

**RHODE ISLAND COASTLINE
COASTAL STORM RISK MANAGEMENT
Final Integrated Feasibility Study & Environmental
Assessment**

Appendix H: Cultural Resources



January 2023



**US Army Corps
of Engineers®**
New England District

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RHODE ISLAND COASTLINE COASTAL STORM RISK MANAGEMENT

Final Feasibility Report Appendix H: Cultural Resources

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APPENDIX H1

National Historic Preservation Act Section 106 Draft Programmatic Agreement

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK
MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST
GREENWICH, EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW
SHOREHAM NEWPORT, NORTH KINGSTOWN, PORTSMOUTH, SOUTH
KINGSTOWN, TIVERTON, WARREN, AND WARWICK, RHODE ISLAND

WHEREAS, the U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island Coastal Resource Management Council (RICRMC) are studying the feasibility of designing and constructing flood risk reduction in the Rhode Island Coastline Coastal Storm Risk Management Project (Project); and

WHEREAS, the USACE has drafted a Final Integrated Feasibility Report & Environmental Assessment (IFREA) wherein the Recommended Plan consists of non-structural measures, including building elevation, wet flood proofing, and dry flood proofing for 497 total structures; and

WHEREAS, the USACE has determined that the Project constitutes an undertaking, as defined in 36 CFR. § 800.16(y), and therefore, is subject to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 306108); and

WHEREAS, the USACE is the Lead Federal Agency for compliance with Section 106 of the NHPA for this Project pursuant to 36 CFR § 800.2(a)(2); and

WHEREAS, the USACE has determined that the undertaking has two Areas of Potential Effect (APE), based upon the feasibility level analysis of the Project. APE 1 is the geographic area consisting of the 497 structures and their immediate footprint selected for non-structural measures in the Recommended Plan of the IFREA. APE 1 is likely to decrease as structures are screened out during the Preconstruction, Engineering and Design (PED) phase (where detailed engineering design will occur). APE 2 is the visual APE of the non-structural measures (historic properties with a view of the non-structural measures). APE 2 (the visual APE) will, at a minimum, include historic properties within a 500 foot (ft) radius of the construction of the non-structural measures. The USACE shall reconsider and expand APE 2, as appropriate, based upon the individual circumstances for each structure as evaluated in the PED phase. See Attachment A for maps detailing the locations of the structures selected in the Recommended Plan; and

WHEREAS, the USACE conducted background research through the Rhode Island State Historic Preservation Office's (RI SHPO) databases, online resources, including the National Register of Historic Places (NRHP) Database, and the National Park Service's (NPS) National Register Database, which documented that the APEs contain previously identified historic properties as detailed in Attachment B to this Programmatic Agreement (PA); and

WHEREAS, the USACE has determined that the undertaking may have an adverse effect on historic properties, which are listed or eligible for listing in the NRHP, which the agency is required to take into account pursuant to Section 106 of the NHPA; and

WHEREAS, the USACE has determined that the undertaking may have adverse effects on one or more National Historic Landmarks (NHLs), and the agency is required pursuant to Section 110(f) of the NHPA (54 U.S.C. § 306107) and 36 CFR § 800.10 to the maximum extent possible to undertake such planning and actions as may be necessary to minimize harm to any affected NHLs; and

WHEREAS, the USACE has determined that schedule and budgetary constraints limit the detailed engineering design of the Project features during the feasibility phase, such that the USACE cannot conduct all the necessary surveys to fully identify and evaluate historic properties, fully determine adverse effects of the Project on historic properties, or resolve adverse effects through avoidance, minimization or mitigation; and

WHEREAS, the USACE has determined because implementation of the Preconstruction, Engineering and Design (PED) phase (where detailed engineering design will occur) is contingent on authorization and appropriation of funds by Congress, the USACE may implement PED in phases to the extent that design and/or construction authority is phased and funds are appropriated, so that efforts to identify and evaluate historic properties, determine effects from Project features, identify appropriate avoidance, minimization or mitigation, and conduct related consultation may occur over a period of multiple years as the design for each Project construction phase and/or feature is finalized; and

WHEREAS, the USACE has determined because participation in the Project is voluntary by the property owners of the 497 structures identified in the Recommended Plan, real estate interests will need to be secured from the property owners prior to construction of non-structural measures, and each structure will need to be individually inspected and assessed for structural integrity, building code compliance, and Hazardous, Toxic, or Waste (HTW) compliance, among other factors, the final selection of eligible structures for non-structural measures will occur during PED phase and not during the feasibility phase; and

WHEREAS, the USACE intends to comply with Section 106 through the utilization of

phased identification and evaluation efforts, pursuant to 36 CFR § 800.4(b)(2), and phased application of criteria of adverse effect, pursuant to 36 CFR § 800.5(a)(3); and

WHEREAS, the USACE recognizes its responsibilities under Section 110(f) of the NHPA (54 U.S.C. 306107), which requires the agency, through its planning and actions, to minimize harm to the identified NHLs within the APEs (detailed in Attachment B) to the maximum extent possible; and

WHEREAS, the USACE has determined that as Project non-structural measures are further designed during the PED phase of the Project, the APEs may be further refined, cultural resources surveys to be conducted may identify additional historic properties within the APEs, effects on historic properties and NHLs may be further identified, or historic properties may be removed from the Project due to property owners declining to participate or structures being found ineligible for the Project; and

WHEREAS, the USACE has complied with Section 110(f) of the NHPA for the undertaking to the maximum extent possible to avoid, minimize harm to or else mitigate adverse effects on NHLs during the feasibility (planning) phase of the Project. The USACE recognizes that potential effects to NHLs cannot be fully determined prior to approval of this complex undertaking and will continue to comply with Section 110(f) of the NHPA during the PED phase of the undertaking through use of this PA. ; and

WHEREAS, the USACE intends to ensure compliance for all Project phases and features with Sections 106 and 110(f) of the NHPA for the undertaking through the execution and implementation of this PA, pursuant to 36 CFR §§ 800.14(b)(1)(ii) and 800.14(b)(3); and

WHEREAS, the State of Rhode Island Historical Preservation & Heritage Commission, which serves as the RI SHPO, has concurred in the use of a PA and in being a Signatory to this PA; and

WHEREAS, the RICRMC is the non-Federal sponsor for this Project, and the USACE has invited the RICRMC to sign this PA as an Invited Signatory and the RICRMC has elected to participate; and

WHEREAS, pursuant to 36 CFR § 800.10(c), the USACE has notified the Secretary of the Interior (SOI) by letter dated October 13, 2022, invited the Secretary to participate, consulted with the National Park Service (NPS) Interior Region 1 Office regarding the effects of the undertaking on historic properties and NHLs, and has invited them to sign this PA as a Concurring Party and the NPS has elected to participate; and

WHEREAS, the USACE has consulted with Narragansett Indian Tribe, the Mashpee Wampanoag Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah) by letters dated May 25, 2022 and October 21, 2022, regarding the effects of the undertaking on

historic properties, has invited these Tribes to sign this PA as Concurring Parties. No Tribe has responded or elected to participate as a Concurring Party in this PA; and

WHEREAS, the USACE has consulted with Newport Restoration Foundation regarding the effects of the undertaking on historic properties and NHLs in the City of Newport and has invited them to sign this PA as a Concurring Party and they have elected to participate as a Concurring Party for structures and properties located in Newport, RI and on Aquidneck Island, RI; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) and § 800.10(a), the USACE has notified the Advisory Council on Historic Preservation (ACHP) of its intention to develop this PA by letter dated September 20, 2022, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, in accordance with 36 CFR § 800.2(d), the USACE has solicited public comment on the Project through the release of the draft Feasibility Report Environmental Assessment (IFREA), holding two public meetings, and publishing public notice and meeting information in local newspapers; and

WHEREAS, the RI SHPO, the NPS, the RICRMC, and the Newport Restoration Foundation (for properties located in Newport, RI and on Aquidneck Island, RI) are hereinafter collectively referred to as Consulting Parties; and

NOW, THEREFORE, the USACE, the RISHPO, the ACHP, and the RICRMC (hereinafter collectively referred to as Signatories) agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties and undertake appropriate planning and actions with regard to NHLs.

STIPULATIONS

The USACE shall ensure that the following measures are carried out consistent with this PA:

I. TIME FRAMES AND REVIEW PROCEDURES

For all draft and final documents and deliverables produced in compliance with this PA, the USACE shall provide documents electronically to the Consulting Parties for formal review and for communications among the Consulting Parties. Any written comments provided on draft documents within 30 calendar days from the date of receipt shall be considered in the revision of the document or deliverable. The USACE shall document and report the written comments received for the document or deliverable and how comments were addressed. The USACE shall provide a revised final document or deliverable to the Consulting Parties. The Consulting Parties shall have 30 calendar

days to respond. Failure of the Consulting Parties to respond within 30 calendar days of receipt of any document or deliverable shall not preclude the USACE from moving to the next step in this PA. A copy of the final document shall be provided to the Consulting Parties subject to the limitations in Stipulation VIII (Confidentiality).

II. AREAS OF POTENTIAL EFFECTS

A. APEs for the Project were determined by the USACE based upon feasibility-level design and in consultation with the Consulting Parties. APE 1 is the geographic area consisting of the 497 structures and their immediate footprint selected for non-structural measures in the Recommended Plan of the IFREA and depicted in Attachment A to this PA. APE 2 is the corresponding viewshed for historic properties with a view of the non-structural measures, to include direct, indirect, and cumulative effects. APE 2 (the visual APE) will, at a minimum, include historic properties within a 500 foot (ft) radius of the construction of the non-structural measures. The USACE shall reconsider and expand APE 2, as appropriate, based upon the individual circumstances for each structure as evaluated in the PED phase. Design and construction of the Project may occur in phases in which various components of the Project shall be funded and designed separately. The USACE shall refine and consult on the development of each Project phase, and consult on the APEs for each Project feature throughout PED.

B. The USACE shall revise the APEs where necessary as project designs and details become available to incorporate all areas that will be directly, indirectly, or cumulatively affected by the Project. Specifically, the USACE shall reconsider APE 2 based upon individual circumstances (i.e. topography, elevation height) for each structure and expand APE 2 if warranted. If the USACE revises the APEs or an individual component of the APEs, the USACE shall consult with the Consulting Parties on that revision in accordance with Stipulation I (Timeframes and Review Procedures). The Consulting Parties may also recommend revisions to the APE based on design changes or as circumstances warrant during the PED phase. The USACE shall consult with the Consulting Parties on recommended revisions in accordance with Stipulation I (Timeframes and Review Procedures) and make a determination of the final APE for each Project phase. After consultation with the Consulting Parties, the new amended APEs will be appended to this PA in Attachment A.

C. The USACE shall determine the potential for the Project to affect historic properties in a revised APE in consultation with the Consulting Parties pursuant to 36 CFR §§ 800.3 - 800.5. If the USACE assesses the Project as proposed and determines that Project designs may cause additional/different effects of a direct, indirect, or cumulative nature, then the APE should be modified, and the USACE shall consult on the modified APE and its assessment of effects in accordance with Stipulation I (Timeframes and Review Procedures) and Stipulation III.B (Assessment of Effects). Revisions to the APEs will not necessitate amendments to this PA.

III. TREATMENT OF HISTORIC PROPERTIES

A. Identification and Evaluation.

The USACE shall complete the identification and evaluation of historic properties as early as practical, following Project/Project component authorization and receipt of funding, to assist in the avoidance and minimization of historic properties well in advance of Project construction. Upon Project/Project component authorization and appropriation of funds, the USACE Cultural Resource Specialist shall serve as the lead point of contact (POC) for this PA and undertaking. The USACE Cultural Resource Specialist shall meet the *SOI Historic Preservation Professional Qualifications Standards*, as specified in 36 CFR Part 61 for archaeology, history, architectural history, architecture, or historic architecture. The USACE Cultural Resource Specialist will begin consultation with the Consulting Parties regarding PED timeframes, cultural resources surveys, proposed construction schedules, and how each Project phase or feature will be identified, delineated, and effects assessed within two (2) months of receiving funding at the New England District level. If the Project is funded by Project feature or in phases, the USACE will inform the Consulting Parties and consult on the manner in which the USACE proposes to order the identification and evaluation of historic properties and make subsequent determination of effects for each Project phase or feature.

1. Above-Ground Structures. The USACE shall initiate a historic properties identification survey of all above-ground buildings and structures within the APEs, agreed to under Stipulation II (Areas of Potential Effects) and consistent with the *SOI's Standards and Guidelines for Archeology and Historic Preservation* (48 F.R. 44716-44740), as design details and funding becomes available. USACE shall ensure that qualified professionals meeting the National Park Service professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all identification and evaluation plans related to this undertaking. For above-ground structures, this will include individuals who meet the *SOI Historic Preservation Professional Qualifications Standards* (36 CFR 61) for history, architectural history, architecture, or historic architecture as appropriate to the properties in question.

a. Prior to initiation of a survey, the USACE shall submit a research design for the proposed survey for review and comment by the Consulting Parties consistent with Stipulation I (Timeframes and Review Procedures). Surveys shall ensure that above-ground historic and architectural resources such as historical structures, buildings, historical engineering features, cemeteries, landscapes, viewsheds, and traditional cultural properties (TCPs), are recorded. Recordation of historic properties shall be prepared using the appropriate SHPO site form.

b. Surveys will identify historic properties within the APEs and determine if these properties are eligible for inclusion in the NRHP individually or as a contributing element to a historic district.

c. The USACE shall submit identification and evaluation survey reports to Consulting Parties for review and comment consistent with Stipulation I (Timeframes and Review Procedures).

2. Archaeological Resources. The USACE shall initiate a historic properties identification survey of archaeological resources within the final non-structural measures APE, agreed to under Stipulation II (Areas of Potential Effects) and consistent with the SOI's *Standards and Guidelines for Archeology and Historic Preservation* (48 F.R. 44716-44740) as design details and funding becomes available. Archaeological and above-ground historic and architectural surveys may be combined as project design and APE finalization allows.

a. Prior to initiation of a survey, the USACE shall submit a research design for the proposed survey for Consulting Party review and comment consistent with Stipulation I (Timeframes and Review Procedures). Surveys and associated reporting will comply with all applicable guidelines and requirements specified in the RI SHPO's *Performance Standards and Guidelines for Archaeology in Rhode Island* (June 2021). Surveys shall ensure that archaeological resources are recorded. Recordation of archaeological sites and any identified TCPs shall be recorded using the appropriate SHPO site forms.

b. Surveys will identify archaeological resources within the APE and determine if these properties are eligible for inclusion in the NRHP individually or as a contributing element to a district. Due to the urban environment of the Project, there will be portions of the APE that cannot be surveyed prior to construction; therefore, the archaeological report will evaluate the potential for the APE to contain archaeological resources and recommend locations for archaeological monitoring during construction of the Project.

c. The USACE shall submit identification and evaluation survey reports to Consulting Parties for review and comment consistent with Stipulation I (Timeframes and Review Procedures).

3. NRHP Eligibility Determinations. The USACE shall determine NHRP eligibility based on identification and evaluation efforts and consult with the Consulting Parties regarding these determinations. NHRP eligibility determinations shall be resolved using the procedures set forth in 36 CFR §§ 800.4(c)(1-2).

B. Assessment of Effects.

The USACE has determined that Project construction of non-structural measures may

adversely affect NRHP listed properties and/or NHLs. However, due to schedule and budgetary constraints during the feasibility study resulting in a lack of detailed engineering design of Project features, that participation in the Project is voluntary, and that individual structures must be deemed eligible for the Project during the PED phase, the effects of the Project to historic properties, NHLs, or other historic properties yet to be identified are still unknown and will require phasing of the assessment of effects. Provisions for avoidance, minimization, and/or mitigation of adverse effects are outlined in Stipulation III.B.3 (Avoidance and Minimization of Adverse Effects) In accordance with 36 CFR § 800.14, the USACE may implement the Project in a phased approach as funding is appropriated and construction authority is provided and, as a result, the USACE may make multiple identification surveys and historic property evaluations. If the Project is funded by Project feature or in phases, the USACE will inform the Consulting Parties and consult on the manner in which the USACE proposes to order the identification and evaluation of historic properties and make subsequent determination of effects for each Project phase, feature, type of effect, or individual APE. Consultation and agreement of a project schedule and delineation of Project phase or feature will begin within two (2) months of receiving funding at the New England District level. Once funding is received and a project schedule is identified, the USACE shall prioritize required cultural resources, architectural, and architectural surveys and viewshed analyses in order to assess project effects and avoid or minimize adverse effects to NHLs and historic properties as early as possible during the PED phase of the Project.

1. Findings of No Historic Properties Affected.

a. Basis for Finding. The USACE shall make findings of “no historic properties affected” for each project phase or feature under the following circumstances:

- i. If no historic properties are present in the APE; or
- ii. The project phase or feature shall avoid effects to historic properties, including cumulative effects, as defined in 36 CFR § 800.16(i).

b. The USACE shall notify the Consulting Parties of each finding and provide supporting documentation in accordance with 36 CFR § 800.11(d). Unless a Consulting Party(s) objects to a finding within 30 days, the USACE shall conclude review for that portion of the Undertaking.

c. If a Consulting Party(s) objects within 30 days to a finding of “no historic properties affected,” the USACE shall consult with the objecting Party(s) to resolve the disagreement. If the USACE is unable to resolve the objection, the USACE will proceed in accordance with the procedures set out in 36 CFR §§ 800.4(d)(1)(ii-iv).

2. Findings of No Adverse Effect.

a. Basis for Finding. If the USACE determines that a specific project phase or feature

does not meet the adverse effect criteria, or the effect to a historic property is consistent with the SOI's *Standards for Rehabilitation & Guidelines on Flood Adaptation for Rehabilitating Historic Buildings*, the SOI's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, and meets the SOI's *Standards for Rehabilitation*, the USACE shall propose a finding of "no adverse effect" and consult with the Consulting Parties in accordance with 36 CFR § 800.5(b) and following steps i-iii below.

i. The USACE shall notify the Consulting Parties of its finding; describe any Project specific conditions and/or modifications required for the project phase or feature to avoid adverse effects to historic properties; and provide supporting documentation pursuant to 36 CFR § 800.11(e).

ii. Unless a Consulting Party(s) objects within 30 days, the USACE will proceed with its "no adverse effect" determination and conclude review for that portion of the Undertaking.

iii. If a Consulting Party(s) objects within 30 days to a finding of "no adverse effect," the USACE will consult with the objecting Consulting Party(s) to resolve the disagreement in accordance with the process set out in 36 CFR §§ 800.5(c)(2-3).

3. Avoidance and Minimization of Adverse Effects.

a. National Historic Landmarks: In order to minimize harm to NHLs to the maximum extent possible pursuant to Section 110(f) of the NHPA (54 U.S.C. § 306107) and 36 CFR § 800.10, the USACE has identified all NHLs within the undertaking's APEs during the feasibility phase and planning of the undertaking. The USACE recognizes that any potential harm to NHLs cannot be fully determined prior to approval of this complex undertaking. During the PED phase, the USACE shall prioritize surveys to identify properties and structures within an NHL, consult with the Consulting Parties and ACHP in accordance with 36 CFR § 800.10, and give special consideration to protecting NHLs. While the non-structural measures constructed in an NHL will be limited to structure elevation or flood-proofing, the USACE shall consult with the Consulting Parties and ACHP on measures and approaches to minimize harm to structures within the NHL and to preserve their historic, archeological, architectural, and cultural values. The USACE shall apply the SOI's *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* and the SOI's *Standards for Rehabilitation* to avoid or minimize adverse effects from the undertaking. In addition to adhering to and implementing the SOI's *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* and the SOI's *Standards for Rehabilitation*, the USACE shall also apply other appropriate historic resource guidelines or standards (such as the Newport Historic District Commission's *Design Guidelines for Elevating Historic Buildings*, January 2020), as appropriate.

b. Historic Properties: Avoidance of adverse effects to historic properties is the preferred treatment approach. The USACE will consider redesign of elements of the

project phase or feature in order to avoid and/or minimize Project effects to historic properties that may be adverse. The USACE shall prioritize identifying and implementing avoidance measures and approaches to historic properties, and shall note avoidance measures and approaches, as appropriate, in submittals provided to the Consulting Parties.

i. Alternatives or modifications to the Project phase or feature that would avoid or minimize adverse effects on historic properties shall be provided to the Consulting Parties for review and comment in accordance with Stipulation I (Timeframes and Review Procedures).

ii. After all comments provided by Consulting Parties in accordance with Stipulation I (Timeframes and Review Procedures) have been addressed, the USACE shall make a determination of effect in accordance with the process described in Stipulation III.B.2 (Findings of No Adverse Effect) or Stipulation III.B.4 (Determination of Adverse Effect) below.

4. Determination of Adverse Effect.

a. If the USACE determines that a specific Project phase or feature may adversely affect a historic property, the USACE shall notify the Consulting Parties and the ACHP of the “adverse effect” determination, document why the effect cannot be avoided, and outline the alternatives considered to avoid, minimize, or mitigate adverse effects.

b. To continue to resolve the adverse effects in accordance with 33 CFR § 800.6, the USACE shall consult with the Consulting Parties and ACHP as outlined in Stipulation III.C (Historic Properties Treatment Plan) below.

C. Historic Properties Treatment Plan.

1. If the USACE determines that undertaking activities will result in adverse effects to a historic property, the USACE, in coordination with the Consulting Parties, shall develop a Historic Properties Treatment Plan (HPTP) to resolve adverse effects resulting from the undertaking. A HPTP shall be developed after the USACE notifies the Consulting Parties of a determination of “adverse effect” for a particular project phase or feature, but before construction of the phase or feature commence.

2. A HPTP shall specify the minimization and mitigation measures necessary to resolve the adverse effects on historic properties. Development of appropriate measures shall begin by applying the SOI’s *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* and the SOI’s *Standards for Rehabilitation*. Proposed mitigation measures may include, but are not limited to, HABS/HAER documentation, historic markers, wayfinding signage, interpretive brochures, publications, updates to NRHP and/or

NHL nomination forms, and other forms of appropriate mitigation depending on the historic property's criterion for eligibility. The HPTP shall include a general schedule of work for each Project phase or feature and provide a schedule of key Project milestones and decision points to discuss opportunities for Project modification(s) with the Consulting Parties.

3. Where a historic property is under private ownership, the Consulting Parties shall to the maximum extent practicable involve the private owner(s) in the development of measures for the HPTP, provided that the HPTP measures to be developed are no more costly or extensive than would be for a comparable property under public ownership. Where a private owner refuses to participate in the development of an HPTP, the Consulting Parties may elect to develop an HPTP without the owner's participation. Under no circumstances will the USACE be responsible for a private owner's refusal to participate in the development of an HPTP or the refusal to conduct onsite mitigation.

