

APPENDIX D  
CULTURAL RESOURCES CORRESPONDENCE AND  
PROGRAMMATIC AGREEMENT



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT  
69 A HAGOOD AVENUE  
CHARLESTON SC 29403-5107

July 12, 2019

Planning and Environmental Branch

Mr. Robert A. Vogel  
Regional Director  
National Park Service, Southeast Region  
100 Alabama St. SW  
1924 Building  
Atlanta, GA 30303

Dear Mr. Vogel:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the National Park Service to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study, to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP). The study area is the Charleston Peninsula, an area approximately 8 square miles, located between the Ashley and Cooper Rivers in Charleston County, South Carolina, and home to a National Historic Landmark (NHL) District and numerous individual NHLs and other listed properties. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), Charleston District and the City of Charleston.

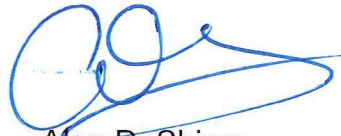
For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem on the Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives. The alternatives may include various combinations of the following structural and non-structural measures: physical barriers; breakwaters; phased/selective elevations of roads and/or structures; relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed.

The scope and diversity of potential effects of the undertaking and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. USACE policy mandates that a determination of effects pursuant to Section 106 is made by the project's Tentative Selected Plan milestone date, which is scheduled in January 2020. Also, because it is necessary to complete the NEPA analysis to finalize the feasibility study, Section 106 must be satisfied through a PA. The PA will allow USACE to complete the necessary archaeological surveys

during the follow on Preconstruction Engineer and Design (PED) phase of the project, and it will also allow any additional architectural inventories and mitigation to be completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite the National Park Service to consult and concur with us as we develop the PA pursuant to 36 CFR Part 800. Should you have any questions regarding this project, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Alan D. Shirey  
Acting Chief, Planning and  
Environmental Branch

cc: Cynthia Walton, National Historic Landmarks Program Manager

---

**From:** [Morgan-Ryan, Julie A CIV USARMY CESAS \(US\)](#)  
**To:** [Walton, Cynthia](#)  
**Subject:** USACE Charleston Peninsula Flood Study -- Section106 NHPA  
**Date:** Monday, July 15, 2019 8:50:00 AM  
**Attachments:** [Chasn Peninsula Study NPS Letter - July 12 2019.pdf](#)

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Cynthia:

Attached please find a copy of a letter for your director regarding the U.S. Army Corps of Engineers' Charleston Peninsula Flood Study. Your director should receive the hard copy later this week.

We look forward to your agency's response. Please feel free to contact me if you have any questions.

Respectfully,

Julie A. Morgan  
Archaeologist, Planning Branch  
U.S. Army Corps of Engineers  
Savannah District  
Ph: 706-856-0378  
Email: [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil)





## United States Department of the Interior



IN REPLY REFER TO:  
8.A.4. (SERO-CRD)

NATIONAL PARK SERVICE  
Southeast Regional Office  
Atlanta Federal Center  
1924 Building  
100 Alabama St., SW.  
Atlanta, Georgia 30303

JUL 3 0 2019

Alan D. Shirey  
U.S. Army Corps of Engineers,  
Charleston District, Planning and Environmental Branch  
69 A Hagood Avenue  
Charleston, South Carolina 29403-5107

Dear Mr. Shirey:

Thank you for your letter, dated July 12, 2019, inviting the National Park Service to participate as a consulting party in the development of a Programmatic Agreement to address implementation of flood mitigation measures, which were developed as part of the U.S. Army Corps of Engineers and City of Charleston's *Charleston Peninsula Coastal Flood Risk Management Study*. The National Park Service wishes to participate in this consultation.

As you note in your letter, the Charleston Peninsula contains a number of historic properties, including numerous National Historic Landmarks. Along with our National Parks, National Historic Landmarks are considered to be the most important historic properties in the United States. Upon designation by the Secretary of the Interior, National Historic Landmarks are automatically listed in the National Register of Historic Places and therefore included in the review of federal undertakings that are subject to Section 106 of the National Historic Preservation Act. Section 110(f) of the National Historic Preservation Act and the Section 106 regulations contain provisions that set a higher standard of consideration and care for National Historic Landmarks (54 U.S.C. 306107 and 36 CFR 800.10).

The Secretary of the Interior designated the Charleston National Historic Landmark District in 1960 for the district's significance in American social, political, and architectural history. The Secretary has also designated numerous individual properties within the Charleston district as National Historic Landmarks. Within or adjacent to the Charleston district are thirty-four National Historic Landmarks (please see enclosure). This concentration of nationally significant historic properties makes Charleston a particularly important place in illustrating American history. In addition to National Historic Landmarks, Fort Sumter, a unit of the National Park Service, sits on a man-made island in the Charleston Harbor within view of the Charleston district.

The National Park Service looks forward to working with you and other consulting parties to develop a Programmatic Agreement that will address potential effects to these important historic properties. If you have any questions regarding this letter, please contact Cynthia Walton at (404) 507-5792, or by email to [Cynthia\\_Walton@nps.gov](mailto:Cynthia_Walton@nps.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert A. Vogel".

Robert A. Vogel  
Regional Director

Enclosure (1)

List of National Historic Landmarks within or near Charleston National Historic Landmark District

cc:

W. Eric Emerson, PhD, State Historic Preservation Officer, South Carolina (via email)  
Christopher Daniel, Program Analyst, Advisory Council on Historic Preservation (via email)  
J. Tracy Stakely, Superintendent, Fort Sumter and Fort Moultrie NHP (via email)  
Julie H. Ernstein, Ph.D. RPA, Acting Chief, National Register & National Historic Landmarks Program



**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A HAGOOD AVENUE  
CHARLESTON, SOUTH CAROLINA 29403-5107

Planning Branch

W. Eric Emerson, Ph.D.  
Director  
South Carolina Department of Archives and History  
8301 Parklane Road  
Columbia, South Carolina 29223

Dear Dr. Emerson:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, the U.S. Army Corps of Engineers (USACE), Charleston District would like to initiate consultation regarding the Charleston Peninsula Coastal Flood Risk Management Study, the Feasibility stage, to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP). The study area is the Charleston Peninsula, an area approximately 8 square miles, located between the Ashley and Cooper Rivers in Charleston County, South Carolina. The lead federal agency for this study is USACE and the non-Federal Sponsor is the City of Charleston.

The low elevations and tidal connections to the Ashley and Cooper Rivers and Charleston Harbor place a significant percentage of the city on the Peninsula at risk of inundation from high tides, nor'easters, tropical storms, hurricanes and other storms. Exacerbating the flooding is the phenomenon of relative sea level rise, which is the combination of water level rise and land subsidence. Without a plan to reduce the risks of coastal storm and flood damage, the area is assumed to be at increased risk from coastal storms. This study will develop and evaluate coastal storm risk management measures that would be combined into alternative plans to address the flooding problem for Charleston residents, industries, and businesses.

For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem on the Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives (Table 1). The alternatives may include various combinations of the following structural and non-structural measures: barriers; breakwaters; phased/selective elevations; relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed. The final array of alternatives may include these measures in various combinations. A Tentatively Selected Plan (TSP) will be chosen from the final array of alternatives in December 2019. A figure showing the preliminary locations of these measures is enclosed for your reference. Also included on the figure are recorded cultural resources located on the peninsula. This figure is intended to illustrate resources that may be affected by the proposed undertaking as currently designed.

<b>ALTERNATIVE NAME</b>	<b>MEASURE TYPE(S)</b>	<b>DESCRIPTION</b>
<b>Barrier Only</b>	Structural	<b>Structural:</b> A barrier approximately 10 miles long would be constructed mainly along the perimeter of the peninsula except for areas that require access to the shoreline for operational purposes. Specifically, the barrier would be located behind the Coast Guard station at Tradd Street and the South Carolina Ports Authority at Union and Columbus Street ports. The barrier would tie into the existing Battery seawall. The location around Magnolia Cemetery is to be determined.
<b>Combination</b>	Structural; Nonstructural; and Natural or nature-based	<b>Structural:</b> A barrier would be constructed along the perimeter of the Peninsula. <b>Non-structural:</b> Phased/selective elevations, relocations, or buyout of structures <b>Natural:</b> Living shorelines and elevating existing shoreline marsh as needed.
<b>Combination w/Breakwater</b>	Structural; Nonstructural; and Natural or nature-based	<b>Structural:</b> A breakwater approximately 2 miles long would be located seaward of the Battery wall. A barrier would be constructed along the perimeter of the Peninsula. <b>Non-structural:</b> Phased/selective elevations, relocations, or buyout of structures. <b>Natural:</b> Living shorelines and elevating existing shoreline marsh as needed.

Structural measures refer to measures which would divert floodwaters from damageable property. Structural measures currently being considered are a barrier and a breakwater. Structural measures are included in all three alternatives and all three include a barrier along the perimeter of the peninsula. Greater detail about the barrier and the breakwater, i.e., construction materials, height, and length, will be known after modeling has been completed by late September 2019. Both the breakwater and the barrier have the potential to affect archaeological resources on river bottoms, shorelines and on the peninsula, as well as have potential for visual effects to architectural properties and historic districts. The location of the barrier near Magnolia Cemetery is still to be determined and likely will not be decided until modeling has been completed.

Nonstructural coastal flood risk management measures are permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding. Nonstructural measures differ from structural measures in that they focus on reducing the consequences of flooding instead of focusing on reducing the probability of flooding. These measures include modifications to buildings such as relocations, buyouts and/or home elevation. These non-structural measures have the potential to cause effects to historic properties and are included in two alternatives -- Combination and Combination

w/Breakwater. The precise locations for buyouts and raising the first floor elevations have yet to be identified.

