

**UPPER MISSISSIPPI RIVER RESTORATION FEASIBILITY REPORT
WITH INTEGRATED ENVIRONMENTAL ASSESSMENT**

**GREEN ISLAND
HABITAT REHABILITATION AND ENHANCEMENT PROJECT**

**POOL 13, UPPER MISSISSIPPI RIVER
RIVER MILES 545.9 THROUGH 548.7
JACKSON COUNTY, IOWA**

**APPENDIX A
CORRESPONDENCE**

Correspondence Summary

The USACE, Rock Island District (District) coordinated with the project sponsor, Federal agencies and partners, and the public throughout the planning of Green Island HREP. This Appendix includes correspondence at specific PDT decision points and agency letters of support, and will be updated with public involvement documentation starting with the public review comments received by October 21, 2023.¹

The District regularly coordinated with Federal and state agencies during the analysis and selection of the Tentatively Selected Plan. The coordination resulted in compliance with all applicable laws and regulations governing the scope of work identified by the UMRR program and this Project.

The District coordinated with appropriate cultural resource agencies such as the State Historic Preservation Offices and Tribal Historic Preservation Offices during the planning phase. The letters of correspondence are included in this appendix.¹

The District will conduct a public involvement and review session for the planning phase. Public correspondence and comments will be added as attachments to this appendix.¹

¹ These sections will be updated as we move through the review process and more documentation is gained/necessary.

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**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004**

April 15, 2022

REPLY TO
ATTENTION OF

Regional Planning and Environmental
Division North (RPEDN)

Subject: Programmatic Agreement Modifying Section 106 Process for the Green Island Habitat Rehabilitation and Enhancement Project (HREP), Jackson County, Iowa

To: Advisory Council on Historic Preservation
Christopher Daniel, Program Analyst
[REDACTED]

Dear Mr. Daniel,

The U.S. Army Corps of Engineers, Rock Island District (District) is writing to inform you of an upcoming Habitat Rehabilitation and Enhancement Project (Project) at Green Island Wildlife Management Area (WMA) at the confluence of the Maquoketa and Mississippi Rivers in Jackson County, Iowa. The identification and evaluation of historic properties and determinations of effect will not be completed prior to the completion of the environmental assessment needed for compliance with the National Environmental Policy Act (NEPA), making the execution of a Programmatic Agreement (Agreement) for this Project an appropriate course of action, pursuant to 36 CFR 800.14(b)(1)(ii). The District greatly values your participation and input, inviting your agency to participate as a consulting party and signatory in a forthcoming Agreement as per 36 CFR 800.14(b)(1)(ii).

Federal Undertaking

Pursuant to the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations, 36 CFR Part 800, the District determined the planned project (Project) has the potential to cause effects to historic properties [36 CFR 800.3(a)] and as a consequence required a determination of effect within the Area of Potential Effect (APE).

Area of Potential Effect (APE)

The Green Island Project area is a 4,000-acre managed wetland complex that includes shallow lakes, emergent vegetation, managed moist soil areas, and braided channels surrounded by degrading riparian timber, located in Pool 13 of the Upper Mississippi River (UMR) below the confluence of the Maquoketa River along the right descending bank between river miles (RMs) 548.5 and 546.0. The Project features will be located entirely in the Green Island WMA and managed by the Iowa Department of Natural Resources (IA DNR). All Project lands are in Federal fee title ownership by the District and are managed via cooperative agreement between the District and the U.S. Fish and Wildlife Service (USFWS) as part of the Upper Mississippi River National Wildlife and Fish Refuge (NWFR).

The District has determined that, for purposes of Section 106 of the NHPA, the Federal undertaking encompasses permanent and temporary access routes, equipment staging areas, aquatic diversity dredging and dredge material placement areas, topographic diversity measures, timber stand improvement, and the footprint of the planned construction for water control features. The APE boundaries will not change as the project progresses; however, the footprint of various direct effects may change as the placement of specific features is refined within the APE. Some specific project features, including design and execution of the timber stand improvements, are not currently known. However, the types of actions to be performed and their potential impacts will all be included in the Agreement.

Project Justification

The Green Island HREP is an ecosystem restoration Project developed through the Upper Mississippi River Restoration (UMRR) Program. The UMRR Program, authorized by the Water Resources Development Act (WRDA) of 1986 under Section 1103 and extended indefinitely by the WRDA of 1999, is a Federal/State partnership program for planning, construction, and evaluation of fish and wildlife habitat rehabilitation Projects and for monitoring the natural resources of the river system. The UMRR Program is a regional program that includes the U.S. Army Corps of Engineers' (Corps) St. Paul, Rock Island, and St. Louis Districts. The purpose of the rehabilitation projects portion of the UMRR Program is to preserve and restore habitat on the Mississippi and Illinois floodplain river systems. The scope of the current Project consists of an approved feasibility study with an integrated environmental assessment, plans and specifications (P&S) design, and construction of the Green Island HREP.

Historic Properties Identification

The District conducted an archival search for historic properties by querying the I-Sites Online GIS and Database for Iowa Archaeology and the National Register of Historic Places (NRHP) database for standing, buried, or submerged historic properties potentially affected by this project. No submerged or standing historic properties eligible for NRHP listing are documented within the APE.

The Project area has not been entirely surveyed for buried cultural resources. The boundaries of those surveys that have been completed to date are depicted in the attached map labeled Enclosure 2. Due to the size of the remaining unsurveyed portions of the project area, a phased identification approach utilizing cultural and geomorphological assessments will be employed as plans for feature designs and placement are developed. The potential for effect to historic properties of any future plans will be reviewed by the District and coordinated with the consulting parties prior to construction as per the stipulations of the Agreement.

This Agreement will be included in an appendix of the final National Environmental Policy Act (NEPA) document, the Environmental Assessment (EA) as per 36 CFR 800.8. The draft EA will be available for public review. Evidence of this Agreement will be included in the draft EA.

Consulting Parties Invitation

The District would like to identify any concerns and reach mutually agreeable decisions while taking into account the interests of Tribal, state, and Federal governments and other consulting parties for all future courses of action, including development of the Agreement. The Corps identified you as a consulting party for this undertaking (as per 36 CFR 800.2) and invites your participation in the Section 106 process. The attached Distribution List (Enclosure 3) lists all parties that received letters about this

planned Project and Agreement. The District invites you to identify any other consulting parties and provide input on issues relating to this undertaking.

The District hopes your agency will agree to participate as a consulting party and as a signatory of the Agreement. If you wish to participate, please provide the District with a letter, email, or phone call to confirm your acceptance of the invitation within 30 days of receipt of this letter. Please also provide the District with a point of contact for future consultation on the Project. Questions concerning the proposed Project or Agreement can be directed to Dr. Kelsey Myers, RPA of the Environmental Planning Branch by email: [REDACTED], or in writing to the address above, ATTN: Regional Planning and Environmental Division North (Kelsey Myers).

Sincerely,

Steven J |
Clark

[REDACTED]
[REDACTED]⁵

Steven J. Clark
Acting Chief, Environmental Planning Branch,
Regional Planning and Environment Division North
St. Paul, Rock Island, St. Louis

Enclosures (3)

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Myers, Kelsey J CIV USARMY CEMVP (USA)
Sent: Monday, May 9, 2022 1:31 PM
To: e106@achp.gov
Subject: Invitation to participate in project-level PA for Green Island HREP, Iowa
Attachments: e106 form logo 2020_Green Island PA.docx; 15APR2022_Green Island ACHP_Letter.pdf; Enclosure 1 _Project Location.pdf; Enclosure 2_Previous surveys.pdf; Enclosure 3_Email Distribution List.pdf

Good Afternoon,

Please see the attached form, letter, and enclosures regarding a formal invitation to participate in the development of a project-level programmatic agreement modifying the Section 106 process for the USACE Rock Island District's Green Island Habitat Rehabilitation and Enhancement Project (HREP). The Project is located in Pool 13 of the Upper Mississippi River (Miles 548.5 and 546.0), Jackson County, Iowa. This PA will be based on the District's recently executed PA for Steamboat Island HREP, for which the Iowa SHPO participated as a signatory and the ACHP declined to participate. Therefore the content and format of the Agreement will closely follow a recently reviewed and approved Agreement for a similar project and comment is expected to be minimal.

