PA with the State Historic Preservation Office and the Advisory Council on Historic Preservation (if inclined to participate). The PA will outline the efforts and schedule for identifying historic properties, assessing the effects on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests your comments on the proposed APE for the RP and participation in the development of a PA within 30 days from receipt of this letter. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,
GATWOOD.ELDEN.J. Digitally signed by
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Date: 2022.02.15 10:19:54 -05'00'
Elden J. Gatwood
Chief, Planning and Environmental Branch

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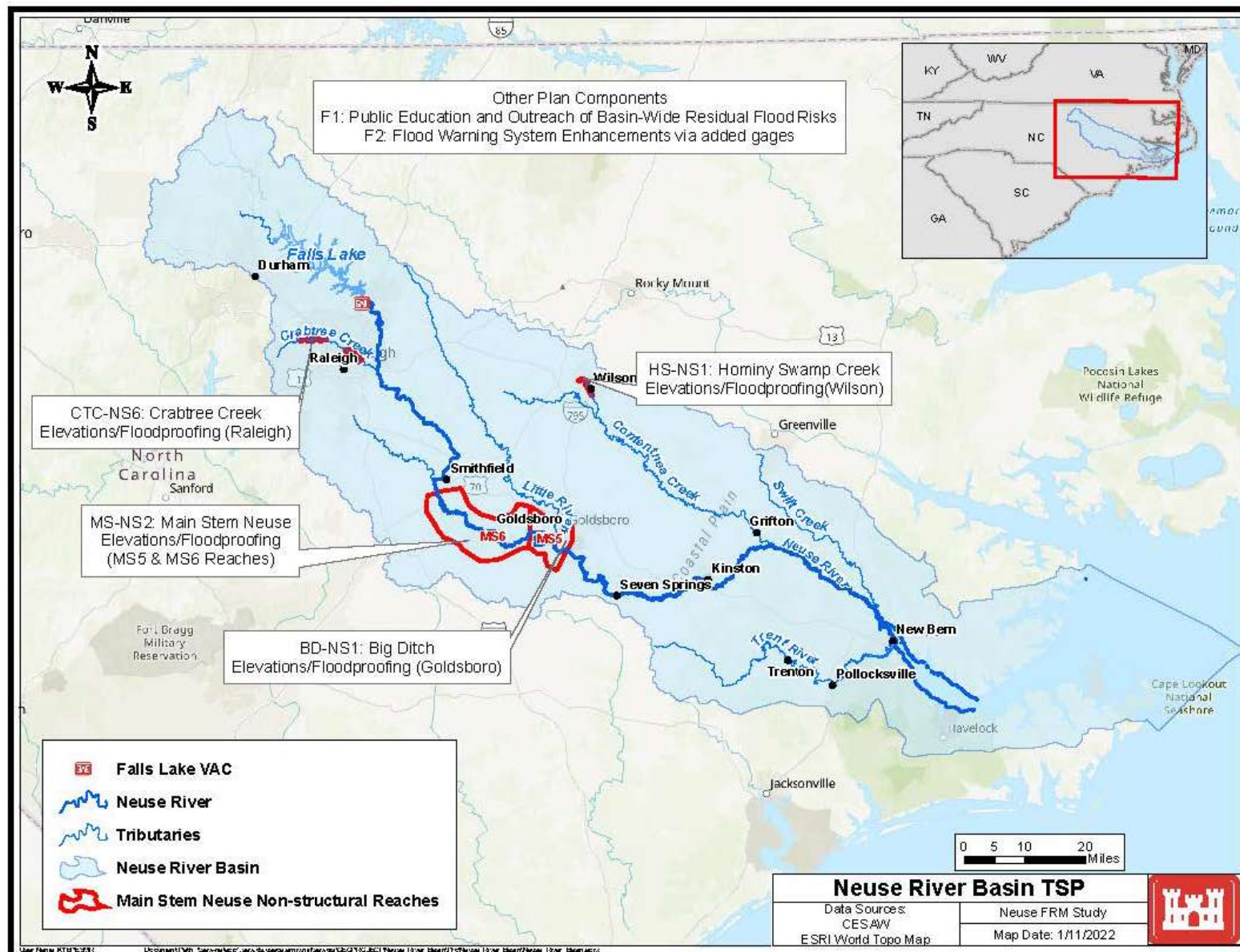


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 25, 2022

SUBJECT: Neuse River Basin Flood Risk Management Study, N.C.