4. The USACE shall ensure that the provisions of a HPTP, as developed in the consultation with the Consulting Parties and agreed to by the Signatories are documented in writing and implemented. A HPTP shall be appended to this PA in Attachment C without amending the PA. The use of a HPTP to resolve adverse effects resulting from the Project shall not require the execution of an individual Memorandum of Agreement or Programmatic Agreement and shall follow the provisions below (a-f).

a. Development. The USACE shall develop a HPTP in consultation with the relevant Consulting Parties after a determination of adverse effect is made in accordance with Stipulation III.B.4.

b. Review. The USACE shall submit a draft HPTP to the relevant Consulting Parties for review and comment pursuant to Stipulation I (Timeframes and Review Procedures).

c. Concurrence. Following review and acceptance of the HPTP, Consulting Parties and the ACHP will be provided with the final HPTP, which will be appended to this PA in Attachment C and implemented in a manner consistent with the procedures outlined in this PA and the HPTP. The HPTP shall be implemented prior to any construction or other activity associated with the undertaking that would adversely affect a historic property. Should the relevant Concurring Parties be unable to agree on a HPTP, the USACE shall proceed in accordance with Stipulation IX (Dispute Resolution)

d. Reporting. Reports and other data pertaining to the treatment on effects to historic properties will be distributed to the Consulting Parties and the public, consistent with Stipulation VIII (Confidentiality), unless a Party(s) indicated through consultation that it does not want to receive a report or data. Reports will be consistent with the procedures outlined in the appropriate RI SHPO and SOI guidelines and requirements.

e. Amendments/Addenda/Revisions. If a historic property, which is not covered by an existing HPTP, is discovered within the APEs subsequent to the initial inventory effort, if there are previously unanticipated effects to a historic property, or if the USACE and

relevant Consulting Parties agree that a modification to the HPTP is necessary, the USACE shall prepare an addendum to the HPTP. If necessary, the USACE shall then submit the addendum to the relevant Consulting Parties and follow the provisions of Stipulation I (Timeframes and Review Procedures) and, if necessary, shall follow the provisions of Stipulation IV (Inadvertent Discoveries and Unanticipated Effects). The HPTP may cover multiple discoveries for the same property type. Should the Concurring Parties be unable to agree on an HPTP addendum, the USACE shall proceed in accordance with Stipulation IX (Dispute Resolution).

f. Final Report Documenting Implementation of HPTP(s). Within one year after the completion of all construction for the Project, the USACE shall submit to the Consulting Parties a Final Report documenting the results of all work prepared under the HPTP. The USACE may extend this period through written consent of the Parties. The submittal of the Final Report shall be in accordance with Stipulation I (Timeframes and Review Procedures) and Stipulation VIII (Confidentiality).

IV. TRIBAL CONSULTATION

During any point during design or construction of a Project phase or feature that may affect historic properties, particularly TCPs or human remains of Native American Origin, any Indian Tribe(s) may request to consult on the undertaking whether or not the Tribe(s) is a Concurring Party to this PA. If requested, the USACE will consult with the Tribe(s) on a government-to-government basis in recognition of their sovereign status.

V. INADVERTENT DISCOVERIES AND UNANTICIPATED EFFECTS

A. If historic properties are inadvertently discovered or if unanticipated adverse effects on known historic properties are made during implementation of a Project phase or feature, the USACE will ensure that the following stipulations are met, and that the following provisions will be included in all construction plans.

B. When a previously unidentified cultural resource, including but not limited to, archaeological sites, standing structures, and properties of traditional religious and cultural significance to Indian Tribes, are discovered during the execution of the undertaking, or unanticipated effects to historic properties are made during implementation of the undertaking where a “no adverse effects” determination was previously made, the individual(s) who made the discovery shall immediately notify the USACE Project Manager (PM) and Project cultural resources specialist, secure the vicinity, make a reasonable effort to avoid or minimize harm to the resource, and comply with the following:

1. All ground-disturbing activities shall cease for the Project phase or feature within a minimum of 50 feet from the inadvertent discovery.

2. The USACE will notify the Consulting Parties by email or telephone within 48 hours of the discovery or unanticipated effect.

3. The USACE will consult with the Consulting Parties by email or telephone to determine whether additional investigations are needed to determine if the resource is a historic property or if the available information is sufficient to make such a determination.

a. If the USACE determines through consultation that the resource does not warrant further investigation, it will provide written notification by email to the Consulting Parties, outlining the USACE's justification and requesting concurrence. If no comments are received within 72 business hours of acknowledgment of receipt, construction may resume.

b. If the USACE determines through consultation that the site warrants further investigation, a scope of work will be developed consistent with the standards in Stipulation III (Treatment of Historic Properties).

i. The scope of work will be submitted to the Consulting Parties for review and comment within a time frame established in the scope of work. If no comments are received within this period, work shall be implemented in accordance with the scope. If comments are received, the USACE shall take them into account and carry out the scope of work. A report of the investigations will be completed within the time frame established by the scope of work and copies provided to all Consulting Parties. Should any Consulting Party object to the proposed work plan or results, the USACE shall resolve the objection within 5 business days..

ii. If the resources are found to be ineligible for listing in the NRHP, construction may proceed as planned.

iii. If the resources are determined to be eligible for listing in the NRHP, the USACE shall then initiate communication with the undertaking design team to determine if alternative design or construction methods can be implemented to avoid, protect, or minimize adverse effects to the resource. If the resources cannot be avoided by construction activities, the USACE shall adhere to the measures in accordance with Stipulation III.C (Historic Properties Treatment Plan). Undertaking activities will remain suspended until the USACE resolves the adverse effect.

c. Inadvertent discovery and the treatment of human remains is governed by Stipulation VI (Treatment of Human Remains).

VI. TREATMENT OF HUMAN REMAINS

A. The USACE will make every effort to avoid the disturbance of historic and prehistoric human remains. If human remains are identified, the individual(s) who made the discovery shall immediately notify the USACE and the undertaking's PM and Project cultural resources specialist, secure the vicinity, make a reasonable effort to stop and avoid further disturbance of the remains and comply with the following:

1. If encountered, human skeletal remains and the artifacts found in association with human remains, whether in association with marked graves or unmarked burials, will be left in situ, and all ground-disturbing work within 50 feet of the remains will cease.

2. The USACE will notify the Consulting Parties by email or telephone within 48 hours of the discovery or unanticipated effect.

3. The USACE will notify the District Medical Examiner or the State Archaeologist within 24 hours.

i. If upon inspection by the appropriate legal authorities, the remains are determined to be a criminal matter and not archaeological, the USACE will ensure that appropriate legal and contractual requirements are followed.

ii. If the remains are determined to be archaeological, the State Archaeologist has jurisdiction to determine the appropriate treatment and options for the remains following additional coordination with the Consulting Parties.

B. USACE shall consult with any Indian Tribe(s) that claim cultural affiliation with the identified human remains and any associated funerary objects, sacred objects, and objects of cultural patrimony.

C. If human remains are identified during analysis of archaeological materials, the Consulting Parties will be immediately contacted to determine the appropriate treatment of the remains. No photographs or scientific analysis beyond the identification of the remains are permitted. Minimal contact with such remains is permitted by those conducting fieldwork or laboratory analysis.

VII. QUALIFICATIONS

A. Professional Qualifications. All key personnel for technical work and specialized analysis (i.e. Principal Investigator, Project Manager, Senior Archaeologist, Architectural Historian, Historic Architect, and Field Director) required for historic preservation activities implemented pursuant to this PA shall meet or exceed the SOI's *Historic Preservation Professional Qualification Standards* as specified in 36 CFR Part 61 for archaeology, history, architectural history, or historic architecture as appropriate (48 F.R. 44739). The term "technical work" is defined as all efforts to inventory, evaluate, and perform subsequent treatment of potential historic properties that is required under this PA such as cultural resources surveys, architectural inventory, data recovery excavation or recordation. This stipulation shall not be construed to limit peer review, guidance, or editing of documents by Consulting Parties.

B. Historic Preservation Standards. Historic preservation activities carried out pursuant to this PA shall meet or exceed the Archaeology and Historic Preservation; Secretary of Interior's Standards and Guidelines (48 FR 44716-44740, September 29, 1983), the SOI's *Standards for Rehabilitation & Guidelines on Flood Adaptation for*

Rehabilitating Historic Buildings, as well as standards and guidelines for historic preservation activities established by the RI SHPO and NPS. The USACE shall ensure that all reports prepared pursuant to this PA will be provided to the Parties are distributed in accordance with Stipulation VIII (Confidentiality), and meet published standards of the RI SHPO.

VIII. PUBLIC COORDINATION AND PUBLIC NOTICE

The interested public will be invited to provide input during the implementation of this PA. The USACE shall carry this out through letters of notification, public meetings, environmental assessments, site visits and/or other appropriate methods. The USACE shall ensure that any comments received from members of the public are taken under consideration and incorporated where appropriate. Review periods shall be consistent with Stipulation I (Timeframes and Review Procedures). In seeking input from the interested public, locations of historic properties will be handled in accordance with Stipulation IX (Confidentiality).

XI. CONFIDENTIALITY

The USACE shall consult with the ACHP and NPS on a determination(s) to withhold from public disclosure information relating to the location, character, or ownership of a historic property in accordance with the provisions of Section 304 of the NHPA (54 USC § 307103) and 36 CFR § 800.11(c). The Consulting Parties and Signatories shall ensure that any disclosure of information under this PA is consistent with the terms of this PA and with the Freedom of Information Act (5 USC § 552), as amended. Confidentiality regarding the specific nature and location of the archaeological sites and any other cultural resources discussed in this PA shall be maintained to the extent allowable by law. Dissemination of such information shall be limited to appropriate personnel within the USACE (including their contractors), Consulting Parties and those parties involved in planning, reviewing, and implementing this PA. When information is provided to the USACE by the RI SHPO or others who wish greater control over the dissemination, the USACE will make a good faith effort to do so, provided that the information to be controlled and the rationale for withholding is clearly identified, to the extent permissible with applicable law.

X. DISPUTE RESOLUTION

A. At any time during the term of the PA, should any Signatory or Concurring Party object to any actions proposed or carried out pursuant to this PA, the USACE will immediately notify all the Parties of the objection and proceed to consult with the objecting Party(s) for a period of time, not to exceed thirty (30) calendar days, to resolve the objection. If the objection is resolved through consultation, the USACE may authorize the disputed action to proceed in accordance with the terms of such resolution. If the USACE determines that such objection cannot be resolved, the USACE will:

1. 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 and other relevant Consulting Parties, and provide the objecting party with a copy of the written response. The USACE will then proceed according to its final Agency decision.

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

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

XI. NOTICES

Unless otherwise agreed by all Consulting Parties, notices, demands, requests, consents, approvals or any other types of communications regarding this PA shall be sent digitally, requiring confirmation of receipt. If a party to this PA requests communication sent by United States Mail, that party shall be considered in receipt of the communication five (5) business days after the initial communication is deposited in the United States Mail, certified and postage prepaid, return receipt requested.

XII. AMENDMENTS, TERMINATION, AND DURATION

A. Amendment. Any Signatory Party to this PA may propose that the PA be amended, whereupon the USACE shall consult with the Signatories to consider such amendment. This PA may only be amended when all Signatories agree in writing to such an amendment. The amendment will be effective on the date it is signed by all Signatories and filed with the ACHP.

B. Amended Appendices. All appendices to this PA and other instruments prepared pursuant to this PA may be revised or updated by the USACE through consultation consistent with Stipulation I (Timeframes and Review Procedures) and written agreement of the Signatories without requiring amendment of this PA. In accordance with Stipulation VIII (Public Coordination and Public Notice), Consulting Parties will receive copies and interested members of the public will receive notice of any amendment(s) to the PA.

C. Termination.

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

2. Once the PA is terminated, and prior to work continuing on the undertaking, the USACE must either (a) execute an PA pursuant to 36 CFR § 800.6 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.

D. Duration. This PA shall remain in effect for a period of ten (10) years after the date it takes effect and shall expire at the end of this 10-year period, unless it is terminated prior to that time. No later than ninety (90) calendar days prior to the expiration date of the PA, the USACE shall initiate consultation with all Signatory Parties to determine if the PA should be allowed to expire or whether it should be extended. Unless the Signatories unanimously agree in accordance with Stipulation XI (Amendments, Termination, and Duration), this PA shall automatically expire and have no further force or effect.

XIII. THE ANTI-DEFICIENCY ACT

The USACE's obligations under this PA are subject to the availability of appropriated funds, and the stipulations of the PA are subject to the provisions of the Anti-deficiency Act, 31 USC § 1341, et seq. The USACE shall make reasonable and good faith efforts to secure the necessary funds to implement its obligations under this PA. If compliance with the Anti-deficiency Act alters or impairs the USACE ability to implement its obligations under this PA, the USACE shall consult in accordance with the amendment and termination procedures found in Stipulation XII (Amendments, Terminations and Duration).

XIV. MONITORING AND REPORTING

Each year following the execution of this PA until it expires or is terminated, the USACE shall provide all Concurring Parties, on or about the annual anniversary date of execution, a summary memorandum 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 efforts to carry out the terms of this PA. The annual report shall specify how Project/Project component design has been utilized to minimize harm to affected historic properties and NHLs to the maximum extent possible pursuant to Section 110(f) of the NHPA and 36 CFR § 800.10. The annual report also shall include an updated digital copy of the PA that includes approved HPTPs, as well as APE revisions and updates to Attachments A-C

XV. EFFECTIVE DATE

This PA shall take effect on the date that it has been fully executed by the Signatory Parties.

XVI. EXECUTION

By execution of this PA in the pages provided below, the Signatory Parties agree to the terms of this PA, and the execution and the implementation of the terms of this PA by the Signatory Parties evidence that the USACE has taken into account the effects of these undertakings on historic properties and afforded the ACHP an opportunity to comment, and has to the maximum extent possible undertaken such planning and actions as are necessary to minimize harm to NHLs.

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM
RISK MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON,
EAST GREENWICH, EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT,
NEW SHOREHAM, NEWPORT, NORTH KINGSTOWN, PORTSMOUTH,
SOUTH KINGSTOWN, TIVERTON, WARREN, AND WARWICK, RHODE ISLAND

SIGNATORY:

U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT

BY:  _____


DATE: 06 January 2023

John A. Atilano II
Colonel, Corps of Engineers
District Commander

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK
MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST
GREENWICH, EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW
SHOREHAM NEWPORT, NORTH KINGSTOWN, PORTSMOUTH, SOUTH
KINGSTOWN, TIVERTON, WARREN, AND WARWICK, RHODE ISLAND

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: 



DATE: 1/13/2023

Reid J. Nelson
Executive Director, Acting

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK
MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST
GREENWICH, EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW
SHOREHAM NEWPORT, NORTH KINGSTOWN, PORTSMOUTH, SOUTH
KINGSTOWN, TIVERTON, WARREN, AND WARWICK, RHODE ISLAND

SIGNATORY:

RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER

BY:   Digitally signed by Jeffrey D.
Emidy
Date: 2023.01.06 11:23:50
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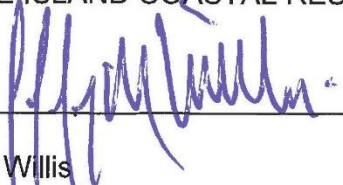
Jeffrey Emidy
Interim State Historic Preservation Officer

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK
MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST GREENWICH,
EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW SHOREHAM NEWPORT,
NORTH KINGSTOWN, PORTSMOUTH, SOUTH KINGSTOWN, TIVERTON, WARREN, AND
WARWICK, RHODE ISLAND

INVITED SIGNATORY:

RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL

BY: _____



Jeffrey Willis
Executive Director

DATE: _____

10 Jun 2023

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK
MANAGEMENT PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST
GREENWICH, EAST PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW
SHOREHAM NEWPORT, NORTH KINGSTOWN, PORTSMOUTH, SOUTH
KINGSTOWN, TIVERTON, WARREN, AND WARWICK, RHODE ISLAND

CONCURRING PARTIES:

NATIONAL PARK SERVICE, INTERIOR REGION 1, NORTH ATLANTIC-
APPALACHIAN

BY: **MARY EYRING** Digitally signed by MARY EYRING
Date: 2023.01.27 08:01:05 -05'00'

DATE: _____

Shaun Eyring
Cultural Resources Manager

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT;
THE RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL
REGARDING THE RHODE ISLAND COASTLINE, COASTAL STORM RISK MANAGEMENT
PROJECT IN BARRINGTON, BRISTOL, CRANSTON, EAST GREENWICH, EAST
PROVIDENCE, LITTLE COMPTON, NARRAGANSETT, NEW SHOREHAM NEWPORT, NORTH
KINGSTOWN, PORTSMOUTH, SOUTH KINGSTOWN, TIVERTON, WARREN, AND
WARWICK, RHODE ISLAND

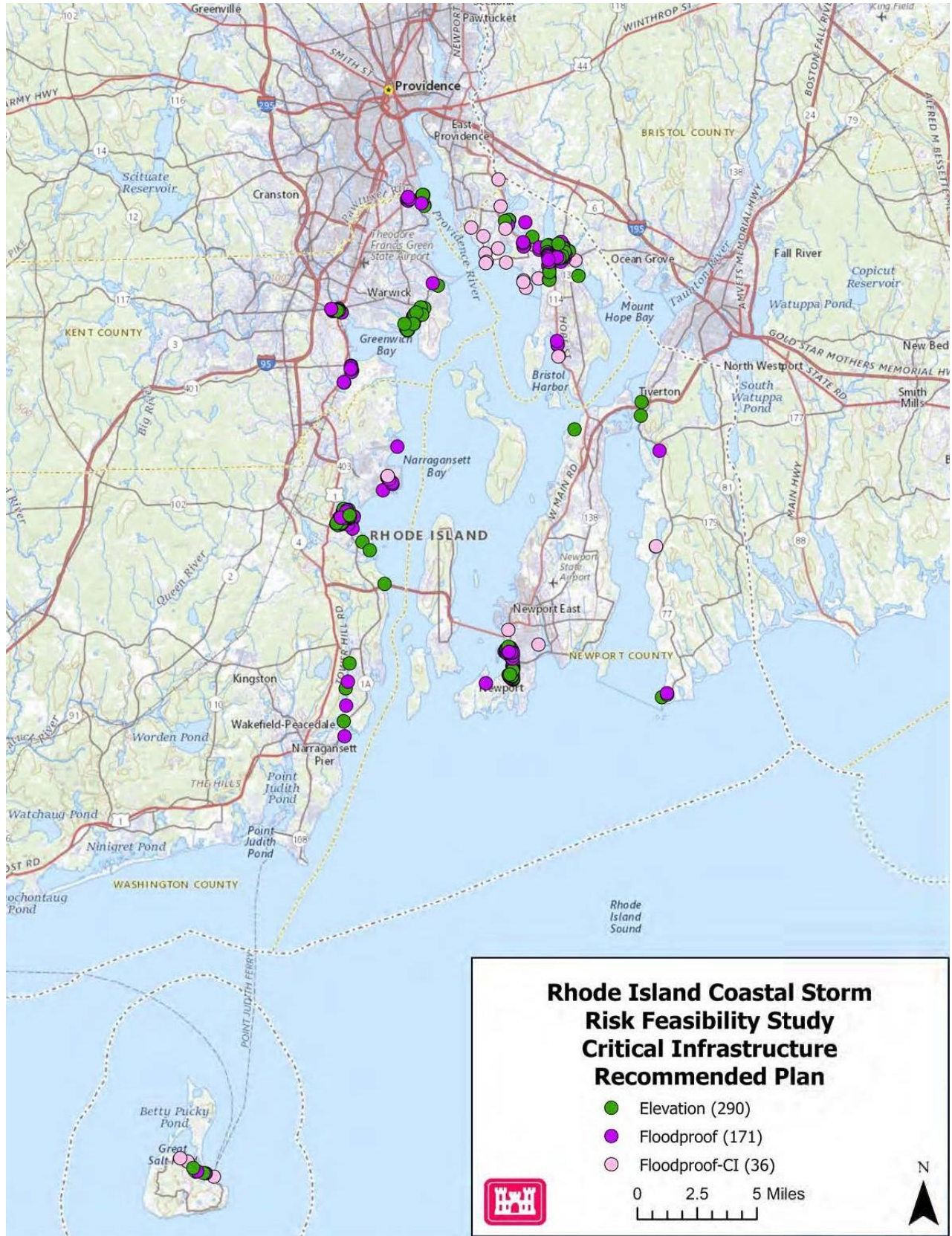
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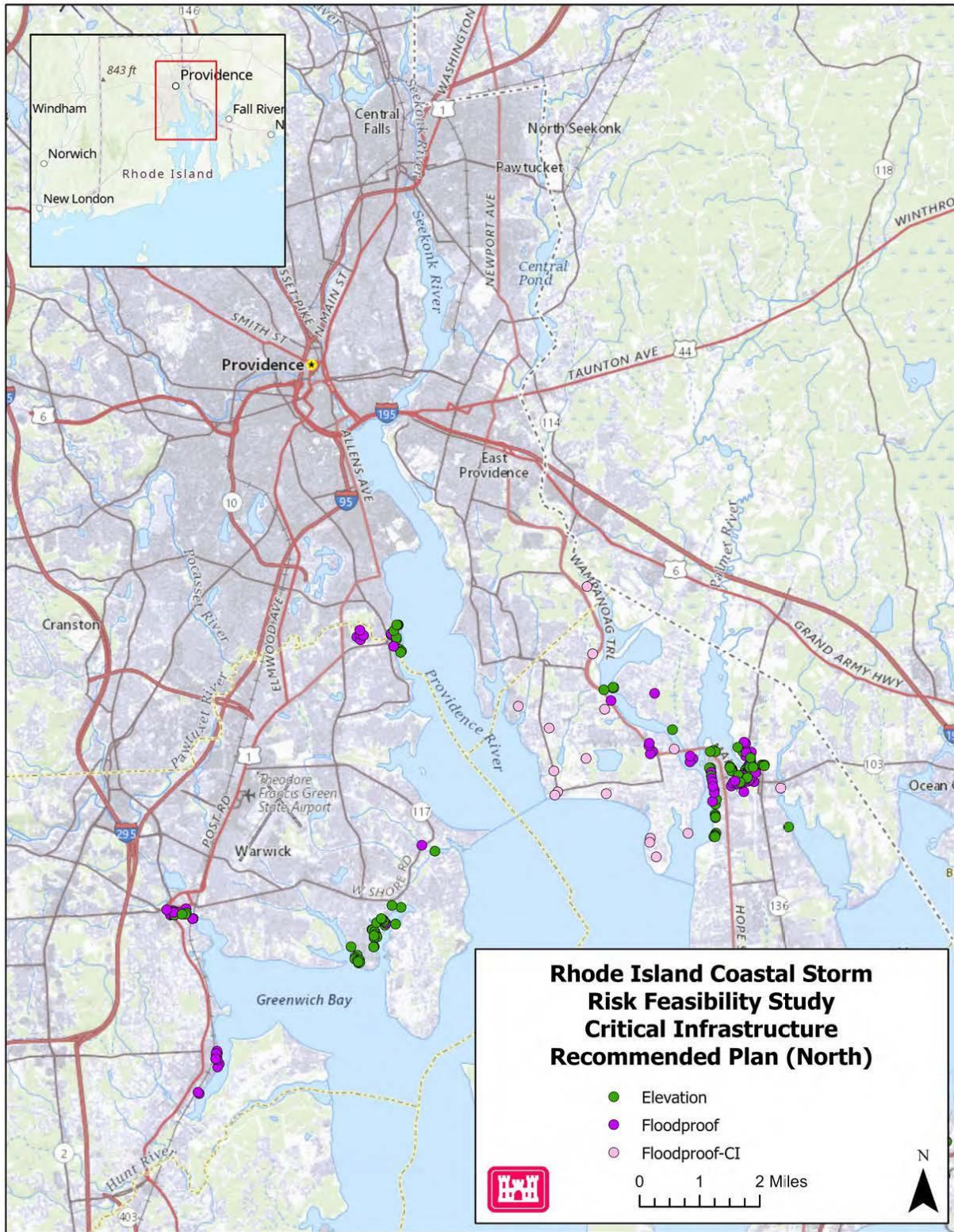
NEWPORT RESTORATION FOUNDATION