Natural or nature-based coastal flood risk management measures work with or restore natural processes with the aim of wave attenuation and storm surge reduction. These measures include elevating existing shoreline marsh to absorb and reduce the inland extent of coastal storm floodwaters by keeping pace with rising sea levels, and living shorelines to stabilize the shoreline marsh. Natural and nature-based features would be included in two alternatives (Combination and Combination w/Breakwater). These measures have the potential to cause effects to archaeological resources and changes to the landscape. The visual effects would likely not be considered adverse to historic properties.

The scope and diversity of potential effects of the project and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. Policy mandates a determination of effects pursuant to Section 106 is made by the project's TSP milestone date, which is scheduled in December 2019. Also, because it is necessary to complete the Environmental Assessment to finalize the feasibility study, Section 106 must be satisfied through a PA. The PA will allow USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineer and Design (PED) phase of the project. The document will also allow any additional architectural inventories and mitigation to be completed after structural and non-structural measures have been clearly defined. Lastly, the PA will streamline the Section 106 reviews given the potential to affect a high number of historic resources.

We look forward to working with your office on this project and will be submitting more information about the alternatives and efforts to minimize and mitigate effects as more information becomes available. We anticipate work on a draft PA will be initiated in September after more modeling regarding effectiveness of and locations for a barrier and the breakwater helps determine design criteria and locations of buyouts and first floor elevations have been selected. Should you have any questions regarding this project, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil).

Respectfully,

Nancy Parrish  
Interim Chief, Planning and Environmental  
Branch

Enclosure



July 10, 2019

Nancy Parrish  
Interim Chief, Planning and Environmental Branch  
Department of the Army  
Charleston District, Corps of Engineers  
69A Hagood Avenue  
Charleston, SC 29403-5107

Re: Charleston Peninsula Coastal Flood Risk Management Study  
Charleston County, South Carolina  
SHPO Project No. 18-EJ0131

Dear Nancy Parrish:

Thank you for your letter of June 11, 2019, which we received on June 14, 2019, regarding the above-referenced proposed undertaking. We also received the *Charleston Peninsula Study* map as supporting documentation for this undertaking. The State Historic Preservation Office (SHPO) is providing comments to the U.S. Army Corps of Engineers pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public.

Thank you for providing our office with an update regarding the status of the feasibility study. Our office notes that the Area of Potential Effect (APE) for this project includes multiple National Historic Landmarks, requiring consultation with the Advisory Council on Historic Preservation pursuant to 36 CFR 800.10 *Special requirements for protecting National Historic Landmarks*. Our office additionally notes that the map provided does not appear to include historic areas and districts within the APE that have been determined to be eligible for listing in the National Register of Historic Properties and are considered historic properties.

Our office looks forward to reviewing the draft Programmatic Agreement (PA) and to continued consultation on this project.

Please refer to SHPO Project Number 18-EJ0131 in any future correspondence regarding this project. If you have any questions, please contact me at (803) 896-6181 or [KLewis@scdah.sc.gov](mailto:KLewis@scdah.sc.gov).

Sincerely,

*Keely Lewis*

Keely Lewis

Archaeologist

State Historic Preservation Office

cc: Julie Morgan, Corps



USACE sent consultation letters to the Tribal Historic Preservation Offices of the following Federally Recognized Tribes. A copy of a consultation letter follows.

Absentee-Shawnee Tribe of Indians of Oklahoma

Alabama-Quassarte Tribal Town

Catawba Indian Nation

Chickasaw Nation

Delaware Tribe of Indians

Eastern Band of the Cherokee Indians

Eastern Shawnee Tribe of Oklahoma

Kialegee Tribal Town

Muscogee (Creek) Nation

Poarch Band of Creek Indians

Shawnee Tribe

Thlopthlocco Tribal Town



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT  
69 A HAGOOD AVENUE  
CHARLESTON SC 29403-5107

AUGUST 1, 2019

Planning and Environmental Branch

Ms. Devon Frazier  
Absentee-Shawnee Tribe of Indians of Oklahoma  
Tribal Historic Preservation Office  
2025 South Gordon Cooper Drive  
Shawnee, Oklahoma 74801

Dear Ms. Frazier:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the Absentee-Shawnee Tribe of Indians of Oklahoma to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study, to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP). The study area is the Charleston Peninsula, an area approximately 8 square miles, located between the Ashley and Cooper Rivers in Charleston County, South Carolina, and home to a National Historic Landmark (NHL) District and numerous individual NHLs and other NRHP-listed properties. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), Charleston District and the City of Charleston. A figure of the study area is enclosed for your reference.

For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem on the Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives. The alternatives may include various combinations of the following structural and non-structural measures: physical barriers; breakwaters; phased/selective elevations of roads and/or structures; and relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed.

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and it will also allow any additional architectural inventories and mitigation to be completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite the Absentee-Shawnee Tribe of Indians of Oklahoma to consult and concur with us as we develop the PA pursuant to 36 CFR Part 800. Should you have any questions regarding this project, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil). Please let us know if you are interested in being part of the consultation process.

Sincerely,

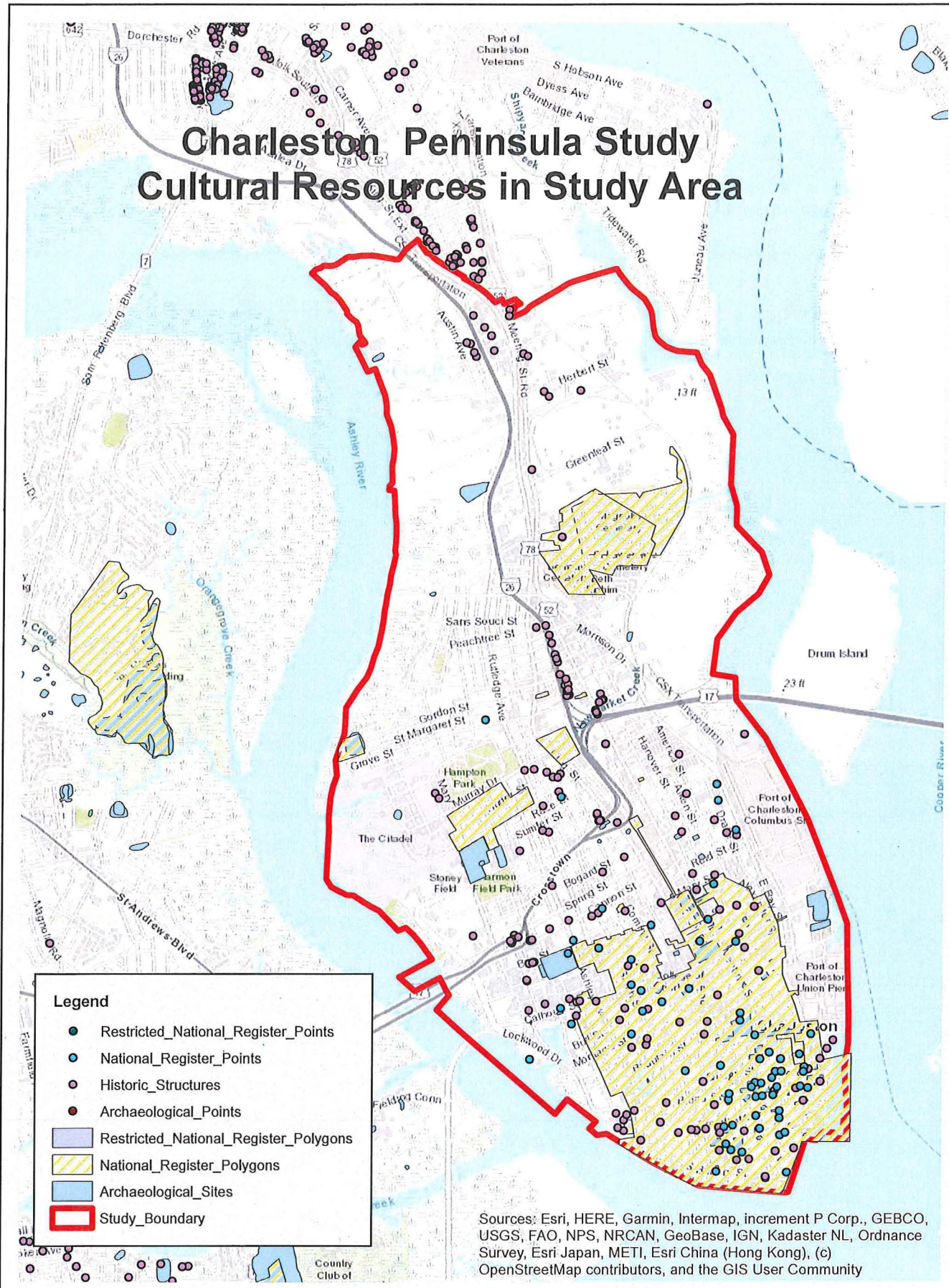


Alan D. Shirey  
Acting Chief, Planning and  
Environmental Branch

Enclosure



# Charleston Peninsula Study Cultural Resources in Study Area



**Legend**

- Restricted\_National\_Register\_Points
- National\_Register\_Points
- Historic\_Structures
- Archaeological\_Points
- ▭ Restricted\_National\_Register\_Polygons
- ▨ National\_Register\_Polygons
- ▭ Archaeological\_Sites
- ▭ Study\_Boundary

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## **National Historic Landmarks within or near Charleston National Historic Landmark District**