Reid Nelson
Executive Director, Acting
Advisory Council on Historic Preservation
401 F. Street NW Suite 308
Washington, DC 20001-2637

Dear Mr. Nelson:

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Beaufort, Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places under 36 C.F.R. § 800.3. Therefore, we are initiating consultation with your office.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase, if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study on historic properties. This uncertainty prevents the USACE from conducting the surveys necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a Study-specific programmatic agreement (PA) with the State Historic Preservation Officer (SHPO), applicable certified local governments, and the Advisory Council on Historic Preservation (ACHP, if inclined to participate) to comply with Section 106 of the NHPA. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation by your office, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study is congressionally authorized, funding is appropriated, and prior to construction by executing the PA with the SHPO, applicable certified local governments, and the ACHP (if inclined to participate), with the certified local government of Wilson invited to participate as concurring party. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests your comments on the proposed APE for the RP and participation in the development of a PA within 30 days from receipt of this letter. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,

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Elden J. Gatwood
Chief, Planning and Environmental Branch

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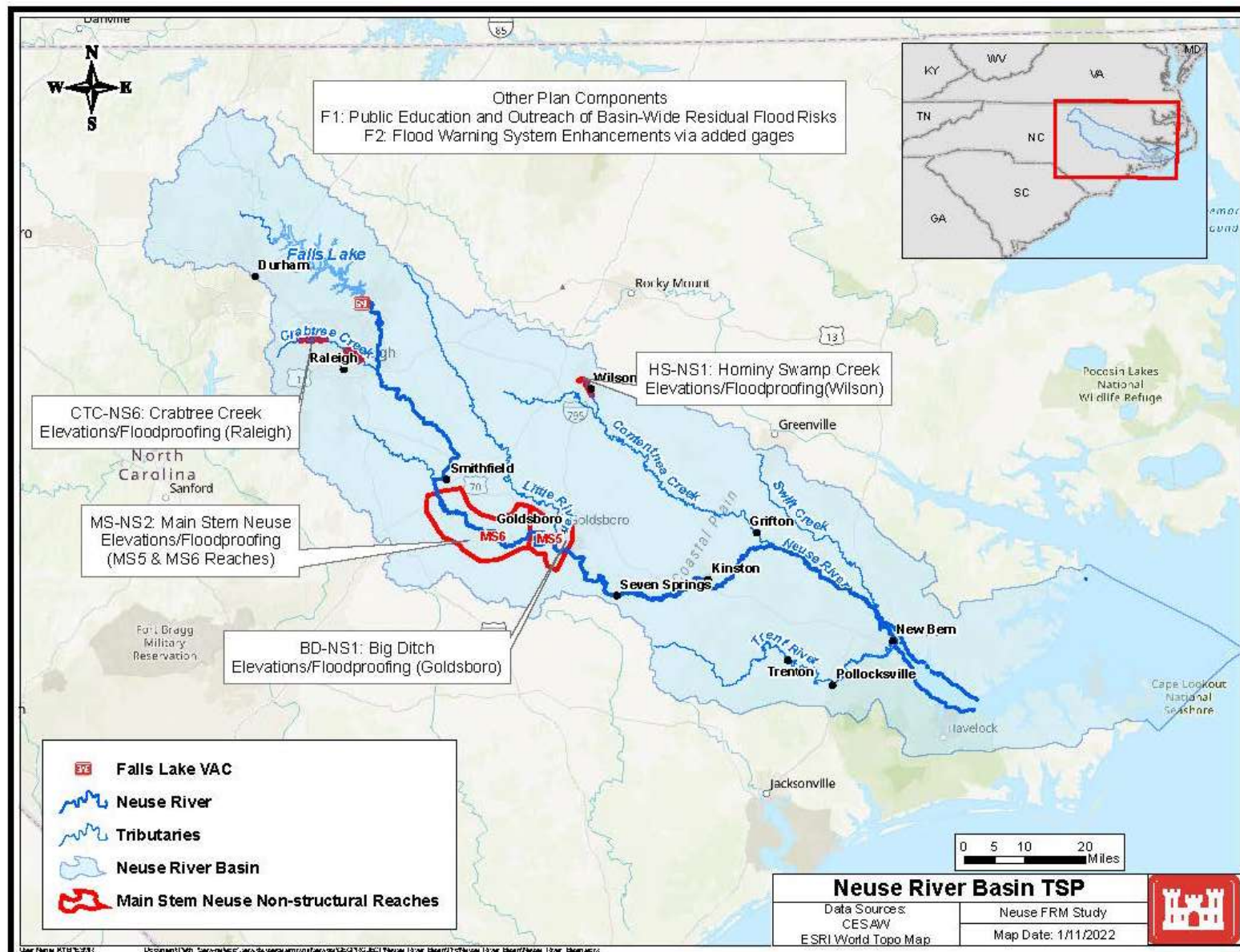


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 18, 2022

SUBJECT: Neuse River Basin Flood Risk Management Study, N.C.

