US Army Corps
of Engineers ®
Wilmington District

General Re-evaluation Report and Environmental Assessment
Surf City, Onslow and Pender Counties, North Carolina
Coastal Storm Risk Management Project

Appendix S: Section 106 Programmatic Agreement

Final

March 2025

PROGRAMMATIC AGREEMENT

BETWEEN

THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,

AND

THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

REGARDING

THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

WHEREAS, the U.S. Army Corps of Engineers, Wilmington District (USACE), has performed a feasibility level study and environmental assessment of engineering solutions to reduce coastal storm risks at Surf City, North Carolina, herein referred to as the “Project”; and

WHEREAS, the Project was authorized for construction by Section 7002(3) of the Water Resources Reform and Development Act of 2014 and funded by the Additional Supplemental Appropriations for Disaster Relief of 2019, Pub. L. No. 116-20, 133 STAT. 879; and

WHEREAS, the Town of Surf City is the Project’s non-Federal sponsor; and

WHEREAS, the Project proposed construction of a sand berm and dune system measuring approximately 33,300 feet long, or approximately 6 miles of shoreline, with a dune constructed to an elevation of 14 feet (NAVD 88) and fronted by a 6-foot (NAVD 88) (50 feet wide) beach berm within the town limits of Surf City, North Carolina, a 1,000-foot transition berm at the northern end of the Project extending into the Town of North Topsail Beach, North Carolina, and dune vegetation and approximately 40 public walkover structures (the installation of sand berm and dune systems, vegetation, and walkover structures, the “Undertaking”) ; and

WHEREAS, sand for the Undertaking may be extracted by dredges of varying types and sizes from 13 offshore borrow sites designated as Borrow Areas A, B, C, D, E, F, G, H, J, L, N, O, and P, and transported by dredge pipelines directly to the beach or to designated pump-out stations near and along the beach; and

WHEREAS, sand will then be carried to the beach surface directly from a dredge pipeline or from designated pump-out stations to the locations of berm and dune construction through large, submerged pipelines along the sea floor; and

WHEREAS, the area of potential effect (APE) for the Undertaking will include the affected beach for the berm and dune system and 1,000-foot transition, including dune vegetation areas and public walkover structures, the 13 sand borrow sites, and locations of the pump-out stations and submerged pipelines (see **Appendix A**); and

WHEREAS, USACE, as the agency responsible for conducting coordination under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), has consulted on the APE and its effects to historic properties since 2005 (see **Appendix B**); and

WHEREAS, USACE identified no historic properties eligible for, or listed on, the National Register for Historic Places (NRHP) within the affected beach for the berm and dune system, 1,000-foot transition, and 13 sand borrow sites and resolved effects to these portions of the Undertaking with consulting parties per 36 C.F.R. § 800.4(d)(1) on 10 January 2025; and

WHEREAS, the locations of the pump-out stations and submerged pipeline routes will not be determined until after the signing of the Finding of No Significant Impact for the Undertaking; and

WHEREAS, pursuant to 36 C.F.R. Part 800, the regulations implementing Section 106 of the NHPA, USACE has determined that, through ground disturbing activities, the pump-out stations and pipeline locations have the potential to adversely affect unidentified submerged archaeological resources, prehistoric and historic, considered eligible for listing on the NRHP; and

WHEREAS, in accordance with 36 C.F.R. §§ 800.6(a)(1) and 800.10(a), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intention to develop this agreement, and the ACHP has declined to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

WHEREAS, in accordance with 36 C.F.R. §§ 800.2 and 800.3, USACE has invited the North Carolina State Historic Preservation Officer (NC SHPO), the Catawba Indian Nation, the Eastern Band of Cherokee Indians, the United Keetoowah Band of Cherokee Indians in Oklahoma, elected officials from the Town of Surf City, and the Bureau of Ocean Energy Management (BOEM) to participate as consulting parties in the development of this agreement (see **Appendix B**); and

WHEREAS, the NC SHPO accepted USACE's invitation to participate as a consulting party and is a signatory to this agreement; and

WHEREAS, the Town of Surf City accepted USACE's invitation to participate as a consulting party and is an invited signatory to this agreement; and

WHEREAS, BOEM accepted USACE's invitation to participate as a consulting party and is a concurring party to this agreement; and

WHEREAS, the Catawba Indian Nation accepted USACE's invitation to participate as a concurring party to this agreement; and

WHEREAS, the United Keetoowah Band of Cherokee Indians in Oklahoma and the Eastern Band of Cherokee Indians have declined USACE's invitation to participate as a consulting party in the development of this agreement; and

WHEREAS, USACE informed the public of the Undertaking through implementation 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 the opportunity to participate in the public meeting held on 24 September 2024;

NOW, THEREFORE, USACE, NC SHPO, and the Town of Surf City agree that the Undertaking shall be implemented in accordance with the following stipulations to consider the effect of the Undertaking on historic properties.

STIPULATIONS

The purpose of this agreement is to present a process that will identify historic properties within the areas of the APE that have not yet been thoroughly surveyed (i.e., areas where off-shore pump-out stations and submerged pipelines may be placed), evaluate the adverse effects to these properties, and guide consultation for the resolution of these effects. USACE shall ensure that the following process is carried out:

I. ENGAGING CONSULTING PARTIES AND THE PUBLIC

USACE shall develop a list of potentially interested members of the public – including non-profit and non-governmental organizations, state and local governmental agencies, museums and educational institutions, businesses, and/or professional researchers – and request their knowledge of the study area and the affected historic properties in writing or through a series of public meetings. Distribution of these requests may be performed through standard mail, electronic mail or through online resources.

II. DEFINING THE AREA OF POTENTIAL EFFECT

The location of pump-out stations and submerged pipeline routes will be determined by USACE. A preliminary APE for this undertaking has been determined by USACE staff based on a feasibility-level design and a detailed records review (see **Appendix A**). The final APE will be developed by USACE after review of its dredging contractor's proposed pipeline routes and pump-out locations, then be forwarded to consulting parties in writing through standard mail, electronic mail or through online resources.

Consulting parties shall be given thirty (30) calendar days (from the date of receipt) to review and provide written comments on the APE. Consulting parties may request additional information during this review. Any changes to the final APE will also be communicated to consulting parties, who will be given an additional seven (7) calendar days to review. A failure of the consulting parties to respond within the time granted shall not preclude USACE from moving forward in the process to Stipulation III.

III. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES WITHIN THE AREA OF POTENTIAL EFFECT

A. Archaeological Resource Investigations.

USACE shall carry out investigations to gather information and evaluate the historic significance and eligibility of archaeological resources, historic and prehistoric, within the APE using geophysical techniques (e.g., a shallow seismic profiler, side scan sonar, fathometer, marine survey magnetometer, sub-bottom profiler, and electronic positioning system).

These methods will at the minimum follow the guidelines and requirements specified in the *Archaeology and Historic Preservation: Secretary of the Interior's (SOI) Standards and Guidelines*, 48 F.R. 44716-44742 (SOI's Standards and Guidelines), and the *North Carolina Office of State Archaeology: Archaeological Investigation Standards and Guidelines.* In addition, any work completed on state-owned land will comply with Section .1600 of Title 07, Subchapter 04R of the North Carolina Administrative Code.

If the APE is located on the Outer Continental Shelf, surveys will also follow the applicable parts of BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (2020, or as amended). USACE will make a reasonable and good faith effort to identify historic properties within the APE consistent with these guidelines.

In addition, all work under this agreement will be conducted by, or directly under supervision of, individuals that meet the Professional Qualification Standards set forth in the *SOI's Standards and Guidelines* for archaeology, history, architectural history, architecture, or historic architecture.

If an archaeological resource is encountered, USACE shall record the resource on state site forms in accordance with the *North Carolina Office of State Archaeology: Archaeological Investigation Standards and Guidelines* and submit to the North Carolina Office of State Archaeology.

USACE shall determine the limits of the archaeological resource(s) from the geophysical data, and/or with the best available data, and place a 500-foot buffer around these limits. USACE shall then coordinate with the NC SHPO to relocate the pump-out station and/or the submerged pipeline routes affecting the resource. This coordination may be informal (e.g., email, phone call, and/or video conference) but shall minimally include the location of the archaeological resource and the proposed relocation of the pump-out station and/or the submerged pipeline routes. Upon mutual agreement with the NC SHPO, USACE shall examine the relocated pump-out station and/or submerged pipeline routes using the same geophysical techniques described above.