I am serving as the technical POC for the development of this agreement and may be reached via phone or email as indicated in my signature below, or by mail using the information in the attached letter.

Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & MVR Tribal Liaison
Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)
U.S. Army Corps of Engineers

Office: [REDACTED]
[REDACTED]

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, Rock Island District

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

Programmatic Agreement Modifying Section 106 Process for the Green Island Habitat Rehabilitation and Enhancement Project (HREP), Jackson County, Iowa

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):

Green Island Wildlife Management Area (WMA) at the confluence of the Maquoketa and Mississippi Rivers in Jackson County, Iowa; land is fee title ownership by USACE; majority of the project area has not been previously surveyed; area with low to moderate potential for existence of unknown subsurface cultural resources and known, unevaluated surface resources

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

Office: [REDACTED]
[REDACTED]

II. Information on the Undertaking*

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

Planned Habitat Rehabilitation and Enhancement Project (Project) at Green Island Wildlife Management Area (WMA) in Jackson County, Iowa.

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

See attached letter and enclosures.

9. Describe steps taken to identify historic properties:

The identification and evaluation of historic properties and determinations of effect will not be completed prior to the completion of the environmental assessment needed for compliance with the National Environmental Policy Act (NEPA), making the execution of a Programmatic Agreement (Agreement) for this Project an appropriate course of action, pursuant to 36 CFR 800.14(b)(1)(ii).

The District conducted an archival search for historic properties by querying the I-Sites Online GIS and Database for Iowa Archaeology and the National Register of Historic Places (NRHP) database for standing, buried, or submerged historic properties potentially affected by this project. The Project area has not been entirely surveyed for buried cultural resources. The boundaries of those surveys that have been completed to date are depicted in the attached map labeled Enclosure 2. Due to the size of the remaining unsurveyed portions of the project area, a phased identification approach utilizing cultural and geomorphological assessments will be employed as plans for feature designs and placement are developed. The potential for effect to historic properties of any future plans will be reviewed by the District and coordinated with the consulting parties prior to construction as per the stipulations of the Agreement.

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):

Unknown, pending survey.

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

Unknown, pending survey.

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):

Unknown, pending survey.

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 Instructions for Completing the ACHP e106 Form*

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.

30-day comment period is open until approximately May 19, 2022. To date Iowa SHPO and OSA have both indicated that they accept invitation to participate. Two tribes (Miami Tribe of Oklahoma, Forest County Potawatomi) downloaded the correspondence files delivered through DoD SAFE on April 19 but have not yet provided any comment. USFS representative also downloaded the files on the same date but has not yet provided a response.

Note: This PA will be based on the District's recently executed PA for Steamboat Island HREP, for which the Iowa SHPO participated as a signatory and the ACHP declined to participate.

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

<https://www.mvr.usace.army.mil/About/Offices/Programs-and-Project-Management/District-Projects/Projects/Article/2124816/umrr-program-green-island-hrep-pool-13/>

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
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004**

April 15, 2022

REPLY TO
ATTENTION OF

Regional Planning and Environmental
Division North (RPEDN)

Subject: Programmatic Agreement Modifying Section 106 Process for the Green Island Habitat Rehabilitation and Enhancement Project (HREP), Jackson County, Iowa

To: State Historical Society of Iowa
Heather Gibb, PhD
Deputy State Historic Preservation Officer
[REDACTED]

Dear Dr. Gibb,

The U.S. Army Corps of Engineers, Rock Island District (District) is writing to inform you of an upcoming Habitat Rehabilitation and Enhancement Project (Project) at Green Island Wildlife Management Area (WMA) at the confluence of the Maquoketa and Mississippi Rivers in Jackson County, Iowa. The identification and evaluation of historic properties and determinations of effect will not be completed prior to the completion of the environmental assessment needed for compliance with the National Environmental Policy Act (NEPA), making the execution of a Programmatic Agreement (Agreement) for this Project an appropriate course of action, pursuant to 36 CFR 800.14(b)(1)(ii). The District greatly values your participation and input, inviting your agency to participate as a consulting party and signatory in a forthcoming Agreement as per 36 CFR 800.14(b)(1)(ii).

Federal Undertaking

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The District has determined that, for purposes of Section 106 of the NHPA, the Federal undertaking encompasses permanent and temporary access routes, equipment staging areas, aquatic diversity dredging and dredge material placement areas, topographic diversity measures, timber stand improvement, and the footprint of the planned construction for water control features. The APE boundaries will not change as the project progresses; however, the footprint of various direct effects may change as the placement of specific features is refined within the APE. Some specific project features, including design and execution of the timber stand improvements, are not currently known. However, the types of actions to be performed and their potential impacts will all be included in the Agreement.

Project Justification

The Green Island HREP is an ecosystem restoration Project developed through the Upper Mississippi River Restoration (UMRR) Program. The UMRR Program, authorized by the Water Resources Development Act (WRDA) of 1986 under Section 1103 and extended indefinitely by the WRDA of 1999, is a Federal/State partnership program for planning, construction, and evaluation of fish and wildlife habitat rehabilitation Projects and for monitoring the natural resources of the river system. The UMRR Program is a regional program that includes the U.S. Army Corps of Engineers' (Corps) St. Paul, Rock Island, and St. Louis Districts. The purpose of the rehabilitation projects portion of the UMRR Program is to preserve and restore habitat on the Mississippi and Illinois floodplain river systems. The scope of the current Project consists of an approved feasibility study with an integrated environmental assessment, plans and specifications (P&S) design, and construction of the Green Island HREP.

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Sincerely,

A handwritten signature in red ink, appearing to read "SJC", is written over a black rectangular redaction box.

Steven J. Clark
Acting Chief, Environmental Planning Branch,
Regional Planning and Environment Division North
St. Paul, Rock Island, St. Louis

Enclosures (3)



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004**

April 15, 2022

REPLY TO
ATTENTION OF

Regional Planning and Environmental
Division North (RPEDN)

Subject: Programmatic Agreement Modifying Section 106 Process for the Green Island Habitat Rehabilitation and Enhancement Project (HREP), Jackson County, Iowa

To: Nate Williams, Wildlife Refuge Specialist, Savanna District
Upper Mississippi River National Wildlife & Fish Refuge
[REDACTED]

Dear Mr. Williams,

The U.S. Army Corps of Engineers, Rock Island District (District) is writing to inform you of an upcoming Habitat Rehabilitation and Enhancement Project (Project) at Green Island Wildlife Management Area (WMA) at the confluence of the Maquoketa and Mississippi Rivers in Jackson County, Iowa. The identification and evaluation of historic properties and determinations of effect will not be completed prior to the completion of the environmental assessment needed for compliance with the National Environmental Policy Act (NEPA), making the execution of a Programmatic Agreement (Agreement) for this Project an appropriate course of action, pursuant to 36 CFR 800.14(b)(1)(ii). The District greatly values your participation and input, inviting your agency to participate as a consulting party and signatory in a forthcoming Agreement as per 36 CFR 800.14(b)(1)(ii).