Dana Corson
Historic Preservation Planner
Wilson Historic Preservation Commission
PO Box 10
Wilson NC 27894-0010

Dear Ms. Corson:

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Beaufort, Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places under 36 C.F.R. § 800.3. Therefore, we are initiating consultation with your office.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase, if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study on historic properties. This uncertainty prevents the USACE from conducting the surveys necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a Study-specific programmatic agreement (PA) with your certified local government to comply with Section 106 of the NHPA. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation by your office, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study is congressionally authorized, funding is appropriated, and prior to construction by executing the PA with the State Historic Preservation Officer and the Advisory Council on Historic Preservation (if inclined to participate), with the certified local government of Wilson invited to participate as concurring party. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests your comments on the proposed APE for the RP and participation in the development of a PA within 30 days from receipt of this letter. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,
GATWOOD.ELDEN.J.
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Elden J. Gatwood
Chief, Planning and Environmental Branch

Encl

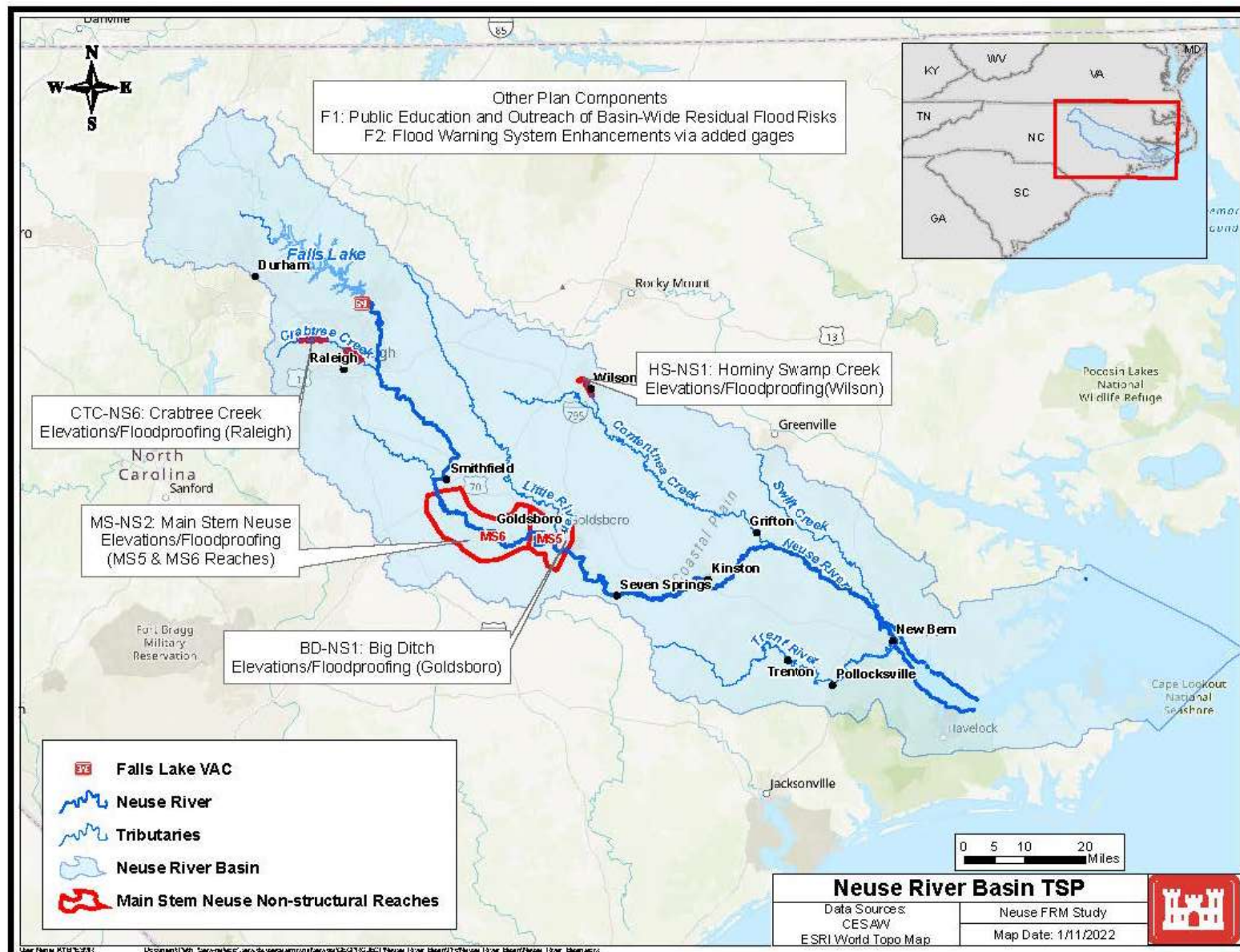


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 18, 2022

SUBJECT: Neuse River Basin Flood Risk Management Study, N.C.