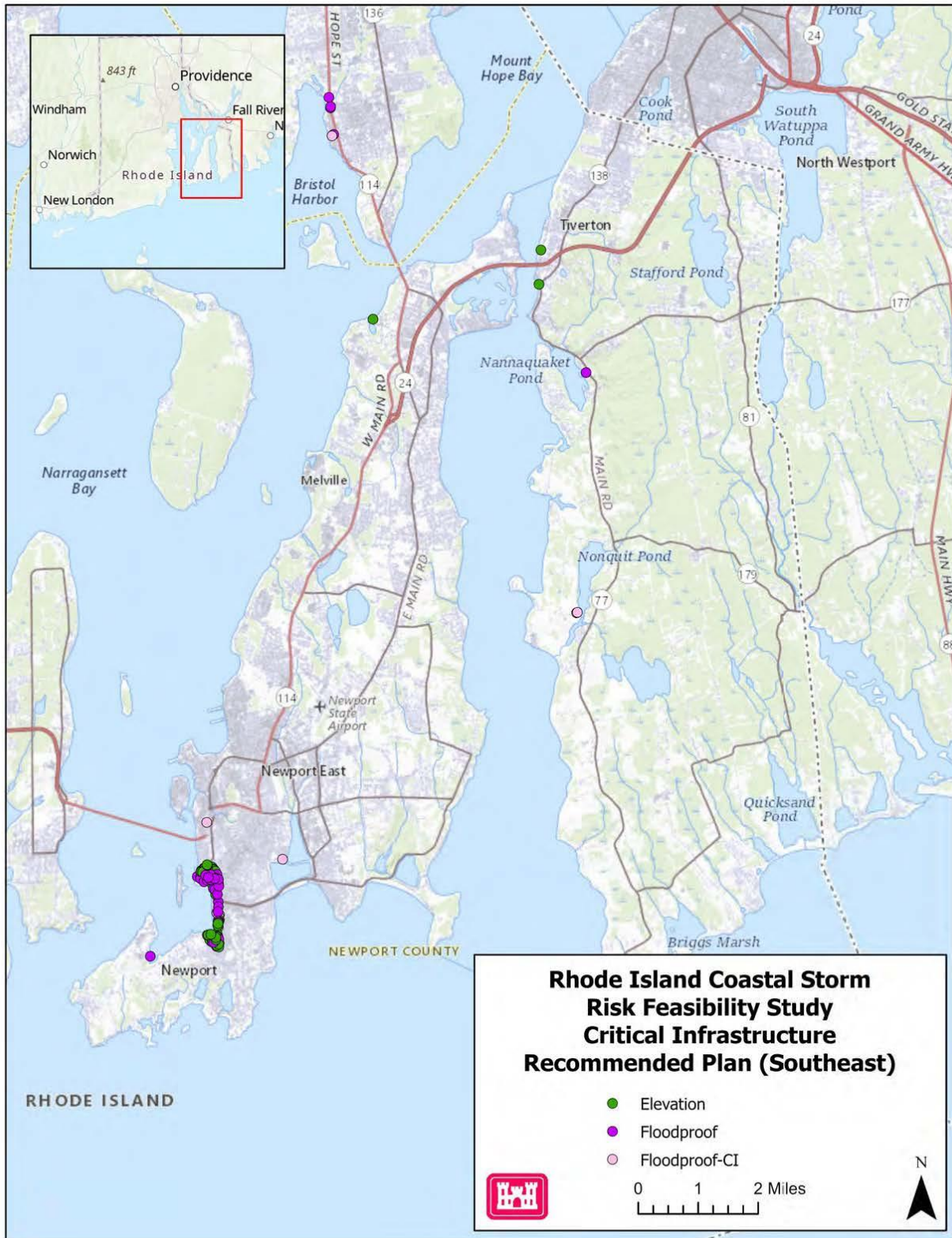
BY: Amy Elizabeth Winsor DATE: 1/11/2023

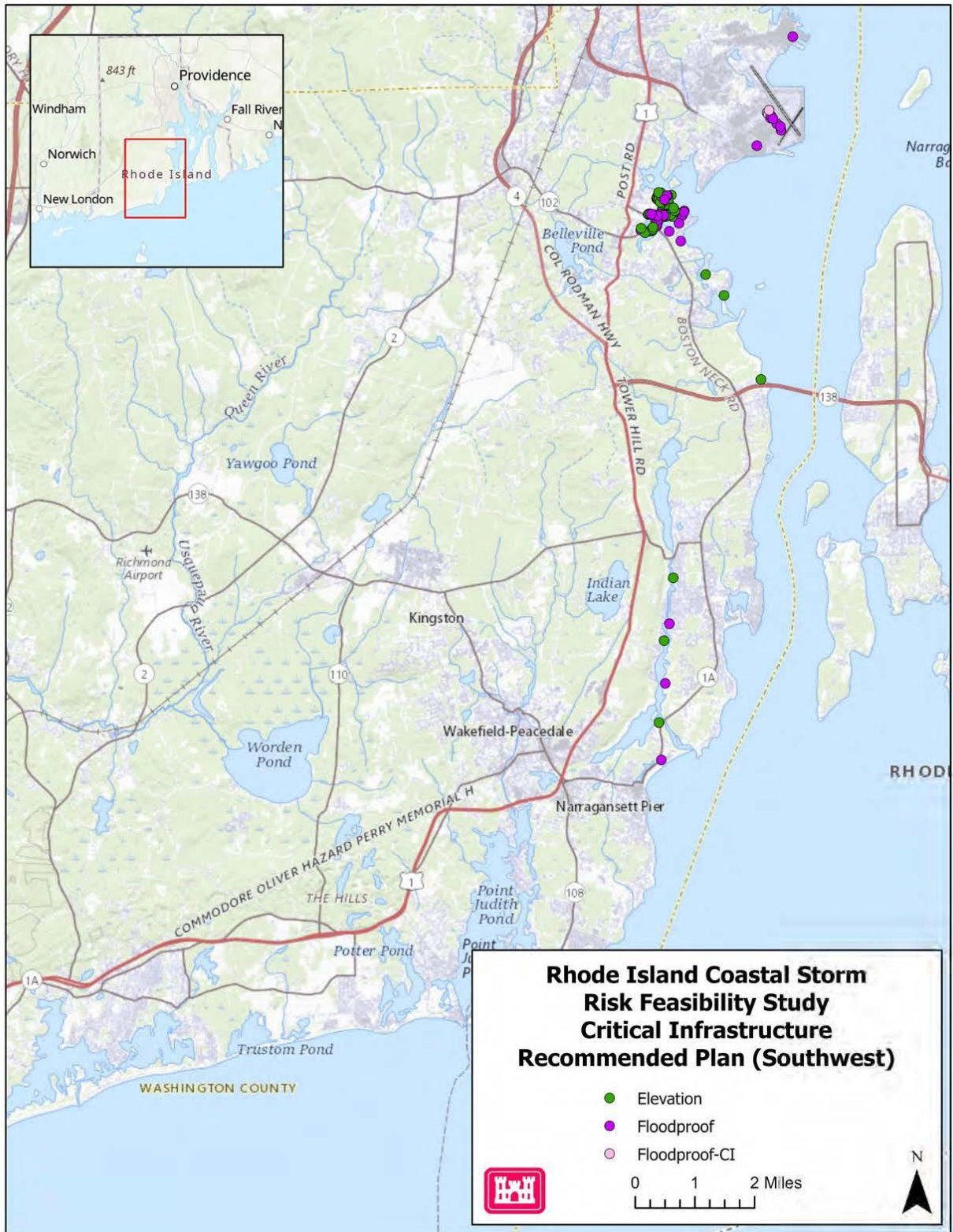
Amy-Elizabeth Winsor
Chief Operating Officer

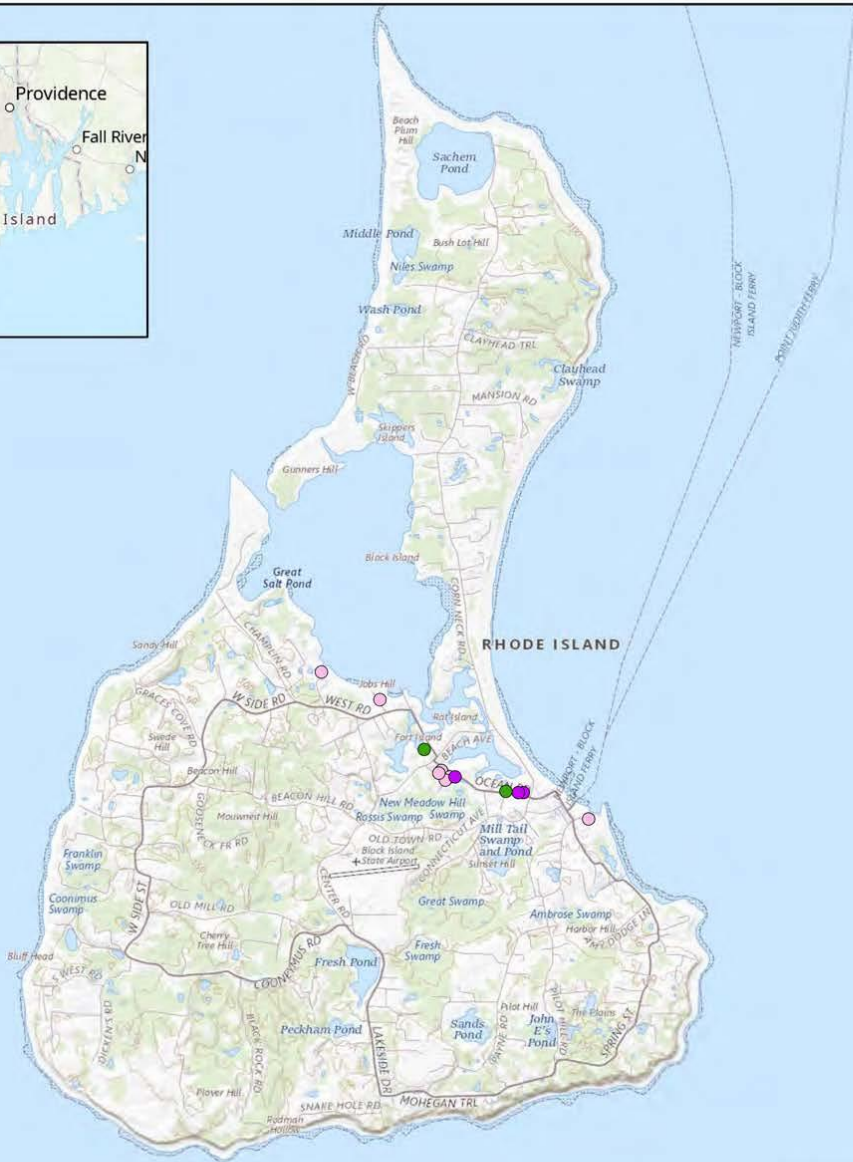
ATTACHMENT A
AREAS OF POTENTIAL EFFECT





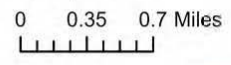






**Rhode Island Coastal Storm Risk Feasibility Study
Critical Infrastructure
Recommended Plan (Block Island)**

- Elevation
- Floodproof
- Floodproof-CI



ATTACHMENT B
IDENTIFIED NRHP AND NHL PROPERTIES

PREVIOUSLY IDENTIFIED HISTORIC PROPERTIES WITHIN THE
 AREAS OF POTENTIAL EFFECT
 (DEFINED AS LOCATION OF 497 STRUCTURES IN RECOMMENDED PLAN AND
 NEARBY VIEWSHED OF HISTORIC PROPERTIES, DISTRICTS AND NATIONAL
 HISTORIC LANDMARKS; NUMBERS ARE APPROXIMATE)

Resource	Town/City	Type	Structures Within	Structures within 1 mile Vicinity
Bristol Waterfront Historic District	Bristol	HD	4	1
Pawtuxet Village Historic District	Cranston/Warwick	HD	12/15	
East Greenwich Historic District	East Greenwich/Warwick	HD	8	2
Great Salt Pond Archaeological District	New Shoreham	HD	11	
Old Harbor Historic District	New Shoreham	HD	1	
Fort Adams National Historic Landmark	Newport	NHL	1	
Newport National Historic Landmark District	Newport	NHL	45	37
The Brick Market National Historic Landmark, 127 Thames Street	Newport	NHL		2
Perry Mill National Historic Landmark, 337 Thames Street (selected for floodproofing)	Newport	NHL	1	
Bellevue Avenue National Historic Landmark District	Newport	NHL		40

Ocean Drive National Historic Landmark District	Newport	NHL		40
Wickford Historic District	North Kingstown	HD	82	
Old Yellow, 6 Bay Street (within Wickford HD)	North Kingstown	HD	1	
Cook-Bateman Farm	Tiverton	HD	2	
Warren Waterfront Historic District	Warren	HD	24	
Apponaug Historic District	Warwick	HD	10	

APPENDIX H2

Section 106 NHPA Coordination Letters and Responses

May 25, 2022

Planning Division
Environmental Branch

Mr. Jeffrey Emidy, Interim Executive Director and Deputy SHPO
Rhode Island Historical Preservation & Heritage Commission
150 Benefit Street
Providence, Rhode Island 02903

Dear Mr. Emidy:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Integrated Feasibility Report and Environmental Assessment for the Rhode Island Coastline Coastal Storm Risk Management (RI CSR) Feasibility Study that will address flood risk along the coastal tributaries of southeastern RI from Narragansett Bay to the Massachusetts border (see enclosures). We would like your formal comments in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

As a result of Hurricane Sandy, Congress authorized USACE to undertake the North Atlantic Coast Comprehensive Study (NACCS) to address flood risks of vulnerable coastal populations in areas affected by the storm. The NACCS identified nine (9) high-risk focus areas in the study area. Two (2) of these focus areas were located in Rhode Island. The first included the Rhode Island coastline from Point Judith eastward to the Massachusetts border and the second included the Rhode Island coastline from Point Judith westward to the Connecticut border. This study investigates the first focus area, with the inclusion of Block Island.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (Figure 1-3) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study utilized a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

Alternatives that were evaluated as part of this study included structural, non-structural, and natural or nature-based features (NNBF) that comprise coastal storm risk management measures. Structural alternatives included: storm surge barriers, beach nourishment, breakwaters/groins, levees, floodwalls, seawalls, and tide gates. Non-structural measures included: elevating structures, wet or dry floodproofing, relocations, and buy-outs or acquisitions. NNBF considered for this study were living shorelines and reefs.

Following screening of all alternatives including an evaluation of environmental effects and consequences, USACE arrived at the project's Tentatively Selected Plan which is an entirely nonstructural plan that includes 439 total structures – 263 residential recommended for elevation, and 176 non-residential recommended for floodproofing, located throughout the study area. The actual number of properties in the final report may change based upon updated cost estimates and further reviews.

For purposes of NHPA compliance, the Area of Potential Effect (APE) at this time is determined to be the location of the 439 structures as well as their surrounding footprints that may be subject to elevation or floodproofing, access and staging areas, and the surrounding historic, architectural, and archaeological viewshed where these structures are located in relation to their communities and identified historic properties and historic districts. An initial desktop cultural resources assessment of the APE with data provided by your office identified a variety of historic properties and historic districts as well as areas of archaeological sensitivity.

The following historic and/or archaeological districts have been identified within or adjacent to the project APE:

Barrington Civic Center Historic District, Barrington
Bristol Waterfront Historic District, Bristol
Great Salt Pond Archaeological District, New Shoreham, Block Island
Old Harbor Historic District, New Shoreham, Block Island
Pawtuxet Village Historic District, Cranston and Warwick
East Greenwich Historic District, East Greenwich
Brick Market/Perry Mill, Newport
Newport Historic District, National Historic Landmark, Newport
Ocean Drive Historic District, National Historic Landmark, Newport
Wickford Historic District, North Kingstown
Peacedale Historic District, South Kingstown
Wakefield Historic District, South Kingstown
Warren Waterfront Historic District, Warren
Apponaug Historic District, Warwick and
Warwick Civic Center Historic District, Warwick.

Please note that this is only a partial listing of recorded historic properties and does not include properties yet to be surveyed as well as archaeological resources and areas of sensitivity. Additional survey, assessment, and evaluation will be required to identify all known historic and archaeological sites in the APE following conclusion of the Feasibility Study.

Because USACE cannot fully determine how the project may affect historic properties prior to finalization of this feasibility study, we've prepared a Programmatic Agreement (PA) (36 CFR 800.14(b)(3)) that outlines the process to identify and evaluate historic properties and avoid, minimize, and, where possible, mitigate for any adverse impacts in accordance with Section 106 of the NHPA and implementing regulations (36 CFR 800). The PA allows USACE to complete the necessary historic, architectural and archaeological surveys during the follow-on Preconstruction Engineering and Design (PED) phase of the project, once the non-structural measures and identified properties have been confirmed. The draft PA is enclosed for your review and comment and will also be provided to identified interested parties including Native American Tribes and the historical organizations for each of the communities and outliers.

Therefore, pursuant to 36 CFR 800.4(b)(2) and 36 CFR 800.14(b)(1)(ii), USACE defers final identification and evaluation of historic properties until after project approval when additional funding becomes available during the PED phase, and through execution of an approved PA. We would

appreciate your concurrence with this determination. We will also contact the Advisory Council on Historic Preservation regarding development of the PA.

If you have any questions, please contact Ms. Janet Cote, Project Manager at 978-318-8728 or by email at: Janet.Cote@usace.army.mil or Mr. Marc Paiva, Archaeologist at 978-318-8796 or by email at: Marcos.A.Paiva@usace.army.mil.

Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

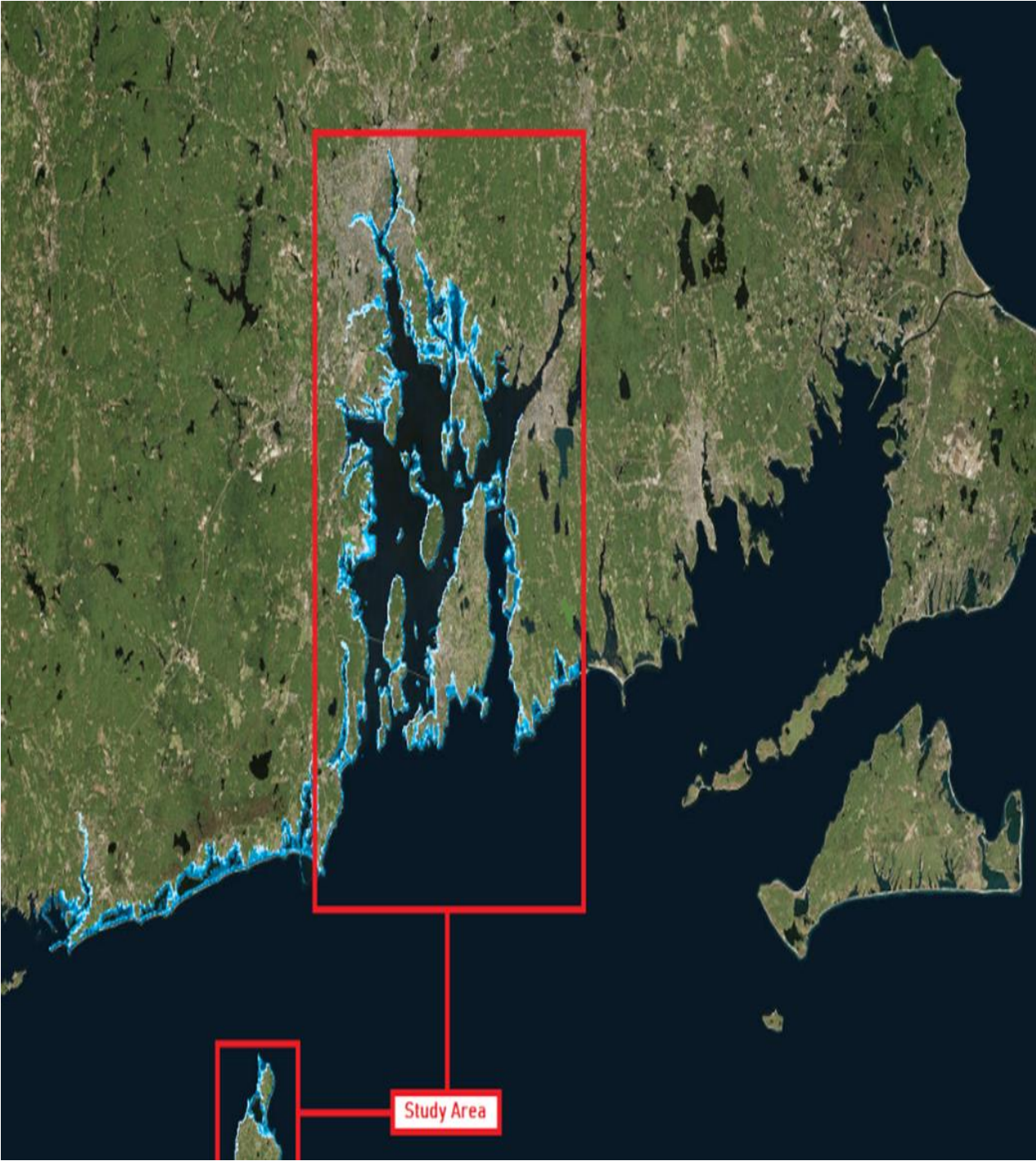
Email copies to be furnished (with enclosures):

Narragansett Indian Tribe

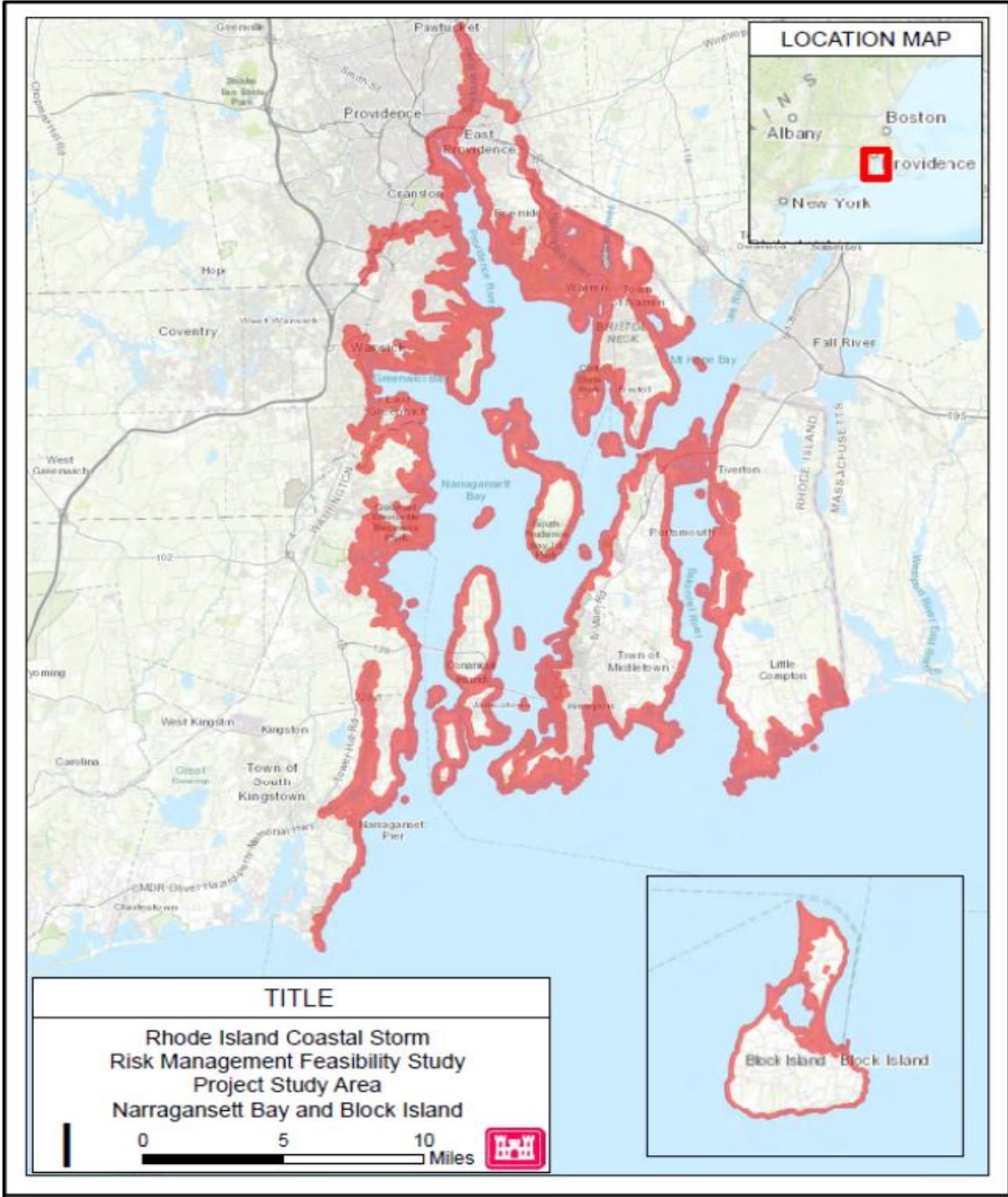
Mashpee Wampanoag Tribe

Wampanoag Tribe of Gay Head (Aquinnah)

Local towns and historical commissions



Study Area Map



Project Study Area

May 25, 2022

Planning Division
Environmental Branch

Mr. John Brown, Tribal Historic Preservation Officer
Narragansett Indian Tribe
P.O. Box 268
Charlestown, Rhode Island 02813

Dear Mr. Brown:

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Ocean Drive Historic District, National Historic Landmark, Newport
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Peacedale Historic District, South Kingstown
Wakefield Historic District, South Kingstown
Warren Waterfront Historic District, Warren
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Warwick Civic Center Historic District, Warwick.