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Steven J. Clark
Acting Chief, Environmental Planning Branch,
Regional Planning and Environment Division North
St. Paul, Rock Island, St. Louis

Enclosures (3)



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004**

April 15, 2022

REPLY TO
ATTENTION OF

Regional Planning and Environmental
Division North (RPEDN)

Subject: Programmatic Agreement Modifying Section 106 Process for the Green Island Habitat Rehabilitation and Enhancement Project (HREP), Jackson County, Iowa

To: SEE DISTRIBUTION LIST

Dear Sir or Madam,

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Historic Properties Identification

The District conducted an archival search for historic properties by querying the I-Sites Online GIS and Database for Iowa Archaeology and the National Register of Historic Places (NRHP) database for standing, buried, or submerged historic properties potentially affected by this project. No submerged or standing historic properties eligible for NRHP listing are documented within the APE.

The Project area has not been entirely surveyed for buried cultural resources. The boundaries of those surveys that have been completed to date are depicted in the attached map labeled Enclosure 2. Due to the size of the remaining unsurveyed portions of the project area, a phased identification approach utilizing cultural and geomorphological assessments will be employed as plans for feature designs and placement are developed. The potential for effect to historic properties of any future plans will be reviewed by the District and coordinated with the consulting parties prior to construction as per the stipulations of the Agreement.

This Agreement will be included in an appendix of the final National Environmental Policy Act (NEPA) document, the Environmental Assessment (EA) as per 36 CFR 800.8. The draft EA will be available for public review. Evidence of this Agreement will be included in the draft EA.

Consulting Parties Invitation

The District would like to identify any concerns and reach mutually agreeable decisions while taking into account the interests of Tribal, state, and Federal governments and other consulting parties for all future courses of action, including development of the Agreement. The Corps identified you as a consulting party for this undertaking (as per 36 CFR 800.2) and invites your participation in the Section 106 process. The attached Distribution List (Enclosure 3) lists all parties that received letters about this planned Project and Agreement. The District invites you to identify any other consulting parties and provide input on issues relating to this undertaking.

The District hopes your agency will agree to participate as a consulting and concurring party of the Agreement. If you wish to participate, please provide the District with a letter, email, or phone call to confirm your acceptance of the invitation within 30 days of receipt of this letter. Please also provide the District with a point of contact for future consultation on the Project. Questions concerning the proposed Project or Agreement can be directed to Dr. Kelsey Myers, RPA of the Environmental Planning Branch by email: [REDACTED] or in writing to the address above, ATTN: Regional Planning and Environmental Division North (Kelsey Myers).

Sincerely,

A handwritten signature in red ink, appearing to read "SJC", is written over a black rectangular redaction box.

Steven J. Clark
Acting Chief, Environmental Planning Branch,
Regional Planning and Environment Division North
St. Paul, Rock Island, St. Louis

Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807



In Reply Refer To:
Project Code: 2023-0092972
Project Name: Rock Island District - Green Island HREP

June 13, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website <https://ipac.ecosphere.fws.gov> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have

no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.

No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.
2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.
3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.
4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat,

'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.

2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.
3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."
4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.
5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.
6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms

used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: <https://www.fws.gov/office/midwest-region-headquarters/midwest-section-7-technical-assistance>.

You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - <https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines>
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>

Northern Long-eared Bat Update

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

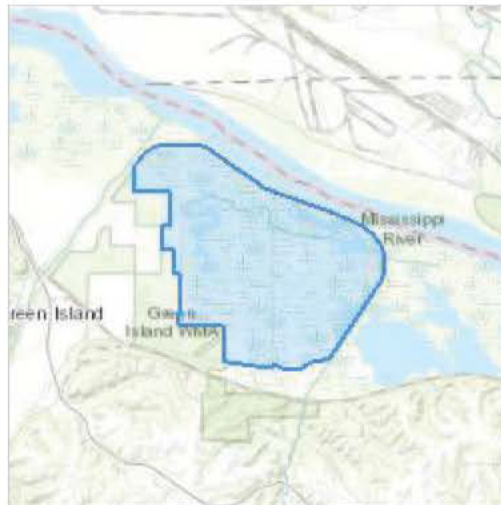
(309) 757-5800

PROJECT SUMMARY

Project Code: 2023-0092972
Project Name: Rock Island District - Green Island HREP
Project Type: Restoration / Enhancement - Wetland
Project Description: Green Island Habitat Restoration and Enhancement Project, which is part of the Upper Mississippi River Restoration Program. The study area lies within the Green Island Wildlife Management Area, managed by the Iowa Department of Natural Resources. Green Island Wildlife Management Area is located on the right descending banks of the Mississippi River from river miles 548.5 to 546, just south of the confluence with the Maquoketa River.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.166867350000004,-90.28511985231376,14z>



Counties: Jackson County, Iowa

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

CLAMS

NAME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5428	Endangered
Sheepnose Mussel <i>Plethobasus cyphus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6903	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
GREEN ISLAND WILDLIFE MANAGEMENT AREA https://www.fws.gov/refuges/profiles/index.cfm?id=32579	20,912.36

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
Black Tern <i>Chlidonias niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 22 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5

NAME	BREEDING SEASON
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Marbled Godwit <i>Limosa fedoa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31
Yellow Rail <i>Coturnicops noveboracensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9476	Breeds May 15 to Sep 10

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the

FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

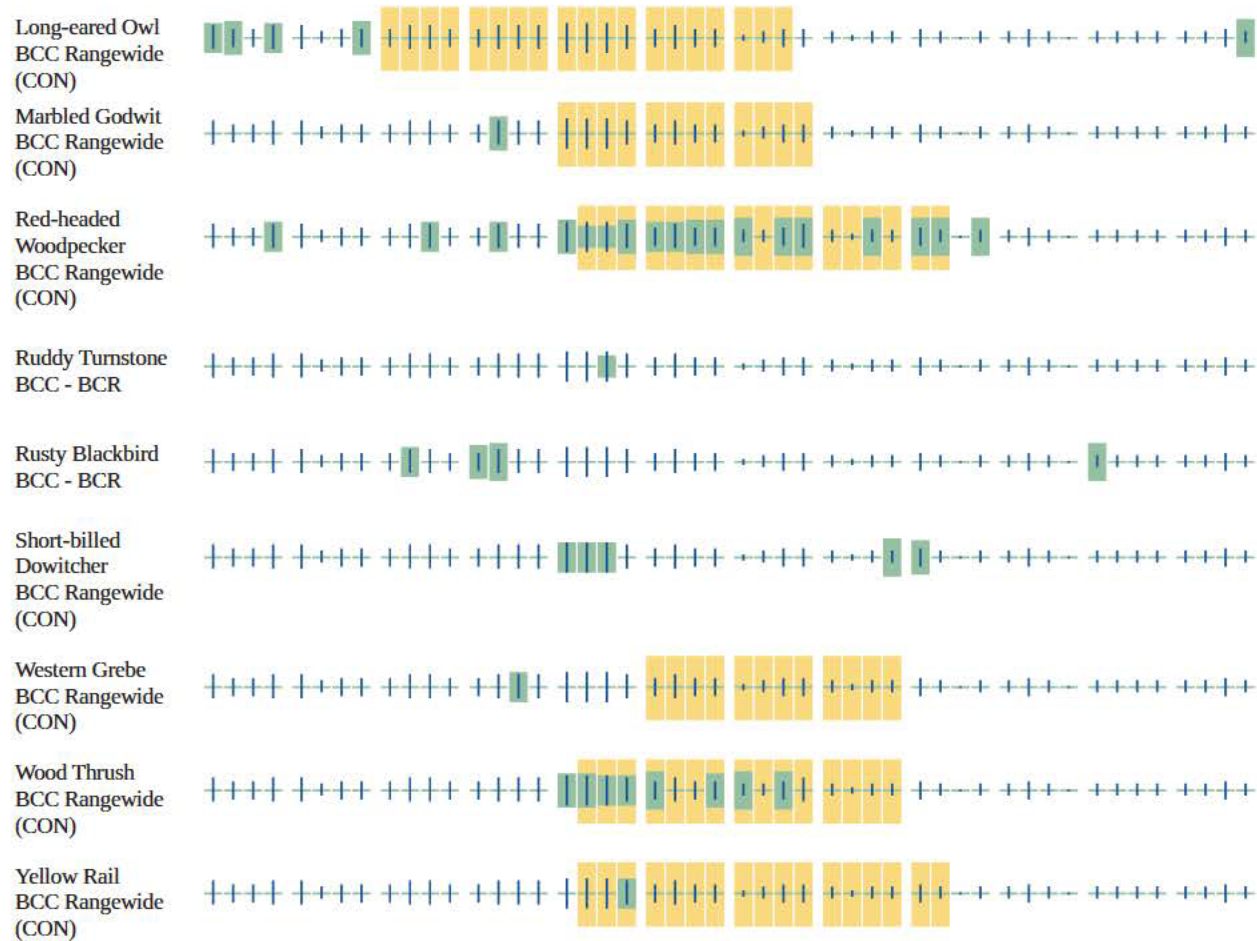
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#)