Gary Roth
President & CEO
Capital Area Preservation
PO Box 28072
Raleigh, NC 27611

Dear Mr. Roth

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Beaufort, Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places under 36 C.F.R. § 800.3. Therefore, we are initiating consultation with your office.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase, if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study on historic properties. This uncertainty prevents the USACE from conducting the surveys necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a Study-specific programmatic agreement (PA) with your certified local government to comply with Section 106 of the NHPA. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation by your office, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study is congressionally authorized, funding is appropriated, and prior to construction by executing the PA with the State Historic Preservation Officer and the Advisory Council on Historic Preservation (if inclined to participate), with the certified local government of Wake County invited to participate as concurring party. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests your comments on the proposed APE for the RP and participation in the development of a PA within 30 days from receipt of this letter. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,

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Date: 2022.02.15 10:17:50 -05'00'

Elden J. Gatwood
Chief, Planning and Environmental Branch

Encl

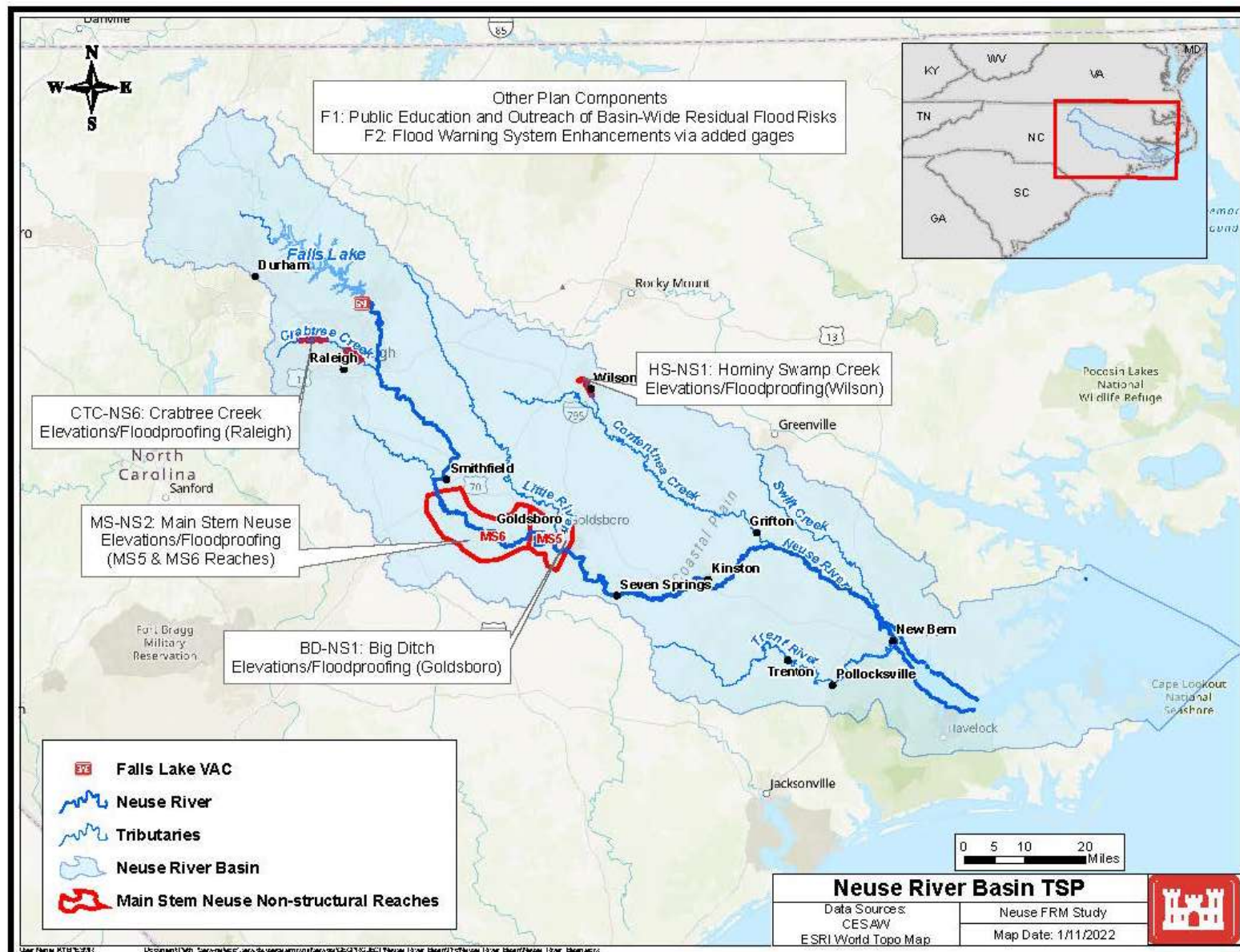


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 25, 2022

Subject: Neuse River Basin Flood Risk Management Study, N.C.