B. Documentation.

Required documents for this investigation shall include a report of findings presenting the overall results and the NRHP eligibility of each resource encountered, as well as a state site form for each archaeological resource.

The NRHP eligibility will be based on an application of the criteria of evaluation within 36 C.F.R. § 60.4. If questions arise as to the NRHP eligibility of the resources identified within the APE, then USACE shall obtain assistance from the SOI pursuant to 36 C.F.R. Part 63.

The report of finding and state site forms will follow the guidelines and requirements specified in 36 C.F.R. § 800.11, the SOI's Standards and Guidelines, and the *North Carolina Office of State Archaeology: Archaeological Investigation Standards and Guidelines.*

C. Determinations Of Effect.

USACE will submit the cultural resource survey reports and draft reports of findings to consulting parties for a 30-day review and comment period. USACE shall make changes to the reports of findings based on comments received and then re-submit to consulting parties for another 30-day review. A formal determination of effect to historic properties will also be included with these submissions.

If it is determined through this identification and evaluation process that submerged archaeological resources determined eligible for the NRHP are within the APE, then USACE shall notify consulting parties and implement the strategy in Stipulation III.A to avoid the effects of the pump-out station and/or the submerged pipeline routes to these resources.

If avoidance of the NRHP-eligible property is infeasible, then USACE shall determine whether the pump-out station and/or the submerged pipeline routes will have an adverse effect to the resources through additional consultation and documentation, as outlined in Stipulation III.D below.

D. Assessment of Adverse Effects.

If needed, USACE will prepare an assessment of adverse effects to the NRHP-eligible property within the APE. All historic properties will be addressed under a single cover and apply the criteria of adverse effect found in 36 C.F.R. § 800.5(a)(1). The assessment shall meet the documentation standards set forth by 36 C.F.R. § 800.11(e) and be submitted to consulting parties for a 30-day review from the date of receipt. USACE shall make changes to the assessment based on comments received and then re-submit to consulting parties for another 30-day review.

USACE will also continue to work with consulting parties in the development of alternatives that avoid, minimize and/or mitigate adverse effects to the NRHP-eligible property. If adverse effects to these resources are unavoidable, then USACE shall seek to resolve them through the process outlined in Stipulation III.E below.

E. Resolution of Adverse Effects.

USACE shall follow the process described in 36 C.F.R. § 800.6 to resolve adverse effects to the NRHP-eligible properties within the APE. This process will include:

1. Notification and invitation of the ACHP to participate in the consultation process.
2. Continued involvement of consulting parties in development of alternatives to avoid, minimize and mitigate adverse effects to historic properties.
3. Submission of documentation required under 36 C.F.R. § 800.11(e).
4. A plan to involve the public in the consultation process.

Alternatives, best practices, and/or activities identified by consulting parties to avoid, minimize, and/or mitigate adverse effects of the proposed modifications to archaeological resources will be captured within a Historic Properties Treatment Plan (Plan). The Plan may cover a single historic property or several if they are identified as a historic district. Appropriate and relevant avoidance, minimization, and/or mitigation efforts memorialized within the Plan will be developed in consultation with the NC SHPO and other participating consulting parties. No individual memorandum of agreement or amended programmatic agreement shall be required.

A draft version of the Plan will be provided to consulting parties for review and comment prior to its execution. USACE shall make changes to the Plan based on comments received and then resubmit the Plan to consulting parties for another 30-day review. Copies of the finalized Plan will be provided to consulting parties and the signatories upon completion. USACE shall then ensure that the Undertaking is carried out in accordance with the Plan.

IV. PROTECTION OF CONFIDENTIAL INFORMATION

Historic properties covered by this agreement are subject to the provisions of Section 304 of the NHPA (54 U.S.C. § 307103) and 36 C.F.R. § 800.11(c), relating to the disclosure of information about the location, character, or ownership of a historic property.

All provisions in this agreement notwithstanding, any disclosure of information by USACE under this agreement will be consistent with Section 304 of the NHPA; 36 C.F.R. § 800.11(c); and the Freedom of Information Act, 5 U.S.C. § 552, as amended. Confidentiality regarding the specific nature and location of archaeological sites and any other cultural resources under this agreement shall be maintained to the extent allowable by law.

Dissemination of such information shall be limited to appropriate personnel within the USACE (including contractors), the signatories, consulting parties, and those parties involved in planning, reviewing, and implementing this agreement. When information is provided to USACE by NC SHPO or others who wish to control the dissemination of that

information more than described above, the USACE will do so to the extent permissible by Federal law.

V. PUBLIC INVOLVEMENT AND OUTREACH

Should historic properties be discovered or affected as part of this Undertaking, USACE shall present publicly accessible information about historic properties within the Project's public website.

VI. UNANTICIPATED DISCOVERIES AND HUMAN REMAINS

A. If cultural resources not identified as an archaeological resource are discovered during implementation of the Undertaking, USACE shall cease all work within the vicinity of the discovery and implement reasonable measures that avoid, minimize, and/or mitigate effects to the resource. Until a formal evaluation can be made of the cultural resources, they will be treated as a historic property eligible for listing to the NRHP.

B. USACE shall notify the consulting parties in writing within 48 hours of the discovery and request their participation to consult under 36 C.F.R. § 800.13. Minimally, the notification will include a description of the discovery, the events leading to the discovery, the steps being taken to avoid further damage to the discovery, anticipated effort to document and evaluate the discovery's historic significance, and a list of consulting parties.

C. USACE will then evaluate the historic significance and the NHRP eligibility of the discovery, providing documentation in a letter report to consulting parties for a 30-day review and comment period. The following conditions will guide subsequent conditions in this process:

    1. If the discovery is determined ineligible for the listing to the NRHP, then construction activities within the area of the discovery are permitted to continue with fourteen (14) calendar days from date the determination.

       If it is determined that the cultural resource is eligible for listing to the NRHP, then the suspension of work will continue. USACE and consulting parties will determine the best course of action needed to avoid, minimize and/or mitigate adverse effects to the discovery.

    2. If there is a disagreement on the appropriate course of action to address an unanticipated discovery or effects to an unanticipated discovery, then USACE shall initiate the dispute resolution process set forth in Stipulation VIII below.

D. Procedures guiding the discovery of human remains and associated burial items will generally follow Stipulation VI.A-C above. The North Carolina Commission of Indian Affairs and all Tribes with ancestral ties to the APE will be added as consulting parties for the discovery. No photographs or scientific analysis beyond the identification of the remains will be permitted. The treatment of these remains and associated items shall be guided by the ACHP *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects*, NHPA and its

regulatory guidance (36 C.F.R. Part 800), USACE Policy Guidance Letter No. 57 (1998) Indian Sovereignty and Government-to-Government Relations with Indian Tribes, and North Carolina General Statutes Chapter 65 and Chapter 70, Article 3 *Unmarked Human Burial and Human Skeletal Remains Protection Act*.

VII. REPORTING REQUIREMENTS FOR THIS AGREEMENT

USACE shall provide signatories of this agreement an annual summary report of the work undertaken pursuant to this agreement on or before March 1st of each calendar year that this agreement is in effect. This report will include scheduling changes, problems encountered, project work completed, activities completed, and any objections and/or disputes received by USACE. The report shall be in memorandum format and continue until the Undertaking is completed and/or the agreement expires or is terminated.

VIII. DISPUTE RESOLUTION FOR THIS AGREEMENT

The following procedures shall be used to resolve disputes among signatories of this agreement:

A. Should any signatory to this agreement object within thirty (30) days to any action proposed or any document provided for review, USACE shall consult with the objecting signatory to resolve the objection.

B. If USACE determines that the objection cannot be resolved within forty-five (45) days, USACE shall forward all documentation relevant to the dispute to the ACHP and request their recommendations or request the comments of the ACHP.

C. The ACHP shall provide USACE input 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 C.F.R. § 800.7(c), with reference only to the subject of the dispute. USACE shall respond to the ACHP's recommendations or comments indicating how they were considered prior to proceeding with the Undertaking activities that are the subject of the dispute. Responsibility to carry out all other Stipulations in this agreement that are not the subject of the dispute will remain unchanged.

D. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar days, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that considers any timely comments regarding the dispute from the signatories to the agreement and provide the signatories and the ACHP with a copy of such written response.

IX. WITHDRAWAL AND TERMINATION

A. Any signatory may withdraw its participation to this agreement through written notification to all signatories. The withdrawal will become effective thirty (30) calendar days after the written notification. The agreement will remain in effect for the remaining signatories.

B. Any signatory may request a termination of the agreement through written notification to all signatories. If agreed upon by the signatories, the agreement will be terminated within thirty (30) days of the written notification.

C. In the event of a termination to the agreement, USACE will be required to comply with Section 106 of the NHPA through the process outlined in Subpart B of 36 C.F.R. Part 800 on individual undertakings covered by this agreement.

X. DURATION AND SUNSET CLAUSE

A. This agreement will become effective as of the date of the signature of the last signatory to sign.

B. Unless extended by amendment in accordance with Stipulation XI, this agreement will continue for a period of ten years or until one of the following circumstances occur, whichever occurs first:

1. The Undertaking is completed, and all terms are met;
2. The Undertaking is terminated;
3. Authorization to complete the Undertaking is rescinded; or
4. Funds for the Undertaking are rescinded.

XI. AMENDMENT

This agreement can be amended with written approval of the signatories. The amendments will be in effect on the date the amended agreement is filed with the ACHP.

XII. ANTI-DEFICIENCY ACT

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

XIII. EXECUTION IN COUNTERPARTS

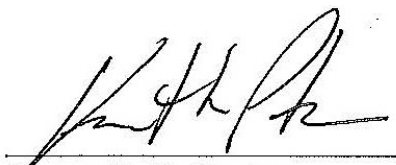
A. Execution of this agreement by USACE and NC SHPO and implementation of its terms evidence that the USACE has considered the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

B. This agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute the same instrument.

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

SIGNATORY

U.S. Army Corps of Engineers, Wilmington District



Kenneth M. Porter
LTC, U.S. Army
Acting Commander

3/13/25
Date

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

SIGNATORY

North Carolina Department of Natural and Cultural Resources

3/6/2025

Dr. Darin Waters, State Historic Preservation Officer **Date**

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

INVITED SIGNATORY

Town of Surf City

Teresa B. Batts

Teresa B. Batts, Mayor

03/14/2025

Date

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

Concurring Party

Bureau Of Ocean Energy Management

MEGAN CARR Digitally signed by MEGAN CARR
Date: 2025.03.19 15:48:39 -04'00'

Dr. Megan Carr, Associate Director for Strategic Resources

Date

PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE SURF CITY COASTAL STORM RISK MANAGEMENT PROJECT

Concurring Party

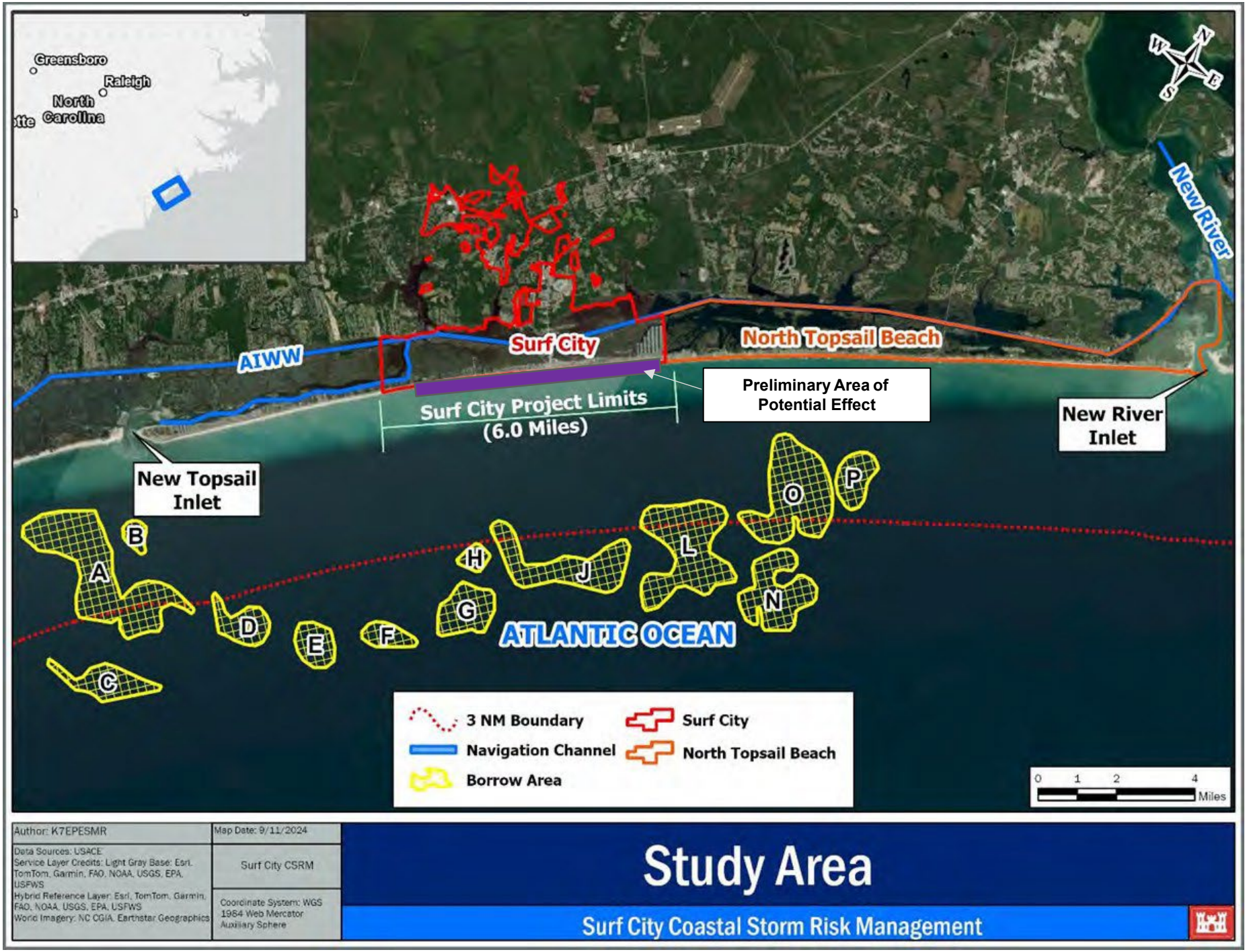
Catawba Indian Nation

Wenonah H. Haire DHO — 3/27/25

Dr. Wenonah Haire, Tribal Historic Preservation Officer **Date**

Appendix A

Area of Potential Effect


Greensboro
Raleigh
North Carolina
AIWW
Surf City
North Topsail Beach
New River
Surf City Project Limits
(6.0 Miles)
Preliminary Area of
Potential Effect
New River
Inlet
New Topsail
Inlet
A
B
C
D
E
F
G
H
J
L
N
O
P
ATLANTIC OCEAN
3 NM Boundary
Navigation Channel
Borrow Area
Surf City
North Topsail Beach
0 1 2 4
Miles
Author: K7EPESMR
Map Date: 9/11/2024
Data Sources: USACE
Service Layer Credits: Light Gray Base: Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Hybrid Reference Layer: Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
World Imagery: NC CGIA, Earthstar Geographics
Surf City CSRM
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Study Area
Surf City Coastal Storm Risk Management

Appendix B

Correspondence

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	e106@achp.gov
Subject:	Surf City Coastal Storm Risk Management Project, Pender and Onslow Counties, North Carolina-e106 submission
Date:	Monday, January 27, 2025 4:16:00 PM
Attachments:	Surf_City_CSRM_e106_form_correspondence_27Jan2025.pdf

---

To whom it may concern,

Attached is the e106 form and supporting documentation notifying the ACHP per 36 C.F.R. 800.6(a)(1) of the U.S. Army Corps of Engineers, Wilmington District's intent resolve adverse effects to historic properties from the Surf City Coastal Storm Risk Management Project in Pender and Onslow Counties, North Carolina through the development of project-specific programmatic agreement per 36 C.F.R. 800.14(b). We invite your agency to participate in the consultation and development of the agreement.