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Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

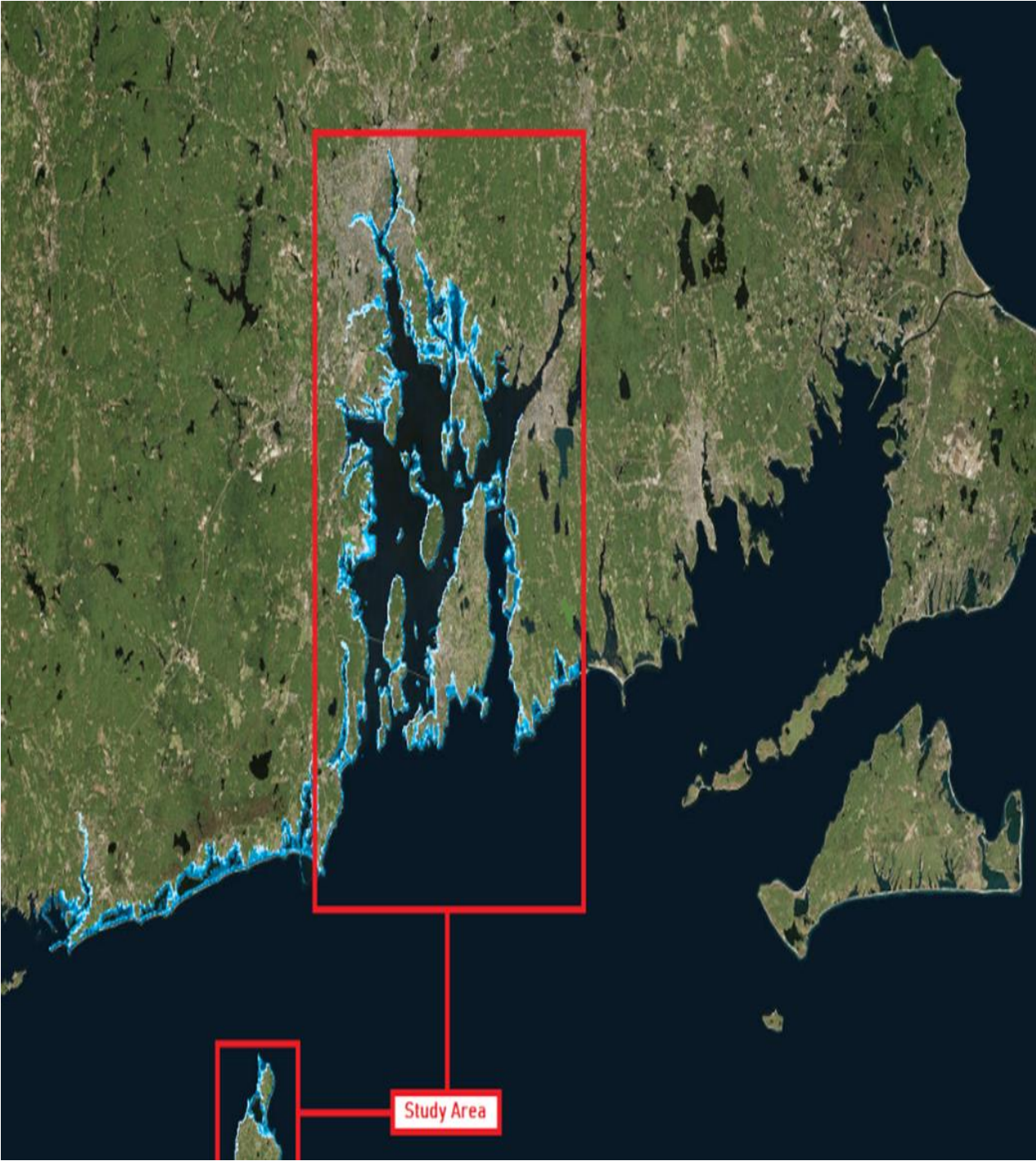
Email copies to be furnished (with enclosures):

RI SHPO

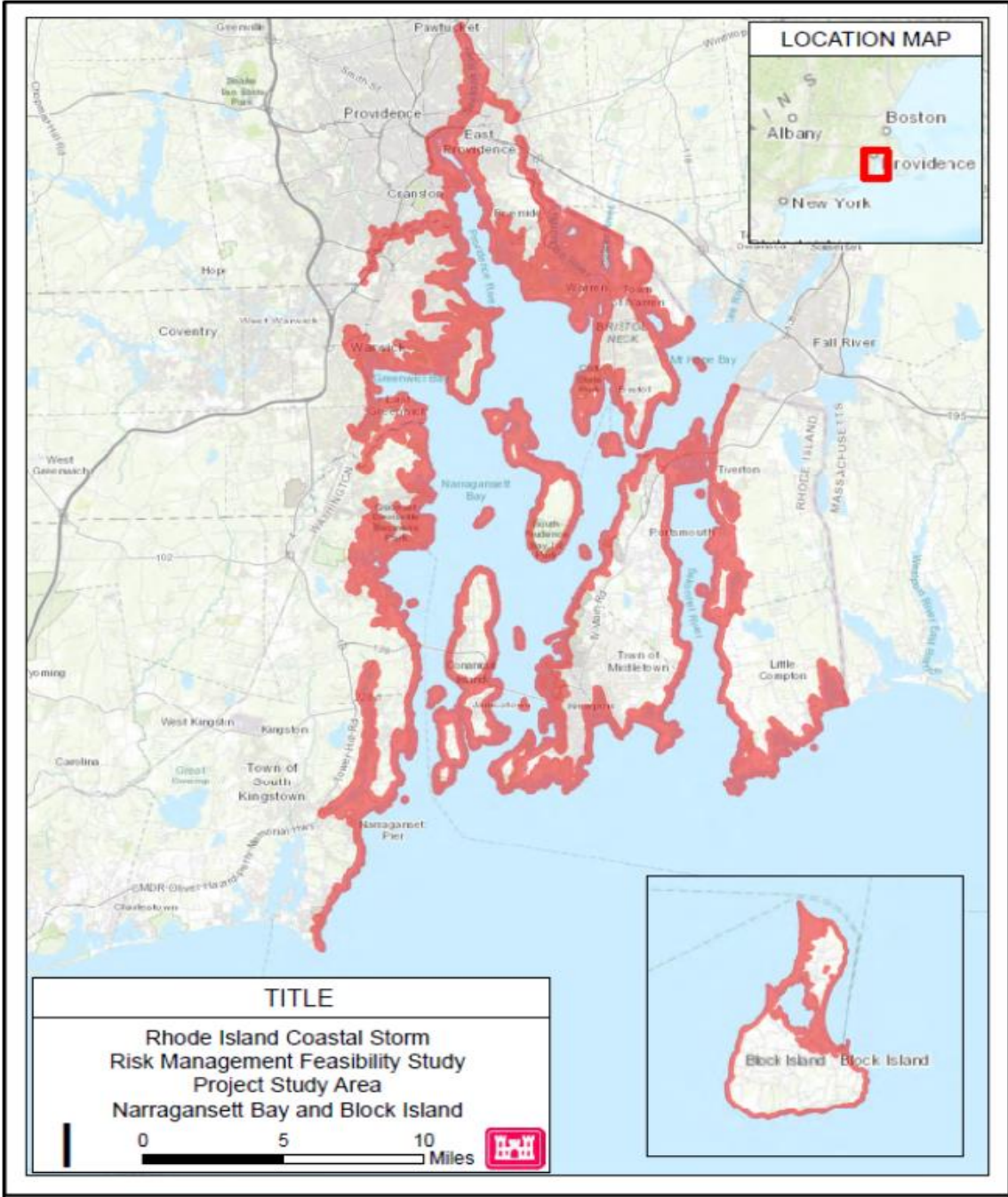
Mashpee Wampanoag Tribe

Wampanoag Tribe of Gay Head (Aquinnah)

Local towns and historical commissions



Study Area Map



Project Study Area

May 25, 2022

Planning Division
Environmental Branch

Mr. David Weeden, Tribal Historic Preservation Officer
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, Massachusetts 02649

Dear Mr. Weeden:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Integrated Feasibility Report and Environmental Assessment for the Rhode Island Coastline Coastal Storm Risk Management (RI CSRМ) Feasibility Study that will address flood risk along the coastal tributaries of southeastern RI from Narragansett Bay to the Massachusetts border (see enclosures). We would like your formal comments in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

As a result of Hurricane Sandy, Congress authorized USACE to undertake the North Atlantic Coast Comprehensive Study (NACCS) to address flood risks of vulnerable coastal populations in areas affected by the storm. The NACCS identified nine (9) high-risk focus areas in the study area. Two (2) of these focus areas were located in Rhode Island. The first included the Rhode Island coastline from Point Judith eastward to the Massachusetts border and the second included the Rhode Island coastline from Point Judith westward to the Connecticut border. This study investigates the first focus area, with the inclusion of Block Island.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (Figure 1-3) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study utilized a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

Alternatives that were evaluated as part of this study included structural, non-structural, and natural or nature-based features (NNBF) that comprise coastal storm risk management measures. Structural alternatives included: storm surge barriers, beach nourishment, breakwaters/groins, levees, floodwalls, seawalls, and tide gates. Non-structural measures included: elevating structures, wet or dry floodproofing, relocations, and buy-outs or acquisitions. NNBF considered for this study were living shorelines and reefs.

Following screening of all alternatives including an evaluation of environmental effects and consequences, USACE arrived at the project's Tentatively Selected Plan which is an entirely nonstructural plan that includes 439 total structures – 263 residential recommended for elevation, and 176 non-residential recommended for floodproofing, located throughout the study area. The actual number of properties in the final report may change based upon updated cost estimates and further reviews.

For purposes of NHPA compliance, the Area of Potential Effect (APE) at this time is determined to be the location of the 439 structures as well as their surrounding footprints that may be subject to elevation or floodproofing, access and staging areas, and the surrounding historic, architectural, and archaeological viewshed where these structures are located in relation to their communities and identified historic properties and historic districts. An initial desktop cultural resources assessment of the APE with data provided by your office identified a variety of historic properties and historic districts as well as areas of archaeological sensitivity.

The following historic and/or archaeological districts have been identified within or adjacent to the project APE:

Barrington Civic Center Historic District, Barrington
Bristol Waterfront Historic District, Bristol
Great Salt Pond Archaeological District, New Shoreham, Block Island
Old Harbor Historic District, New Shoreham, Block Island
Pawtuxet Village Historic District, Cranston and Warwick
East Greenwich Historic District, East Greenwich
Brick Market/Perry Mill, Newport
Newport Historic District, National Historic Landmark, Newport
Ocean Drive Historic District, National Historic Landmark, Newport
Wickford Historic District, North Kingstown
Peacedale Historic District, South Kingstown
Wakefield Historic District, South Kingstown
Warren Waterfront Historic District, Warren
Apponaug Historic District, Warwick and
Warwick Civic Center Historic District, Warwick.

Please note that this is only a partial listing of recorded historic properties and does not include properties yet to be surveyed as well as archaeological resources and areas of sensitivity. Additional survey, assessment, and evaluation will be required to identify all known historic and archaeological sites in the APE following conclusion of the Feasibility Study.

Because USACE cannot fully determine how the project may affect historic properties prior to finalization of this feasibility study, we've prepared a Programmatic Agreement (PA) (36 CFR 800.14(b)(3)) that outlines the process to identify and evaluate historic properties and avoid, minimize, and, where possible, mitigate for any adverse impacts in accordance with Section 106 of the NHPA and implementing regulations (36 CFR 800). The PA allows USACE to complete the necessary historic, architectural and archaeological surveys during the follow-on Preconstruction Engineering and Design (PED) phase of the project, once the non-structural measures and identified properties have been confirmed. The draft PA is enclosed for your review and comment and will also be provided to identified interested parties including Native American Tribes and the historical organizations for each of the communities and outliers.

Therefore, pursuant to 36 CFR 800.4(b)(2) and 36 CFR 800.14(b)(1)(ii), USACE defers final identification and evaluation of historic properties until after project approval when additional funding becomes available during the PED phase, and through execution of an approved PA. We would

appreciate your concurrence with this determination. We will also contact the Advisory Council on Historic Preservation regarding development of the PA.

If you have any questions, please contact Ms. Janet Cote, Project Manager at 978-318-8728 or by email at: Janet.Cote@usace.army.mil or Mr. Marc Paiva, Archaeologist at 978-318-8796 or by email at: Marcos.A.Paiva@usace.army.mil.

Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

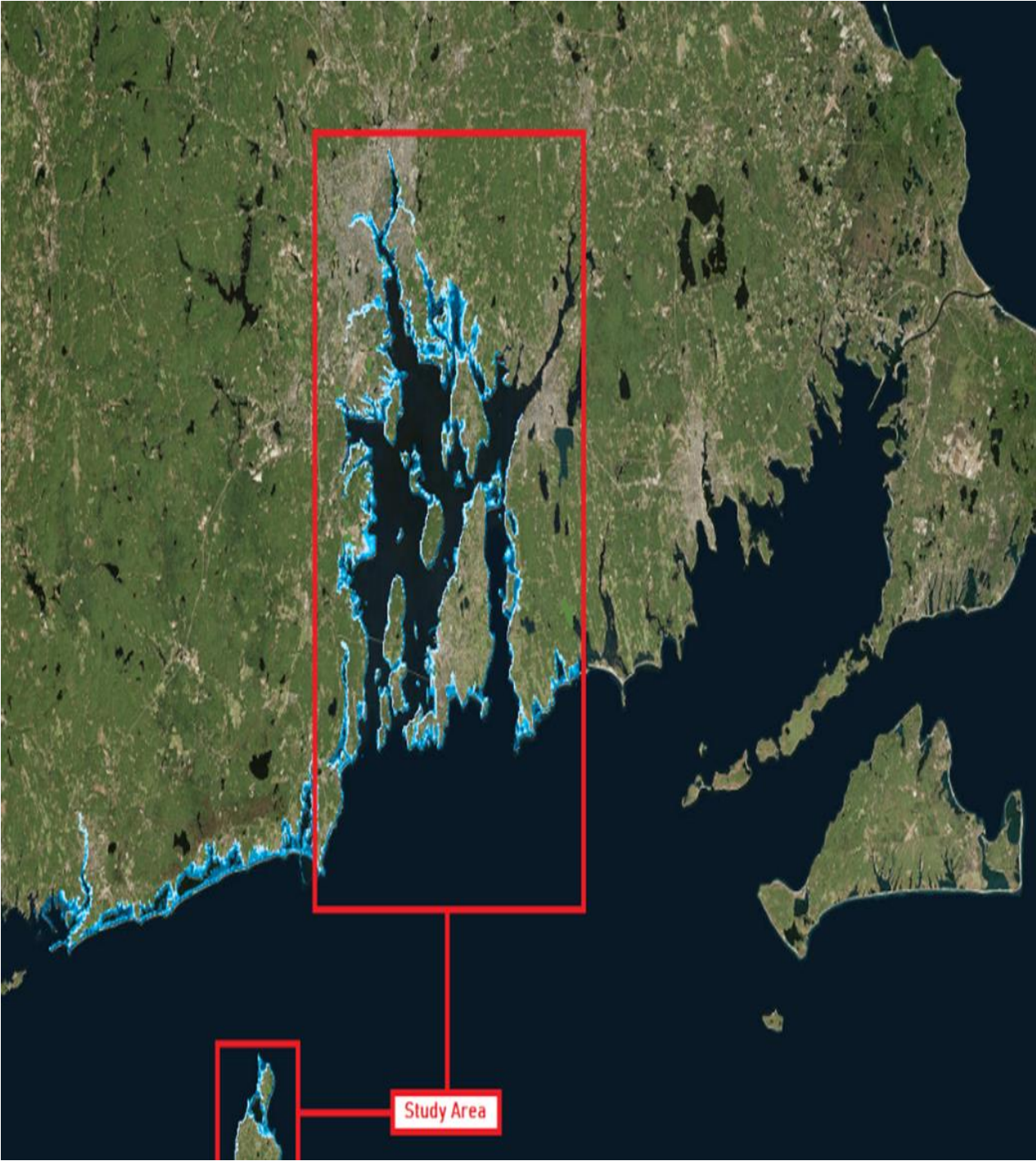
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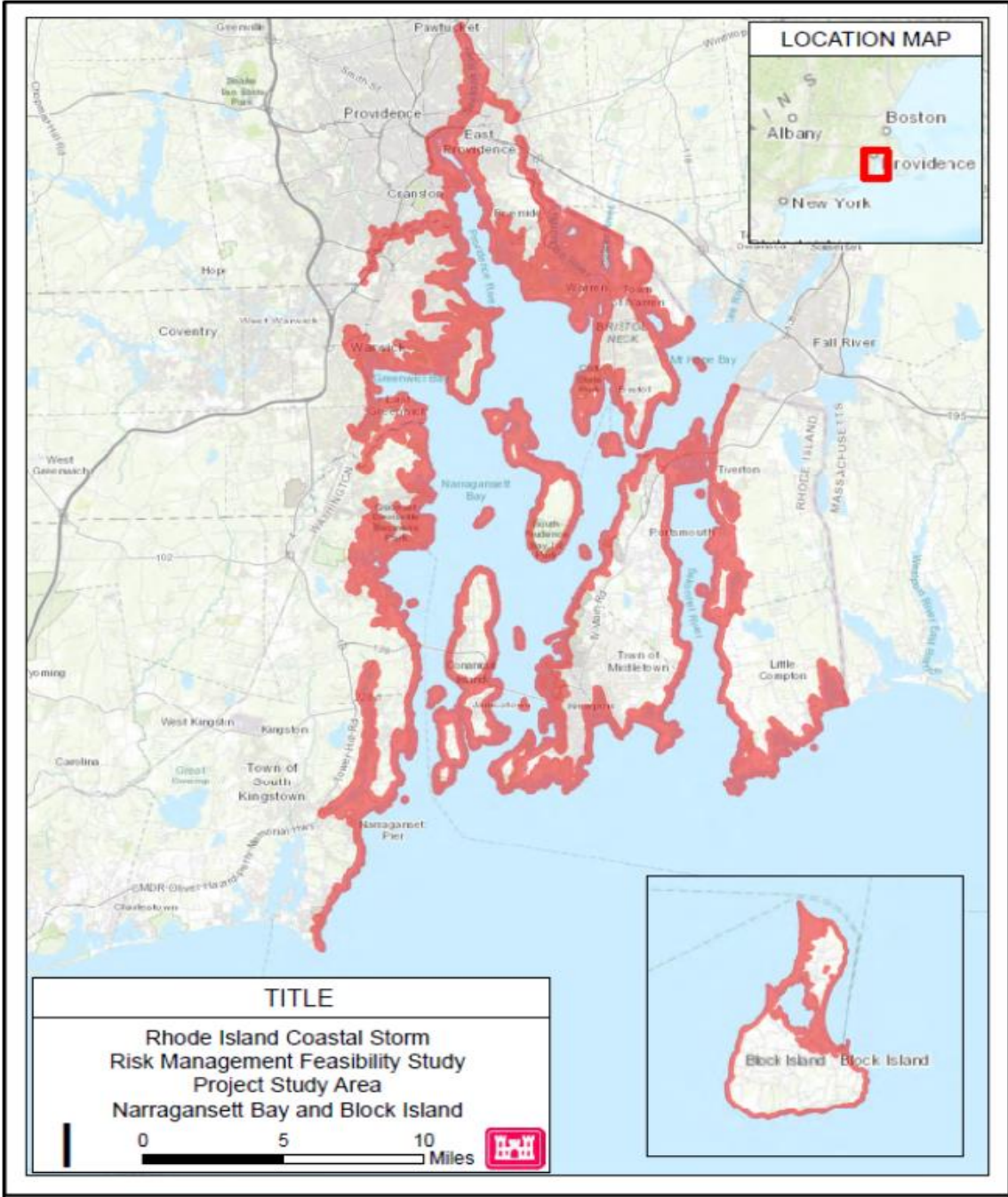
Narragansett Indian Tribe

Wampanoag Tribe of Gay Head (Aquinnah)

Local towns and historical commissions



Study Area Map



Project Study Area

May 25, 2022

Planning Division
Environmental Branch

Ms. Bettina Washington, Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, Massachusetts 02535

Dear Ms. Washington:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Integrated Feasibility Report and Environmental Assessment for the Rhode Island Coastline Coastal Storm Risk Management (RI CSRМ) Feasibility Study that will address flood risk along the coastal tributaries of southeastern RI from Narragansett Bay to the Massachusetts border (see enclosures). We would like your formal comments in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

As a result of Hurricane Sandy, Congress authorized USACE to undertake the North Atlantic Coast Comprehensive Study (NACCS) to address flood risks of vulnerable coastal populations in areas affected by the storm. The NACCS identified nine (9) high-risk focus areas in the study area. Two (2) of these focus areas were located in Rhode Island. The first included the Rhode Island coastline from Point Judith eastward to the Massachusetts border and the second included the Rhode Island coastline from Point Judith westward to the Connecticut border. This study investigates the first focus area, with the inclusion of Block Island.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (Figure 1-3) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study utilized a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

Alternatives that were evaluated as part of this study included structural, non-structural, and natural or nature-based features (NNBF) that comprise coastal storm risk management measures. Structural alternatives included: storm surge barriers, beach nourishment, breakwaters/groins, levees, floodwalls, seawalls, and tide gates. Non-structural measures included: elevating structures, wet or dry floodproofing, relocations, and buy-outs or acquisitions. NNBF considered for this study were living shorelines and reefs.

Following screening of all alternatives including an evaluation of environmental effects and consequences, USACE arrived at the project's Tentatively Selected Plan which is an entirely nonstructural plan that includes 439 total structures – 263 residential recommended for elevation, and 176 non-residential recommended for floodproofing, located throughout the study area. The actual number of properties in the final report may change based upon updated cost estimates and further reviews.

For purposes of NHPA compliance, the Area of Potential Effect (APE) at this time is determined to be the location of the 439 structures as well as their surrounding footprints that may be subject to elevation or floodproofing, access and staging areas, and the surrounding historic, architectural, and archaeological viewshed where these structures are located in relation to their communities and identified historic properties and historic districts. An initial desktop cultural resources assessment of the APE with data provided by your office identified a variety of historic properties and historic districts as well as areas of archaeological sensitivity.

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East Greenwich Historic District, East Greenwich
Brick Market/Perry Mill, Newport
Newport Historic District, National Historic Landmark, Newport
Ocean Drive Historic District, National Historic Landmark, Newport
Wickford Historic District, North Kingstown
Peacedale Historic District, South Kingstown
Wakefield Historic District, South Kingstown
Warren Waterfront Historic District, Warren
Apponaug Historic District, Warwick and
Warwick Civic Center Historic District, Warwick.