may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- [PEM1Fx](#)
- [PEM1Ah](#)
- [PEM1F](#)
- [PEM1Ch](#)
- [PEM1A](#)
- [PEM1C](#)
- [PEM1Fh](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1Ch](#)
- [PFO1C](#)
- [PFO1Fh](#)
- [PFO1F](#)
- [PFO1A](#)
- [PFO1Ah](#)
- [PSS1Ch](#)
- [PSS1Fh](#)

RIVERINE

- [R5UBH](#)
- [R4SBC](#)
- [R2UBHx](#)
- [R5UBFx](#)

FRESHWATER POND

- [PUBGh](#)
- [PUBF](#)
- [PUBFh](#)
- [PUSCh](#)

06/13/2023

- [PUBGx](#)
- [PUBG](#)

LAKE

- [L2UBG](#)
- [L1UBHh](#)

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers

Name: Kyle Bales

Address: Clocktower Building

Address Line 2: P.O. Box 2004

City: Rock Island

State: IL

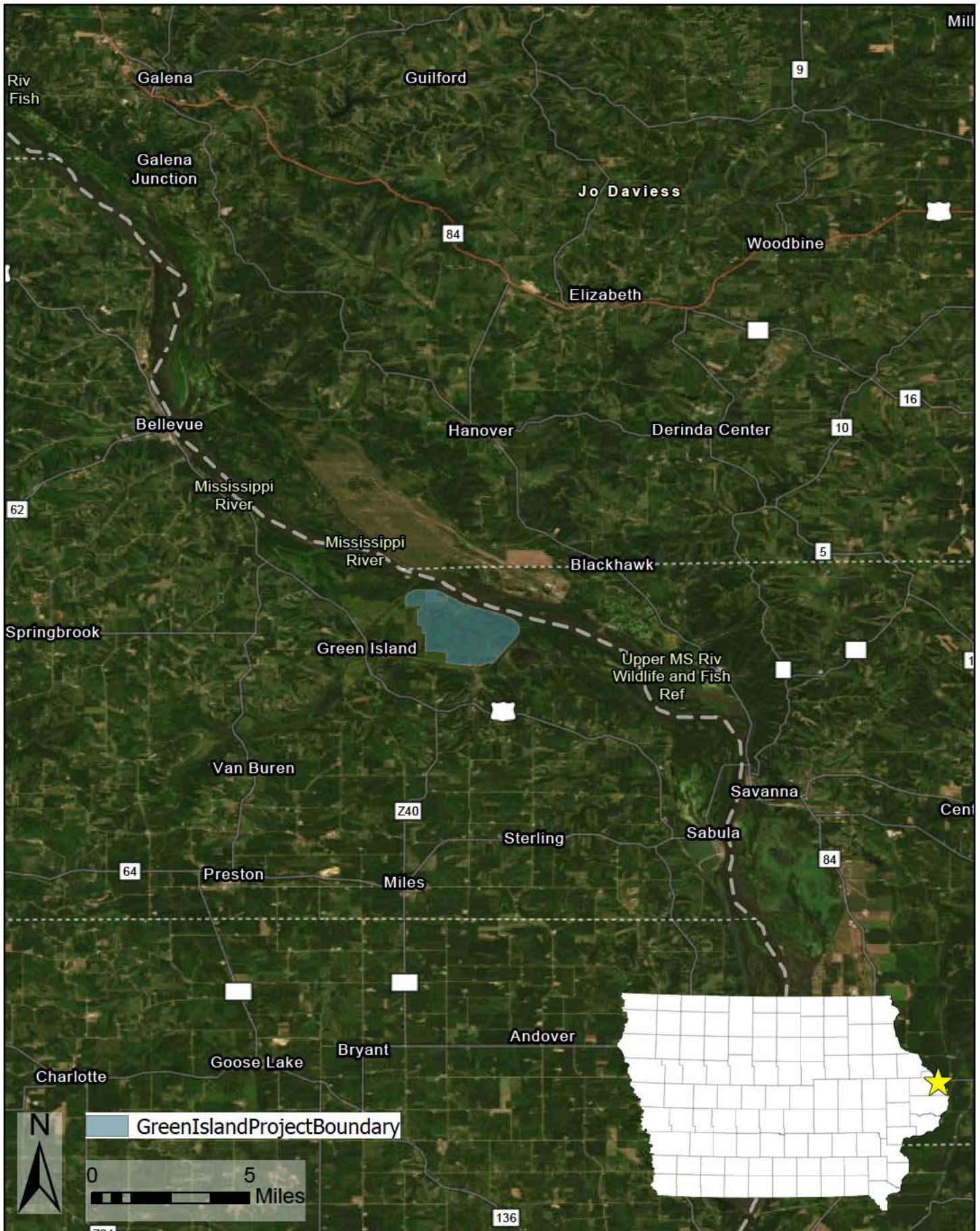
Zip: 61204-2004

Email

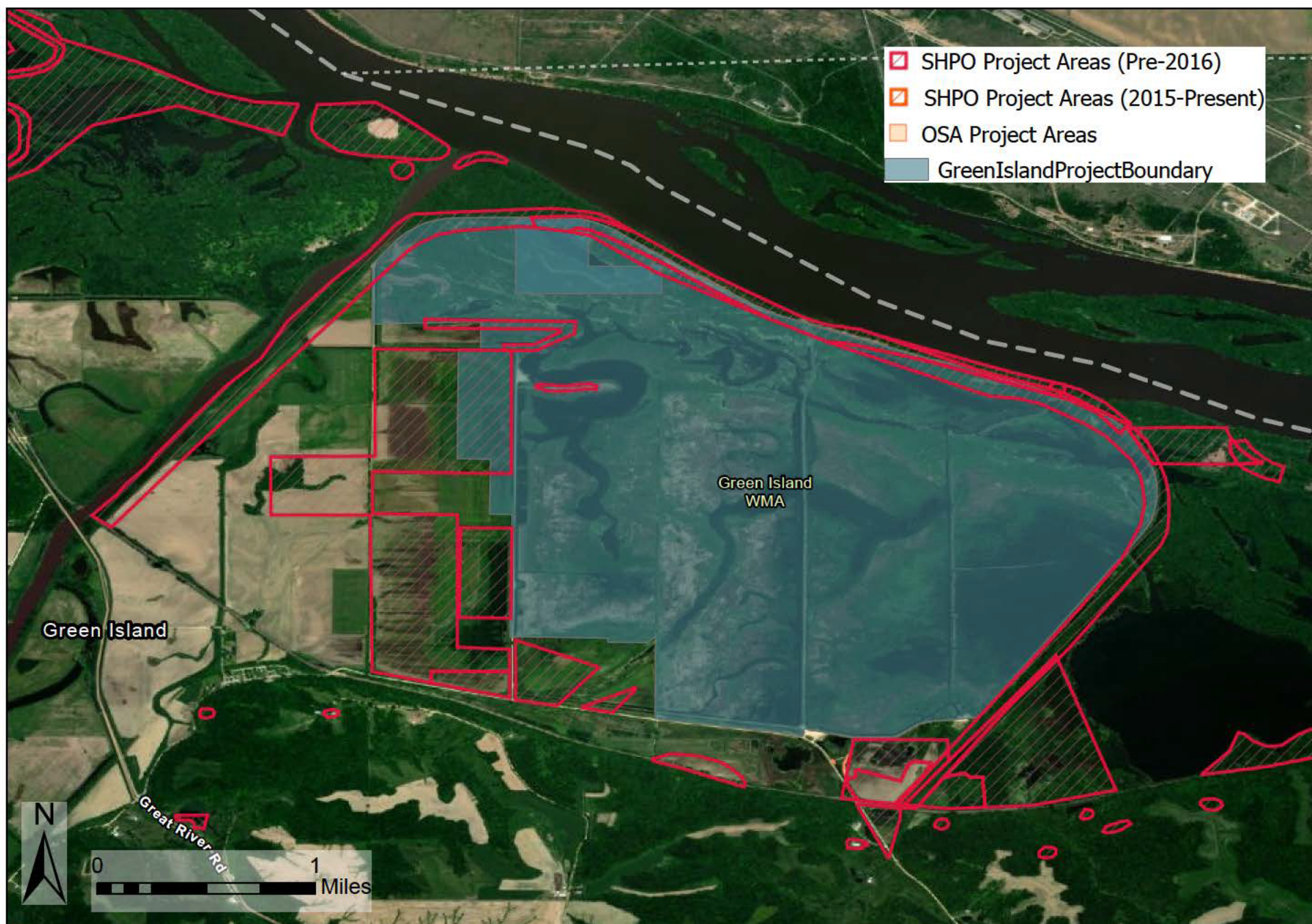
Phone:



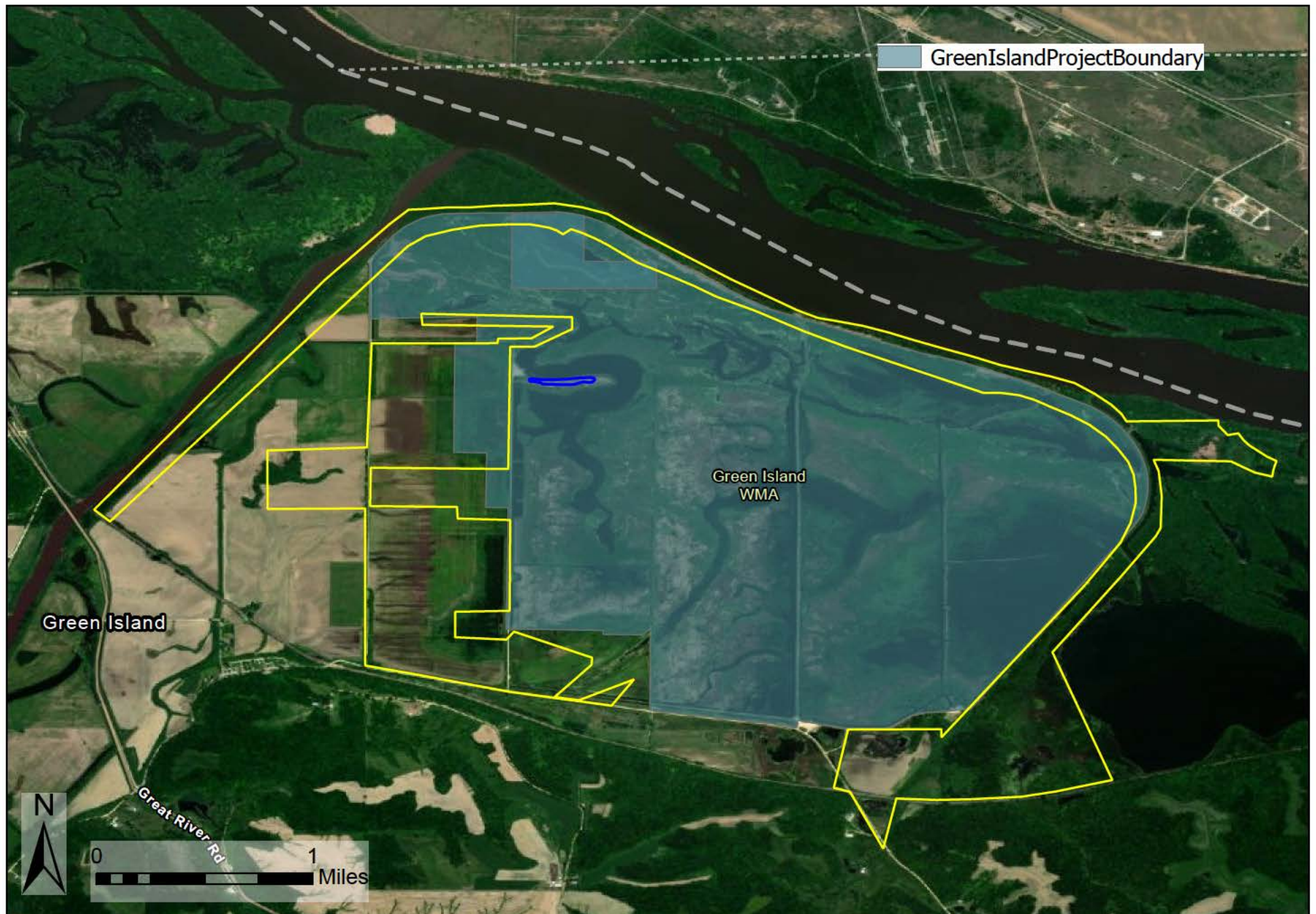
Green Island HREP Project Area
(ENCLOSURE 1)



Green Island HREP Project Areas Previously Surveyed for Cultural Resources
(ENCLOSURE 2, Page 1)



Green Island HREP Project Areas Previously Surveyed for Cultural Resources, Simplified Survey Boundaries
(ENCLOSURE 2, Page 2)



Enclosure 3 - Distribution List

Invited Signatories:

Advisory Council on Historic Preservation

Christopher Daniel, Program Analyst
Advisory Council on Historic Preservation
[REDACTED]

State Historical Society of Iowa

Heather Gibb, Ph.D.
Interim State Historic Preservation Officer
[REDACTED]

U.S. Fish & Wildlife Service

Nate Williams, Wildlife Refuge Specialist,
Savanna District
Upper Mississippi River National Wildlife &
Fish Refuge
[REDACTED]

Invited Concurring Parties:

Iowa Office of the State Archaeologist

John F. Doershuk, Ph.D.
State Archaeologist
[REDACTED]

Citizen Potawatomi Nation

Dr. Kelli Mosteller, THPO
[REDACTED]

Forest County Potawatomi Community

Mr. Benjamin Rhodd, THPO
[REDACTED]

Ho-Chunk Nation

Mr. Bill Quackenbush, THPO
[REDACTED]

Iowa Tribe of Kansas and Nebraska

Mr. Lance Foster, THPO
[REDACTED]

Iowa Tribe of Oklahoma

Mr. Eagle McClellan,
THPO
[REDACTED]

Kaw Nation

Ms. Stephanie Richardson, Interim NAGPRA POC
[REDACTED]

Kickapoo Tribe in Kansas

Hon. Lester Randall,
Chairman
[REDACTED]

Kickapoo Tribe of Oklahoma

Hon. Darwin Kaskaske, Chairman
[REDACTED]

Menominee Indian Tribe of Wisconsin

Mr. David J. Grignon, THPO
[REDACTED]

Meskwaki Nation

Mr. Johnathan Buffalo
Director, Historic Preservation
Department
[REDACTED]