If you have any questions or comments, please let me know.

Very respectfully,

Keith Keeney
U.S. Army Corps of Engineers
Wilmington District
(910) 251-4070

Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format

Send to: *e106@achp.gov*

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. **Purpose of notification.** Indicate whether this documentation is to:
   - ☐ Notify the ACHP of a finding that an undertaking may adversely affect historic properties
   - ☒ Invite the ACHP to participate in a Section 106 consultation
   - ☒ Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
   - ☐ Supply additional documentation for a case already entered into the ACHP record system
   - ☐ File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
   - ☐ Other, please describe.
     Click here to enter text.

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): Click here to enter text.

3. **Name of federal agency** (If multiple agencies, list them all and indicate whether one is the lead agency): U.S. Army Corps of Engineers, Wilmington District

4. **Name of undertaking/project** (Include project/permit/application number if applicable):
   Surf City Coastal Storm Risk Management Project

5. **Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands): Surf City, Onslow and Pender Counties, North Carolina. The proposed undertaking will not affect historic properties located on tribal lands.

6. **Name and title of federal agency official and contact person for this undertaking**, including email address and phone number: Keith A. Keeney, Planner and Archaeologist, 910-251-4070, keith.a.keeney@usace.army.mil

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The proposed undertaking was authorized by Section 7002(3) of the Water Resources Reform and Development Act (WRRDA) of 2014. Project construction was funded by Public Law 116-20, the

Additional Supplemental Appropriations Disaster Relief Act, 2019 (DRA 19).

The proposed undertaking is a sand berm and dune system measuring approximately 33,300 foot long, or approximately 6 miles of shoreline, with a dune constructed to an elevation of 14 feet North Atlantic Vertical Datum 1988 (NAVD 88) and fronted by a 6-foot (NAVD 88) beach berm (50 foot wide) restricted within the town limits of Surf City. A 1,000-foot transition berm in northern end of the project that will go into the town limits of NTB will also be constructed. Other features of the alternative will include dune vegetation and 40 public walkover structures.

Initial construction of the berm and dune system will be accomplished through dredges and other equipment, both in the water and on the beach, for a duration lasting approximately 16 months. Periodic sand nourishments will be performed every six years, resulting in a total of seven nourishment events over the 50–year project (i.e., 2027–2076).

Sand for the berm and dune system for both initial construction and sand nourishments will be taken from 13 submerged borrow sites, located off the coast of Surf City and Topsail Island, and designated as Borrow Areas A, B, C, D, E, F, G, H, J, L, N, O, and P (Attachment A).

The general process for building the berm and dune system and 1,000-foot transition, during initial construction and for the subsequent sand nourishments, begins with the extraction of suitable sand from delineated offshore sand borrow areas with trailing suction hopper dredges of varying size. These self-propelled and self-loading ships will carry dredged sand to designated pump-out stations near and along the beach. The sand will then be transported to the beach surface through large, submerged pipelines that are carried to the locations of berm and dune construction along the sea floor. Once on the beach, heavy mechanical equipment will used to place the sand and build a berm and dune system. Dune plantings and the construction of public walkover and beach access structures will be completed once the system is in place.

The locations of the pump-out stations and pipeline routes have not been identified or evaluated for adverse effects to historic properties.

8. Describe the Area of Potential Effects (APE):

The area of potential effect (APE) for this undertaking includes all 13 offshore sand borrow areas including potential dredge cuts (i.e., horizontal and vertical extents), the beach face within the town limits of Surf City and a transition of 1,000 feet at the Surf City/North Topsail Beach town limit, and yet-to-be identified nearshore submerged pipeline routes and hopper pump-out stations. The focus of this agreement will be on the submerged pipeline routes and hopper pump-out stations.

9. Describe steps taken to identify historic properties:

The identification and evaluation of historic properties within the APE has been ongoing since 2010. The undertaking was originally part of a larger project known as the Surf City-North Topsail Beach Coastal Storm Risk Management Project. An integrated feasibility and Environmental Impact Statement (FEA/EIS) for the project was completed on 30 December 2010. The project was then authorized by WRRDA of 2014 and funded for construction by DRA 19. However, in July of 2021 the Town of North Topsail Beach announced its intention to pull out of the construction phase of the project due to financial reasons.

The Town of Surf City maintained its support for a federal project and asked USACE to examine coastal storm risk reduction alternatives within its limits. USACE identified a new project and capture its analysis

and consultation within a general re-evaluation report and environmental assessment (GRR/EA).

The following is summary of the agency's Section 106 consultation, identification, and evaluation efforts over this time. We have also examined existing documents and records on file with the North Carolina Historic Preservation Office (SHPO), North Carolina Office of State Archaeology (OSA), and the National Park Service's National Register of Historic Places (NRHP) inventory.

Consultation under Section 106 for the proposed undertaking was conducted in association with the 2010 FEA/EIS. An investigation of proposed sand borrow locations was performed by Mid-Atlantic Technology and Environmental Research, Inc., under a contract with the USACE, for nourishment of the beaches at Topsail and West Onslow (2004). Eight proposed sand borrow areas for North Topsail Beach and Surf City, designated as Areas A1, A2, B, C, D, E, F, and G, were examined through a marine magnetometry and side scanner sonar survey. These borrow sites corresponded with the current borrow areas of A, B, C, D, and F, respectively. The USACE acknowledged the potential for prehistoric occupation of Onslow Bay during the early Holocene and late Pleistocene periods when the area would have been exposed by lower sea levels, yet also indicated the likelihood of encountering intact archaeological deposits was extremely low (USACE 2010: 94-96, and 229-231). Results of this investigation identified no archaeological sites within the proposed sand borrow areas and no further consultation under Section 106 was recommended. However, this conclusion focused largely on submerged, historic-period archaeological sites (i.e., shipwrecks). Although sub-bottom geophysical or geotechnical data were available at the time, consultation did not focus on these data.

The USACE subsequentially examined seven proposed sand borrow areas for North Topsail Beach and Surf City, designated as Areas H, K, LN1, M, N2, N3, and P through a contract with Mid-Atlantic Technology and Environmental Research, Inc. (2005). The investigation was conducted with a marine magnetometry and side scanner sonar survey to identify historic archaeological resources (i.e., shipwrecks) within the proposed borrow areas. These borrow sites corresponded with the current borrow areas of G, H, J, L, N, O, and P, respectively. Results of this investigation identified no historic shipwrecks within the proposed sand borrow areas, but verified the presence of infilled, remnant paleochannels and related tidal features underlying offshore sand borrow areas A, B, C, D, E, G, J, L, N and O (Mid-Atlantic Technology and Environmental Research, Inc. 2005). No further cultural resources investigations were recommended within the above borrow areas. The NC SHPO concurred with these recommendations in a letter dated March 1, 2005.

Additional consultation with the NC SHPO under Section 106 was initiated for the proposed undertaking on May 6, 2020, regarding changes to environmental windows. It was determined that the pump-out locations and submerged pipeline routes in areas between the shoreline and offshore borrow areas had not been examined for cultural resources. Since these locations would not be determined until later in the project, the USACE proposed a strategy of "avoidance" to resolve potential effects to historic properties. This strategy included the following:

- Once identified by the construction contractor, the proposed pump-out locations and submerged pipeline routes will be examined for archaeological resources using geophysical techniques (i.e., a shallow seismic profiler, side scan sonar, fathometer, marine survey magnetometer, sub-bottom profiler, and electronic positioning system).

- If any archaeological resources are encountered, a buffer (to be coordinated with the NC SHPO and other interested consulting parties) will be placed around the site and the pump-out station and/or the pipeline routes will be relocated. This strategy will avoid effects to these resources.

The NC SHPO stated in their June 15, 2020 response that their office was "...aware of no historic

properties which would be affected by the project" within the APE, which included all currently proposed offshore sand borrow areas (i.e., A, B, C, D, E, F, G, H, J, L, N, O, and P). Based on the information presented, the NC SHPO agreed that there is a low chance for archaeological resources to be affected using this strategy.

USACE seeks to capture this strategy within a project-specific programmatic agreement to resolve the effects to historic properties under Section 106 for the undertaking.