1. William Aiken House and associated Railroad Structures (NHL 1963)
2. William Blacklock House (NHL 1973)
3. Miles Brewton House (NHL 1960)
4. Robert Brewton House (NHL 1960)
5. USS Clamagore (NHL 1989)
6. College of Charleston (NHL 1971)
7. Exchange and Provost (NHL 1973)
8. Farmers' and Exchange Bank (NHL 1973)
9. Fireproof Building (NHL 1973)
10. William Gibbes House (NHL 1970)
11. Dubose Heyward House (NHL 1971)
12. Heyward-Washington House (NHL 1970)
13. Hibernian Hall (NHL 1973)
14. Huguenot Church (NHL 1973)
15. Kahal Kadosh Beth Elohim (NHL 1980)
16. USS Laffey (NHL 1986)
17. Joseph Manigault House (NHL 1973)
18. Market Hall and Sheds (NHL 1973)
19. Clark Mills Studio (NHL 1965)
20. Old Marine Hospital (NHL 1973)
21. Parish House of the Circular Congregational Church (NHL 1973)
22. Powder Magazine (NHL 1989)
23. Robert Barnwell Rhett House (NHL 1973)
24. Robert William Roper House (NHL 1973)
25. Nathaniel Russell House (NHL 1973)
26. Edward Rutledge House (NHL 1971)
27. John Rutledge House (NHL 1973)
28. Saint Michael's Episcopal Church (NHL 1960)
29. Saint Phillip's Episcopal Church (NHL 1973)
30. Simmons-Edwards House (NHL 1973)
31. Colonel John Stuart House (NHL 1973)
32. Unitarian Church (NHL 1973)
33. Denmark Vesey House (NHL 1976)
34. USS Yorktown (NHL 1986)

**From:** [Caitlin Rogers](#)  
**To:** [Morgan-Ryan, Julie A CIV USARMY CESAS \(US\)](#)  
**Subject:** [Non-DoD Source] Charleston Peninsula Coastal Flood Risk Management Study  
**Date:** Monday, August 26, 2019 10:36:51 AM

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Ms. Morgan.

The Catawba do wish to consult and do concur with the development of a PA. If you need anything else let me know. Thanks

Caitlin

--

Caitlin Rogers  
Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Steven Road  
Rock Hill, SC 29730

803-328-2427 ext. 226  
Caitlinh@ccppcrafts.com <<mailto:Caitlinh@ccppcrafts.com>>

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





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT  
69 A HAGOOD AVENUE  
CHARLESTON SC 29403-5107

July 30, 2019

Planning and Environmental Branch

Mr. Winslow Hastie  
President  
Historic Charleston Foundation  
40 East Bay Street  
Charleston, SC 29401

Dear Mr. Hastie:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite Historic Charleston Foundation to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study, to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP). The study area is the Charleston Peninsula, an area approximately 8 square miles, located between the Ashley and Cooper Rivers in Charleston County, South Carolina, and home to a National Historic Landmark (NHL) District and numerous individual NHLs and other NRHP-listed properties. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), Charleston District and the City of Charleston.

For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem on the Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives. The alternatives may include various combinations of the following structural and non-structural measures: physical barriers; breakwaters; phased/selective elevations of roads and/or structures; and relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed.

The scope and diversity of potential effects of the undertaking and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. USACE policy mandates that a determination of effects pursuant to Section 106 is made by the project's Tentative Selected Plan milestone date, which is scheduled in January 2020. Also, because it is necessary to complete the NEPA analysis to finalize the feasibility study, Section 106 must be satisfied through a PA. The PA will allow USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineer and Design (PED) phase of the project, and it will also allow any additional architectural inventories and mitigation to be



completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite Historic Charleston Foundation to consult and concur with us as we develop the PA pursuant to 36 CFR Part 800. Should you have any questions regarding this project, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil). Please let us know if you are interested in being part of the consultation process.

Sincerely,



Alan D. Shirey  
Acting Chief, Planning and  
Environmental Branch

**From:** [Hastie, Winslow](#)  
**To:** [Morgan-Ryan, Julie A CIV USARMY CESAS \(US\)](#)  
**Subject:** [Non-DoD Source] Charleston Peninsula Coastal Flood Risk Management Study  
**Date:** Tuesday, August 20, 2019 3:10:19 PM

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Dear Julie, I am in receipt of a letter from Alan Shirley inviting Historic Charleston Foundation to be a consulting party on this project. We welcome the opportunity and look forward to working with you on this project. Please let me know what else you may need from me.

Best, Winslow

<Blocked<http://www.historiccharleston.org/>>

Winslow W. Hastie

President & CEO

whastie@historiccharleston.org <<mailto:whastie@historiccharleston.org>>

843.720.1186

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<Blocked<https://www.facebook.com/HistoricCharlestonFoundation/>>



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT  
69 A HAGOOD AVENUE  
CHARLESTON SC 29403-5107

July 30, 2019

Planning and Environmental Branch

Mr. Kristopher B. King  
Executive Director  
Preservation Society of Charleston  
Post Office Box 521  
Charleston, SC 29402

Dear Mr. King:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the Preservation Society of Charleston to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study, to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP). The study area is the Charleston Peninsula, an area approximately 8 square miles, located between the Ashley and Cooper Rivers in Charleston County, South Carolina, and home to a National Historic Landmark (NHL) District and numerous individual NHLs and other NRHP-listed properties. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), Charleston District and the City of Charleston.

For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem on the Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives. The alternatives may include various combinations of the following structural and non-structural measures: physical barriers; breakwaters; phased/selective elevations of roads and/or structures; and relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed.

The scope and diversity of potential effects of the undertaking and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. USACE policy mandates that a determination of effects pursuant to Section 106 is made by the project's Tentative Selected Plan milestone date, which is scheduled in January 2020. Also, because it is necessary to complete the NEPA analysis to finalize the feasibility study, Section 106 must be satisfied through a PA. The PA will allow USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineer and Design (PED) phase of the project, and it will also allow any additional architectural inventories and mitigation to be

completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite the Preservation Society of Charleston to consult and concur with us as we develop the PA pursuant to 36 CFR Part 800. Should you have any questions regarding this project, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil). Please let us know if you are interested in being part of the consultation process.

Sincerely,



Alan D. Shirey  
Acting Chief, Planning and  
Environmental Branch



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT**  
**69 A HAGOOD AVENUE**  
**CHARLESTON SC 29403-5107**

Planning and Environmental Branch

Advisory Council on Historic Preservation  
Office of Federal Agency Programs  
ATTN: Christopher Daniel, Program Analyst  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Dear Mr. Daniel:

The U.S. Army Corps of Engineers (USACE), Charleston District, is analyzing various alternatives to develop a plan to reduce damages from coastal storm surge inundation on the peninsula of Charleston, South Carolina, which will result in preparation of a feasibility study and integrated NEPA document. The study area for the coastal flood risk management study is confined to Charleston's peninsula (Charleston County, SC), and covers an area of approximately 8 square miles. In accordance with the requirements outlined in 36 CFR 800, the implementing regulations for Section 106 of the National Historic Preservation Act, Charleston District is providing your office information regarding the undertaking and inviting your agency to participate in consultation. Additional information about the undertaking is provided on your agency's e106 Form along with supplemental materials.

The scope and diversity of potential effects of the project and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. USACE policy mandates that a determination of effects pursuant to Section 106 is made by the project's Tentative Selected Plan milestone date, which is scheduled in January 2020. Also, because it is necessary to complete the NEPA document to finalize the feasibility study, Section 106 must be satisfied through a PA. The PA will allow USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineering and Design (PED) phase of the project, and it will also allow any additional architectural inventories and mitigation to be completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

At this time I would like to ask your agency to review the enclosed materials and provide a response regarding the Advisory Council on Historic Preservation's participation in Section 106 consultation. Please direct your questions or comments regarding the undertaking to Ms. Julie Morgan, Archaeologist, Planning Branch, Savannah District at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil).