Ms. Kelly Yarnes-Schott
Environmental Branch Coordinator
Meskwaki Natural Resources
Sac & Fox Tribe of the Mississippi in Iowa
[REDACTED]

Miami Tribe of Oklahoma

Ms. Diane Hunter, THPO
[REDACTED]

Omaha Tribe of Nebraska

Mr. Dwight Howe, THPO
[REDACTED]

Enclosure 3 - Distribution List

Osage Nation

Ms. Caitlin Nichols, Archaeologist
Osage Nation Historic Preservation Office
627 Grandview Avenue
Pawhuska, OK 74056

Otoe-Missouria Tribe

Ms. Elsie Whitehorn, THPO

[REDACTED]

Upper Sioux Community, Minnesota

Ms. Samantha Odegard, THPO

[REDACTED]

Winnebago Tribe of Nebraska

Sunshine Thomas-Bear, THPO

[REDACTED]

Peoria Tribe of Indians of Oklahoma

Ms. Charla Echo-Hawk, Director of Cultural
Preservation

[REDACTED]

Ponca Tribe of Nebraska

Ms. Stacy Laravie, THPO

[REDACTED]

Ponca Tribe of Oklahoma

Ms. Liana Hesler, THPO

[REDACTED]

Prairie Band Potawatomi Nation

Mr. Raphael Wahwassuck
Councilman & NAGPRA POC

[REDACTED]

Prairie Island Indian Community

Mr. Noah White, THPO

[REDACTED]

**Sac & Fox Nation of Missouri in Kansas &
Nebraska**

Mr. Gary Bahr, Vice Chairperson

[REDACTED]

Sac and Fox Nation of Oklahoma

Chris Boyd, NAGPRA Coordinator

[REDACTED]

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Tuesday, April 19, 2022 9:53 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] [REDACTED] has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: SSse4kzdgngxUD8J) has been picked-up.

The file "Enclosure 2_Previous surveys.pdf" was picked up by "[REDACTED]" using the code sent to "[REDACTED]"

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: SSse4kzdgngxUD8J
Drop-off Submitted: 2022-04-18 20:42:46 UTC
Drop-off Completed: 2022-04-18 20:42:49 UTC

Note:

Dear Sir or Madam,

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

Office: [REDACTED]
[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY
[REDACTED]

— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf
Description:

Size: 126.1 KB
SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3
Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf
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Name: Enclosure 3_Email Distribution List.pdf
Description:
Size: 81.3 KB
SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D
Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Tuesday, April 19, 2022 8:08 AM
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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

Office: [REDACTED]
[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY
[REDACTED]

— Files —

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Size: 81.3 KB
SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D
Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Myers, Kelsey J CIV USARMY CEMVP (USA)
Sent: Friday, May 20, 2022 12:16 PM
To: 'Miami Tribe of Oklahoma'
Subject: Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

Good afternoon Ms. Hunter,

I am writing to inquire whether you have additional questions about this project, or require additional time to review our invitation to participate as a concurring party for the Programmatic Agreement being developed for the Green Island Habitat Rehabilitation and Enhancement Project (HREP) in Jackson County, IA. It has been 30 days since you received our invitation, and we would like to proceed with review of a the draft Agreement for all parties. If you have no additional questions, please reply to this email with your response to our invitation. If you do have questions, please do not hesitate to call or email to discuss.

Thank you,
Kelsey

Dr. Kelsey Noack Myers, RPA
District Archeologist & MVR Tribal Liaison
Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)
U.S. Army Corps of Engineers

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>

Sent: Tuesday, April 19, 2022 8:08 AM

To: Myers, Kelsey J CIV USARMY CEMVP (USA) <[REDACTED]>
[REDACTED] picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: SSse4kzdgngxUD8J) has been picked-up.

The file "15APR2022_Green Island concurring party_Letter.pdf" was picked up by "[REDACTED]" using the code sent to [REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: SSse4kzdgngxUD8J

Drop-off Submitted: 2022-04-18 20:42:46 UTC

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers



— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY



— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf

Description:

Size: 816.4 KB

SHA-256 Checksum: ACC5A1DCD04F74D1F8CD13D448330EC797569710B42AE52CAC2F5B60859C100F

Content Type: application/pdf

Name: Enclosure 2_Previous surveys.pdf

Description:

Size: 669.5 KB

SHA-256 Checksum: 0BC7658A415A56876993C815138FC93918BE315847C2F248DF1357B34826285B

Content Type: application/pdf

Name: Enclosure 3_Email Distribution List.pdf

Description:

Size: 81.3 KB

SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Myers, Kelsey J CIV USARMY CEMVP (USA)
Sent: Friday, May 20, 2022 12:14 PM
Subject: Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

Good afternoon Mr. Rhodd,

I am writing to inquire whether you have additional questions about this project, or require additional time to review our invitation to participate as a concurring party for the Programmatic Agreement being developed for the Green Island Habitat Rehabilitation and Enhancement Project (HREP) in Jackson County, IA. It has been 30 days since you received our invitation, and we would like to proceed with review of a the draft Agreement for all parties. If you have no additional questions, please reply to this email with your response to our invitation. If you do have questions, please do not hesitate to call or email to discuss.

Thank you,
Kelsey

Dr. Kelsey Noack Myers, RPA
District Archeologist & MVR Tribal Liaison
Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)
U.S. Army Corps of Engineers

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>
Sent: Tuesday, April 19, 2022 9:53 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA) <[REDACTED]>
Subject: [DoD SAFE] [REDACTED] has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: SSse4kzdgngxUD8J) has been picked-up.

The file "Enclosure 2_Previous surveys.pdf" was picked up by [REDACTED] using the code sent to [REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: SSse4kzdgngxUD8J
Drop-off Submitted: 2022-04-18 20:42:46 UTC
Drop-off Completed: 2022-04-18 20:42:49 UTC

Note:

Dear Sir or Madam,

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK

Organization: USARMY

[REDACTED]

— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf

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Content Type: application/pdf

Name: Enclosure 2_Previous surveys.pdf

Description:

Size: 669.5 KB

SHA-256 Checksum: 0BC7658A415A56876993C815138FC93918BE315847C2F248DF1357B34826285B

Content Type: application/pdf

Name: Enclosure 3_Email Distribution List.pdf

Description:

Size: 81.3 KB

SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Lance Foster <[REDACTED]>
Sent: Tuesday, May 24, 2022 10:47 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Cc: Alan Kelley
Subject: [Non-DoD Source] Re: Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

Please send to Alan Kelley Deputy THPO at the address above as he is lead on compliance and cannot use the link that you sent to me thank you

On Fri, May 20, 2022 at 12:58 PM Myers, Kelsey J CIV USARMY CEMVP (USA) <[REDACTED]> wrote:

Good afternoon,

I am writing to inquire whether you have additional questions about this project, or require additional time to review our invitation to participate as a concurring party for the Programmatic Agreement being developed for the Green Island Habitat Rehabilitation and Enhancement Project (HREP) in Jackson County, IA. It has been 30 days since you received our invitation via the DoD SAFE system, and we would like to proceed with review of the draft Agreement for all signatory and concurring parties. System records indicate that you did not access the correspondence files prior to expiration of the drop-off link, however I am able to resend the documents on request.

If you have no additional questions, please reply to this email with your response to our invitation. If you do have questions, please do not hesitate to call or email to discuss. Regardless of your status (participating, not participating, or requesting additional time/information) **please respond no later than close of business next Wednesday, May 25.**

Thank you,

Kelsey

Dr. Kelsey Noack Myers, RPA

District Archeologist & MVR Tribal Liaison

Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)

U.S. Army Corps of Engineers

[REDACTED]

1

[REDACTED]

[REDACTED]

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>

Sent: Tuesday, April 19, 2022 8:08 AM

To: Myers, Kelsey J CIV USARMY CEMVP (USA) [REDACTED]

This is an automated message sent to you by the DoD SAFE service.