Please note that this is only a partial listing of recorded historic properties and does not include properties yet to be surveyed as well as archaeological resources and areas of sensitivity. Additional survey, assessment, and evaluation will be required to identify all known historic and archaeological sites in the APE following conclusion of the Feasibility Study.

Because USACE cannot fully determine how the project may affect historic properties prior to finalization of this feasibility study, we've prepared a Programmatic Agreement (PA) (36 CFR 800.14(b)(3)) that outlines the process to identify and evaluate historic properties and avoid, minimize, and, where possible, mitigate for any adverse impacts in accordance with Section 106 of the NHPA and implementing regulations (36 CFR 800). The PA allows USACE to complete the necessary historic, architectural and archaeological surveys during the follow-on Preconstruction Engineering and Design (PED) phase of the project, once the non-structural measures and identified properties have been confirmed. The draft PA is enclosed for your review and comment and will also be provided to identified interested parties including Native American Tribes and the historical organizations for each of the communities and outliers.

Therefore, pursuant to 36 CFR 800.4(b)(2) and 36 CFR 800.14(b)(1)(ii), USACE defers final identification and evaluation of historic properties until after project approval when additional funding becomes available during the PED phase, and through execution of an approved PA. We would

appreciate your concurrence with this determination. We will also contact the Advisory Council on Historic Preservation regarding development of the PA.

If you have any questions, please contact Ms. Janet Cote, Project Manager at 978-318-8728 or by email at: Janet.Cote@usace.army.mil or Mr. Marc Paiva, Archaeologist at 978-318-8796 or by email at: Marcos.A.Paiva@usace.army.mil.

Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

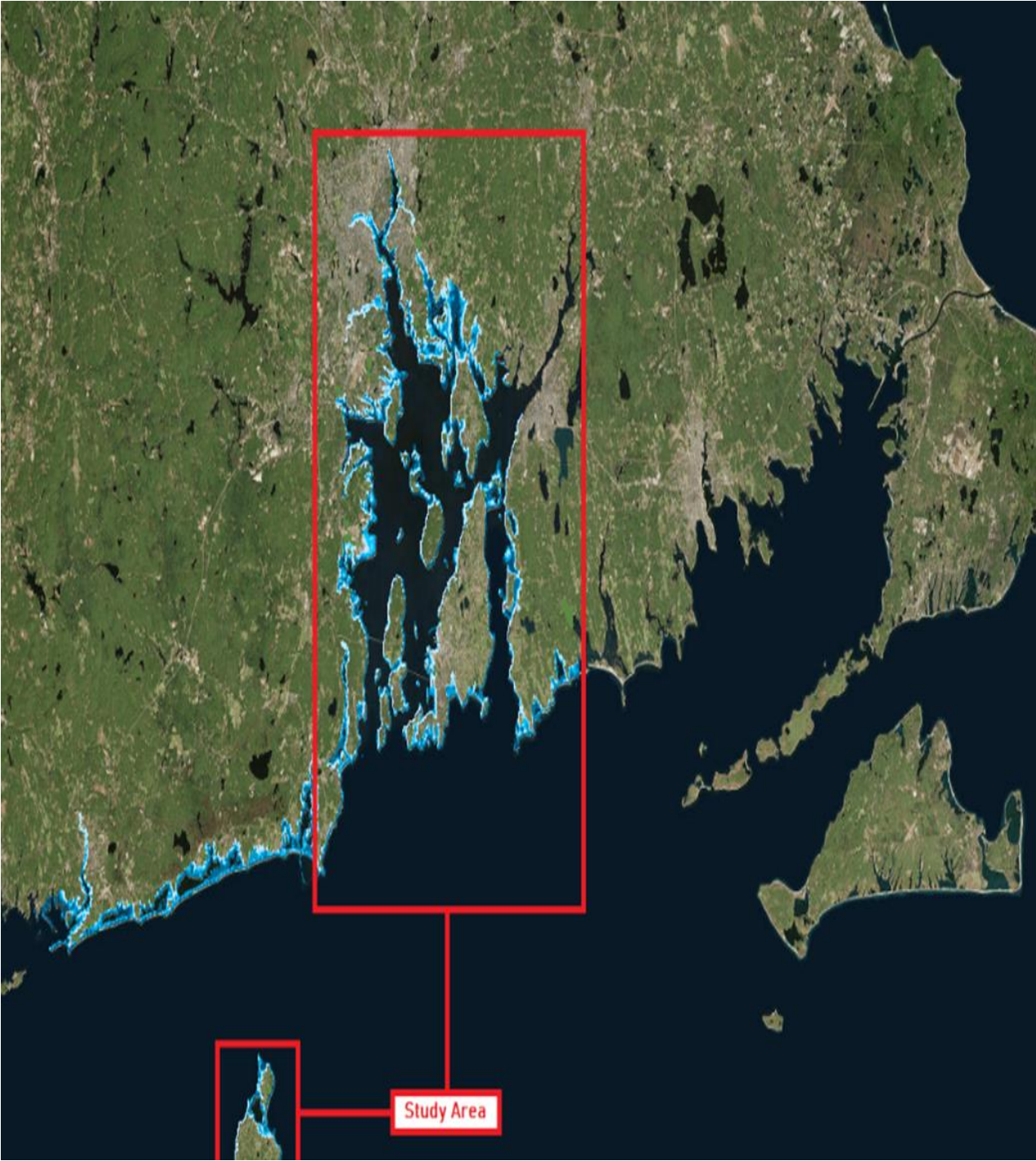
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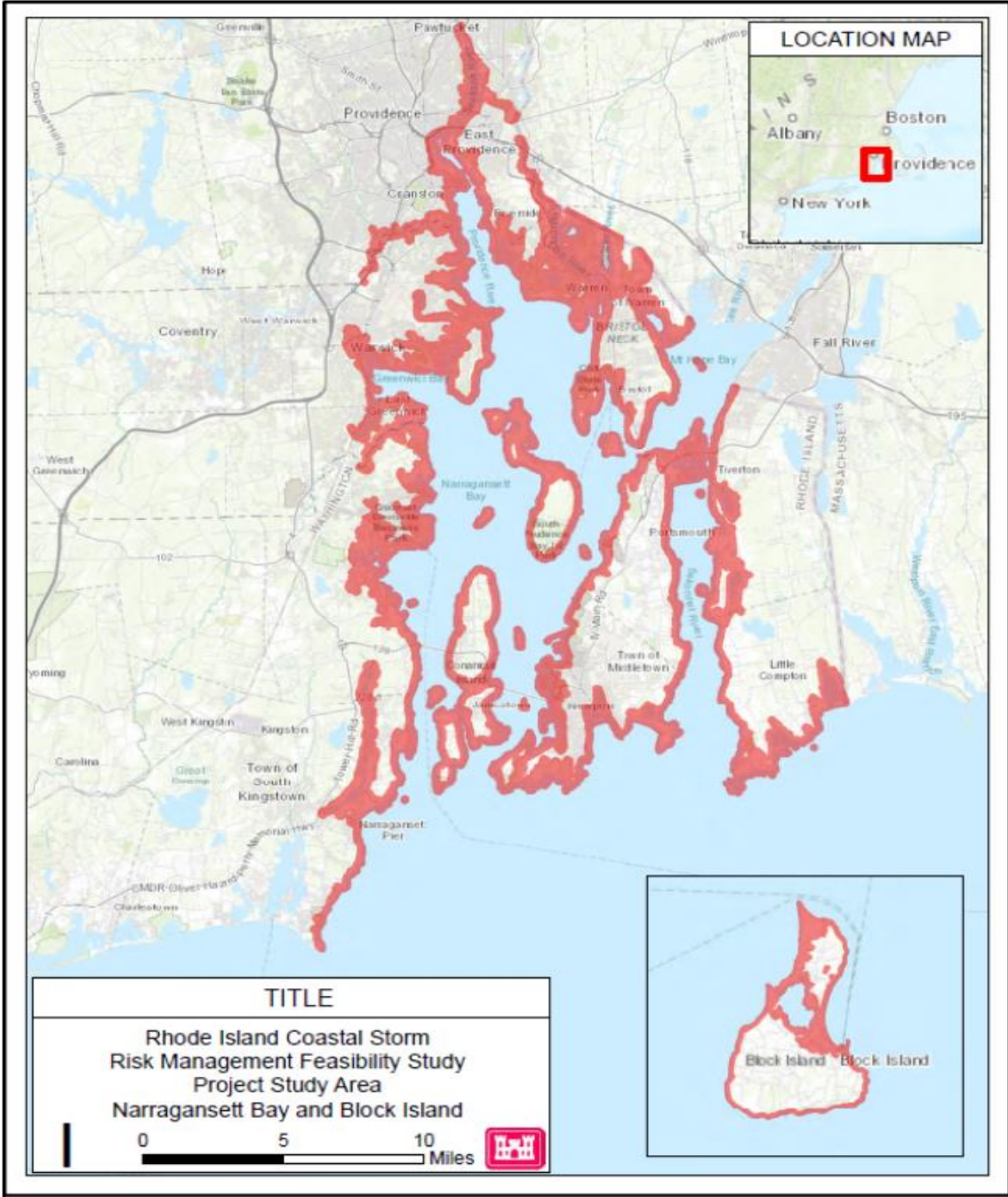
Narragansett Indian Tribe

Mashpee Wampanoag Tribe

Local towns and historical commissions



Study Area Map



Project Study Area

From: Paiva, Marcos A CIV USARMY CENAE (USA)

Sent: Thursday, May 26, 2022 2:58 PM

To: 'info@barringtonpreservation.org'; 'INFO@BHPS.NECOXMAIL.COM'; 'cranston.historical.society@gmail.com'; 'info@eghps.org'; 'nancykm Moore@gmail.com'; 'lchistory@littlecompton.org'; 'nhs1888@aol.com'; 'mthompson@newportrestoration.org'; 'rtaylor@newporthistory.org'; 'jimetshriner@gmail.com'; 'PHSOutreach@PortsmouthHistorical.org'; 'PHSInfo@PortsmouthHistorical.org'; 'president@tivertonhistorical.org'; 'info@preservewarren.org'; 'warwickhistoricalsocietyri@gmail.com'

Cc: 'execdirector@rihs.org'; 'Emidy, Jeffrey (HPHC)'; 'Totten, Elizabeth (HPHC)'; Cote, Janet CIV USARMY CENAE (USA)

Subject: Section 106 National Historic Preservation Act Request for Project Review - RI Coastline Coastal Storm Risk Management Study with Draft Programmatic Agreement for Review

Attachments: RI Coast CSRМ_FINAL SHPO Letter_25MAY2022.pdf; RI Coastline CSRМ_Draft PA_OC edits-rev2_04FEB2022.docx

Good Afternoon:

The Army Corps of Engineers, New England District, is conducting a Coastal Storm Risk Management Study for RI coastal communities to include the elevation or floodproofing of 439 properties throughout the study area. If you are included on the To: line above, these properties may be located within your town. Please refer to the enclosed letter for more info and please note that this information could change between the end of the study and the beginning of the design phase. When the final list of properties is identified, we will contact you and the RI SHPO with locations and addresses.

Since we cannot make a formal determination of effect on historic properties at this time until we conduct complete historic and archaeological studies and evaluation during the next phase of the study, we are proposing to utilize a Programmatic Agreement (PA) that will specify the process for identifying and evaluating all historic properties in coordination with your office and project stakeholders.

Please review the attached information and let me know if you have any questions, comments or concerns. We look forward to your response and concurrence with the process stipulated in the PA.

Let me know if you have any questions. Thank you.

Marc Paiva, Archaeologist and Tribal Liaison

Regional Technical Specialist – Archaeology

U.S. Army Corps of Engineers, New England District

696 Virginia Road

Concord, Massachusetts 01742

Marcos.a.paiva@usace.army.mil

978-318-8796

From: Paiva, Marcos A CIV USARMY CENAE (USA)
Sent: Friday, May 27, 2022 1:33 PM
To: building@new-shoreham.com; hannahb@blockislandhistorical.org
Cc: Cote, Janet CIV USARMY CENAE (USA)
Subject: FW: Section 106 National Historic Preservation Act Request for Project Review - RI Coastline Coastal Storm Risk Management Study with Draft Programmatic Agreement for Review
Attachments: RI Coast CSRМ_FINAL SHPO Letter_25MAY2022.pdf; RI Coastline CSRМ_Draft PA_OC edits-rev2_04FEB2022.docx

Good Afternoon:

The Army Corps of Engineers, New England District, is conducting a Coastal Storm Risk Management Study for RI coastal communities to include the elevation or floodproofing of 439 properties throughout the study area. If you are included on the To: line above, these properties may be located within your town. Please refer to the enclosed letter for more info and please note that this information could change between the end of the study and the beginning of the design phase. When the final list of properties is identified, we will contact you and the RI SHPO with locations and addresses.

Since we cannot make a formal determination of effect on historic properties at this time until we conduct complete historic and archaeological studies and evaluation during the next phase of the study, we are proposing to utilize a Programmatic Agreement (PA) that will specify the process for identifying and evaluating all historic properties in coordination with your office and project stakeholders.

Please review the attached information and let me know if you have any questions, comments or concerns. We look forward to your response and concurrence with the process stipulated in the PA.

Let me know if you have any questions. Thank you.

Marc Paiva, Archaeologist and Tribal Liaison

Regional Technical Specialist – Archaeology

U.S. Army Corps of Engineers, New England District

696 Virginia Road

Concord, Massachusetts 01742

Marcos.a.paiva@usace.army.mil

978-318-8796

From: Margaret Back <margaret@newportrestoration.org>
Sent: Friday, June 24, 2022 3:40 PM
To: Paiva, Marcos A CIV USARMY CENAE (USA)
Cc: Alyssa Lozupone
Subject: [URL Verdict: Neutral][Non-DoD Source] Section 106/RI Coastline Coastal Storm Risk Management Study with Draft PA - NRF involvement

Hello Marc,

Thank you for including NRF in your May 26th email in regards to the draft programmatic agreement from the USACE, and apologies on my delayed response. NRF is interested in being involved and learning more about the study and its potential effects on historic resources. It would be helpful if we could be brought up to speed on the project to date—in past Section 106 proceedings, there has been an informational meeting to share project updates. Can we expect a similar meeting for this study, or another formal process to involve us in?

Thanks for your assistance,

Margaret

Margaret Back

Preservation Associate

Newport Restoration Foundation

51 Touro Street, Newport, RI 02840

T: 401-849-7300 ext. 122

F: 401-849-0125

NewportRestoration.org

From: Paiva, Marcos A CIV USARMY CENAE (USA)
Sent: Friday, June 24, 2022 4:27 PM
To: Margaret Back
Cc: Alyssa Lozupone; Cote, Janet CIV USARMY CENAE (USA)
Subject: RE: Section 106/RI Coastline Coastal Storm Risk Management Study with Draft PA - NRF involvement
Attachments: flood-adaptation-guidelines-2021.pdf

Hello Margaret:

Thank you for your response. The project is still early in the process for Section 106 proceedings even though the Feasibility Study is nearing the end. Most of the 106 compliance will take place during the next phase, the Preconstruction Engineering and Design, as outlined in the Programmatic Agreement (PA). I am waiting on comments from RI SHPO and the other stakeholders including the NRF if you wish to respond. There will be extensive coordination meetings and public hearings, as needed and if requested, during the next phase when we confirm with the individual property owners if they wish to participate in the non-structural measures (elevation or floodproofing). Then we would conduct the necessary studies to determine National Register eligibility and listing status and determine impacts to historic properties. There are a total of 121 properties in Newport, many within the Downtown area National Historic Landmark District, so we expect a good deal of coordination with SHPO and the town of Newport and NRF to evaluate, minimize and mitigate for adverse impacts. I'm attaching the NPS Flood Adaptation Guidelines for Rehabilitating Historic Buildings that we would follow in addition to any other agreed-upon recommendations during coordination to minimize impacts. We had a similar discussion with the town of North Kingstown for the Wickford Historic District and there will be others due to the many communities with historic properties and districts in the study area.

I've copied Janet Cote, the Study Manager and she can provide some general project background and updates to date on the study. However, as I said, most of the 106 coordination will be done in the next phase; right now, we are reaching out to stakeholders to inform them about the study and requesting comments on the use and content of the PA. But I will be sure to add you to our distribution list and include your email in our report correspondence. We'll be sure to include you in future communications and as we begin planning for the next phase of the project. I will also share any comments from SHPO that we receive in response to the May letter.

Feel free to contact me with any other questions or concerns. Thank you.

Sincerely,

Marc Paiva, Archaeologist and Tribal Liaison

Regional Technical Specialist – Archaeology

U.S. Army Corps of Engineers, New England District

696 Virginia Road

Concord, Massachusetts 01742

Marcos.a.paiva@usace.army.mil

978-318-8796

From: Margaret Back <margaret@newportrestoration.org>
Sent: Wednesday, June 29, 2022 1:33 PM
To: Paiva, Marcos A CIV USARMY CENAE (USA)
Cc: Alyssa Lozupone; Cote, Janet CIV USARMY CENAE (USA)
Subject: [Non-DoD Source] RE: Section 106/RI Coastline Coastal Storm Risk Management Study with Draft PA - NRF involvement

Hi Marcos and Janet,

Thank you for this update and adding me to your distribution. NRF will definitely be interested in hearing more about the process as it moves forward.

Thank you,
Margaret



STATE OF RHODE ISLAND

**I. HISTORICAL PRESERVATION & HERITAGE
COMMISSION**

Old State House 150 Benefit Street Providence, RI 02903

Telephone 401-222-2678

TTY 401-222-3700

Fax 401-222-2968

www.preservation.ri.gov

July 7, 2022

Via email: marcos.a.paiva@usace.army.mil

Marc Paiva

Archaeologist and Tribal Liaison

Regional Technical Specialist – Archaeology

U.S. Army Corps of Engineers - New England District

696 Virginia Road

Concord, Massachusetts 01742-2751

Re: RIHPHC Project No. 16632

Integrated Feasibility Report and Environmental Assessment for the Rhode Island Coastline
Coastal Storm Risk Management (RI CSR) Feasibility Study

Dear Mr. Paiva:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the information that you provided for the above-referenced project. The U.S. Army Corps of

Engineers is preparing an Integrated Feasibility Report and Environmental Assessment for the Rhode Island Coastline Coastal Storm Risk Management (RI CSR) Feasibility Study. The Study will address flood risk along the coastal tributaries of southeastern RI by targeting about 439 properties for elevating or floodproofing measures. The USACE has requested RIHPHC comment on a proposed programmatic agreement (PA) for the project prior to finalization of the feasibility study.

RIHPHC staff have reviewed the PA, which is concerned primarily with procedures aimed at putting the findings of the report into effect. Despite the information in the cover letter dated 25 May 2022 and having had a meeting with USACE staff on June 12, 2022, without the benefit of having read the draft report, we do not have enough information about the proposed construction efforts to evaluate them and constructively comment on the PA. Furthermore, we are unable to evaluate the considered alternatives that were mentioned in the cover letter. We request that the USACE forward a copy of the report. After we review the report, we will provide comments on it and the PA.

These comments are provided in accordance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact RIHPHC Project Review Coordinator Elizabeth Totten at 401-222-2671 or elizabeth.totten@preservation.ri.gov.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Totten" with "FOR" written below the name.

Jeffrey Emidy

Interim Executive Director

Interim State Historic Preservation Officer

220707.02est/jde



STATE OF RHODE ISLAND

HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House 150 Benefit Street Providence, RI 02903

Telephone 401-222-2678
TTY 401-222-3700

Fax 401-222-2968
www.preservation.ri.gov

September 16, 2022

Via email: marcos.a.paiva@usace.army.mil

Marc Paiva
Regional Technical Specialist - Archaeology
U.S. Army Corps of Engineers - New England District
Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751

Re: RIHPHC Project No. 16632
Rhode Island Coastline Coastal Storm Risk Management
Draft Final Integrated Feasibility Study & Environmental Assessment
Draft Programmatic Agreement

Dear Mr. Paiva:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the information that you provided for the above-referenced program. The U.S. Army Corps of Engineers (USACE) prepared a *Draft Final Integrated Feasibility Study & Environmental Assessment* (Study) for the Rhode Island Coastline Coastal Storm Risk Management program, and an associated draft Programmatic Agreement (PA) for the identification, evaluation, and determination of effects for cultural resources to be impacted by the program.

The RIHPHC has reviewed both documents and are providing overall comments on each document within this letter. Additionally, we have enclosed the draft PA with our comments, the draft Study with our comments, and a document further explaining our comments on the draft Study.

RIHPHC Comments: Draft Final Integrated Feasibility Study & Environmental Assessment

The Study would benefit greatly from a close editing, particularly for noun-verb agreement. We have not read the Study with an eye toward providing this level of feedback, but examples are obvious throughout.

The *Draft Final Integrated Feasibility Study & Environmental Assessment* attempts to address a number of factors and potential impacts in analyzing the feasibility of multiple large and complex construction projects designed to stop water from reaching properties during a coastal storm event or to reduce impacts if water reaches those properties. Effects to wetlands, endangered species, groundwater, air quality, and environmental justice, and the potential costs of the project are among the many factors considered and for which determinations are reached.

Cultural resources are addressed in some manner in the Study; however, the Army Corps of Engineers ultimately defers final identification and evaluation of historic properties until after project approval, anticipating that a programmatic agreement will be signed with the State Historic Preservation Officer to address these concerns at a later date. This solution is put forward despite the fact that the historic properties that may be affected potentially number in the hundreds and that some of those are in the most significant historic districts in the state and nation (including multiple National Historic Landmarks), or are individual properties of national importance, factors which should be seriously considered in the evaluation of the project.

One major problem with the study and the plan to utilize a programmatic agreement as a substitute for performing a thorough identification of historic properties is that a usable Area of Potential Effect (APE) is not identified; instead, the “study area” is given as “more than 457 miles of coastline” (page 4). The APE is later identified, however, as 499 properties (page 47) that are not enumerated in the Study.¹ Additionally, the APE is defined as the “structures themselves, the surrounding footprint, and any associated access, storage and staging areas...”² In either case, this would indicate that an APE has been definitively identified, and that, at minimum, the designated historic properties in the APE could be included in the Study. It follows that some determination of effects could also be carried out as part of this feasibility study, rather than at some future time. This could eliminate the need for, or significantly improve the usefulness of, a programmatic agreement.

In the final analysis, the potential impacts to historic properties that may occur as a result of the project examined in the Study could be disastrous. The nonstructural measures considered include elevation of structures, relocation, demolition, wet floodproofing, dry floodproofing, and planning measures. If, during a project, historic structures are demolished, they are inherently adversely impacted, , if they are relocated or elevated, adverse effects are likely, and while wet and dry floodproofing can be accomplished in a way that does not have an adverse impact on historic resources, the opposite is also true. Each of these impacts needs to be considered for its effects to the individual historic property, but they also need to be evaluated on a cumulative basis, as they have the potential to severely diminish or destroy the characteristics of historic properties that qualify them for inclusion in the National Register of Historic Places. In our opinion, therefore, it is premature for the USACE to evaluate the proposed project based on incomplete information.

In addition to these concerns, we find that above-ground historic properties tend to be glossed over and marginalized further in comparison to archaeological resources, when the impacts to the integrity and significance of above-ground resources caused by demolition and elevation, among other suggested treatments, would arguably be greater than any impacts to archaeological resources caused by the same actions. We note that there are no architectural historians, historians, or historical architects included in the *List of Preparers* provided in the Study, which may explain this result. There is no evidence that any preparer has experience with applying the Secretary of the Interior’s *Standards for the Treatment of Historic Properties* or the *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings*, both of which are mentioned in the Study as being used to avoid or mitigate adverse effects to historic properties and as being

¹ Throughout the report, other counts of structures in the APE are given (494 on page 107, for example).