Ms. Elizabeth Toombs
Tribal Historic Preservation Officer
Cherokee Nation of Oklahoma
P.O. Box 948
Tahlequah, OK 74464

Dear Ms. Toombs:

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study's tentative RP constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places. Therefore, we are initiating consultation with your tribe.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase if a project is authorized by Congress following Study completion.

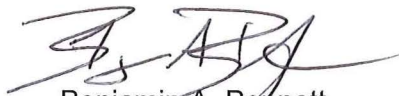
The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study's RP on historic properties. This uncertainty prevents the USACE from conducting the surveys

necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a programmatic agreement (PA) to comply with Section 106 of the NHPA for the Study. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study's RP is congressionally authorized, funding is appropriated, and prior to construction by executing the PA. The Cherokee Nation of Oklahoma is invited to participate as a concurring party. If declined, and should the tribe have continued inclusion interest, the tribe will be maintained as a consulting party throughout the PA development process. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects of proposed structural and nonstructural measures on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests that, within 30 calendar days, the Cherokee Nation of Oklahoma provide comments on the proposed APE for the tentative RP. Additionally, please inform the USACE within 30 calendar days, sooner if possible, if the tribe is interested in being a concurring party to the PA. Should you choose to participate, the USACE will provide you a draft PA for your comments. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Bennett', with a stylized flourish extending from the end.