USACE re-engaged consulting parties under Section 106 in August 2024 as part of the GRR/EA. This consultation focused on changes to the proposed dredge cuts and their intersection with "ancient, submerged landforms", known as "paleochannels". Through conversations with consulting parties, it was felt that these channels could possess intact prehistoric archaeological sites eligible for listing to the NRHP and required examination. Results of this analysis determined that the proposed dredge cuts will have no effect to the "paleochannels" within the APE. USACE forwarded a "no effect" determination to consulting parties on November 22, 2024. The NC SHPO and Catawba Tribal Nation supported this determination on December 6, 2024 and January 5, 2025, respectively.

10. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

No historic properties listed on the NRHP are recorded within the limits of the proposed submerged pipeline routes and hopper pump-out stations. However, the area comprising of the location of the proposed submerged pipeline routes and hopper pump-out stations.

11. Describe the undertaking's effects on historic properties:

For this undertaking, direct effects are those that will occur within the footprint of the project's construction, specifically the construction and placement of the proposed pump-out locations and submerged pipeline routes. Indirect effects are those that may occur outside the footprint of the construction and/or are temporary in duration. Indirect effects for this undertaking include temporary visual, auditory, and atmospheric changes resulting from the proposed construction activities.

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

It is believed that should NRHP eligible historic properties be identified within the APE and as part of the proposed undertaking, the adverse effect would be the "[p]hysical destruction of or damage to all or part of the property" per 36CFR800.5(a)(2)(i).

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

See Attachment C

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

See Attachment B

15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

https://www.saw.usace.army.mil/Missions/Coastal-Storm-Risk-Management/Surf-City-General-Reevaluation-Report-and-Environmental-Assessment/

16. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

The proposed undertaking is not a project listed on the Federal Infrastructure Projects Permitting Dashboard.

The following are attached to this form (check all that apply):

- ☒ Section 106 consultation correspondence
- ☒ Maps, photographs, drawings, and/or plans
- ☐ Additional historic property information
- ☒ Consulting party list with known contact information
- ☐ Other: Click here to enter text.

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	DCR - Environmental Review; Gledhill-earley, Renee
Cc:	Southerly, Chris; Atkinson, Stephen B; "Chris Daniel"; Tranter, Kent W CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA)
Subject:	Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date:	Friday, January 31, 2025 11:46:00 AM
Attachments:	Non-DoD Source RE External RE External Surf City Coastal Storm Risk Management Project Pender and Onslow Counties North Carolina-e106 submission.msg Surf_City_GRR_EA_Section_106_PA_Draft_30Jan2025.docx

Greetings Ms. Gledhill-Earley –

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project. **Previous reviews conducted by your office for the project are associated with environmental review (ER) number 20-0050.**

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation. Attached is an email verifying the submission with the assigned program analyst for the ACHP, Mr. Chris Daniel. We encourage your office to coordinate with him during your review.

Our list of consulting parties consists of your agency, the town of Surf City, the Bureau of Ocean Energy Management (BOEM), the Catawba Indian Nation, the Eastern Band of Cherokee in North Carolina, and the United Keetowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted in parallel with your agency. If there are additional organizations or members of the public that may need to be part of this consultation and PA development, please let us know.

A copy of the draft PA is provided with this message and ready for your review and comment. We ask that all changes to the document be made with the MS Word tool “Tracked Changes”, saved as a new document when complete, and sent back to us for finalization. Also please notify us if you require printed copies of the draft PA sent through standard mailing options for your review.

We respectfully request your comments and responses to the consultation and draft PA

no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

Very respectfully,

Keith Keeney

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	Yerka, Stephen; russtown@ebci-nsn.gov
Cc:	Tranter, Kent W CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA); Keistler, Robert W CIV USARMY CESAW (USA)
Subject:	Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date:	Monday, February 3, 2025 10:37:00 AM
Attachments:	Surf_City_GRR_EA_Section_106_PA_Draft_30Jan2025.docx RE External Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation.msg

---

Dear Mr. Townsend,

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project. Because your tribe has previously consulted under Section 106 for the undertaking, USACE invites your tribe to participate in the development of this agreement and support the agreement as a "concurring party".

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation. Attached is an email verifying the submission with the assigned program analyst for the ACHP, Mr. Chris Daniel. We encourage your tribe to coordinate with him during your review.

USACE has also submitted a draft version of PA to the North Carolina State Historic Preservation Office (NC SHPO) for review and comment. A copy of this submission is also attached with this message.

The remaining list of consulting parties for this undertaking consists of the town of Surf City, the Bureau of Ocean Energy Management (BOEM), Catawba Indian Nation, and the United Keetoowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted with in parallel with your tribe. If there are additional tribes, organizations, or members of the public that may need to be part of this consultation and PA development, please let us know.

A copy of the draft PA is provided with this message and ready for your review and comment. We ask that all changes to the document be made with the MS Word tool "Tracked Changes", saved as a new document when complete, and sent back to us for finalization.

We respectfully request your comments and responses to the draft PA no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

Very respectfully,

Keith Keeney

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	wenonah.haire@catawba.com; caitlin.rogers@catawba.com
Cc:	Tranter, Kent W CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA); Keistler, Robert W CIV USARMY CESAW (USA)
Subject:	Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date:	Monday, February 3, 2025 10:16:00 AM
Attachments:	RE External Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation.msg Surf_City_GRR_EA_Section_106_PA_Draft_30Jan2025.docx

---

Dear Dr. Haire,

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project. Because your tribe has previously consulted under Section 106 for the undertaking, USACE invites your tribe to participate in the development of this agreement and support the agreement as a "concurring party".

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation. Attached is an email verifying the submission with the assigned program analyst for the ACHP, Mr. Chris Daniel. We encourage your tribe to coordinate with him during your review.

USACE has also submitted a draft version of PA to the North Carolina State Historic Preservation Office (NC SHPO) for review and comment. A copy of this submission is also attached with this message.

The remaining list of consulting parties for this undertaking consists of the town of Surf City, the Bureau of Ocean Energy Management (BOEM), the Eastern Band of Cherokee in North Carolina, and the United Keetowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted with in parallel with your tribe. If there are additional tribes, organizations, or members of the public that may need to be part of this consultation and PA development, please let us know.

A copy of the draft PA is provided with this message and ready for your review and comment. Per your request, a hard copy will also be sent through standard mail options to the following address:

Catawba Indian Nation
ATTN: Tribal Historic Preservation Officer
1536 Tom Steven Road
Rock Hill, SC 29730

If you chose to work with the electronic version of this agreement, USACE asks that all changes to the document be made with the MS Word tool “Tracked Changes”, saved as a new document when complete, and sent back to us for finalization.

We respectfully request your comments and responses to the draft PA no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

Very respectfully,

Keith Keeney

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	Piatkowski, Douglas N; Geoffrey.Wikel@boem.gov
Cc:	Tranter, Kent W CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Keistler, Robert W CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA)
Subject:	Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date:	Monday, February 3, 2025 9:40:00 AM
Attachments:	RE External Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation.msg Surf_City_GRR_EA_Section_106_PA_Draft_30Jan2025.docx

Dear Mr. Piatkowski,

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project. As the Coopering Agency for the study under NEPA, we invite BOEM to participate in the consultation and development of this agreement for this undertaking.

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation. Attached is an email verifying the submission with the assigned program analyst for the ACHP, Mr. Chris Daniel. We encourage your agency to coordinate with him during your review.

USACE has also submitted a draft version of PA to the North Carolina State Historic Preservation Office (NC SHPO) for review and comment. A copy of this submission is also attached with this message.

The remaining list of consulting parties for this undertaking consists of your agency, the town of Surf City, the Catawba Indian Nation, the Eastern Band of Cherokee in North Carolina, and the United Keetowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted with in parallel with your agency. If there are additional organizations or members of the public that may need to be part of this consultation and PA development, please let us know.

A copy of the draft PA is provided with this message and ready for your review and comment. We ask that all changes to the document be made with the MS Word tool “Tracked Changes”, saved as a new document when complete, and sent back to us for finalization. Also please

notify us if you require printed copies of the draft PA sent through standard mailing options for your review.