² See our additional comments on the Study with concern to this limited APE.

included in the PA, while neither are in fact included in the PA (page 132). Fundamentally, the approach to historic properties outlined by the USACE is inconsistent with these documents (see additional comments on the Study). The *Guidelines* state: “before undertaking any work to adapt a historic building to be more resilient to potential flooding, research about the actual flood risk as well as about the historic property must be undertaken” (12). For these reasons, we believe that both the Study and the PA would benefit from the insight of someone who meets the Secretary of Interior’s Professional Qualifications Standards in one of these areas.

RIHPHC Comments: Draft Programmatic Agreement

We have provided detailed comments within the draft PA (enclosed). Some of the issues that we have pointed out in the PA trace back to the Study. There are inconsistencies throughout this document, and while the focus of the PA is to construct processes for the treatment of historic properties, as in the study, the PA seems premature without, at minimum, some of the basic identification measures having been carried out.

Among the inconsistencies in the PA is the definition of the APE; at times it is referred to as a preliminary APE and other times it is not. There is also a mention of a visual APE, but this is not mentioned in the study report. Overall, there is a strong focus on methodology for the identification, evaluation and treatment of archaeological resources and less consideration for above-ground resources. We are uncertain about why a PA is necessary to identify and evaluate historic properties when the USACE has identified properties that are eligible to participate the program.

These comments are provided in accordance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact RIHPHC Project Review Coordinator Elizabeth Totten at 401-222-2671 or elizabeth.totten@preservation.ri.gov.

Sincerely,



Jeffrey Emidy
Interim Executive Director
Interim State Historic Preservation Officer

Copy via email: Janet Cote, Janet.Cote@usace.army.mil

Enclosed: RI Coastline CSRM_Draft PA_ with RIHPHC Comments
Rhode Island Coastline Final Report (Study) with RIHPHC Comments
RIHPHC Additional Comments on the Study

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 (USACE), New England District

4. Name of undertaking/project (Include project/permit/application number if applicable):

Rhode Island Coastline Coastal Storm Risk Management Study, Feasibility Report

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):

Barrington, Bristol, Cranston, East Greenwich, East Providence, Jamestown, Little Compton, Middletown, Narragansett, New Shoreham (Block Island), Newport, North Kingstown, Pawtucket, Portsmouth, Providence, South Kingstown, Tiverton, Warren, and Warwick

Bristol, Kent, Newport, Providence, and Newport Counties

These include privately-owned residences and non-residential properties owned by the cities and towns. There are no 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:**

Marcos (Marc) Paiva, Archaeologist/Tribal Liaison, USACE New England District

Marcos.a.paiva@usace.army.mil; Phone: 978-318-8796

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 U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island (RI) Coastal Resource Management Council (CRMC) (Sponsor) began design and implementation measures culminating in a Final Integrated Feasibility Report and Environmental Assessment with a Recommended Plan to reduce storm risk in 19 total communities of the RI coastline, an undertaking known as the RI Coastline, Coastal Storm Risk Management Project (Project). The Recommended Plan includes non-structural measures (floodproofing or elevation) for 497 total structures, all of which may result in effects on National Historic Landmark District properties and properties listed in or eligible for listing in the National Register of Historic Places (NRHP).

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

The APE includes the location of and the surrounding areas of the 497 structures recommended for either floodproofing or elevation, the surrounding archaeological

footprint, the National Register (NR) eligibility status, if not yet known, the National Historic Landmark (NHL) and NR Listed Districts and Properties both within and in close proximity to these structures, and the associated viewshed and streetscapes of these NHLs and NR properties. However, we will not know which property owners will consent to the floodproofing or elevation measures and which individual properties will ultimately be included in construction until the next phase of the study, the Preconstruction Engineering and Design (PED) Phase which is the precursor to project construction.

9. Describe steps taken to identify historic properties:

Walkover survey, historic map and prior survey review, and on-line research of the Rhode Island SHPO project and site database. Due to project deadlines, historic and architectural identification and evaluation surveys with further coordination on minimization and/or mitigation measures would need to be conducted during a later phase of the study, the Preconstruction Engineering Design (PED) phase, thereby necessitating a Programmatic Agreement. Additionally, during the PED phase the property owners of the 497 structures in the Recommended Plan would be contacted to confirm if they will participate or not in the floodproofing or elevation measures for their specific properties.

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):

Table of Historic Properties Identified within the APE is attached.

National Historic Landmarks (NHLs) in the APE are located within the City of Newport:

Naval War College National Historic Landmark

Newport National Historic Landmark District

The Brick Market National Historic Landmark

Bellevue Avenue National Historic Landmark District

Ocean Drive National Historic Landmark District

National Register Listed Historic Districts include the following:

County Road Historic District	Barrington
Barrington Center Historic District	Barrington
Bristol Waterfront Historic District	Bristol
Pawtuxet Village Historic District	Cranston/Warwick
East Greenwich Historic District	East Greenwich/Warwick
Great Salt Pond Archaeological District	New Shoreham
Old Harbor Historic District	New Shoreham
Wickford Historic District	North Kingstown
Warren Waterfront Historic District	Warren
Warwick Civic Center Historic District	Warwick
Apponaug Historic District	Warwick

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

Because the Corps cannot fully determine how the project may affect historic properties prior to finalization of this feasibility study, a Programmatic Agreement (PA) (36 CFR 800.14(b)(3)) will be prepared that will outline the process to identify and evaluate historic properties and avoid, minimize, and where possible, mitigate for any adverse impacts in accordance with Section 106 of the NHPA and implementing regulations 36 CFR 800. The PA will allow USACE to complete the necessary historic and archaeological surveys during the follow-on Preconstruction Engineering and Design (PED) phase of the project, once the non-structural measures and identified properties have been confirmed. The draft PA is in development and a copy is included in this e106 notification package for your review and consideration. The draft PA has also been provided to all consulting parties separately as part of our initial coordination outreach.

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):

See above number 11. Nonstructural alternatives such as elevation and flood proofing of up to 497 individual structures could impact historic structures, the associated archaeological footprint of these individual buildings, many of which are part of either a NHL District or a NR District, or others which may be found to be individually eligible to the Register. Additionally, the viewshed and streetscape of individual properties and NHL or NR Districts, either within or adjacent to the APE, could be impacted as a whole or in part. This could be a concern if some individual properties of a District opt-in to the proposed nonstructural measures, while others within the same District do not.

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 enclosed documentation.

Coordination with RI SHPO and consulting parties on the Tentatively Selected Plan and Draft PA was initiated on May 25, 2022. A teleconference meeting with SHPO to discuss the project further was held on June 12, 2022. Comments on the original May 25, 2022 coordination was received from SHPO on July 7, 2022, requesting a copy of the draft report to better understand the project and alternatives analyses. The final Feasibility Report of the Recommended Plan, including an updated APE, a table of identified historic properties, and a map depicting the location of the individual structures selected for floodproofing and elevation measures was provided to SHPO on August 18, 2022. Lastly, on September 16, 2022, USACE received from SHPO a formal response letter on the study with comments on the draft PA, the final Feasibility Report, and the study as a whole. USACE is currently reviewing these comments.

Additionally, USACE has had correspondence with the Town of North Kingstown (and SHPO) which has jurisdiction over the National Register Listed Wickford Historic District. USACE is proposing to include the entire Wickford Historic District as part of its Recommended Plan, pending approval by the individual property owners. The Town of North Kingstown, at a meeting on June 21, 2022, was receptive to the inclusion of the Historic District in the Recommended Plan as the area has experience recent flooding and storm surge impacts. North Kingstown will be invited to concur on the project PA.

The Newport Restoration Foundation, City of Newport, contacted USACE on June 24, 2022 expressing interest in the study, and again on July 18, 2022 after reviewing the draft PA. The Foundation was not yet ready to sign the PA and requested additional information on the alternatives analyses of the study and the locations of the 497 total structures that would be included in Newport. USACE responded that the final report would be provided and the locations and addresses of any properties in Newport could be released in the next PED phase of the study when further coordination, as stipulated in the PA, would take place and the property owners, if any, provide consent for inclusion of their individual properties in construction. The Newport Restoration Foundation will be included in future correspondence and as a consulting party for this study.

We have received no response to date from the three Federally Recognized Tribes but will continue coordination when the final report is available and as the study proceeds to the next planning phase.

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.

Currently, the SHPO is hesitant to sign the draft PA as currently developed and also has reservations on the alternatives analysis conducted as part of the Study. SHPO has expressed concerns about deferring much of the historic properties identification and evaluation and architectural analyses into the follow-on Preconstruction and Engineering Design or PED phase. However, the use of a PA to conduct more detailed surveys and evaluation of large, complex projects at a later planning phase have become a routine occurrence in USACE due to the streamlined nature of recent projects at the Feasibility level of analysis. Additionally, the Recommended Plan consists entirely of non-structural measures (floodproofing or elevation) of 497 structures and USACE will not know until the PED phase when the individual property owners of these structures are contacted and asked for their consent, how many of these total structures will be included in final project construction.

Copies of correspondence (letter or email) are attached which include contact information for each:

RI SHPO, Narragansett Indian Tribe (RI), Mashpee Wampanoag Tribe (MA),
Wampanoag Tribe of Gay Head (Aquinnah) (MA)

The following communities including the historic commission or historic district commission of each were contacted:

Barrington, Bristol, Cranston, East Greenwich, East Providence, Jamestown, Little Compton, Middletown, Narragansett, New Shoreham (Block Island), Newport, North Kingstown, Pawtucket, Portsmouth, Providence, South Kingstown, Tiverton, Warren, and Warwick

Town of North Kingstown Planning Department representing the Wickford Historic District

The Newport Restoration Foundation, City of Newport.

Additional organizations will be identified as coordination on this study proceeds to the next planning phase.

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:

Yes, the link is: <https://www.nae.usace.army.mil/Missions/Projects-Topics/Rhode-Island-Coastline-Coastal-Storm-Risk-Management-Project/>

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link: **N/A**

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.](#)



**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751**

October 13, 2022

Planning Division
Environmental Branch

Ms. Gay Vietzke, Regional Director
National Park Service Interior Region 1, North Atlantic-Appalachian
National Historic Landmark Program
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Dear Ms. Vietzke:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the National Park Service to consult regarding the Rhode Island Coastline Coastal Storm 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 includes the coastal tributaries of southeastern RI from Narragansett Bay to the Massachusetts border. National Historic Landmark Districts (NHLD) are noted for the City of Newport, specifically the Newport Downtown NHLD and the Ocean Drive NHLD. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island Coastal Resources Management Council.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (see figures below) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study used a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

The study's Recommended Plan includes non-structural measures (floodproofing for non-residential properties and critical infrastructure or elevation for residential properties) for 497 total structures, some of which may result in effects on NHLD properties and properties listed in or eligible for listing in the NRHP. The Area of Potential Effect includes the location of and surrounding areas of these structures, the archaeological footprint, the NR eligibility status (if not yet listed), the NHL and NR Listed Districts and properties both within and near these structures, and their associated viewshed and streetscapes. However, participation in non-structural measures is voluntary and we will not know which property owners will consent to floodproofing or elevation measures and which individual properties will ultimately be included in construction until the next phase of the study, the Preconstruction Engineering and Design (PED) Phase which is the precursor to project construction.

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. The PA will allow USACE to complete the necessary historic, architectural, and archaeological surveys during the PED phase of the project. 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 Mr. Marc Paiva, Archaeologist of the Environmental Branch at (978) 318-8796, or by email at marcos.a.paiva@usace.army.mil.

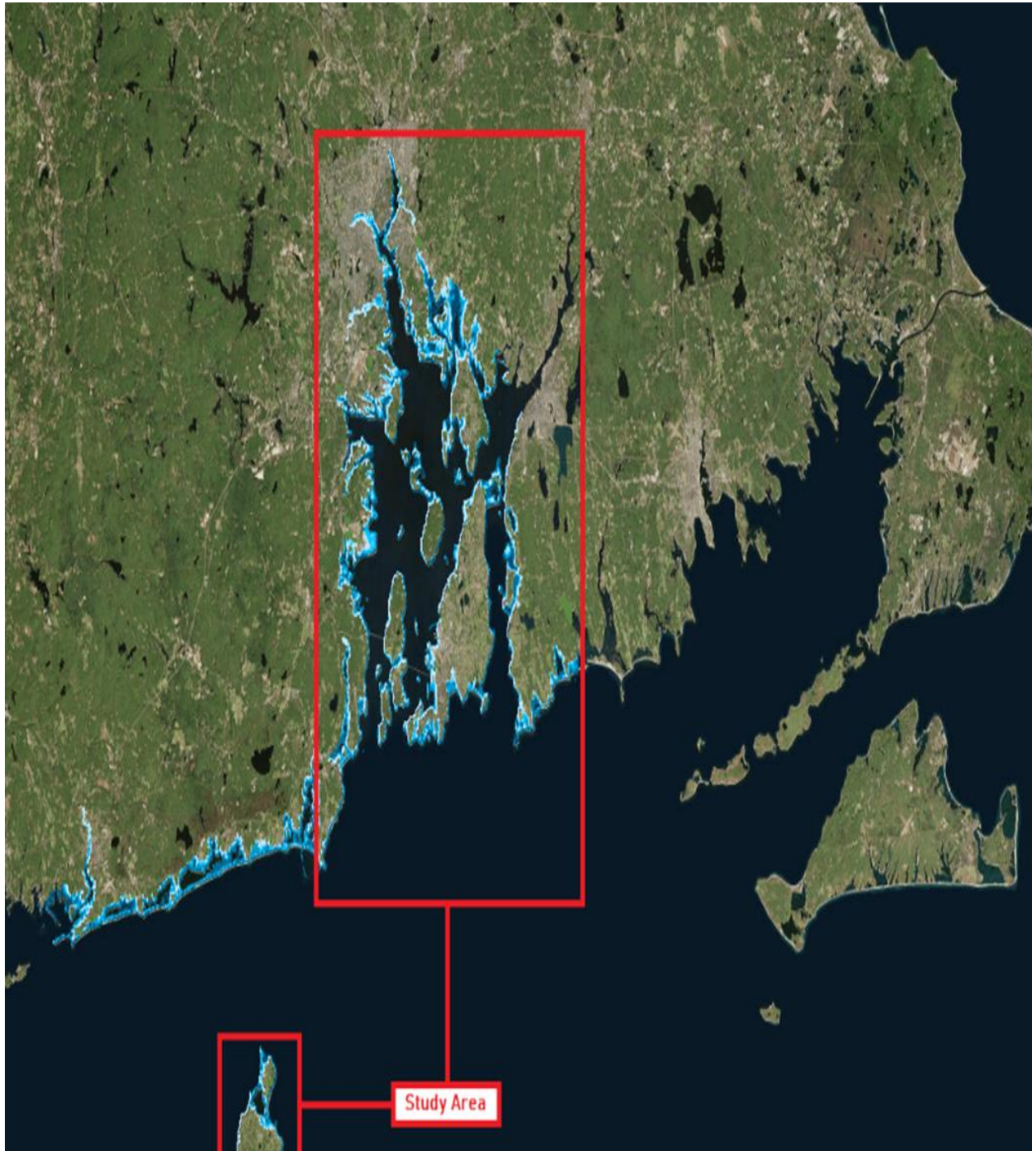
Sincerely,

John R. Kennelly
Chief, Planning Division

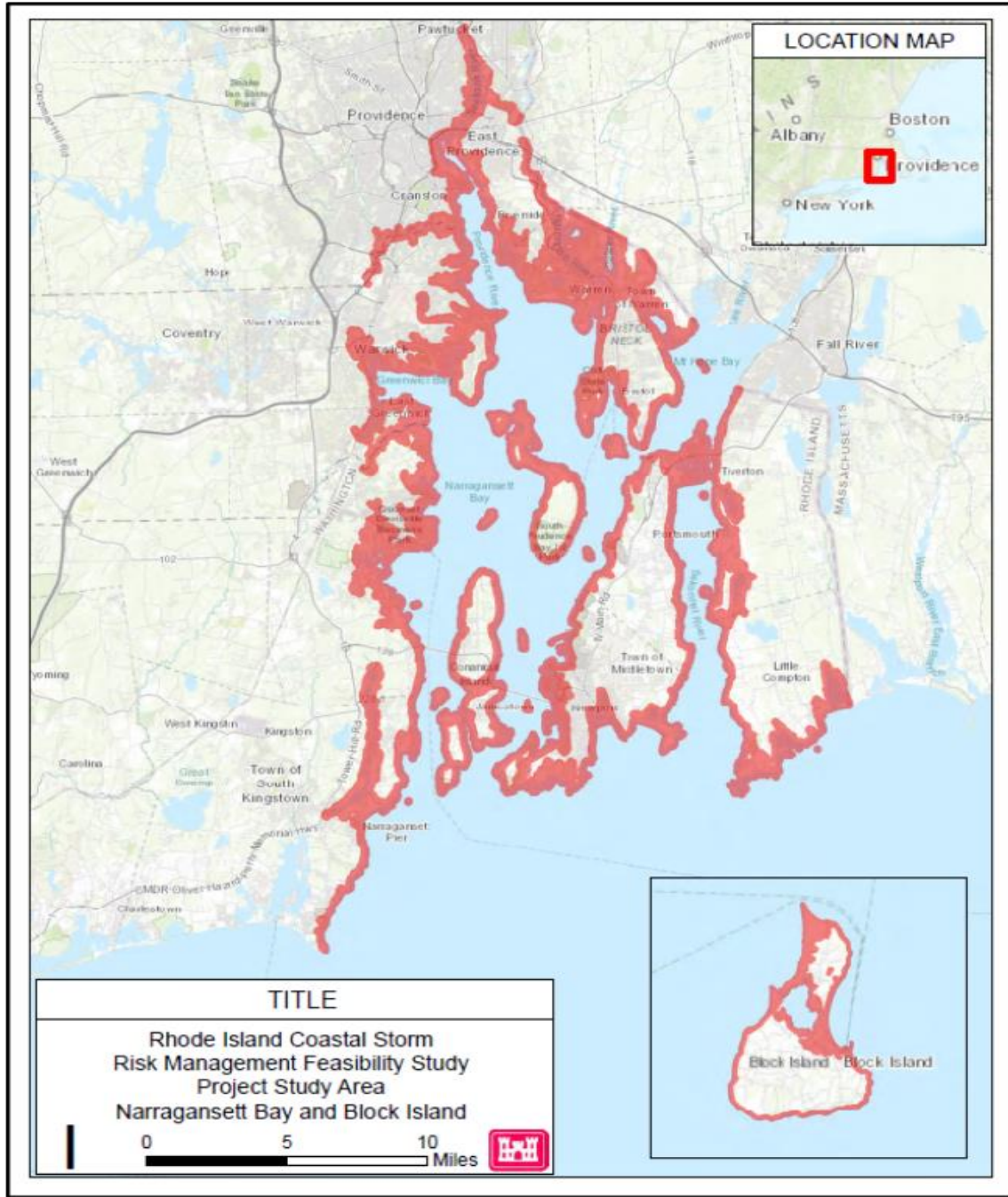
Enclosures

Email copy:

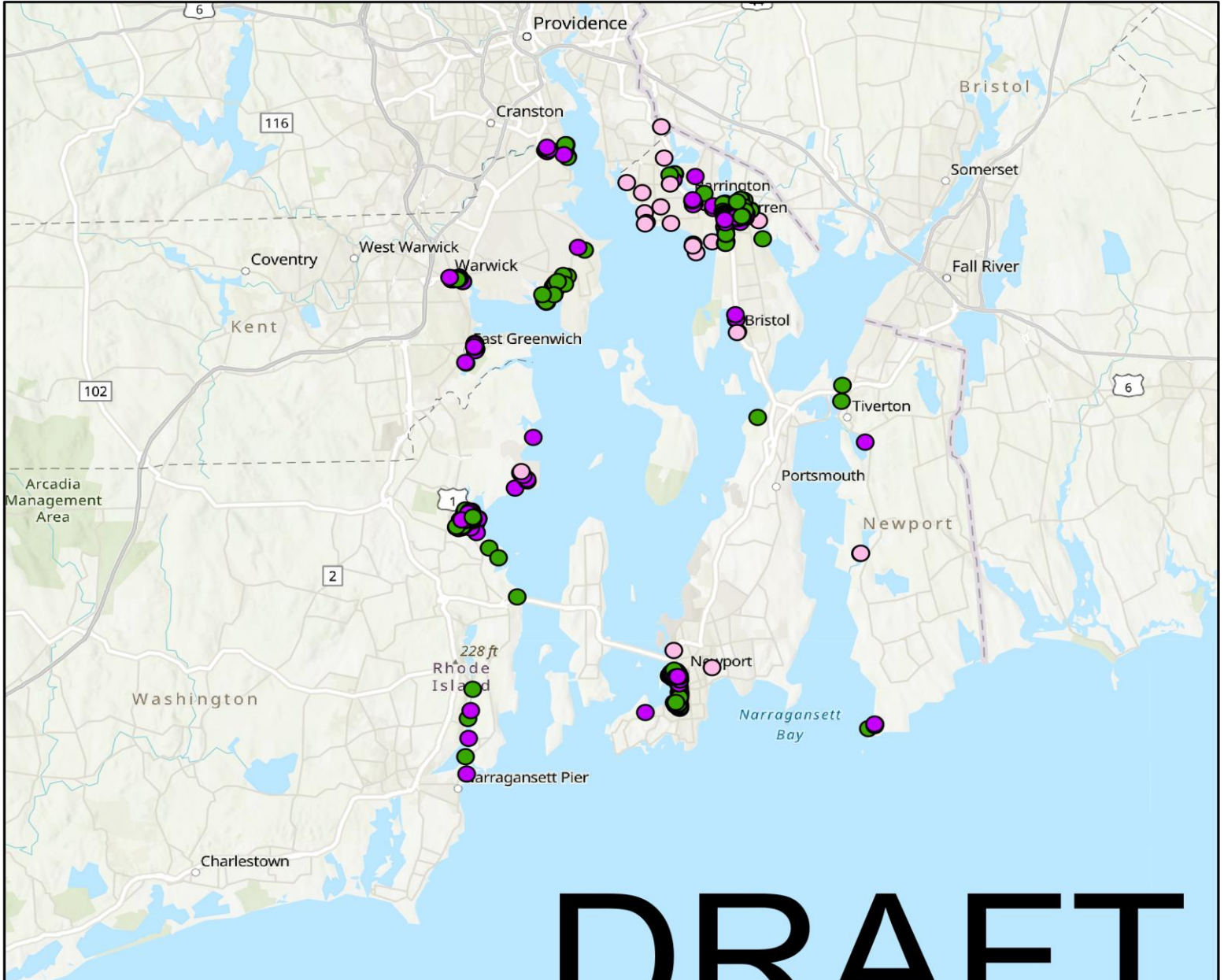
Ms. Kathy Schlegel, National Historic Program Lead, National Park Service



Study Area Map



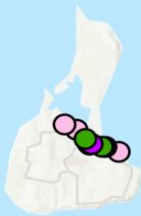
Project Study Area



DRAFT

Rhode Island Coastal Storm Risk Feasibility Study Recommended Plan

- Elevation (295)
- Floodproof (168)
- CI Floodproof (36)





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 19, 2022

Planning Division
Environmental Branch

Ms. Bettina Washington, Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, Massachusetts 02535

Dear Ms. Washington:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the Wampanoag Tribe of Gay Head (Aquinnah) to consult regarding the Rhode Island Coastline Coastal Storm 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 includes the coastal areas of southeastern RI from Narragansett Bay to the Massachusetts border. National Historic Landmark Districts (NHL) are noted for the City of Newport, specifically the Newport Downtown NHL and the Ocean Drive NHL. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island Coastal Resources Management Council.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (see figures below) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study used a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

The study's Recommended Plan includes non-structural measures (floodproofing for non-residential properties and critical infrastructure or elevation for residential properties) for 497 total structures, some of which may result in effects on NHL properties and properties listed in or eligible for listing in the NRHP. The Area of Potential Effect includes the location of and surrounding areas of these structures, the archaeological footprint, the NR eligibility status (if not yet listed), the NHL and NR Listed Districts and properties both within and near these structures, and their associated viewshed and streetscapes. However, participation in non-structural measures is voluntary and we will not know which property owners will consent to floodproofing or elevation measures and which individual properties will ultimately be included in construction until the next phase of the study, the Preconstruction Engineering and Design (PED) Phase which is the precursor to project construction.