Benjamin A. Bennett
Colonel, U.S. Army
District Commander

Enclosure

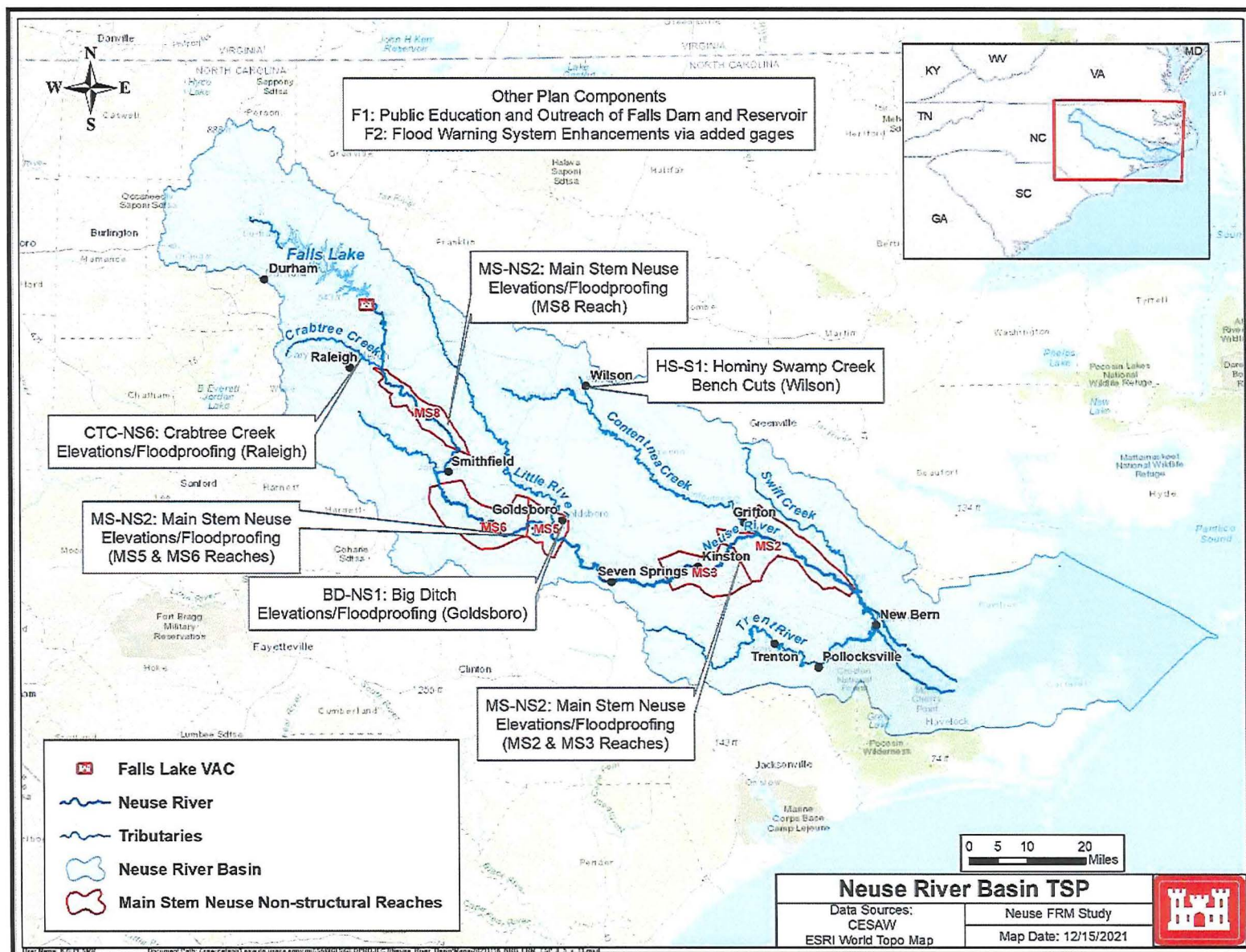


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 25, 2022

Subject: Neuse River Basin Flood Risk Management Study, N.C.

Jeremy Wilson
Government Affairs Liaison
Eastern Band of Cherokee Indians
P.O. Box 41927
Cherokee, NC 28719

Dear Mr. Wilson:

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study's tentative RP constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places. Therefore, we are initiating consultation with your tribe.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study's RP on historic properties. This uncertainty prevents the USACE from conducting the surveys

necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a programmatic agreement (PA) to comply with Section 106 of the NHPA for the Study. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study's RP is congressionally authorized, funding is appropriated, and prior to construction by executing the PA. The Eastern Band of Cherokee Indians is invited to participate as a concurring party. If declined, and should the tribe have continued inclusion interest, the tribe will be maintained as a consulting party throughout the PA development process. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects of proposed structural and nonstructural measures on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests that, within 30 calendar days, the Eastern Band of Cherokee Indians provide comments on the APE for the tentative RP. Additionally, please inform the USACE within 30 calendar days, sooner if possible, if the tribe is interested in being concurring party to the PA. Should you choose to participate, the USACE will provide you a draft PA for your comments. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Bennett', with a long horizontal line extending to the right.