Sincerely,

Nancy A. Parrish  
Chief, Planning and Environmental Branch





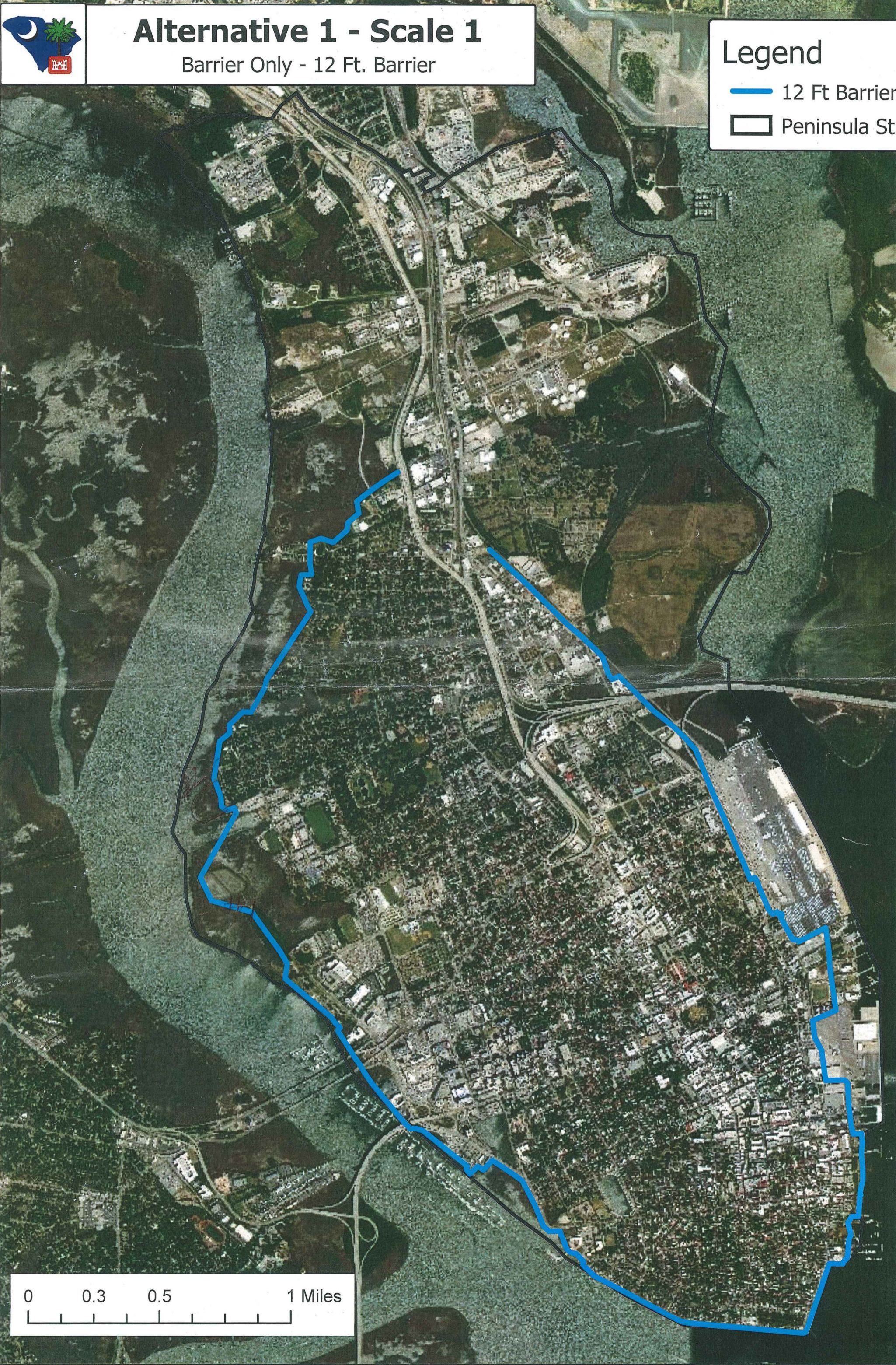
# Alternative 1 - Scale 1

Barrier Only - 12 Ft. Barrier

## Legend

 12 Ft Barrier

 Peninsula St



0 0.3 0.5 1 Miles



Hon. Aimee K. Jorjani  
Chairman

Leonard A. Forsman  
Vice Chairman

John M. Fowler  
Executive Director



*Preserving America's Heritage*

November 25, 2019

The Honorable R.D. James  
Assistant Secretary for the Army for Civil Works  
Office of the Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310-0108

Ref: *Charleston Peninsula Coastal Flood Risk Management Study Programmatic Agreement  
Charleston County, South Carolina  
ACHPConnect Log Number: 014692*

Dear Mr. James:

In response to the recent notification by the U.S. Army Corps of Engineers, Charleston District the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Section 106 agreement document for the referenced undertaking. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within the regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because it has substantial impacts on important historic properties and has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of these regulations requires that we notify you as the head of the agency of our decision to participate in consultation. By copy of this letter, we are also notifying Ms. Nancy A. Parrish, Chief of Planning and Environmental Branch, of this decision.

Our participation in this consultation will be handled by Mr. Christopher Daniel who can be reached at (202) 517-0223 or via email at [cdaniel@achp.gov](mailto:cdaniel@achp.gov). We look forward to working with your agency and other consulting parties to reach agreement on ways to avoid, minimize, or mitigate adverse effects on historic properties.

Sincerely,

John M. Fowler  
Executive Director

USACE sent consultation letters to stewards of National Historic Landmarks that are located on or near the peninsula. This list was provided by the National Park Service in the agency's response letter dated 30 July 2019. Letters were sent to the stewards of the properties listed below. A copy of a consultation letter follows.

National Historic Landmarks within or near Charleston National Historic Landmark District

1. William Aiken House and associated Railroad Structures (NHL 1963)
2. William Blacklock House (NHL 1973)
3. Miles Brewton House (NHL 1960)
4. Robert Brewton House (NHL 1960)
5. USS Clamagore (NHL 1989)
6. College of Charleston (NHL 1971)
7. Exchange and Provost (NHL 1973)
8. Fanners' and Exchange Bank (NHL 1973)
9. Fireproof Building (NHL 1973)
10. William Gibbes House (NHL 1970)
11. Dubose Heyward House (NHL 1971)
12. Heyward-Washington House (NHL 1970)
13. Hibernian Hall (NHL 1973)
14. Huguenot Church (NHL 1973)
15. Kahal Kadosh Beth Elohim (NHL 1980)
16. USS Laffey (NHL 1986)
17. Joseph Manigault House (NHL 1973)
18. Market Hall and Sheds (NHL 1973)
19. Clark Mills Studio (NHL 1965)
20. Old Marine Hospital (NHL 1973)
21. Parish House of the Circular Congregational Church (NHL 1973)
22. Powder Magazine (NHL 1989)
23. Robert Barnwell Rhett House (NHL 1973)
24. Robert William Roper House (NHL 1973)
25. Nathaniel Russell House (NHL 1973)
26. Edward Rutledge House (NHL 1971)
27. John Rutledge House (NHL 1973)
28. Saint Michael's Episcopal Church (NHL 1960)
29. Saint Phillip's Episcopal Church (NHL 1973)
30. Simmons-Edwards House (NHL 1973)
31. Colonel John Stuart House (NHL 1973)
32. Unitarian Church (NHL 1973)
33. Denmark Vesey House (NHL 1976)
34. USS Yorktown (NHL 1986)



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT**  
**69 A HAGOOD AVENUE**  
**CHARLESTON SC 29403-5107**

**28 FEB 2020**

**Planning Branch**

**Board of Trustees  
College of Charleston  
66 George Street  
Charleston, South Carolina 29424-1407**

**Dear Sir/Madam:**

**This letter is to inform you that U.S. Army Corps of Engineers, Charleston District (USACE) and the City of Charleston have initiated the Charleston Peninsula Coastal Flood Risk Management Study (the study), and to invite you to participate as a consulting party for purposes of the National Historic Preservation Act (NHPA) Section 106 process. The study evaluates alternative plans to address flooding from storm surge for Charleston residents, industries, and businesses on the peninsula, an area approximately 8 miles square between the Ashley and Cooper Rivers.**

**For this study, the team focused on identifying structural, non-structural, and natural or nature-based measures that would address the flooding problem that results from storm surge on the Charleston Peninsula. After several iterations, these management measures have been grouped into three distinct alternatives that will be discussed and analyzed in a draft and final feasibility report. The alternatives may include various combinations of the following structural and non-structural measures: barriers; wave attenuation structure; phased/selective structure elevations; relocations or buyout of structures. Natural and nature-based measures might include elevating existing shoreline marsh and adding living shoreline protection as needed.**

**The scope and diversity of potential effects of the contemplated project and constraints of USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. USACE policy mandates that a determination of effects pursuant to Section 106 is made by the study's Tentative Selected Plan milestone date, which is anticipated in late February 2020. The PA will allow USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineering and Design (PED) phase of the project, and it will also allow any additional architectural inventories and mitigation to be completed after structural and non-structural measures have been clearly defined and sited. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.**

In accordance with regulations implementing NHPA Section 106, we invite you, as a steward of the College of Charleston, portions of which are a National Historic Landmark (NHL), to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study. Should you have any questions regarding this study, please contact Ms. Julie Morgan, at (706) 856-0378, or email, [julie.a.morgan@usace.army.mil](mailto:julie.a.morgan@usace.army.mil) or the address listed in the letterhead. If you are no longer the steward of this NHL, please notify Ms. Morgan so we may update our records.

Sincerely,

*Nancy Parrish*

Nancy Parrish  
Chief, Planning and Environmental Branch

cc: Cynthia Walton, National Historic Landmarks Program Manager

**From:** [Morris, John P](#)  
**To:** [Morgan-Ryan, Julie A CIV USARMY CESAS \(US\)](#)  
**Subject:** [Non-DoD Source] FW: Army Corps Letter re Chas Peninsula Coastal Flood Risk Mgmt Study  
**Date:** Tuesday, March 3, 2020 12:24:51 PM  
**Attachments:** [Army Corps Letter re Chas Peninsula Coastal Flood Risk Mgmt Study.pdf](#)

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Hi Julie, the attached letter was forwarded to me and I will take the lead for the College of Charleston. Please keep me posted on any specific details needed on my behalf.

Thank you,

John

John P. Morris, P.E., CEFP, APPA Fellow

Vice President for Facilities Management

COLLEGE of CHARLESTON

Office: 843.953.1325

Fax: 843.953.5884

[morrisjp2@cofc.edu](mailto:morrisjp2@cofc.edu) <<mailto:morrisjp2@cofc.edu>>

From: Kassebaum, Elizabeth Williams <KassebaumE@cofc.edu>  
Sent: Tuesday, March 3, 2020 11:01 AM  
To: Morris, John P <morrisjp2@cofc.edu>  
Cc: McFarland, Katie <davenportkm@cofc.edu>; Welch, Frances C <WelchF@cofc.edu>; McGrew, Michelle R <mmcgrew@cofc.edu>; Patrick, Paul David <patrickpd@cofc.edu>; Berry, Mark E <BerryM@cofc.edu>; Craig, Betty L <craigb@cofc.edu>; Abbott, Michaela Elizabeth <abbottme1@cofc.edu>; Hammond, Debbie <HammondDD@cofc.edu>  
Subject: Army Corps Letter re Chas Peninsula Coastal Flood Risk Mgmt Study

Hi,

Nancy Parrish, Chief of the Planning and Environmental Branch of the US Army Corps of Engineers, wrote the Board of Trustees to invite them as stewards of the College of Charleston – portions of which are a National Historic Landmark - to consult regarding the Charleston Peninsula Coastal Flood Risk Management Study. (Letter attached.)