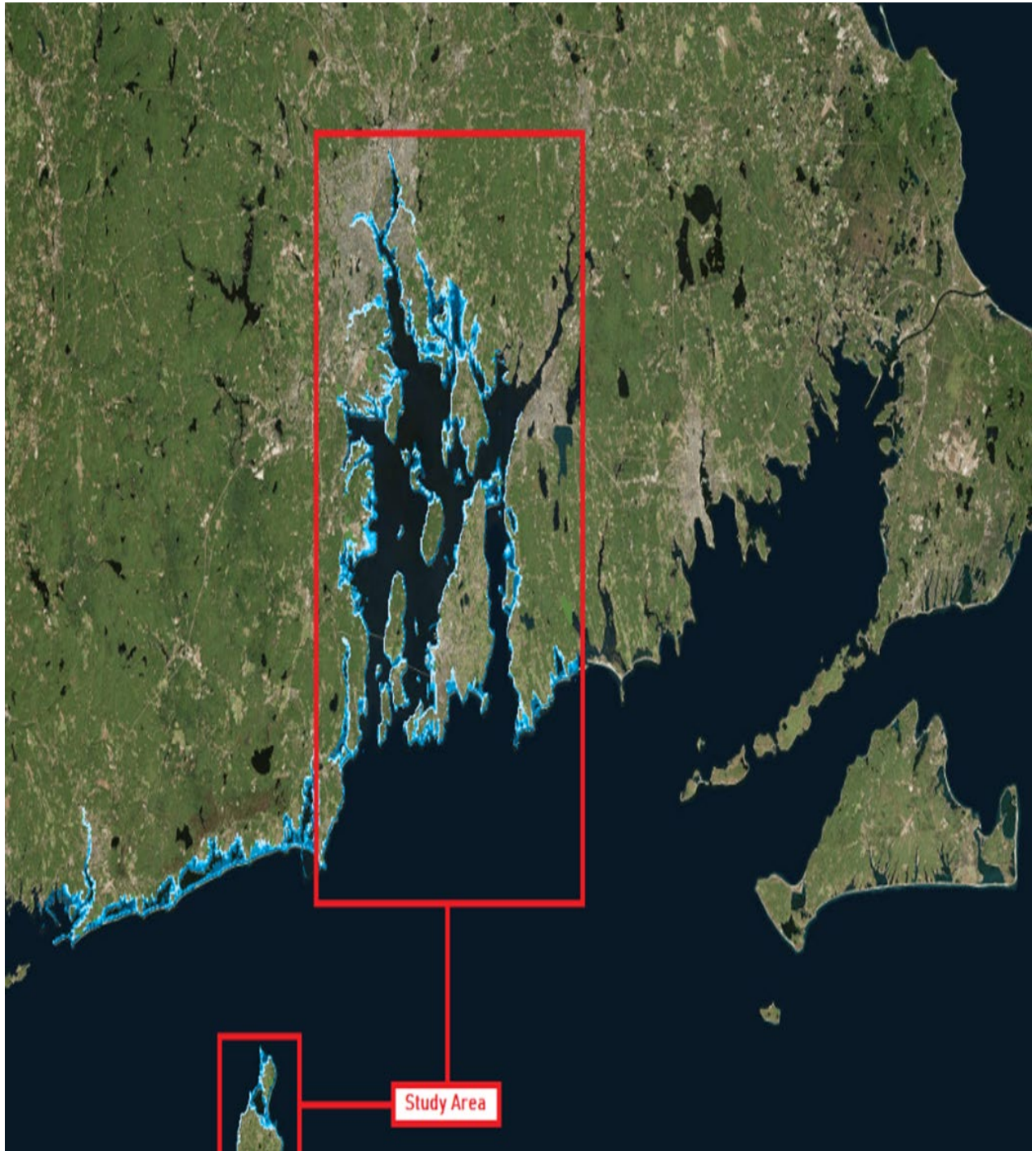
The scope and diversity of potential effects of the undertaking and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. The PA will allow USACE to complete the necessary historic, architectural, and archaeological surveys during the PED phase of the project. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite the Wampanoag Tribe of Gay Head (Aquinnah) 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 Mr. Marc Paiva, Archaeologist of the Environmental Branch at (978) 318-8796, or by email at marcos.a.paiva@usace.army.mil.

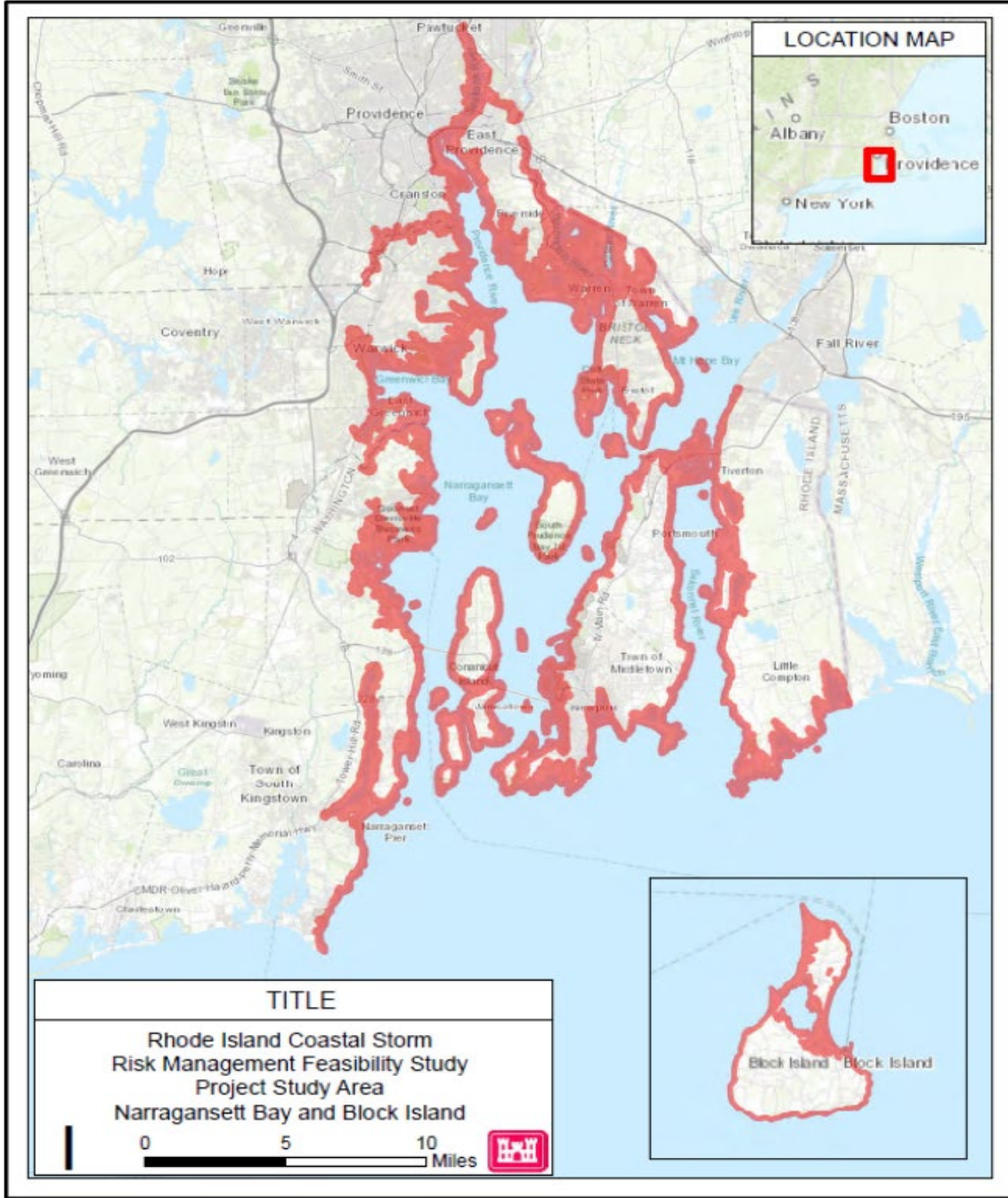
Sincerely,

John R. Kennelly
Chief, Planning Division

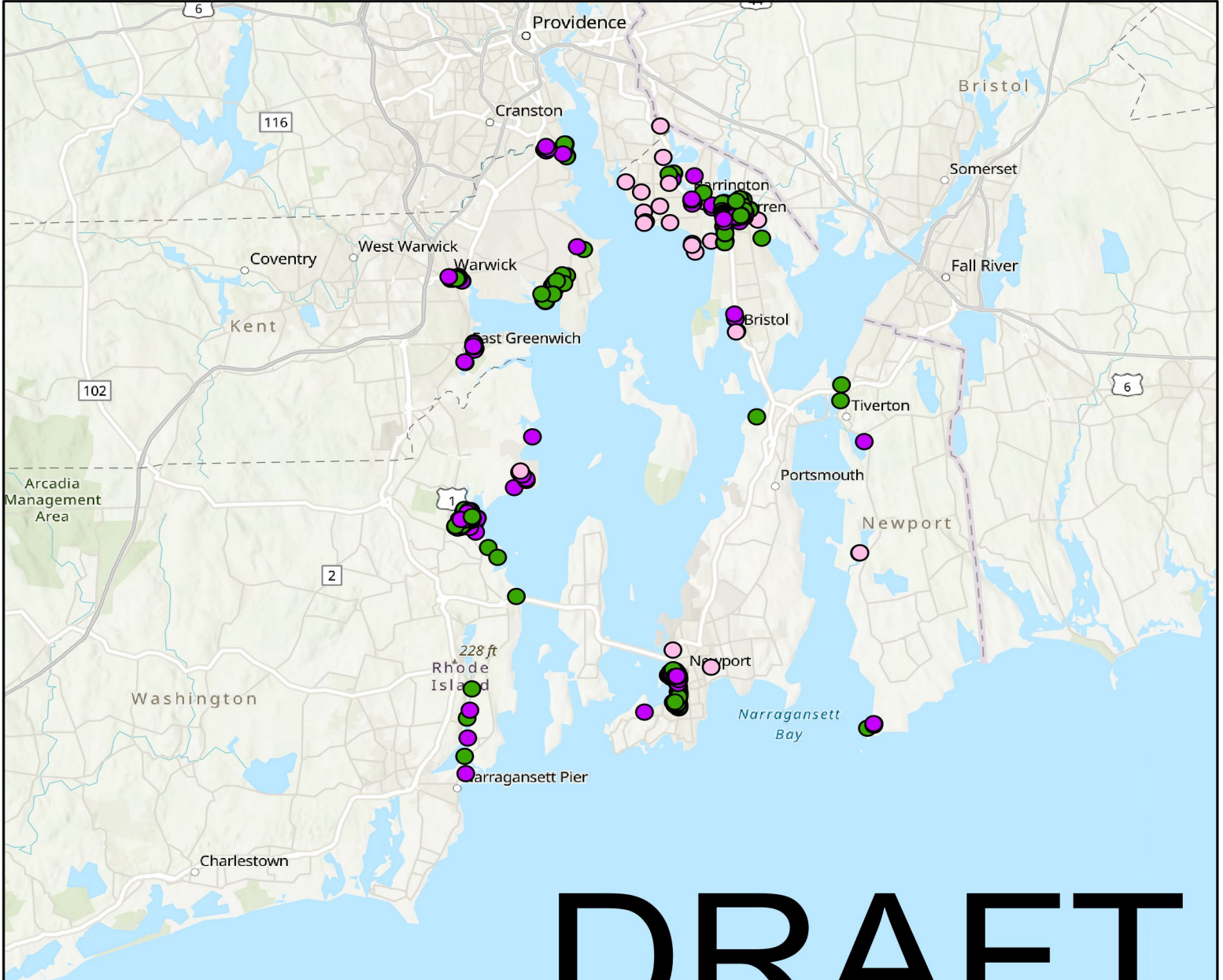
Enclosures



Study Area Map






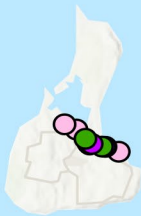
Project Study Area



DRAFT

Rhode Island Coastal Storm Risk Feasibility Study Recommended Plan

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DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 19, 2022

Planning Division
Environmental Branch

Mr. David Weeden, Tribal Historic Preservation Officer/Director
Historic Preservation Office
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, Massachusetts 02649

Dear Mr. Weeden:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the Mashpee Wampanoag Tribe to consult regarding the Rhode Island Coastline Coastal Storm 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 includes the coastal areas of southeastern RI from Narragansett Bay to the Massachusetts border. National Historic Landmark Districts (NHL) are noted for the City of Newport, specifically the Newport Downtown NHL and the Ocean Drive NHL. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island Coastal Resources Management Council.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (see figures below) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study used a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

The study's Recommended Plan includes non-structural measures (floodproofing for non-residential properties and critical infrastructure or elevation for residential properties) for 497 total structures, some of which may result in effects on NHL properties and properties listed in or eligible for listing in the NRHP. The Area of Potential Effect includes the location of and surrounding areas of these structures, the archaeological footprint, the NR eligibility status (if not yet listed), the NHL and NR Listed Districts and properties both within and near these structures, and their associated viewshed and streetscapes. However, participation in non-structural measures is voluntary and we will not know which property owners will consent to floodproofing or elevation measures and which individual properties will ultimately be included in construction until the next phase of the study, the Preconstruction Engineering and Design (PED) Phase which is the precursor to project construction.

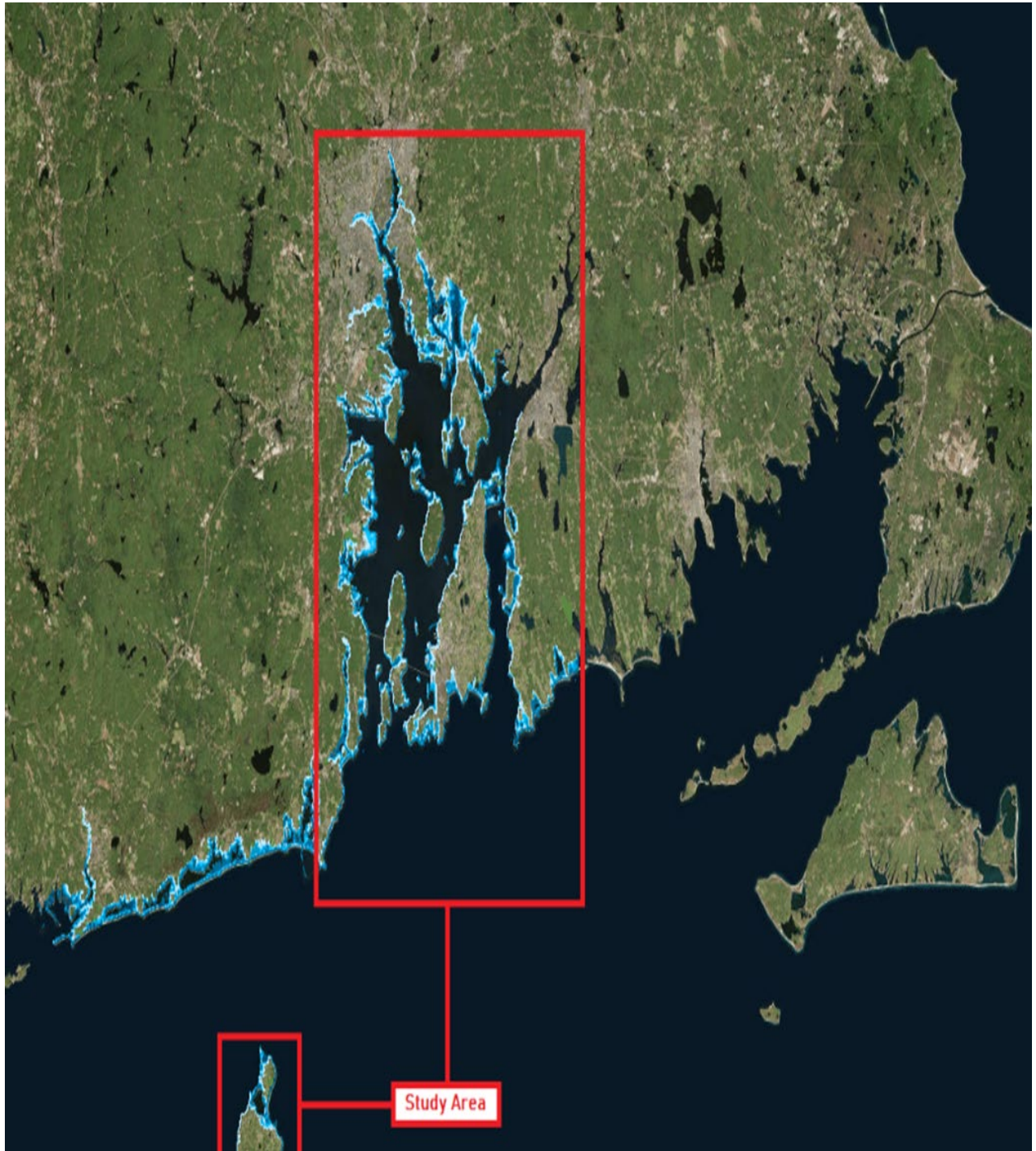
The scope and diversity of potential effects of the undertaking and constraints of the USACE planning policy make a Programmatic Agreement (PA) for compliance with NHPA Section 106 essential. The PA will allow USACE to complete the necessary historic, architectural, and archaeological surveys during the PED phase of the project. The PA will also streamline Section 106 reviews given the potential to affect a high number of historic properties.

We invite the Mashpee Wampanoag Tribe 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 Mr. Marc Paiva, Archaeologist of the Environmental Branch at (978) 318-8796, or by email at marcos.a.paiva@usace.army.mil.

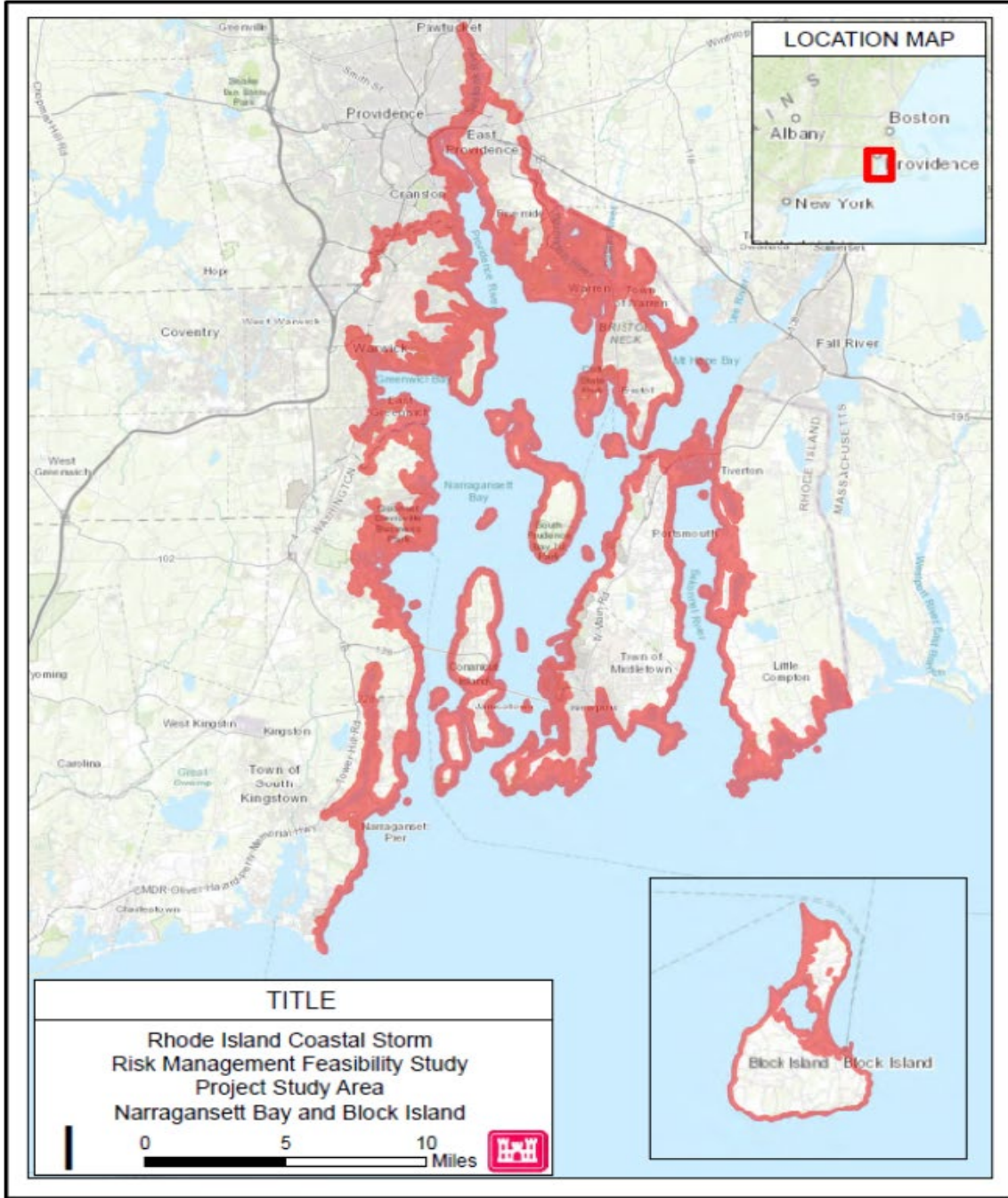
Sincerely,

John R. Kennelly
Chief, Planning Division

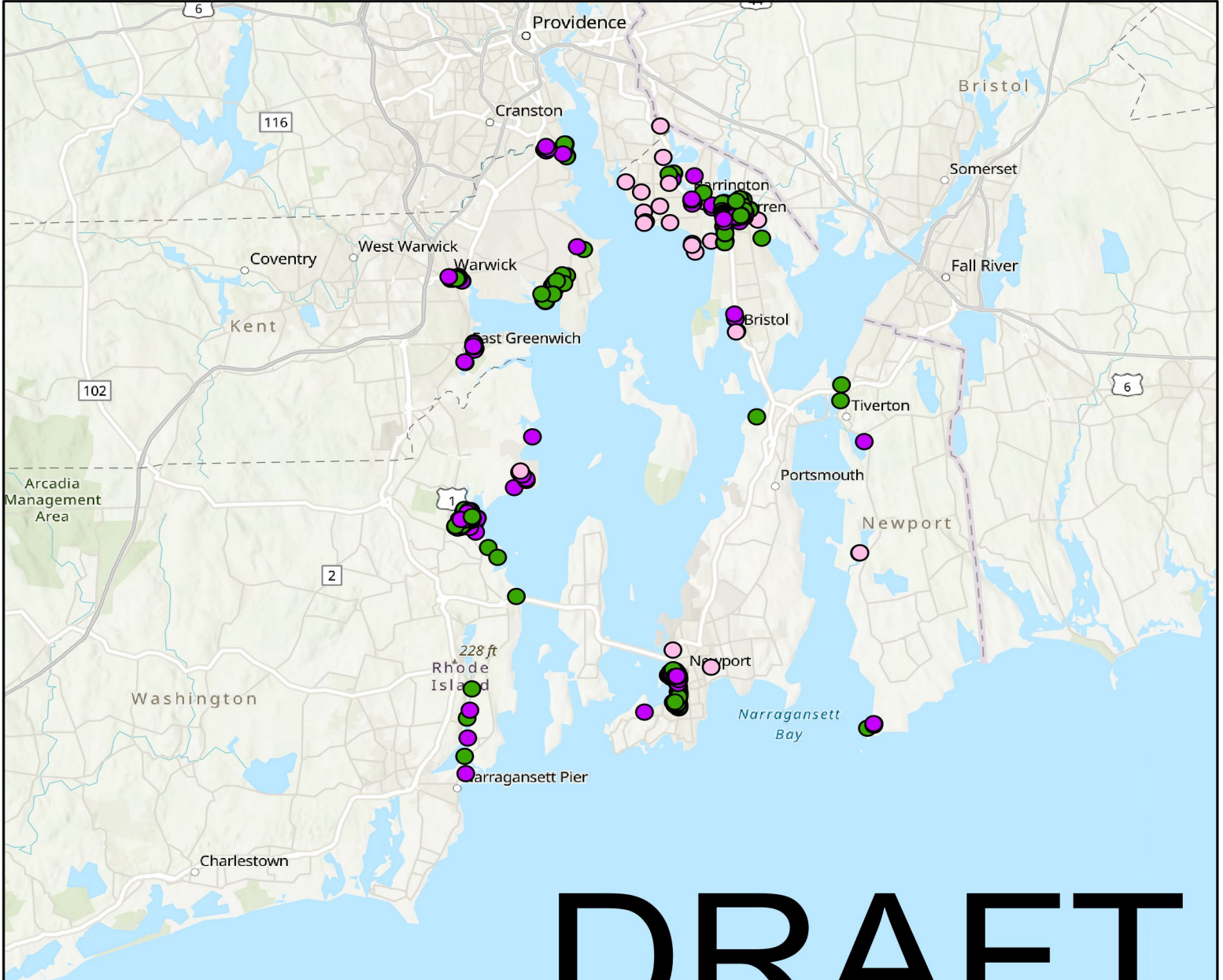
Enclosures



Study Area Map



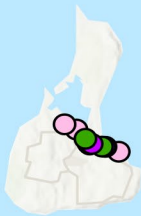
Project Study Area



DRAFT

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DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 19, 2022

Planning Division
Environmental Branch

Mr. John Brown, Tribal Historic Preservation Officer
Narragansett Indian Tribe
4425 South County Trail
Charlestown, Rhode Island 02813

Dear Mr. Brown:

In accordance with regulations pertaining to the National Historic Preservation Act (NHPA), Section 106, we invite the Narragansett Indian Tribe to consult regarding the Rhode Island Coastline Coastal Storm 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 includes the coastal areas of southeastern RI from Narragansett Bay to the Massachusetts border. National Historic Landmark Districts (NHL) are noted for the City of Newport, specifically the Newport Downtown NHL and the Ocean Drive NHL. The study is a joint undertaking of the U.S. Army Corps of Engineers (USACE), New England District and the Rhode Island Coastal Resources Management Council.