We respectfully request your comments and responses to the draft PA no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

Very respectfully,

Keith Keeney

From:	Tranter, Kent W CIV USARMY CESAW (USA)
To:	Kyle Breuer
Cc:	Keeney, Keith A CIV USARMY CESAW (USA)
Subject:	Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date:	Friday, January 31, 2025 2:09:08 PM
Attachments:	Surf_City_GRR_EA_Section_106_PA_Draft_30Jan2025.docx

Kyle,
Attached is the draft programmatic agreement that I mentioned when we spoke earlier this week for the town's review. Please review and send back to myself and Keith with any comments. Just so I can manage expectations on our end, what is the process that the town would have to go through to sign the agreement? Just to remind you, the agreement is between the Corps and the SHPO. The other parties are invited to participate because they have an interest in the project, hence the town's participation! Please let me know if you have any questions. I'd be happy to have Keith and/or I get on a call with you to walk through the agreement.

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project.

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation.

Our list of consulting parties consists of the Town of Surf City, the Bureau of Ocean Energy Management (BOEM), the Catawba Indian Nation, the Eastern Band of Cherokee in North Carolina, and the United Keetowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted in parallel with the town. The agreement is between the Corps and NC SHPO.

A copy of the draft PA is provided with this message and ready for your review and comment. We ask that all changes to the document be made with the MS Word tool "Tracked Changes", saved as a new document when complete, and sent back to us for finalization. Also please notify us if you require printed copies of the draft PA sent through standard mailing options for

your review.

We respectfully request your comments and responses to the consultation and draft PA no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

V/R,
Kent

Kent Tranter, PMP
Project Manager
Civil Works Programs and Project Management
U.S. Army Corps of Engineers
Wilmington District
kent.tranter@usace.army.mil
Office: 910-251-4034
Mobile: 757-274-1699

February 5, 2025

Keith Keeney
Archaeologist
U.S. Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Ref: *Surf City Coastal Storm Risk Management Project*
Onslow and Pender Counties, North Carolina
ACHP Project Number: 022088

Dear Ms. Keeney:

On January 27, 2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential 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) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe 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. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the North Caroline SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement 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 our further assistance, please contact Christopher Daniel at (202) 517-0223 or by e-mail at

cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

Dana Daniels
Historic Preservation Technician
Office of Federal Agency Programs

From:	Keeney, Keith A CIV USARMY CESAW (USA)
To:	Piatkowski, Douglas N; caitlin.rogers@catawba.com; wenonah.haire@catawba.com; Yerka, Stephen; russtown@ebci-nsn.gov; Kyle Breuer; Gledhill-earley, Renee
Cc:	Geoffrey.Wikel@boem.gov; Tranter, Kent W CIV USARMY CESAW (USA); Keistler, Robert W CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA)
Subject:	FW: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088
Date:	Thursday, February 6, 2025 12:47:00 PM
Attachments:	nc.coe-c.wilmington district.surf city coastal storm risk management project.20250205.np.pdf Surf_City_GRR_EA_Section_106_PA_Draft_6Feb2025.docx

To all:

The ACHP has chosen to not participate in the consultation under Section 106 of the NHPA to resolve adverse effects to historic properties for the above undertaking.

USACE intends to move forward in the consultation without the ACHP per 36CFR800.6(a)(1)(iv) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-B/section-800.6) and resolve adverse effects to historic properties through the development of a project-specific programmatic agreement per 36CFR800.14 (b) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-C/section-800.14).

We request your comments and changes to the draft PA (see attached) by the close of business on Friday, 21 February 2025. Please let us know if you need additional time.

Thank you for your participation in this consultation. If you have any comments or questions, then please email me at keith.a.keeney@usace.army.mil or call me at 910-251-4070.

Respectfully,

Keith Keeney

From: Chris Daniel <cdaniel@achp.gov>
Sent: Wednesday, February 5, 2025 10:24 AM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Keith,

Please find the reissued letter. We'll revise your address in our system, but Item 6 of the form did not provide an updated address, so we went with what was on file.

Christopher Daniel
Program Analyst

Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Tuesday, February 4, 2025 3:49 PM
To: Office of Federal Agency Programs <ofap@achp.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Chris,

Thank you for this, but a couple of corrections may need to be made to your memorandum. First, the project is in Onslow and Pender Counties, North Carolina not "Wilmington County". Secondly, I know that you associate my cultural resource support for the agency with the "Louisville District", but I have moved to the Wilmington District. The address is below:

U.S. Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Respectfully

Keith Keeney

From: Office of Federal Agency Programs <ofap@achp.gov>
Sent: Tuesday, February 4, 2025 2:02 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact

Christopher Daniel
202-517-0223
cdaniel@achp.gov
Case # 022088

***e*106**-online section 106 documentation submittal system
now available to all federal agencies
http://www.achp.gov/work106.html

From:	Kyle Breuer
To:	Keeney, Keith A CIV USARMY CESAW (USA)
Cc:	Tranter, Kent W CIV USARMY CESAW (USA)
Subject:	[Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088
Date:	Monday, February 10, 2025 10:02:55 AM

Hey Keith,

We're all good with it and will await final document for execution.

Regards,
Kyle

Kyle Breuer, AICP
Town of Surf City
Town Manager
214 W. Florence Way
tel (910) 328-4131 x 100 | fax (910) 328-4132
www.surfcitync.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Thursday, February 6, 2025 12:48 PM
To: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>; caitlin.rogers@catawba.com; wenonah.haire@catawba.com; Yerka, Stephen <syerka@nc-cherokee.com>; russtown@ebci-nsn.gov; Kyle Breuer <kbreuer@surfcitync.gov>; Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Cc: Geoffrey.Wikel@boem.gov; Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Keistler, Robert W CIV USARMY CESAW (USA) <Robert.W.Keistler@usace.army.mil>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Bashaw, Justin P CIV USARMY CESAW (USA) <Justin.P.Bashaw@usace.army.mil>
Subject: FW: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

To all:

The ACHP has chosen to not participate in the consultation under Section 106 of the NHPA to resolve adverse effects to historic properties for the above undertaking.

USACE intends to move forward in the consultation without the ACHP per 36CFR800.6(a)(1)(iv) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-B/section-800.6) and resolve adverse effects to historic properties through the development of a project-specific programmatic agreement per 36CFR800.14 (b) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-C/section-800.14).

We request your comments and changes to the draft PA (see attached) by the close of business on Friday, 21 February 2025. Please let us know if you need additional time.

Thank you for your participation in this consultation. If you have any comments or questions, then please email me at keith.a.keeney@usace.army.mil or call me at 910-251-4070.

Respectfully,

Keith Keeney

From: Chris Daniel <cdaniel@achp.gov>
Sent: Wednesday, February 5, 2025 10:24 AM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Keith,

Please find the reissued letter. We'll revise your address in our system, but Item 6 of the form did not provide an updated address, so we went with what was on file.

Christopher Daniel
Program Analyst
Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Tuesday, February 4, 2025 3:49 PM
To: Office of Federal Agency Programs <ofap@achp.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Chris,

Thank you for this, but a couple of corrections may need to be made to your memorandum. First, the project is in Onslow and Pender Counties, North Carolina not "Wilmington County". Secondly, I know that you associate my cultural resource support for the agency with the "Louisville District", but I have moved to the Wilmington District. The address is below:

U.S. Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Respectfully

Keith Keeney

From: Office of Federal Agency Programs <ofap@achp.gov>
Sent: Tuesday, February 4, 2025 2:02 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact

Christopher Daniel
202-517-0223
cdaniel@achp.gov
Case # 022088

***e*106**-online section 106 documentation submittal system
now available to all federal agencies
http://www.achp.gov/work106.html

From: Piatkowski, Douglas N
To: Keeney, Keith A CIV USARMY CESAW (USA)
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088
Date: Thursday, February 20, 2025 5:16:47 PM

Thanks Keith. I shared the revised document with Jimmy Moore. BOEM concurs with the changes made and we have no further questions or comments. Thanks again for the chance to review.

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Thursday, February 20, 2025 3:20 PM
To: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>
Subject: RE: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

Doug,

Attached are my changes and responses to your review of the draft Section 106 PA for the Surf City CSRM project. In short, we included them all.

I am still waiting for the Catawba Indian Nation's comments. When I receive them I combine the all reviewer comments into one document, make the changes and finalize.

Thanks for your review.