I believe you or someone in your division would be the appropriate person to respond or not.

If you need me to do something or ask Ms. Parrish to write you directly, or to write someone else on campus, please let me know.

Thank you,

Elizabeth

Elizabeth W. Kassebaum

Executive Secretary to the Board of Trustees

and Vice President for College Projects

College of Charleston

66 George Street

Charleston, SC 29424

kassebaume@cofc.edu <<mailto:kassebaume@cofc.edu>>

843-953-5747 (office)

843-442-0575 (cell)

**From:** [Neyland, Robert S CIV USN NAVHISTHERITAGECOM \(USA\)](#)  
**To:** [Morgan-Ryan, Julie A CIV USARMY CESAS \(US\)](#)  
**Cc:** [Atcheson, Meredith B CIV USN NHHC WASHINGTON DC \(USA\)](#); [Catsambis, Alexis CIV USN NHHC WASHINGTON DC \(USA\)](#); [Schwarz, George Robert CIV USN NHHC WASHINGTON DC \(USA\)](#); [Ortiz, Agustin J CTR USN NHHC WASHINGTON DC \(USA\)](#); [Brown, Heather G CTR USN NHHC WASHINGTON DC \(USA\)](#)  
**Subject:** RE: Charleston District Coastal Flood Project  
**Date:** Wednesday, February 26, 2020 11:34:40 AM

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Julie

Yes we would want to be a concurring party. We have done this in regards to projects in Norfolk and New Jersey as well as Savannah.

We are stretched thin at moment so would like as much time as possible to review any proposals. There are a number of wrecks in Charleston Harbor.

I have a phone conference at 1000 tomorrow so afternoon or Friday would be best.

V/r  
Bob

Robert S. Neyland, Ph.D.  
Branch Head  
Underwater Archaeology Branch  
Naval History and Heritage Command  
805 Kidder Breese St, SE  
Washington Navy Yard, DC 20374-5060  
Office: 202-685-0897  
Cell: 202-500-9974

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

From: Morgan-Ryan, Julie A CIV USARMY CESAS (US) <Julie.A.Morgan@usace.army.mil>  
Sent: Wednesday, February 26, 2020 7:57 AM  
To: Neyland, Robert S CIV USN NAVHISTHERITAGECOM (USA) <robert.neyland@navy.mil>  
Subject: Charleston District Coastal Flood Project

Bob:

I am working with Charleston District on a project that would look at ways to help reduce coastal storm surge flooding and protect against flooding due to future sea level rise. As part of that study we will likely be constructing a wave attenuating feature off the Battery in Charleston Harbor. I'd like to talk to you about your interest in being a concurring party to the PA that we are developing. There may be potential to encounter submerged resources in that area that are related to the Revolutionary or Civil Wars. Having your agency as a concurring party would streamline consultation in the event that the Sunken Military Craft Act applies to any of the findings.

If you are free later today or this week, I'll give you a call to talk more about the project.

Thanks.

Respectfully,

Julie A. Morgan  
Archaeologist, Planning Branch  
U.S. Army Corps of Engineers  
Savannah District  
Ph: 706-856-0378



PROGRAMMATIC AGREEMENT  
AMONG  
THE UNITED STATES ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT, THE  
SOUTH  
CAROLINA STATE HISTORIC PRESERVATION OFFICE, THE NATIONAL PARK  
SERIVCE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE  
CITY OF CHARLESTON REGARDING THE CHARLESTON PENINSULA COASTAL  
FLOOD RISK MANAGEMENT PROJECT, CHARLESTON, SOUTH CAROLINA

**WHEREAS**, the U.S. Army Corps of Engineers, Charleston District (hereinafter the “USACE”) and the City of Charleston (hereinafter the “City”) have proposed to design and implement measures to reduce the risk of damages caused by coastal storm surge flooding, an undertaking known as the Charleston Peninsula Coastal Flood Risk Management Project (hereinafter the “Project”); and

**WHEREAS**, the Project involves structural measures including but not limited to storm surge barriers, tide gates, a wave attenuating feature, raising the Low Battery Wall, and non-structural measures including raising buildings, flood proofing, and buyout-demolish buildings, all of which may result in effects on properties listed in or eligible for listing in the National Register of Historic Places (NRHP) (hereinafter, “historic properties”) pursuant to the National Historic Preservation Act (NHPA), Section 106 (54 U.S.C. § 306108), as amended, and the implementing regulations for Section 106 (36 C.F.R. §800); and

**WHEREAS**, the USACE and the City have consulted with the South Carolina Department of Archives and History (SC DAH) which serves as the South Carolina State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. §306108) (hereinafter Section 106); and

**WHEREAS**, the USACE, in consultation with the SHPO, has established the Project’s direct Area of Potential Effects (APE) as the areas where structural and non-structural measures are implemented with adverse effects (as defined in 36. C.F.R. §800.5(a)(2)) to historic properties (as defined in 36 C.F.R. §800.16(l), and as shown in Attachment A), and the indirect APE as the area where submerged sites may be affected by changes in hydrology; and

**WHEREAS**, limited archaeological surveys have been conducted within the Project’s APE, as shown in Attachment A, and one recorded site, 38CH1673 (Granville Bastion), which is listed in the NRHP is within the Project’s direct APE; and

**WHEREAS** the USACE, in consultation with the SHPO and other Consulting Parties, has determined that the Project has the potential to cause adverse effects to unrecorded submerged

archaeological sites which may be eligible for listing in the NRHP; and

**WHEREAS**, the parties have executed this Programmatic Agreement (“Agreement”) in accordance with 36 CFR § 800.14(b)(1)(ii), which allows federal agencies to fulfill their Section 106 obligations through the development and implementation of programmatic agreements when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

**WHEREAS**, in accordance with 36 CFR § 800.2(c)(4) the USACE has invited the City to consult on and sign this Agreement as an Invited Signatory Party; and

**WHEREAS**, in accordance with 36 CFR § 800.14(b), the USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intention to develop this programmatic agreement (hereinafter the “Agreement”), pursuant to 36 CFR § 800.14(b)(1)(ii) (letter dated November 7, 2019), and the ACHP decided to participate in the consultation (letter dated November 25, 2019) and will sign as a Signatory Party; and

**WHEREAS**, the National Park Service was invited to consult regarding the Project to minimize or mitigate any adverse effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP), including National Historic Landmarks located within the study area (letter dated July 12, 2019) and the National Park Service (NPS) Southeast Regional Office has accepted the invitation to consult (letter dated July 30, 2019) and will sign as a Signatory Party; and

**WHEREAS**, in accordance with 36 CFR § 800.14(b)(2)(i), the USACE has invited the appropriate Federally recognized Indian tribes – the Absentee-Shawnee Tribe of Oklahoma, Alabama-Quassarte Tribal Town, Catawba Indian Nation, Chickasaw Nation, Delaware Tribe of Indians, Eastern Band of the Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Kialegee Tribal Town, Muscogee (Creek) Nation, Poarch Band of Creek Indians, Shawnee Tribe and Thlopthlocco Tribal Town – to consult on and sign this Agreement as Concurring Parties and the Catawba Indian Nation has accepted, and no other responses were received; and

**WHEREAS**, in accordance with 36 CFR § 800.2(c)(5), the USACE has invited the Historic Charleston Foundation, the Preservation Society of Charleston and the Naval History and Heritage Command to consult on and sign this Agreement as Concurring Parties and they have elected to participate; and

**WHEREAS**, in accordance with 36 CFR § 800.2(d) the USACE has solicited public comment on the Project through release of the draft feasibility study and Environmental Assessment from April 20, 2020 – June 20, 2020 and through issuance of a public notice for review of this programmatic agreement with a review period concurrent with the draft study report; and

**WHEREAS**, signatories, invited signatories, and concurring parties are collectively referred to as

"Consulting Parties" under this agreement; and

**NOW, THEREFORE**, the USACE, the City, the SHPO, the ACHP and the NPS (hereinafter the "Signatories," or "Signatory Parties") agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

## **STIPULATIONS**

The USACE shall ensure that the following measures are carried out:

### **I. ARCHAEOLOGICAL HISTORIC PROPERTIES**

#### **A. Identification**

1. Prior to initiating construction activities and in an effort to identify historic properties within the direct APE, the USACE shall complete efforts to identify archaeological sites eligible for listing in the NRHP within the direct APE for the Project in accordance with 36 CFR § 800.4(b). The USACE shall conduct these identification efforts pursuant to the requirements of Stipulation VI of this Agreement. Pursuant to Stipulation I. of this Agreement, the USACE shall provide the shall provide the SHPO, and the NPS with respect to resources under NPS authority, the opportunity to review and concur and the other Consulting Parties the opportunity to review and comment, on a report of its findings.
2. Parties necessary to evaluate the NRHP-eligibility of any archaeological site identified as a result of the activities described in Paragraph A.1 of this Stipulation. These evaluations shall be conducted in accordance with 36 CFR § 800.4(c), and pursuant to the requirements of Stipulations VI and VII of this Agreement. Pursuant to Stipulation IV the USACE shall provide the SHPO, and the NPS with respect to resources under NPS authority, the opportunity to review and concur and the other Consulting Parties the opportunity to review and comment, on a report of its findings.

#### **B. Assessment of Effects**

If archaeological sites meeting the criteria for listing on the NRHP are identified as a result of the activities described in Paragraphs A.1. and A.2. of this Stipulation, the USACE shall assess the effects of the Project on these properties in a manner consistent with 36 CFR § 800.5, and submit its findings to the SHPO, and the NPS with respect to resources under NPS authority, the opportunity to review and concur and the other Consulting Parties the opportunity to review and comment, pursuant to Stipulation IV.B.