Benjamin A. Bennett
Colonel, U.S. Army
District Commander

Enclosure

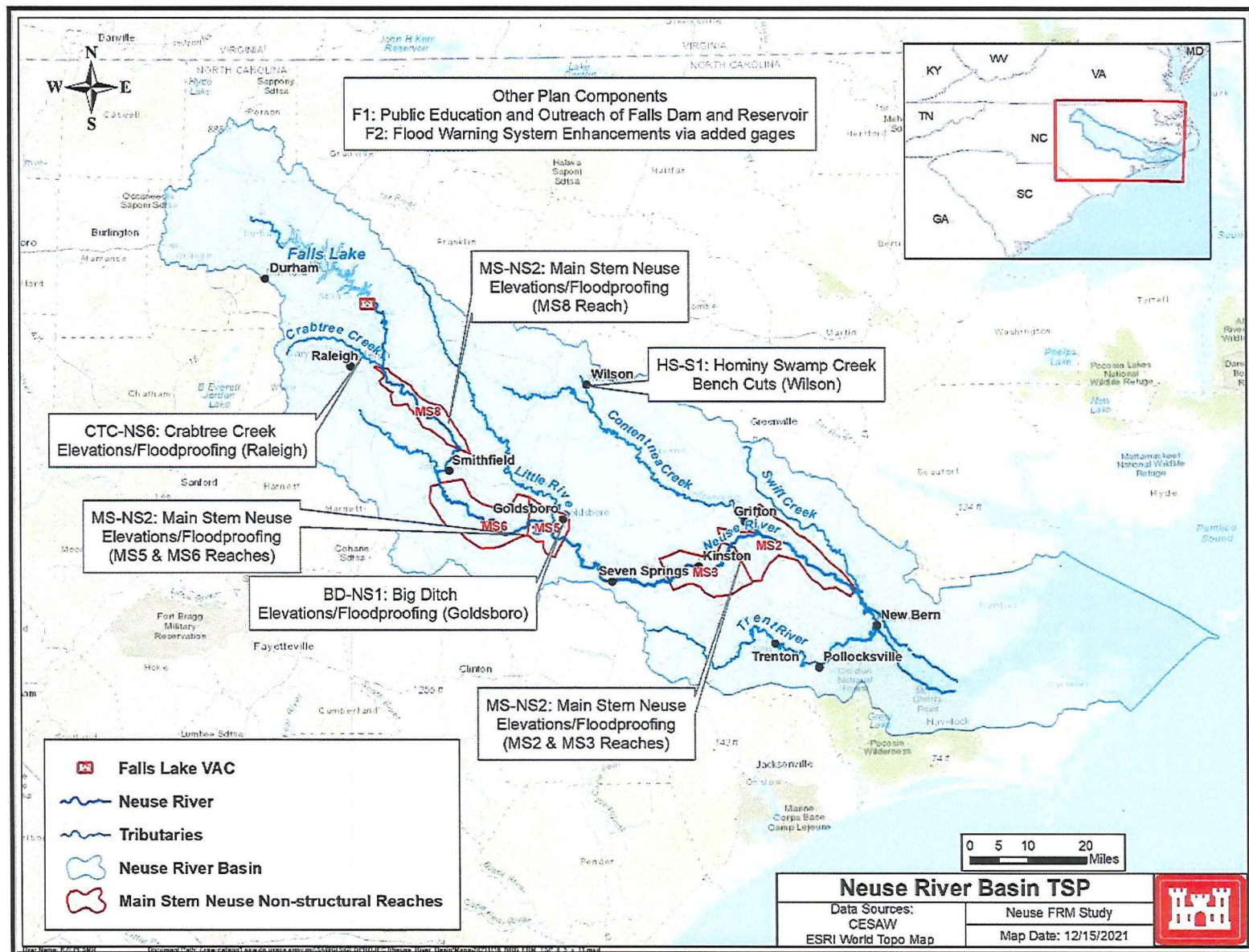


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

February 25, 2022

Subject: Neuse River Basin Flood Risk Management Study, N.C.

Acee Watt
Section 106 Coordinator
United Keetoowah Band of Cherokee Indians
P.O. Box 746
Tahlequah, OK 74465

Dear Mr. Watt:

The U.S. Army Corps of Engineers (USACE), Wilmington District, is currently studying the feasibility and environmental effects associated with its Neuse River Basin Flood Risk Management Study (Study) in Carteret, Craven, Durham, Franklin, Granville, Greene, Johnston, Jones, Lenoir, Nash, Orange, Pamlico, Person, Pitt, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of the Study is to identify flood risk management measures that would help reduce risks from future flooding in the Neuse River Basin. The Study is being conducted under an authority granted by House Resolution 2532 adopted on July 23, 1997 by the Committee on Transportation and Infrastructure of the United States House of Representatives and is funded by the Additional Supplemental Appropriations for Disaster Relief Act of 2019, PL 116-12. The North Carolina Department of Environmental Quality is the non-Federal Sponsor for the Study. A draft integrated feasibility study and National Environmental Policy Act (NEPA) compliant document that identifies the Recommended Plan (RP) is being prepared for the Study and addresses its effects to the human environment.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800), the USACE has determined that the Study's tentative RP constitutes an undertaking as defined in 36 C.F.R. § 800.16(y) and has a potential to affect historic properties listed on, or determined eligible for, the National Register of Historic Places. Therefore, we are initiating consultation with your tribe.

Under the RP, nonstructural measures are proposed that include elevation or floodproofing of structures, implementation of flood warning system enhancements, and public outreach and education of basin-wide flood risks. The area of potential effects (APE) for the RP is shown in Figure 1. The identification of exact locations of nonstructural measures requires additional analyses of the existing construction, flood risk, and determination of costs and benefits on a finer scale than is possible at this stage of the Study. Additional portions of the APE, such as laydown yards and staging areas, will be identified during the pre-construction engineering and design phase if a project is authorized by Congress following Study completion.

The APE will be subject to further refinement as the Study progresses. Based on the present (i.e., feasibility-level) design, uncertainty remains regarding the effects of the Study's RP on historic properties. This uncertainty prevents the USACE from conducting the surveys

necessary to identify historic properties prior to completing the appropriate NEPA documentation. Given this limitation, the USACE proposes the development of a programmatic agreement (PA) to comply with Section 106 of the NHPA for the Study. The proposed PA would include timelines to conduct surveys to identify historic properties within the APE, review procedures to ensure appropriate participation, and requirements to avoid, minimize, or mitigate adverse effects to historic properties.

Pursuant to 54 U.S.C. § 306108 and 36 CFR § 800.4(b)(2), it will be necessary for the USACE to defer final identification and evaluation of historic properties until after the Study's RP is congressionally authorized, funding is appropriated, and prior to construction by executing the PA. The United Keetoowah Band of Cherokee Indians is invited to participate as a concurring party. If declined, and should the tribe have continued inclusion interest, the tribe will be maintained as a consulting party throughout the PA development process. The PA will outline the efforts and schedule for identifying historic properties, assessing the effects of proposed structural and nonstructural measures on historic properties, and avoiding, minimizing, and/or mitigating the effects of the measures on historic properties.