Keith

From: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>
Sent: Wednesday, February 19, 2025 1:09 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

Good afternoon Keith,

Thank you for the opportunity to review the programmatic agreement for the Surf City, NC Coastal Storm Risk Management project. The attached document contains BOEM's comments/edits. Please let me know if you have any questions or concerns. Thanks.

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Thursday, February 6, 2025 12:48 PM
To: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>; caitlin.rogers@catawba.com; wenonah.haire.catwba_contact <wenonah.haire@catawba.com>; syerka.nc-cherokee_contact <syerka@nc-cherokee.com>; russtown@ebci-nsn.gov; Kyle Breuer <kbreuer@surfcitync.gov>; Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Cc: Wikel, Geoffrey L <Geoffrey.Wikel@boem.gov>; Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Keistler, Robert W CIV USARMY CESAW (USA) <Robert.W.Keistler@usace.army.mil>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Justin Brashaw <Justin.P.Bashaw@usace.army.mil>
Subject: FW: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

To all:

The ACHP has chosen to not participate in the consultation under Section 106 of the NHPA to resolve adverse effects to historic properties for the above undertaking.

USACE intends to move forward in the consultation without the ACHP per 36CFR800.6(a)(1)(iv) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-B/section-800.6) and resolve adverse effects to historic properties through the development of a project-specific programmatic agreement per 36CFR800.14 (b) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-C/section-800.14).

We request your comments and changes to the draft PA (see attached) by the close of business on Friday, 21 February 2025. Please let us know if you need additional time.

Thank you for your participation in this consultation. If you have any comments or questions, then please email me at keith.a.keeney@usace.army.mil or call me at 910-251-4070.

Respectfully,

Keith Keeney

From: Chris Daniel <cdaniel@achp.gov>
Sent: Wednesday, February 5, 2025 10:24 AM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Keith,

Please find the reissued letter. We'll revise your address in our system, but Item 6 of the form did not provide an updated address, so we went with what was on file.

Christopher Daniel
Program Analyst
Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Tuesday, February 4, 2025 3:49 PM
To: Office of Federal Agency Programs <ofap@achp.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Chris,

Thank you for this, but a couple of corrections may need to be made to your memorandum. First, the project is in Onslow and Pender Counties, North Carolina not "Wilmington County". Secondly, I know that you associate my cultural resource support for the agency with the "Louisville District", but I have moved to the Wilmington District. The address is below:

U.S. Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Respectfully

Keith Keeney

From: Office of Federal Agency Programs <ofap@achp.gov>
Sent: Tuesday, February 4, 2025 2:02 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact

Christopher Daniel
202-517-0223
cdaniel@achp.gov
Case # 022088

***e*106**-online section 106 documentation submittal system
now available to all federal agencies
http://www.achp.gov/work106.html

From: Lisa Morris
To: Russell Townsend; Keeney, Keith A CIV USARMY CESAW (USA)
Subject: [Non-DoD Source] Re: Fw: Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation
Date: Friday, February 21, 2025 2:20:26 PM

The Eastern Band of Cherokee Indians appreciates the opportunity to consult on the Surf City project. We will not be participating, as this area is outside of our traditional aboriginal territory.

Best Regards,
EBCI-THPO
Lisa Morris San Souci

On Thu, Feb 6, 2025 at 2:01 PM Russell Townsend <russtown@ebci-nsn.gov> wrote:

Get Outlook for iOS

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Monday, February 3, 2025 10:37:36 AM
To: Stephen Yerka <syerka@nc-cherokee.com>; Russell Townsend <russtown@ebci-nsn.gov>
Cc: Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Bashaw, Justin P CIV USARMY CESAW (USA) <Justin.P.Bashaw@usace.army.mil>; Keistler, Robert W CIV USARMY CESAW (USA) <Robert.W.Keistler@usace.army.mil>
Subject: Surf City Coastal Storm Risk Management Project - Section 106 Programmatic Agreement consultation

Dear Mr. Townsend,

The U.S. Army Corps of Engineers (USACE), Wilmington District has prepared a project-specific programmatic agreement (PA) to resolve the remaining adverse effects under Section 106 of the National Historic Preservation Act for the Surf City Coastal Storm Risk Management Project in Onslow and Pender Counties, North Carolina. Specifically, the PA will address the adverse effects from offshore pump-out stations and submerged pipelines which will be identified after the signing of the finding of no significant impact (FONSI) and before the planned construction of the project. Because your tribe has previously consulted under Section 106 for the undertaking, USACE invites your tribe to participate in the development of this agreement and support the agreement as a "concurring party".

Per to 36 C.F.R. 800.6(a)(1) (i) (C), USACE has notified the Advisory Council on Historic

Preservation (ACHP) of its intent to resolve adverse effects to historic properties for the proposed undertaking pursuant to 36 C.F.R. 800.14(b) and has provided them documentation meeting standards in 36 C.F.R. 800.11 to guide their review and determine their participation in the consultation. Attached is an email verifying the submission with the assigned program analyst for the ACHP, Mr. Chris Daniel. We encourage your tribe to coordinate with him during your review.

USACE has also submitted a draft version of PA to the North Carolina State Historic Preservation Office (NC SHPO) for review and comment. A copy of this submission is also attached with this message.

The remaining list of consulting parties for this undertaking consists of the town of Surf City, the Bureau of Ocean Energy Management (BOEM), Catawba Indian Nation, and the United Keetoowah Band of Cherokee Indians in Oklahoma. Thus far, only the United Keetoowah Band of Cherokee Indians in Oklahoma have declined our invitation to consult. The remaining parties will be consulted with in parallel with your tribe. If there are additional tribes, organizations, or members of the public that may need to be part of this consultation and PA development, please let us know.

A copy of the draft PA is provided with this message and ready for your review and comment. We ask that all changes to the document be made with the MS Word tool "Tracked Changes", saved as a new document when complete, and sent back to us for finalization.

We respectfully request your comments and responses to the draft PA no later than Friday, February 21, 2025. Should you require more information or additional time please let me know at keith.a.keeney@usace.army.mil or at (910) 251-4070.

Very respectfully,

Keith Keeney

From: Caitlin Rogers
To: Keeney, Keith A CIV USARMY CESAW (USA)
Subject: Re: [Non-DoD Source] Re: Fw: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088
Date: Friday, February 21, 2025 3:40:37 PM

Keith,

We have no comments or concerns with the PA for Surf City Coastal Storm Risk Management Project.

Hawuh (Thank you),

Caitlin Rogers
Catawba Nation
Cultural Division Programs Manager
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, SC 29730

803-328-2427 ext. 226

Please Note: We CANNOT accept Section 106 forms via e-mail, unless requested. Please send us hard copies. Thank you for your understanding

---

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Wednesday, February 12, 2025 1:14 PM
To: Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>; Caitlin Rogers <Caitlin.Rogers@catawba.com>; Wenonah Haire <Wenonah.Haire@catawba.com>; Kyle Breuer <kbreuer@surfcitync.gov>; Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Cc: Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Geoffrey.Wikel@boem.gov <Geoffrey.Wikel@boem.gov>; Keistler, Robert W CIV USARMY CESAW (USA) <Robert.W.Keistler@usace.army.mil>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Bashaw, Justin P CIV USARMY CESAW (USA) <Justin.P.Bashaw@usace.army.mil>
Subject: FW: [Non-DoD Source] Re: Fw: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

To all:

The Eastern Band of the Cherokee have chosen to not participate in the consultation and development of the project-specific Section 106 Programmatic Agreement for the Surf City

CSMR Project.

Respectfully,

Keith Keeney

From: Lisa Morris <lisa.ebci.thpo@gmail.com>
Sent: Wednesday, February 12, 2025 10:56 AM
To: Russell Townsend <russtown@ebci-nsn.gov>; Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Subject: [Non-DoD Source] Re: Fw: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

The Eastern Band of Cherokee Indians appreciates the opportunity to consult on the Surf City restoration project. We will not be participating, as the affected areas fall outside of our traditional aboriginal territory.