### C. Mitigation of Adverse Effects

After avoidance and minimization, the necessary compensatory mitigation of adverse effects to archaeological sites eligible for listing in the NRHP shall be funded by USACE and the City as part of the Project. No construction affecting an archaeological site eligible for listing in the NRHP shall be allowed to commence until the compensatory mitigation for adverse effects to that archaeological site has been agreed upon. Mitigation may vary according to the type of effect, as follows:

1. If the USACE, in consultation with the SHPO and the Consulting Parties, determines that an archaeological site eligible for listing on the NRHP will be adversely affected by the Project, the USACE in consultation with the SHPO shall determine whether avoidance, minimization, and/or compensatory mitigation of the adverse effects is practicable. If the adverse effects cannot be practicably avoided or minimized, the USACE, in consultation with the SHPO and the other Concurring Parties, shall develop a treatment plan for the affected archaeological site. In a manner consistent with Stipulation I. of this Agreement, the USACE shall provide the SHPO, and the NPS with respect to resources under NPS authority, the opportunity to review and concur with, and the Concurring Parties the opportunity to review and comment on, the treatment plan.
2. Any treatment plan the USACE develops for an archaeological site under the terms of this stipulation shall be consistent with the requirements of Stipulation VII. of this Agreement and shall include, at a minimum:
  - (a) Information on the portion of the property where data recovery or controlled site burial, as appropriate, is to be carried out, and the context in which the property is eligible for the NRHP;
  - (b) The results of previous research relevant to the project;
  - (c) Research problems or questions to be addressed, with an explanation of their relevance and importance;
  - (d) The field and laboratory analysis methods to be used, with a justification of their cost-effectiveness and how they apply to this particular property and the research needs;
  - (e) The methods to be used in artifact, data, and other records management;
  - (f) Explicit provisions for disseminating in a timely manner the research findings to professional peers;
  - (g) Arrangements for presenting to the public the research findings, focusing particularly on the community or communities that may have interests in the results;

- (h) The curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79;
- (i) Conservation of materials from both submerged and terrestrial contexts as appropriate for the preservation of artifacts; and
- (j) Procedures for evaluating and treating discoveries of unexpected remains during the course of the project, including necessary consultation with other parties.

3. The USACE shall ensure the treatment plan is implemented and that any agreed-upon data recovery field operations have been completed before ground-disturbing activities associated with the Project are initiated at or near the affected archaeological site. The USACE shall notify the SHPO once data recovery field operations have been completed so that a site visit may be scheduled, if the SHPO finds a visit appropriate. The proposed construction may proceed following this notification while the technical report is in preparation. The USACE shall ensure that the archaeological site form is filed with the South Carolina Institute of Archaeology and Anthropology and is updated to reflect the implementation of the treatment plan for each affected site.

4. The USACE shall establish a minimum 50 ft. buffer from construction activities around any archaeological site boundary of a site identified as eligible or potentially eligible for listing in the NRHP. The buffer will remain in place until the SHPO has agreed that USACE has fulfilled the terms of the data recovery plan and mitigation has been completed or avoidance measures have been implemented. Upon completion of mitigation the buffer will be removed.

## II. ARCHITECTURAL HISTORIC PROPERTIES

### A. Identification

USACE shall ensure surveys are conducted within both direct and indirect APEs of all post 1940 structures not evaluated for NRHP eligibility, and coordinate with SHPO, the City, and Concurring Parties to determine their eligibility. These surveys shall employ methods conforming to those described in the *Secretary of the Interior's Standards and Guidelines for Identification and Evaluation* (Guidelines) which are published in the Code of Federal Regulations 36 CFR Part 61, or subsequent revisions or replacements to the document.

### B. Assessment of Effects

- 1. Adverse Visual Effects: Structures built as a part of the Project greater than ten (10) feet and within one quarter (0.25) mile of a NRHP listed or eligible

property or property contributing to a listed or NRHP eligible historic district, that diminish any of the qualities that make the historic property eligible for NRHP listing, shall be considered as having an adverse effect on the historic property unless the structure is effectively screened from being viewed from the historic property.

2. Wet Floodproofing: Wet Floodproofing is the water resistant treatment of interior and exterior walls and floors and relocation of utilities on lower, flood prone levels of buildings to prevent water damage to structural components even though these levels might be flooded. Wet proofing of NRHP listed or eligible properties, or properties contributing to a listed or NRHP eligible historic district might be an adverse effect if the treatment is contrary to the Secretary of Interior's Standards and Guidelines for Historic Preservation even if it does not change the appearance of surfaces.

3. Dry Floodproofing: Dry Floodproofing is the water proofing of exteriors of the lower levels of buildings to prevent the entry of flood waters into the building. Dry floodproofing of NRHP listed or eligible properties, or properties contributing to a listed or NRHP eligible historic district might be an adverse effect if the treatment is contrary to the Secretary of Interior's Standards and Guidelines for Historic Preservation even if it does not change the appearance of exterior surfaces.

4. Raising Elevation: Raising the elevation of a NRHP listed or eligible property, or property contributing to a listed or NRHP eligible historic district may be an adverse effect.

5. Relocation: The relocation of a NRHP listed or eligible property, or a property contributing to a listed or NRHP eligible historic district would be an adverse effect.

6. Buyout and Demolition: The demolition of a NRHP listed or eligible property, or a property contributing to a listed or NRHP eligible historic district would be an adverse effect. The demolition plans and site would be evaluated for ground disturbance and potential effects to archaeological sites.

### C. Mitigation of Adverse Effects

After avoidance and minimization, the compensatory mitigation of adverse effects to architectural historic properties shall be funded by USACE and the City as part of the Project. No construction affecting a given architectural historic property shall be allowed to commence until the compensatory mitigation for adverse effects to that property has

been agreed upon. Mitigation may vary according to the type and nature of the effect as follows:

1. 1. Adverse Visual Effects: USACE shall ensure that visual and architectural values are protected to the extent possible through the application of the *Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings*. Adverse visual effects shall be mitigated through such things as interpretive signage, educational programs, informative web sites, donation of preservation easements, or contributions to preservation funds, or combinations of any of these or other elements, as agreed upon by USACE and SHPO, and NPS with respect to resources under NPS authority, and with review and comment by Consulting Parties.
2. Raising Elevation: USACE shall ensure that historical and architectural values are protected to the extent possible through application of the *Secretary of the Interior's Standards for the Treatment of Cultural Landscapes* and other relevant accepted historic preservation publications and practices. Standard mitigation for raising the elevation of a NRHP listed or eligible property, or property contributing to a listed or NRHP eligible historic district will be Historic American Building Survey (HABS) or Historic American Landscape Survey (HALS) documentation at a level agreed upon by USACE and SHPO, and NPS with respect to resources under NPS authority, unless USACE, SHPO, and Consulting Parties agree on other practicable mitigation. Adverse effects to archaeological resources resulting from these measures would be addressed per Stipulation I.C. of this Agreement.
3. Relocation: Standard mitigation for relocation of a NRHP listed or eligible property, or property contributing to a listed or NRHP eligible historic district shall be, at a minimum, HABS documentation at a level agreed upon by USACE and SHPO, and NPS with respect to resources under NPS authority, unless USACE, SHPO, and Consulting Parties agree on other practicable mitigation. The USACE shall ensure that the historic property is relocated consistent with the guidance in "Moving Historic Buildings" (John Obed Curtis). Ground disturbance associated with moving buildings would be assessed or surveyed for potential effects to archaeological sites.
2. 4. Buyout and Demolition: Standard mitigation for demolition of a NRHP listed or eligible property, or property contributing to a listed or NRHP eligible historic district shall require, at a minimum, HABS documentation at a level agreed upon by USACE and SHPO, and NPS with respect to resources under NPS authority, unless USACE, SHPO,

and Consulting Parties agree on other practicable mitigation.

### **III. CUMULATIVE EFFECTS ON HISTORIC PROPERTIES**

USACE recognizes that the project comprising the Undertaking, when combined with other past, present, and reasonably foreseeable actions conducted by USACE, other federal agencies, and other public and private entities may have cumulative effects on historic properties on the Charleston Peninsula. The specific measures to mitigate the contribution to cumulative effects resulting from the Undertaking are outlined in Stipulations I and II.

### **IV. PREPARATION AND REVIEW OF DOCUMENTS**

#### **A. Review**

The Signatories and Concurring Parties agree to provide comments to the USACE on all technical materials, findings, and other documentation arising from this Agreement within thirty (30) calendar days of receipt unless otherwise specified. If no comments are received from the SHPO, other Signatories or a Concurring Party within the thirty (30) calendar- days review period, the USACE may assume that the non-responsive party has no comment. The USACE shall take into consideration all comments received in writing from the SHPO, other Signatories and Concurring Parties within the thirty (30) calendar-day review period, as specified in this Agreement.

#### **B. Physical Documents**

The USACE shall provide the SHPO one (1) hard copy on acid-free paper and one (1) in Adobe® Portable Document Format (.pdf) on compact disk of all final reports prepared pursuant to this Agreement. The USACE shall also provide the City or any Concurring Party a copy of any final report (in hard copy or .pdf format, as requested) if so requested by that party. Such requests must be received by the USACE in writing prior to the completion of construction of the Project.

### **V. CURATION STANDARDS**

The USACE shall ensure that all original archaeological records (research notes, field records, maps, drawings, and photographic records) and all archaeological collections recovered from the USACE Project area produced as a result of implementing the Stipulations of this Agreement are provided for permanent curation. USACE shall ensure that the records, and collections and curation facility comply with standards set forth in 36 CFR 79, *Curation of Federally Owned and Administered Archaeological Collections*.