The study area covers more than 457 miles of coastline and all or part of 19 municipalities (see figures below) with more than 650,000 people currently residing within the boundaries of the project. The study is necessary because this area experiences frequent flooding from high tides, spring tides, and coastal storms; is considered at high risk of coastal storm flooding with an associated threat to life safety; and is susceptible to sea level change. The study used a system-wide, integrated approach that incorporates the natural, social, and built systems to support resilient coastal communities and sustainable ecosystems.

The study's Recommended Plan includes non-structural measures (floodproofing for non-residential properties and critical infrastructure or elevation for residential properties) for 497 total structures, some of which may result in effects on NHL properties and properties listed in or eligible for listing in the NRHP. The Area of Potential Effect includes the location of and surrounding areas of these structures, the archaeological footprint, the NR eligibility status (if not yet listed), the NHL and NR Listed Districts and properties both within and near these structures, and their associated viewshed and streetscapes. However, participation in non-structural measures is voluntary and we will not know which property owners will consent to floodproofing or elevation measures and which individual properties will ultimately be included in construction until the next phase of the study, the Preconstruction Engineering and Design (PED) Phase which is the precursor to project construction.

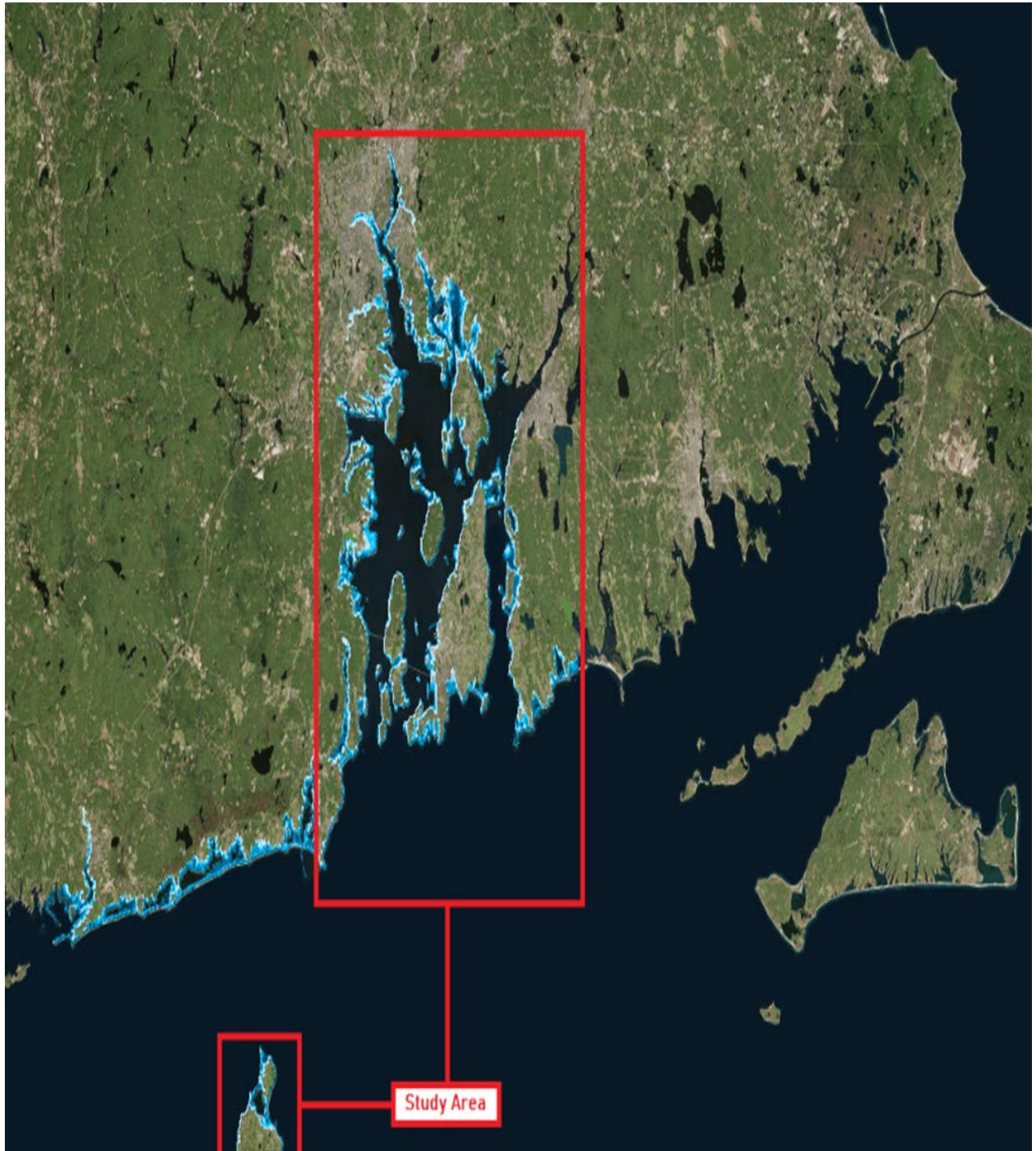
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We invite the Narragansett Indian Tribe to consult and concur with us as we develop the PA pursuant to 36 CFR Part 800. Should you have any questions regarding this project, please contact Mr. Marc Paiva, Archaeologist of the Environmental Branch at (978) 318-8796, or by email at marcos.a.paiva@usace.army.mil.

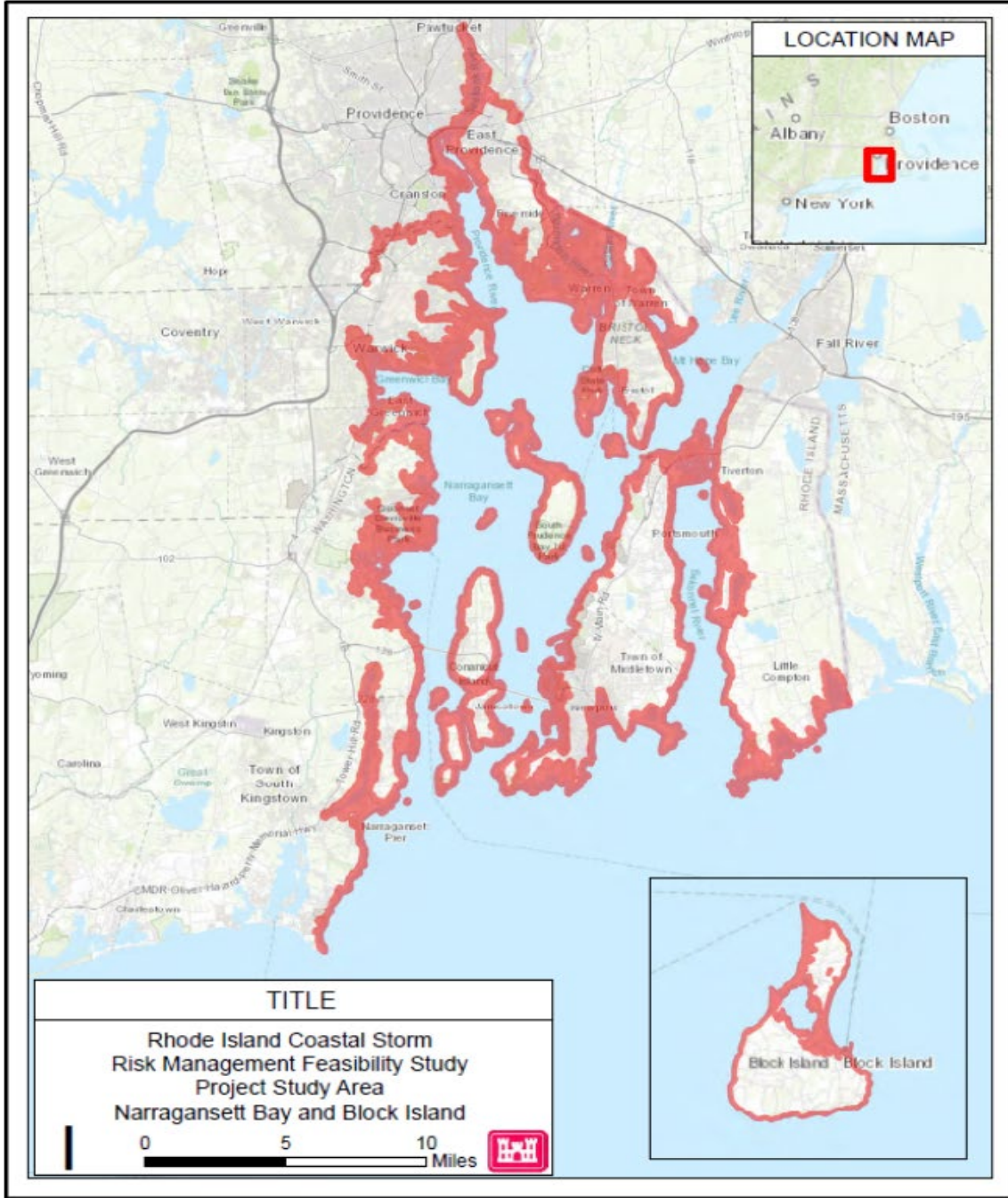
Sincerely,

John R. Kennelly
Chief, Planning Division

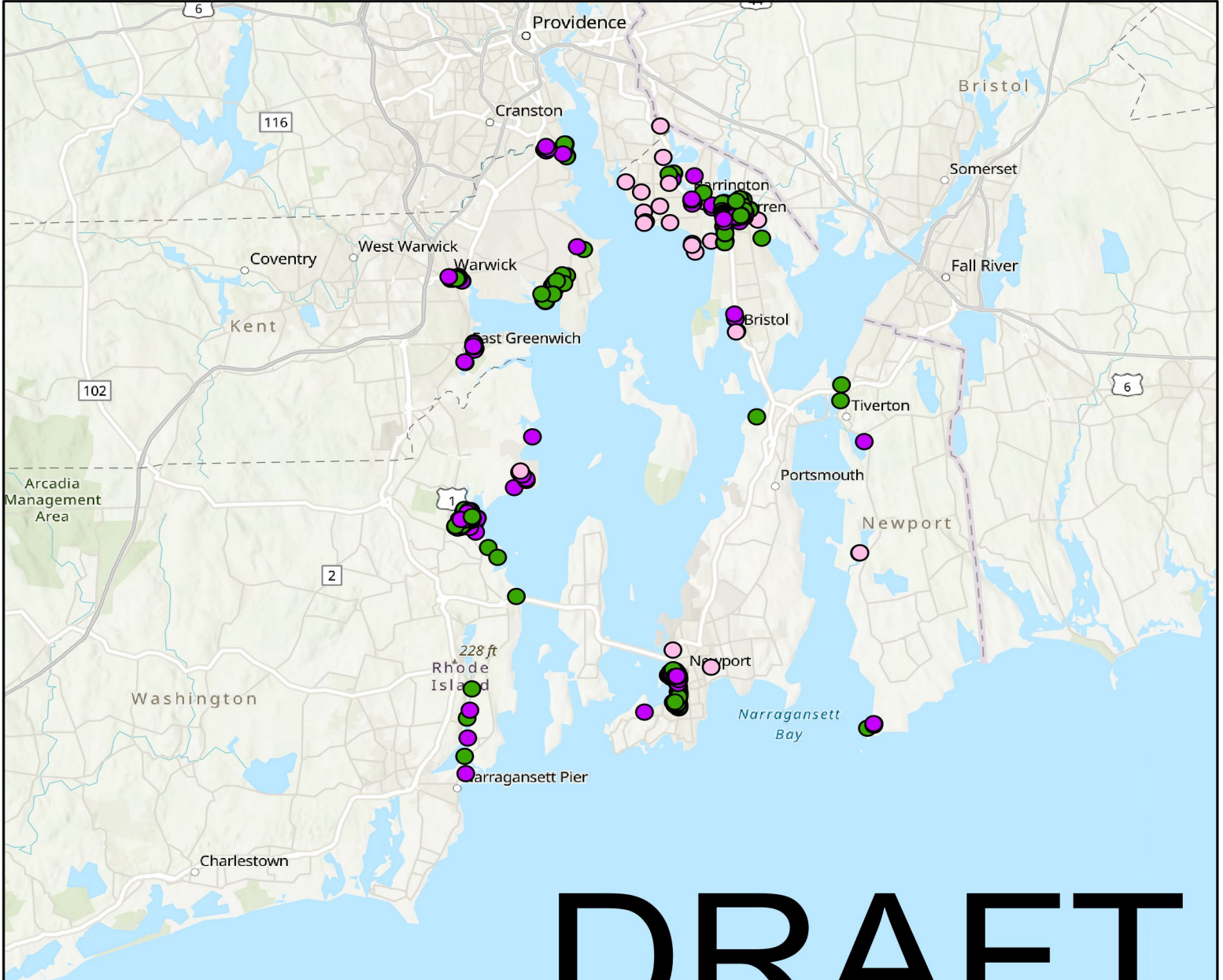
Enclosures



Study Area Map



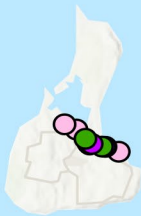
Project Study Area



DRAFT

Rhode Island Coastal Storm Risk Feasibility Study Recommended Plan

- Elevation (295)
- Floodproof (168)
- CI Floodproof (36)



Jordan E. Tannenbaum
Vice Chairman

Reid J. Nelson
Executive Director, Acting



October 19, 2022

Mr. Jaime A. Pinkham
Acting Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
108 Army Pentagon
Washington DC 20310

Ref: *Rhode Island Coastline Coastal Storm Risk Management Study
Barrington, Bristol, Cranston, East Greenwich, East Providence, Jamestown, Little Compton,
Middletown, Narragansett, New Shoreham, Newport, North Kingstown, Pawtucket, Portsmouth,
Providence Counties; Rhode Island
ACHP Project Number: 018789*

Dear Mr. Pinkham:

In response to the recent notification by the U.S. Army Corps of Engineers, 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 Mr. John R. Kennelly, New England District, Planning Division, 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. We look forward to working with your agency and other consulting parties to seek ways to avoid, minimize, or mitigate the undertaking's potential adverse effects on historic properties.

Sincerely,

Reid J. Nelson
Executive Director, Acting



December 2, 2022

Via email: marcos.a.paiva@usace.army.mil

Marc Paiva
Regional Technical Specialist – Archaeology
U.S. Army Corps of Engineers – New England District
Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751

Re: Rhode Island Coastline Coastal Storm Risk Management

Dear Mr. Paiva,

The Newport Restoration Foundation (NRF) has reviewed the information provided from the United State Army Corps of Engineers (USACE) for the Rhode Island Coastline Coastal Storm Risk Management program:

- Final Integrated Feasibility Study & Environmental Assessment
- Draft Programmatic Agreement

NRF has also reviewed the comments submitted by the Rhode Island Historical Preservation and Heritage Commission (RIHPHC) on September 16, 2022, in regards to the above study and draft Programmatic Agreement (PA). NRF agrees with the RIHPHC's comments that the identified Area of Potential Affect (APE) is unclear. Clarifying the federal or state flood standards used (FEMA Flood Zone, RIEMA Floodplain, STORMTOOLS, etc.) to define the APE will assist in identifying all relevant historic properties. NRF suspects that the current count of 497 structures, as noted in the study, underestimates the true number of properties that are listed on or eligible for the National Register of Historic Places and are also vulnerable to sea level rise

NRF also agrees with the RIHPHC that the project would benefit from a team who has experience with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the National Park Service's *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings*. This level of expertise will be necessary during the survey and fieldwork portion of the Preconstruction, Engineering and Design (PED) phase. NRF suggests the USACE look to current flood adaptation studies being completed in RI and MA by the Silver Jackets, a federal team of architectural historians, architects, and engineers. This sort of interagency team approach could be replicated on a larger scale for the study project.

As written, the PA considers building elevation and flood proofing as "adverse effects" that can be mitigated or minimized by following the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and/or the National Park Service's *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings*. In Newport, elevating and flood proofing historic and National Register listed structures has already begun in neighborhoods such as Easton's Point. In addition to following the SOI's Standards, the Newport Historic District Commission passed the *Design Guidelines for Elevating Historic*

Buildings in January 2020. These guidelines are in use for reviewing proposed building elevations in Newport's Historic Districts, positively contributing to the kinds of building adaptations proposed in this study. NRF requests these guidelines be included among the other standards consulted in the project.

As this project will affect all historic coastal communities in Rhode Island, NRF urges the USACE to expand the concurring parties involved in this proceeding to include other local nonprofits, historical/preservation societies, and environmental resiliency organizations throughout the state. Input from statewide stakeholders could provide alternative solutions to elevation and flood proofing alone, strategies that are not a one-size fits all solution for historic properties. From NRF's perspective, paramount among stakeholders is the City of Newport's Planning and Economic Development Department and Historic District Commission. NRF would be glad to act as a resource in identifying additional stakeholders for this process.

Newport property owners understand firsthand the costs, complications, and approval process associated with elevating and flood proofing historic properties. NRF is optimistic that the project proposed, with changes incorporated to best identify all vulnerable historic properties, offers much-needed funding to homeowners living in the floodplain. By including more stakeholders and qualified experts in the planning process and clarifying the APE and adaptation solutions, this project has the potential to greatly assist coastal historic homeowners across the state. NRF looks forward to assisting however needed throughout the project and offering resources and best practices for protecting historic structures from sea level rise.

Sincerely,

Margaret Back

Margaret Back
Preservation Associate
Newport Restoration Foundation



January 13, 2023

Colonel John A. Atilano II
District Commander
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

Ref: *Rhode Island Coastline Coastal Storm Risk Management Study
Barrington, Bristol, Cranston, East Greenwich, East Providence, Jamestown, Little Compton,
Middletown, Narragansett, New Shoreham, Newport, North Kingstown, Pawtucket, Portsmouth,
Providence Counties; Rhode Island
ACHP Project Number: 018789*

Colonel Atilano:

Enclosed is your copy of the fully executed Section 106 agreement (Agreement) for the referenced undertaking. By carrying out the terms of the Agreement, U.S. Army Corps of Engineers will fulfill its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Please ensure all consulting parties are provided a copy of the executed Agreement in accordance with 36 CFR § 800.6(c)(9). The original Agreement will remain on file at our office.

If we may be of further assistance as the Agreement is implemented, please contact Mr. Christopher Daniel at (202) 517-0223 or by e-mail at cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

Christopher Koeppe
Assistant Director
Office of Federal Agency Programs
Federal Property Management Section

Enclosure

APPENDIX H3

Cultural Resources Cost Estimate for Surveys and Mitigation during Preconstruction Engineering Design (PED) Phase

RI COASTLINE COASTAL STORM RISK MANAGEMENT STUDY
CULTURAL RESOURCES COST ESTIMATE FOR PRECONSTRUCTION ENGINEERING AND DESIGN PHASE
UPDATED – SEPTEMBER 22, 2022

497 TOTAL STRUCTURES
290 ELEVATION, 171 FLOODPROOFING, AND 36 CRITICAL INFRASTRUCTURE (FP)

229 STRUCTURES ALREADY LISTED IN HISTORIC DISTRICT
268 STRUCTURES YET TO BE SURVEYED

Building Surveys and Reporting

Structure Inventory - \$500/structure X 268 = \$134,000
Update Existing NRHP/NHL inventory forms - \$15,000 per form X 12 = \$180,000
New NRHP forms - \$10,000 each, assume 26 new forms = \$260,000
TOTAL: \$574,000

Mitigation:

HABS/HAER - \$30,000/structure X 10 = \$300,000
Research - \$10,000/area or community X 19 = \$190,000
Signs - \$4,000/each (assume 10) = \$40,000
Markers - \$5,500/each (assume 10) = \$55,000
Pamphlets - \$6,000/each (assume 10) = \$60,000
TOTAL: \$645,000

Archaeology:

30 buildings (app. 10% of 290) will require testing at 10 STPs each for a total of 300 test pits
20 STPs/per day = 15 days or 120 hours
\$5,000/week over 3 weeks = \$15,000
TOTAL: \$15,000

Phase 2:

100 STPs @ 20/day = 5 days or 40 hours
\$5,000/week @ 1 weeks = \$5,000
TOTAL: \$5,000

Phase 3:

4 EUs (2 buildings) @ 1/day = 4 days or 32 hours
\$5,000/week = \$4,000
TOTAL: \$4,000

Reporting:

Structure Inventory \$200,000
Recommendations \$100,000
Archaeology Reports \$100,000
GIS/Graphics Production \$100,000
Contractor Administration \$50,000
TOTAL: \$550,000

In-House Labor:

1 FTE to manage PA and Task Orders at \$275,000/year X 3 years = \$825,000

Contracting: \$100,000 for Inventory, HABS/HAER, and Archaeology task orders

TOTAL IN-HOUSE: \$925,000

TOTALS:

ACTION			COST
Buildings Survey			\$574,000
Mitigation			\$645,000
Archaeology			\$24,000
Report Production			\$550,000
In-House Labor			\$925,000
GRAND TOTAL			\$2,718,000

- Costs are approximate only for purposes of estimating Preconstruction Engineering and Design anticipated tasks and overall effort