Best Regards,
Lisa Morris San Souci
EBCI-THPO Assistant

On Thu, Feb 6, 2025 at 1:11 PM Russell Townsend <russtown@ebci-nsn.gov> wrote:

> FYI
>
> Get Outlook for iOS
>
> ---
>
> **From:** Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
> **Sent:** Thursday, February 6, 2025 12:48:07 PM
> **To:** Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>; caitlin.rogers@catawba.com <caitlin.rogers@catawba.com>; wenonah.haire@catawba.com <wenonah.haire@catawba.com>; Stephen Yerka <syerka@nc-cherokee.com>; Russell Townsend <russtown@ebci-nsn.gov>; Kyle Breuer <kbreuer@surfcitync.gov>; Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
> **Cc:** Geoffrey.Wikel@boem.gov <Geoffrey.Wikel@boem.gov>; Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Keistler, Robert W CIV USARMY CESAW (USA) <Robert.W.Keistler@usace.army.mil>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Bashaw, Justin P CIV USARMY CESAW (USA) <Justin.P.Bashaw@usace.army.mil>
> **Subject:** FW: [External] RE: Surf City Coastal Storm Risk Management Project, Onslow and Pender Counties, North Carolina, ACHP Project Number: 022088

To all:

The ACHP has chosen to not participate in the consultation under Section 106 of the NHPA to resolve adverse effects to historic properties for the above undertaking.

USACE intends to move forward in the consultation without the ACHP per 36CFR800.6(a)(1)(iv) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-B/section-800.6) and resolve adverse effects to historic properties through the development of a project-specific programmatic agreement per 36CFR800.14 (b) (see https://www.ecfr.gov/current/title-36/chapter-VIII/part-800/subpart-C/section-800.14).

We request your comments and changes to the draft PA (see attached) by the close of business on Friday, 21 February 2025. Please let us know if you need additional time.

Thank you for your participation in this consultation. If you have any comments or questions, then please email me at keith.a.keeney@usace.army.mil or call me at 910-251-4070.

Respectfully,

Keith Keeney

From: Chris Daniel <cdaniel@achp.gov>
Sent: Wednesday, February 5, 2025 10:24 AM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] RE: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

Keith,

Please find the reissued letter. We'll revise your address in our system, but Item 6 of the form did not provide an updated address, so we went with what was on file.

Christopher Daniel
Program Analyst
Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Tuesday, February 4, 2025 3:49 PM
To: Office of Federal Agency Programs <ofap@achp.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [External] RE: Surf City Coastal Storm Risk Management Project, Wilmington

County, North Carolina, ACHP Project Number: 022088

Chris,

Thank you for this, but a couple of corrections may need to be made to your memorandum. First, the project is in Onslow and Pender Counties, North Carolina not “Wilmington County”. Secondly, I know that you associate my cultural resource support for the agency with the “Louisville District”, but I have moved to the Wilmington District. The address is below:

U.S. Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

Respectfully

Keith Keeney

From: Office of Federal Agency Programs <ofap@achp.gov>
Sent: Tuesday, February 4, 2025 2:02 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Cc: Chris Daniel <cdaniel@achp.gov>; chris.southerly@dncr.nc.gov; Renee Gledhill-Earley <renee.gledhill-earley@dncr.nc.gov>
Subject: [Non-DoD Source] Surf City Coastal Storm Risk Management Project, Wilmington County, North Carolina, ACHP Project Number: 022088

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact

Christopher Daniel
202-517-0223
cdaniel@achp.gov
Case # 022088

***e*106**-online section 106 documentation submittal system
now available to all federal agencies
http://www.achp.gov/work106.html

From: Keeney, Keith A CIV USARMY CESAW (USA)
To: Gledhill-earley, Renee; Southerly, Chris; Atkinson, Stephen B; DNCR - Environmental Review
Cc: Tranter, Kent W CIV USARMY CESAW (USA); Gasch, Eric K CIV USARMY CESAW (USA); Bashaw, Justin P CIV USARMY CESAW (USA); Owens, Jennifer L CIV USARMY CESAW (USA); Harris, Alicia M CIV USARMY CESAW (USA); Walters, Bret L CIV USARMY CESAW (USA); Keistler, Robert W CIV USARMY CESAW (USA); McCorcle, Justin P CIV USARMY CESAW (USA); Gill, Catheren B CIV USARMY CESAW (USA); Brayman, Christine M CIV USARMY CESAW (USA)
Subject: FW: [External] Surf_City_GRR_EA_Section_106_PA_Final_25Feb2025
Date: Tuesday, March 4, 2025 10:34:00 AM
Attachments: Surf_City_GRR_EA_Section_106_PA_Final_28FEB2025 for SHPO signature.docx
Surf_City_GRR_EA_Section_106_PA_Final_28FEB2025 for SHPO signature.pdf
Importance: High

Renee,

Our lawyers have completed their review of the Section 106 Programmatic Agreement for the Surf City CSRM project and support all its changes.

As your office has indicated that Dr. Waters will be signing electronically, I have attached are two versions of the agreement with this message: the MS Word Version and a .pdf version with blocks for electronic signature. We would prefer Dr. Waters to sign the .pdf version. Once signed, please return to me for signature from my commander and distribution to the other signatories (i. e. Surf City, BOEM, and the Catawba Indian Nation).

If there are additional concerns or questions, then please let me know immediately.

Lastly, USACE is grateful for your agency's time and immediate attention on this consultation and agreement. Your efforts have given us an opportunity for success on project and a path forward to resolve adverse effects on historic properties for the remaining portions of the project.

Respectfully,

Keith Keeney

From: Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Sent: Friday, February 28, 2025 3:51 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Subject: [Non-DoD Source] RE: [External] Surf_City_GRR_EA_Section_106_PA_Final_25Feb2025
Importance: High

Please review the edits made by our legal counsel. If acceptable let me know and I will ask the SHPO to sign as soon as possible. He will be traveling next week but can direct his assistant to digitally sign.

Changes were to add that the Catawba accepted, use 30-day review throughout and set a March 1 deadline for the annual reports. Along with minor edits.

I know that you are anxious to have this back signed, but we had to send it to our legal staff for review and approval. No exceptions.

Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
919-814-6579

Please note my new email address is renee.gledhill-earley@dncr.nc.gov

---

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Wednesday, February 26, 2025 2:12 PM
To: Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Subject: RE: [External] Surf_City_GRR_EA_Section_106_PA_Final_25Feb2025

Caitlin Rogers told me that the tribe would be a "concurring party" to the agreement. And that Dr. Haire would provide signature.

Keith

From: Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Sent: Wednesday, February 26, 2025 1:51 PM
To: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Subject: [Non-DoD Source] RE: [External] Surf_City_GRR_EA_Section_106_PA_Final_25Feb2025
Importance: High

Keith:
The Catawba were invited to concur and you have a line for them to sign. But, did they accept as the PA doesn't note that they did? Want to correct before I can send up to legal/

Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
919-814-6579

Please note my new email address is renee.gledhill-earley@dncr.nc.gov

From: Keeney, Keith A CIV USARMY CESAW (USA) <Keith.A.Keeney@usace.army.mil>
Sent: Tuesday, February 25, 2025 5:30 PM
To: Gledhill-earley, Renee <renee.gledhill-earley@dncr.nc.gov>
Cc: DNCR - Environmental_Review <Environmental.Review@dncr.nc.gov>; Southerly, Chris <chris.southerly@dncr.nc.gov>; Atkinson, Stephen B <stephen.atkinson@dncr.nc.gov>; Walters, Bret L CIV USARMY CESAW (USA) <Bret.L.Walters@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (USA) <Eric.K.Gasch@usace.army.mil>; Tranter, Kent W CIV USARMY CESAW (USA) <Kent.Tranter@usace.army.mil>; Bashaw, Justin P CIV USARMY CESAW (USA) <Justin.P.Bashaw@usace.army.mil>; McCorcle, Justin P CIV USARMY CESAW (USA) <Justin.P.Mccorcle@usace.army.mil>
Subject: [External] Surf_City_GRR_EA_Section_106_PA_Final_25Feb2025

Renee,

Attached is a copy of the revised Section 106 Programmatic Agreement for the Surf City CSRM project.

We only received changes to the initial draft from your office and BOEM's review. Neither Surf City and the Catawba Indian Nation offered any additions, changes, or comments to the PA. All comments and our responses are also provided with this message.

USACE asks that you begin the circulation of this agreement for signatures. If there are any comments, concerns or questions regarding this draft of the agreement then please contact me immediately.

Respectfully,

Keith Keeney
910-251-4070