The USACE requests that, within 30 calendar days, the United Keetoowah Band of Cherokee Indians provide comments on the APE for the tentative RP. Additionally, please inform the USACE within 30 calendar days, sooner if possible, if the tribe is interested in being concurring party to the PA. Should you choose to participate, the USACE will provide you a draft PA for your comments. If there are any questions, please contact Mr. Brian Seymour by telephone at 904-232-3028 or e-mail at Brian.R.Seymour@usace.army.mil.

Sincerely,



Benjamin A. Bennett
Colonel, U.S. Army
District Commander

Enclosure

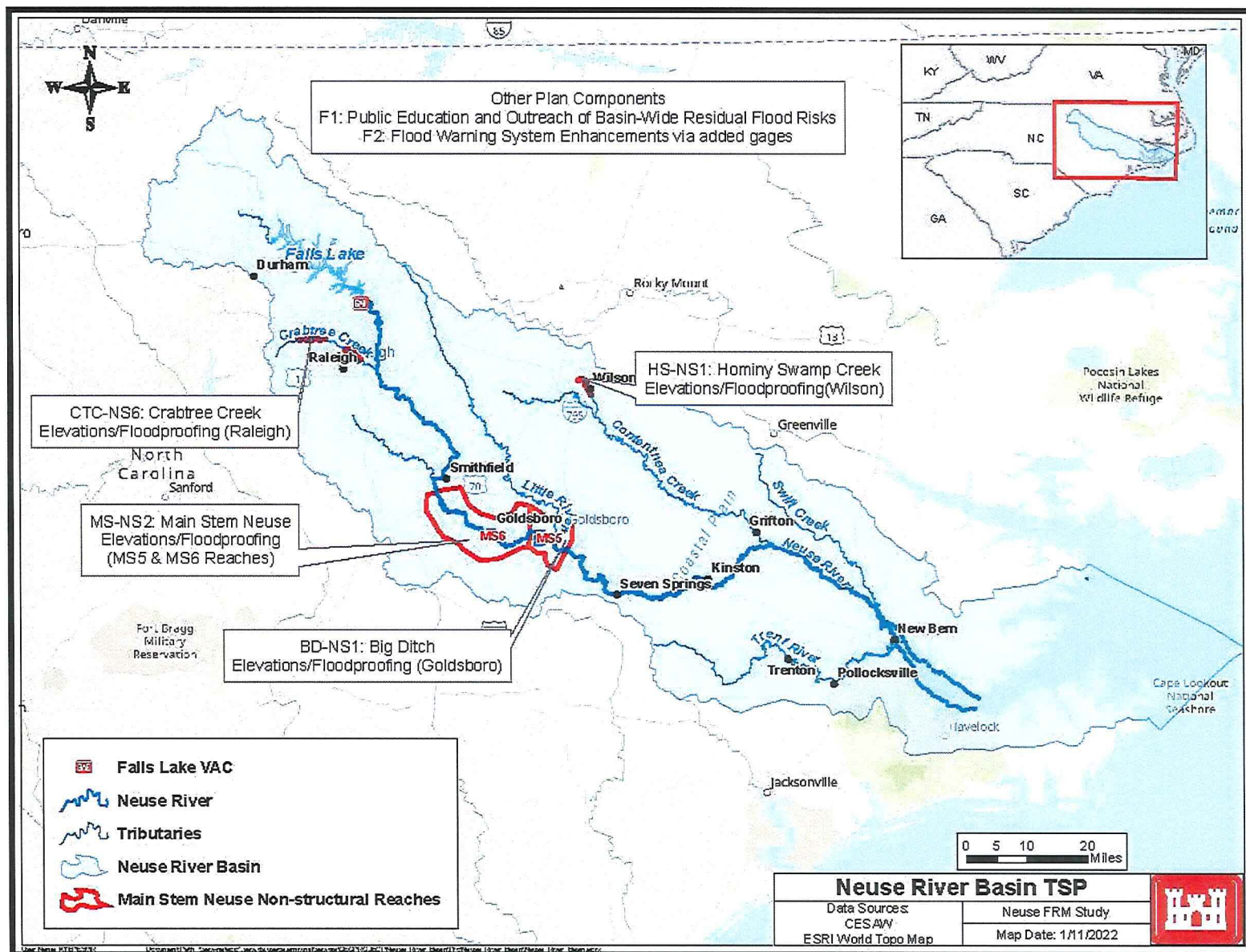


Figure 1. Area of potential effect for the Neuse River Basin Flood Risk Management Study.