### **VI. CHANGES IN PROJECT SCOPE**



In the event of any changes to the Project scope that may alter the APE, the USACE shall consult with SHPO and other consulting parties pursuant to 36 CFR § 800.2 through § 800.5.

## **VII. STANDARDS**

### **A. Research Standards**

All work carried out pursuant to this Agreement shall meet or exceed the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* (SOI's Standards; [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)).

### **B. Professional Standards**

The USACE shall ensure that all work carried out pursuant to this Agreement shall be done by or under the direct supervision of the appropriate professionals who meet or exceed the *Secretary of the Interior's Professional Qualifications Standards* (Federal Register, Vol. 62, No. 119, pp. 33708-33723) in the appropriate discipline. The USACE shall ensure that consultants retained for services pursuant to this Agreement meet these standards.

### **C. Documentation Standards**

All technical reports prepared pursuant to this Agreement shall be consistent with Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37), the *Secretary of the Interior's Standards for Rehabilitation*, as well as *Preservation Briefs*, and *The Historic American Buildings Survey and Historic American Engineering Record* (U.S. Department of the Interior, National Park Service), the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (2011), and the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999), or subsequent revisions, or any subsequent revisions or replacements of these documents.

## **VIII. TREATMENT OF HUMAN REMAINS**

### **A. Coordination**

In the event human skeletal remains or burials are encountered during implementation of the Project, the USACE shall coordinate its compliance with Section 106 with other applicable federal, state, and local laws and reviews as appropriate.

### **B. Permits**

Historic and prehistoric human remains from non-federal, non-tribal lands are subject to protection under South Carolina's burial/unmarked grave/cemetery law(s). As such, if human remains are discovered during construction, work in that portion of the project shall stop immediately. The remains shall be covered and/or protected in place in such a way that minimizes further exposure of and damage to the remains, and the USACE shall immediately consult with the SHPO. If the remains are found to be Native American, in accordance with applicable law, a treatment plan shall be developed by USACE and SHPO in consultation with appropriate federally recognized Indian tribes.

USACE shall ensure that any treatment and reburial plan is fully implemented. If the remains are not Native American, the appropriate local authority shall be consulted to determine final disposition of the remains. Avoidance and preservation in place is the preferred option for treating human remains.

#### C. Additional Procedures

Additional procedures regarding the treatment of human remains are detailed in Attachment B of this Agreement.

### **IX. Sunken Military Craft**

If at any point in the Project, USACE discovers or reasonably believes that a Department of Navy sunken military craft or part thereof will be disturbed or otherwise affected in the course of the Project, USACE shall immediately notify the Naval History and Heritage Command (NHHC). USACE shall provide the NHHC with a reasonable opportunity to accomplish the following:

- A. In relation to Stipulation I.A.(1), review and provide concurrence on the USACE identification of archaeological sites eligible for listing on the NRHP within the APE of the Project.
- B. In relation to Stipulation I.A.(2), review and provide concurrence on the evaluation of any such historic property, as opposed to review and comment on a report of the USACE findings.
- C. In relation to Stipulation I.B., review and provide concurrence on the USACE assessment of effects of the Project, as opposed to review and comment on the USACE assessment.
- D. In relation to Stipulation I.C.(1), in consultation with the USACE, the City and the SHPO, and other Concurring Parties, determine whether avoidance or minimization of the adverse effects on an archaeological site eligible for listing on the NRHP that will be adversely affected by the Project is practicable.

E. In relation to Stipulation I.C.(2), review and provide concurrence on the treatment plan for archaeological sites that will be impacted by practicably unavoidable adverse effects, as opposed to review and comment on the treatment plan.

F. The USACE further agrees to the following upon discovery or disturbance of Department of the Navy sunken military craft:

1. Any treatment plan developed pursuant to Stipulation I.C.(2) for an archaeological property that is also a Department of the Navy sunken military craft shall take into account the requirements otherwise imposed on permit applicants under 32 CFR § 767.6 (d).
2. Conditions set forth in 32 CFR § 767.6 (g) apply and that a permit from NHHHC is not required to carry out the terms of the treatment plan developed pursuant to Stipulation I.C.(2) for an archaeological property that is also a Department of the Navy sunken military craft.
3. In relation to Stipulation I.C.(3), the USACE shall notify the NHHHC once recovery field operations have been completed so that a site-visit may be completed. One or more site visits may also be completed by the NHHHC during recovery field operations.
4. In relation to Stipulation II.C., the USACE shall provide the NHHHC two (2) copies on acid-free paper and one (1) copy in pdf format on archival compact disc of all final reports prepared pursuant to this Agreement pertaining to Department of the Navy sunken military craft.
5. In relation to Stipulation III, the USACE shall transfer all original archaeological records (research notes, field records, maps, drawings, and photographic records) and all archaeological collections recovered and retained from Department of the Navy sunken military craft to the NHHHC at the completion of the Project for curation.
6. The USACE and the City shall fund the professional recovery, documentation, conservation, packaging, and transportation of the associated retained archaeological collections, as well as costs for certifying inert any associated ordnance in consultation with appropriate Department of Navy personnel. The NHHHC will be afforded a determinative role should the USACE desire not to retain any part of an associated archaeological collection post-recovery and documentation, and agrees to maintain such records and collections in

accordance with 36 CFR § 79, Curation of Federally Owned and Administered Archaeological Collections. Copies of field notes and reports will be made available to the Naval History and Heritage Command.

7. In relation to Stipulation VI, the USACE shall address the treatment of any human remains associated with Department of the Navy sunken military craft in consultation with the NHHHC.
8. The aforementioned clauses supersede Attachment B with respect to Department of the Navy sunken military craft.
9. The stipulations of not publicly disclosing site locations to the public of the Archaeological Resources Protection Act, Section 9, shall be followed.

## **X. POST-REVIEW DISCOVERIES**

If properties are discovered that may be eligible for listing in the NRHP or unanticipated effects on historic properties found subsequent to the completion of surveys under Stipulations I-II, the USACE shall implement the discovery plan included as Attachment B of this Agreement.

## **XI. COMMUNICATIONS**

Electronic mail (email) may serve as the official correspondence method for all communications regarding this Agreement and its provisions. See Attachment C for a list of contacts and email addresses. Contact information in Attachment C may be updated as needed without an amendment to this Agreement. It is the responsibility of each party to the Agreement to immediately inform the USACE of any change in name, address, email address, or phone number of any point-of-contact. The USACE shall forward this information to all Signatories and Concurring Parties by email.

## **XII. MONITORING AND REPORTING**

Each year on the anniversary of the execution of this Agreement until it expires or is terminated, the USACE shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the USACE's efforts to carry out the terms of this Agreement. The reporting period shall be the fiscal year from October 1 to September 30.

## **XIII. DISPUTE RESOLUTION**

Should any Signatory to this Agreement object in writing at any time to any actions proposed under this Agreement, or the manner in which the terms of this Agreement are implemented, the USACE shall consult with the objecting party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will:

A. Documentation

Forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and Concurring Parties and provide them with a copy of this written response. The USACE shall then proceed according to its final decision.

B. Resolution

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

C. Continuity

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

#### **XIV. ANTI-DEFICIENCY ACT**

The Anti-Deficiency Act, 31 U.S.C. §1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act. The USACE shall make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the USACE's ability to implement the stipulations of this agreement, the USACE shall consult in accordance with the amendment and termination procedures found at Stipulations XV and XVI of this

Agreement.

## **XV. AMENDMENTS**

This Agreement may be amended when such an amendment is agreed to in writing by all Signatories. The amendment shall be effective on the date a copy is signed by all of the Signatories. Attachment D is a template for amendments.

## **XVI. TERMINATION**

If any Signatory to this Agreement determines that its terms are not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XIV, above. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories.

Once the Agreement is terminated, and prior to work continuing on the Project, the USACE must either (a) execute another Agreement pursuant to 36 CFR § 800.14, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The USACE shall notify the Signatories as to the course of action it will pursue.

## **XVII. DURATION**

This Agreement shall remain in effect until such time as the legal requirements for Section 106 are completed or until the end of the ten (10) year period beginning on the date the Agreement is signed by all Signatories, whichever is earlier. Six (6) months prior to the end of such ten (10) year period, the USACE shall consult with the other Signatories and Concurring Parties to reconsider the terms of the Agreement and amend it in accordance with Stipulation XIII above, if necessary.

## **XVIII. ADDITIONAL AGENCIES**

In the event that another federal agency not initially a party to or subject to this Agreement receives an application for funding/license/permit for an activity included in this PA, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this Agreement and notifying the Corps and the SHPO that it intends to do so. Such Agreement shall be evidenced by its signature as an invited Signatory and by the Corps filing with the ACHP, and implementation of the terms of this Agreement.

## **XIX. EXECUTION OF THIS AGREEMENT**

This Agreement may be executed in counterparts, with a separate signature page for each

**Page 14 of 30**

party. The USACE shall ensure that each party is provided with a copy of the fully executed Agreement.

Execution of this Agreement and its submission to the ACHP, and implementation of its terms, evidence that the USACE has afforded the ACHP an opportunity to comment on the Project and its effect on historic properties, and that the USACE has satisfied its Section 106 obligations regarding the effect of the Project on historic properties.

DRAFT



**SIGNATORY:**

U.S. Army Corps of Engineers, Charleston District

DRAFT

**SIGNATORY:**

Advisory Council on Historic Preservation

DRAFT

**SIGNATORY:**

South Carolina Department of Archives and History

DRAFT

**INVITED SIGNATORY:**

National Park Service

DRAFT

**INVITED SIGNATORY:**  
City of Charleston

DRAFT



**CONCURRING PARTY:**

Historic Charleston Foundation

DRAFT

**CONCURRING PARTY:**

Preservation Society of Charleston

DRAFT

**CONCURRING PARTY:**

Naval History and Heritage Command

DRAFT

**Concurring Party:**

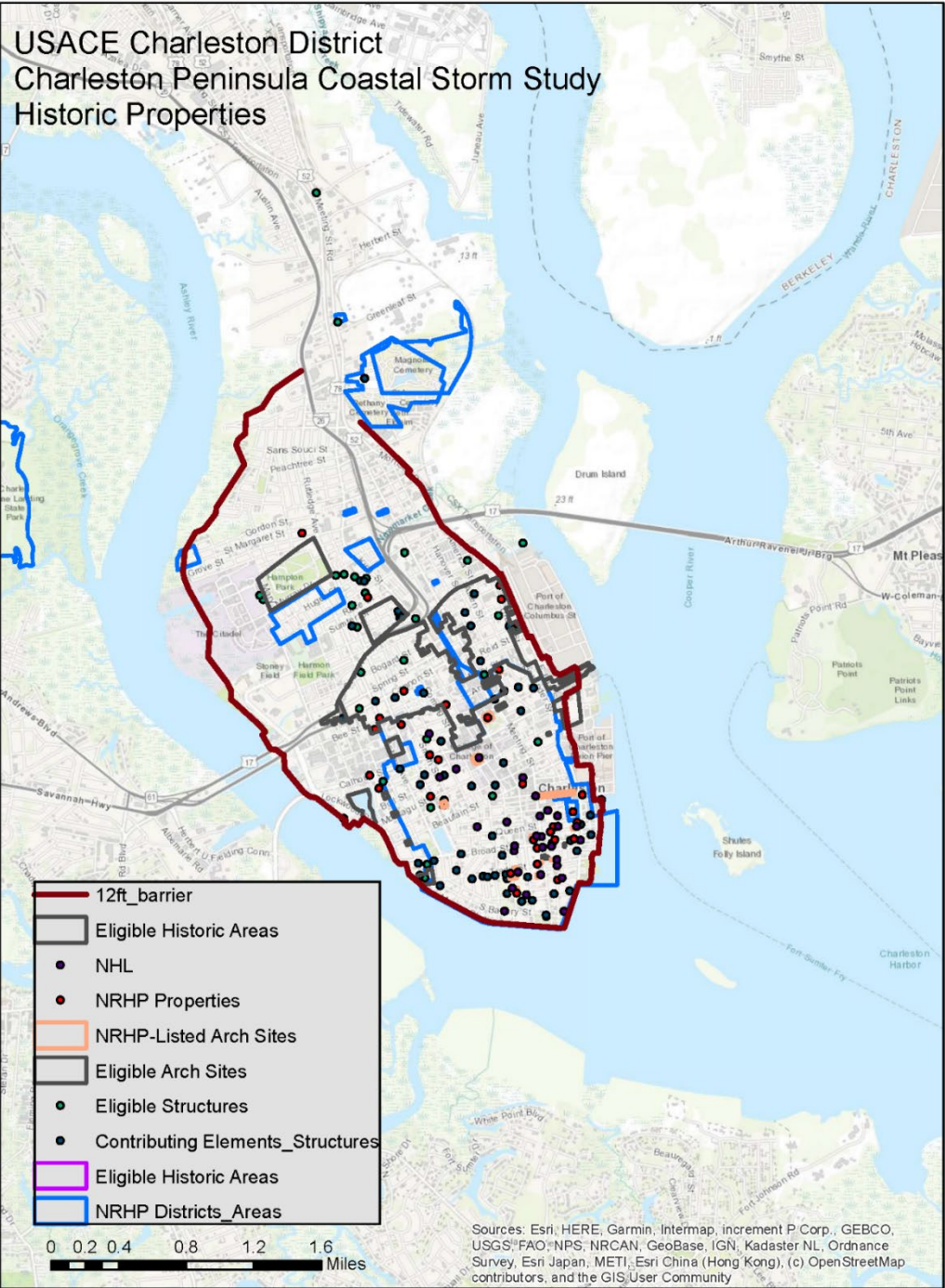
Catawba Indian Nation

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ATTACHMENT A  
PRELIMINARY APE

DRAFT





*\*APE is subject to change as designs are finalized.*

**ATTACHMENT B**  
**PROCEDURES FOR POST REVIEW DISCOVERIES**

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## PROCEDURES FOR POST REVIEW DISCOVERIES

### **Post Review Discoveries**

The USACE will ensure that construction documents contain the following provisions for the treatment of unanticipated archaeological discoveries:

“If previously unidentified historic properties or unanticipated effects to historic properties are discovered during contract activities, the contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify the USACE Project Manager and the USACE Archaeologist of the discovery and implement interim measures to protect the discovery from looting and vandalism. Work in all other areas not the subject of the discovery may continue without interruption.”

Immediately upon receipt of such notification from the construction contractor, the USACE Archaeologist shall:

1. Inspect the construction site to determine the extent of the discovery and ensure that the Undertaking in that area has halted;
2. Clearly mark the area of the discovery;
3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism;
4. Determine the extent of the discovery and provide recommendations regarding its National Register of Historic Places (NRHP) eligibility and treatment; and
5. Notify the USACE Project Manager the SHPO and other Consulting Parties of the discovery describing the measures that have been implemented to comply with this Stipulation.
6. Notify the Catawba Nation within 48 hours of the discovery.

Upon receipt of the information required in subparagraphs 1-5 above, the USACE shall provide the SHPO and other Consulting Parties with an assessment of the NRHP eligibility of the discovery and the measures proposed to resolve adverse effects. In making the evaluation, the USACE in consultation with the SHPO, may assume the discovery to be eligible for the NRHP for the purposes of Section 106 pursuant to 36 CFR Part 800.13(c). The SHPO and other Consulting Parties shall respond to the USACE’s assessment within forty-eight (48) hours of

receipt.

The USACE shall take into account the SHPO and other Consulting Parties' recommendations on eligibility and treatment of the discovery and shall provide the SHPO and other Consulting Parties with a report on the actions when implemented. The Undertaking may proceed in the area of the discovery, once the USACE has determined that the actions undertaken to address the discovery pursuant to this Stipulation are complete.

### **Treatment of Human Remains**

The USACE shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary objects. If human remains and/or associated funerary objects are encountered during the course of the Undertaking, the USACE shall immediately halt the Undertaking in the area and contact the USACE Archaeologist and the appropriate city Coroner

The USACE shall treat all human remains in a manner consistent with the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (February 23, 2007; <http://www.achp.gov/docs/hrpolicy0207.pdf>).

The USACE shall make a good faith effort to ensure that the general public is excluded from viewing any Native American burial site or associated funerary objects. The Consulting Parties to this PA agree to release no photographs of any Native American burial site or associated funerary objects to the press or general public. The USACE shall notify Catawba Indian Nation and other appropriate federally recognized Tribe(s) if their interest(s) have been established, when Native American burials, human skeletal remains, or funerary objects are encountered during the Undertaking. Following consultation by the USACE, the SHPO, the Delaware Nation, and other identified Tribes with cultural affiliation, the USACE shall ensure that proper steps are taken regarding the remains. This could include the delivery of any Native American human skeletal remains and associated funerary objects recovered pursuant to this PA to the appropriate Tribe.

If the remains are determined to be historic and not Native American, USACE shall consult with the SHPO and other appropriate Consulting Parties prior to any excavation by providing a treatment plan including the following information:

- The name of the property or archaeological site and specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
- Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice to be published in a newspaper having general

- circulation in Charleston area for a minimum of four weeks prior to recovery.
- A copy of the curriculum vitae of the skeletal biologist who will perform the analysis of the remains.
  - A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
  - An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
  - A statement of the goals and objectives of the removal of human remains (to include both excavation and osteological analysis).
  - If a disposition other than reburial is proposed, a statement of justification for that decision.

The USACE Archaeologist shall submit the draft treatment plan to the USACE, the SHPO and appropriate Consulting Parties for review and comment. All comments received within thirty (30) calendar days shall be addressed in the final treatment plan. Upon receipt of final approval in writing from the USACE Archaeologist, the treatment plan shall be implemented prior to those Undertaking activities that could affect the burial(s).

The USACE Archaeologist shall notify the USACE Project Manager, the SHPO, and the other Consulting Parties in writing once the fieldwork portion of the removal of human remains is complete. The Undertaking in the area may proceed following this notification while the technical report is in preparation. The USACE Archaeologist may approve implementation of undertaking-related ground disturbing activities in the area of the discovery while the technical report is in preparation.

The USACE Archaeologist shall ensure that a draft report of the results of the recovery is prepared within one (1) year of the notification that archaeological fieldwork has been completed and submitted to the USACE, the SHPO and the other Consulting Parties for review and comment. All comments received within thirty (30) calendar days of receipt shall be addressed in the final treatment plan. When the final report has been approved by the USACE Archaeologist, two (2) copies of the document, bound and on acid-free paper and one (1) electronic copy in Adobe® Portable Document Format (.pdf) shall be provided to the SHPO; and one (1) copy in an agreed upon format to each of the other Consulting Parties.

The USACE Archaeologist shall notify the USACE Project Manager, the SHPO and other appropriate Consulting Parties within fifteen (15) calendar days of final disposition of the human remains.

ATTACHMENT C  
CONTACTS

DRAFT



## CONTACT INFORMATION

### **U.S. Army Corps of Engineers, Charleston District**

Colonel  
Project Manager  
Archaeologist

### **South Carolina Department of Archives and History**

### **Advisory Council on Historic Preservation**

### **National Park Service**

### **City of Charleston**

### **Historic Charleston Foundation**

### **Preservation Society of Charleston**

### **Naval History and Heritage Command**

### **Catawba Indian Nation**