Drop-off Submitted: 2022-04-18 20:42:46 UTC

Drop-off Completed: 2022-04-18 20:42:49 UTC

Note:

Dear Sir or Madam,

Please see the executive correspondence letter and enclosures (3) available for download regarding an invitation to participate in a project-level Programmatic Agreement modifying the Section 106 process for the proposed Green Island Habitat Rehabilitation and Enhancement Project (HREP) located in Jackson County, Iowa. We request your response to this invitation within 30 calendar days from receipt of this correspondence. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any questions.

Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK

Organization: USARMY
[REDACTED]

— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

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Content Type: application/pdf

--

Lance Foster, Vice Chairman and THPO

Iowa Tribe of Kansas and Nebraska

3345 B Thrasher Rd

White Cloud, KS 66094



Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Pam Wesley [REDACTED]
Sent: Tuesday, May 24, 2022 12:40 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [Non-DoD Source] FW: [EXTERNAL]Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

Ms. Myers,

Could you please send me the attachments you had sent to our Chairman Kaskaske. I just received a forwarded message yesterday, which did not contain the attachments.

Thank you,

Pamela Wesley
NAGPRA Representative
Kickapoo Tribe of Oklahoma

From: Darwin Kaskaske [REDACTED]
Sent: Monday, May 23, 2022 2:07 PM
To: Kay Rhoads [REDACTED] Pam Wesley [REDACTED]
Subject: FW: [EXTERNAL]Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

DARWIN KASKASKE

Business Committee Chairman
Kickapoo Tribe Of Oklahoma
105365 Hwy 102
P.O. Box 70
Mcloud OK 74851
[REDACTED]
[REDACTED]

From: Myers, Kelsey J CIV USARMY CEMVP (USA) <[REDACTED]>
Sent: Friday, May 20, 2022 12:58 PM
Subject: [EXTERNAL]Response requested: Invitation to participate in Programmatic Agreement for Green Island HREP in Jackson County, Iowa

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am writing to inquire whether you have additional questions about this project, or require additional time to review our invitation to participate as a concurring party for the Programmatic Agreement being developed for the Green Island Habitat Rehabilitation and Enhancement Project (HREP) in Jackson County, IA. It has been 30 days since you received our invitation via the DoD SAFE system, and we would like to proceed with review of the draft Agreement for all signatory and concurring parties. System records indicate that you did not access the correspondence files prior to expiration of the drop-off link, however I am able to resend the documents on request.

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Thank you,
Kelsey

Dr. Kelsey Noack Myers, RPA
District Archeologist & MVR Tribal Liaison
Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)
U.S. Army Corps of Engineers

[REDACTED]

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>

Sent: Tuesday, April 19, 2022 8:08 AM

To: Myers, Kelsey J CIV USARMY CEMVP (USA) [REDACTED]

This is an automated message sent to you by the DoD SAFE service.

Drop-off Submitted: 2022-04-18 20:42:46 UTC

Drop-off Completed: 2022-04-18 20:42:49 UTC

Note:

Dear Sir or Madam,

Please see the executive correspondence letter and enclosures (3) available for download regarding an invitation to participate in a project-level Programmatic Agreement modifying the Section 106 process for the proposed Green Island Habitat Rehabilitation and Enhancement Project (HREP) located in Jackson County, Iowa. We request your response to this invitation within 30 calendar days from receipt of this correspondence. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any questions.

Sincerely,


Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK

Organization: USARMY



— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf

Description:

Size: 816.4 KB

SHA-256 Checksum: ACC5A1DCD04F74D1F8CD13D448330EC797569710B42AE52CAC2F5B60859C100F

Content Type: application/pdf

Name: Enclosure 2_Previous surveys.pdf

Description:

Size: 669.5 KB

SHA-256 Checksum: 0BC7658A415A56876993C815138FC93918BE315847C2F248DF1357B34826285B

Content Type: application/pdf

Name: Enclosure 3_Email Distribution List.pdf

Description:

Size: 81.3 KB

SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D

Content Type: application/pdf

Kickapoo Tribe of Oklahoma

P.O.Box 70
105365 S. Hwy 102
McLoud, Oklahoma 74851

Administration Department
Phone: 405-964-2075; Fax: 405-964-4265

May 24, 2022

U.S. Army Corps of Engineers
ATTN: Kelsey Myers, RPA
Environmental Planning Branch
Rock Island District
P.O. Box 2004
Rock Island, IL 61204-2004

RE: Programmatic Agreement Modifying Section 106
Process for the Green Island Habitat Rehabilitation
and Enhancement Project (HREP), Jackson County,
Iowa

To Whom It May Concern:

Thank you for consulting with the Kickapoo Tribe of Oklahoma regarding the above referenced site(s). The Kickapoo Tribe of Oklahoma has no objections to the proposed project(s) at the intended site(s). However, in the event burial remains and/or artifacts are discovered during the development or construction process, the Kickapoo Tribe of Oklahoma would ask for immediate notification of such findings.

Should I be of any further assistance, please contact me at (405) 964-4227.

Sincerely,



Pamela Wesley
NAGPRA Representative
Kickapoo Tribe of Oklahoma

Cc: File

Darwin Kaskaske
PEMOETAMOA
CHAIRMAN

Everett Suke
MOKITANOA
VICE-CHAIRMAN

J. Sunny Downs
KAKACHIIA
SECRETARY

Janetta Mahtapene
KIOTHAHEQUAH
TREASURER

Patricia Gonzales
MOKITANOCUA
COUNCILPERSON
A-62

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Tuesday, May 24, 2022 4:56 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] Pam Wesley has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: md7BUkhyY9PgZGHY) has been picked-up.

The file "15APR2022_Green Island concurring party_Letter.pdf" was picked up by "Pam Wesley" using the code sent to [REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: md7BUkhyY9PgZGHY
Drop-off Submitted: 2022-05-24 20:12:04 UTC
Drop-off Completed: 2022-05-24 20:12:08 UTC

Note:

Dear Ms. Wesley,

Please see the executive correspondence letter and enclosures (3) available for download regarding an invitation to participate in a project-level Programmatic Agreement modifying the Section 106 process for the proposed Green Island Habitat Rehabilitation and Enhancement Project (HREP) located in Jackson County, Iowa. We initially requested your response to this invitation within 30 calendar days from receipt of this correspondence. This was extended by one calendar week to Wednesday, May 25, 2022. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any questions.

Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY

[REDACTED]

— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf

Description:

Size: 816.4 KB

SHA-256 Checksum: ACC5A1DCD04F74D1F8CD13D448330EC797569710B42AE52CAC2F5B60859C100F

Content Type: application/pdf

Name: Enclosure 2_Previous surveys.pdf

Description:

Size: 669.5 KB

SHA-256 Checksum: 0BC7658A415A56876993C815138FC93918BE315847C2F248DF1357B34826285B

Content Type: application/pdf

Name: Enclosure 3_Email Distribution List.pdf

Description:

Size: 81.3 KB

SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Thursday, May 26, 2022 2:34 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] Alan Kelley has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: Rypqxc6RzfBs7Jyj) has been picked-up.

The file "15APR2022_Green Island concurring party_Letter.pdf" was picked up by "Alan Kelley" using the code sent to [REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: Rypqxc6RzfBs7Jyj
Drop-off Submitted: 2022-05-24 16:48:30 UTC
Drop-off Completed: 2022-05-24 16:48:34 UTC

Note:

Dear Mr. Kelley,

Please see the executive correspondence letter and enclosures (3) available for download regarding an invitation to participate in a project-level Programmatic Agreement modifying the Section 106 process for the proposed Green Island Habitat Rehabilitation and Enhancement Project (HREP) located in Jackson County, Iowa. We initially requested your response to this invitation within 30 calendar days from receipt of this correspondence. This was extended by one calendar week to Wednesday, May 25, 2022. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any questions.

Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, Rock Island
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY

[REDACTED]

— Files —

Name: 15APR2022_Green Island concurring party_Letter.pdf

Description:

Size: 126.1 KB

SHA-256 Checksum: B4B4B23CC9CE715E71ECAB56726B51A4769BA8705070A81EE49549A4A920EEA3

Content Type: application/pdf

Name: Enclosure 1_Project Location.pdf

Description:

Size: 816.4 KB

SHA-256 Checksum: ACC5A1DCD04F74D1F8CD13D448330EC797569710B42AE52CAC2F5B60859C100F

Content Type: application/pdf

Name: Enclosure 2_Previous surveys.pdf

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Size: 669.5 KB

SHA-256 Checksum: 0BC7658A415A56876993C815138FC93918BE315847C2F248DF1357B34826285B

Content Type: application/pdf

Name: Enclosure 3_Email Distribution List.pdf

Description:

Size: 81.3 KB

SHA-256 Checksum: 4BA5BB3DDBEF49A17F970B4086951227A70C42E9C67D94B487BD6F1A3206A01D

Content Type: application/pdf

Name: 20MAY2022_Memo Style.pdf

Description:

Size: 175.4 KB

SHA-256 Checksum: 6BF01D6BAFE56F8AB6B351ECB3A95E254CACCCFA0E7D7361704FE7D2F0CC5527

Content Type: application/pdf



May 19, 2022

Dr. Kelsey Noack Myers
District Archeologist & Tribal Liaison
Environmental Planning Branch, St. Paul
Rock Island U.S. Army Corps of Engineer
U.S. Army Corps of Engineers

Ref: *Habitat Rehabilitation and Enhancement Project at Green Island Wildlife Management Area of the Upper Mississippi River National Wildlife and Fish Refuge*
Jackson County, Iowa
ACHP Project Number: 018319

Dear Dr. Myers:

On May 10, 2022, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

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

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Katharine Kerr at [REDACTED] and reference the ACHP Project Number above.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

A-67

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Doershuk, John F <[REDACTED]>
Sent: Monday, April 18, 2022 3:54 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] Green Island Habitat Rehabilitation and Enhancement Project (HREP)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kelsey,

Please include my organization in the Section 106 consultations for the Green Island Habitat Rehabilitation and Enhancement Project (HREP); I will serve as point-of-contact.

Sincerely,
John

John F. Doershuk, Ph.D. (he, him, his)
State Archaeologist and Director, Office of the State Archaeologist
Adjunct Associate Professor, Anthropology
700 Clinton St. Building, University of Iowa
Iowa City, IA 52242
[REDACTED]

IOWA

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: noreply@salesforce.com on behalf of Daniel Higginbottom [REDACTED]
Sent: Thursday, April 28, 2022 1:02 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA); [REDACTED]
Subject: [Non-DoD Source] 220449982-COE-Jackson-Rock Island District-Green Island HREP-Invitation to participate in project-level Programmatic Agreement for Green Island HREP project.

Follow Up Flag: Follow up
Flag Status: Flagged

April 28, 2022

220449982-COE-Jackson-Rock Island District-Green Island HREP-Invitation to participate in project-level Programmatic Agreement for Green Island HREP project.

Ms. Myers-

We have received your April 18 2022 submission regarding the above-referenced federal undertaking and provide the following response.

Provisions of the National Historic Preservation Act and the Advisory Council's rules implementing section 106 mandate the participation of the State Historic Preservation Office in such consultations and designate the SHPO as a required signatory to any legal agreements resulting therefrom.

Owing to current and anticipated case loads, SHPO staff asks at least a two week notice when scheduling meetings; and, that all documents to be considered during consultation meetings be submitted a month in advance so that our staff has adequate opportunity to complete a review and prepare comments.

Finally, be aware that once a final draft has been agreed upon by the consulting parties, the final draft must be reviewed and vetted by the Iowa Attorney General's Office prior to execution by the Iowa SHPO.

We ask that project proponents take these factors into consideration when outlining their timeline for consultation and project planning.

We look forward to receiving additional information in the future as the consultation unfolds.

Daniel K. Higginbottom, Archaeologist

Iowa State Historic Preservation Office.



Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Williams, Nathan [REDACTED]
Sent: Monday, May 9, 2022 2:24 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Cc: Baylor, Sharonne N; Britton, Ed; Chandler, Sabrina
Subject: [Non-DoD Source] Green Island HREP Section 106 Programmatic Agreement

Hi Kelsey,

After some internal discussion The Upper Miss Refuge have decided to forgo signing of the programmatic agreement at this time. Since the project is taking place on Corps fee title land and the project sponsor is the state of Iowa, we think it is best to have just the Corps and the State of Iowa complete the cultural resource consultation.

If you have any questions please don't hesitate to reach out.

Thanks,

Nate

Nate Williams, Wildlife Refuge Specialist, Savanna District
Upper Mississippi River National Wildlife & Fish Refuge
7071 Riverview Road, Thomson, IL 61285
[REDACTED]

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: noreply@salesforce.com on behalf of Daniel Higginbottom <[REDACTED]>
Sent: Thursday, June 23, 2022 12:40 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA); shpo106@iowa.gov
Cc: [REDACTED]
Subject: [Non-DoD Source] 220449982-COE-Jackson-Green Island-Habitat restoration project PA-Draft 02
Attachments: 220449982-COE-Jackson-Green Island-Habitat Rehabilitation project-PA-Draft 02.docx

June 23, 2022

220449982-COE-Jackson-Green Island-Habitat restoration project PA-Draft 02

Kelsey-

The attached file is our marked up draft programmatic agreement (SHPO Draft 2) for the Green Island Habitat Restoration project. I attempted to retain as much of your original formatting as possible, but wasn't entirely successful.

When you resubmit, please include this draft (in word.doc format) with the Corps' (OSA's) tracked edits, additions, and comments so that the evolution of development from original to final draft is documented.

Daniel K. Higginbottom, Archaeologist

Iowa State Historic Preservation Office



Myers, Kelsey J CIV USARMY CEMVP (USA)

From: noreply@salesforce.com on behalf of Daniel Higginbottom <[REDACTED]>
Sent: Thursday, June 23, 2022 12:41 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [Non-DoD Source] Section 106 Case 00035294 has been returned.

Hello,

The Section 106 case, 00035294 Green Island HREP PA Draft for Review, has been returned with comments or a request for more information. Please log into the E-SHPO Salesforce Community or check your email to see the comments. At this time, longer comments will be sent by email, instead of being placed in the SHPO Response box.

Thank you,

Heather Gibb, Ph.D.

Deputy State Historic Preservation Officer
Pronouns: She/Her/Hers
[REDACTED]

Iowa Arts Council | Produce Iowa | State Historical Society of Iowa Iowa Department of Cultural Affairs

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Higginbottom, Daniel [REDACTED]
Sent: Monday, June 27, 2022 12:47 PM
To: Vollman, Brant J CIV USARMY CEMVR (USA); Myers, Kelsey J CIV USARMY CEMVP (USA); Keach, Levi L CIV USARMY CENWO (USA); Mathison, Ryan M CIV USARMY CENWO (USA); Alberto, Vanessa J CIV USARMY CEMVP (USA); Perkl, Bradley E CIV USARMY CEMVP (USA); Meade, Timothy M CIV USARMY CENWK (USA)
Cc: Branden Scott; Heather Gibb; Sara Andre
Subject: [Non-DoD Source] Programmatic agreements

June 27, 2022

All-

We are seeing an increased number of draft agreement documents coming into our office for review. Many of these are simply preemptive documents that are required placeholders for NEPA filings connected with feasibility studies and long-range projects still in the early concept stages. This influx is creating an increased burden on SHPO staff and resources. We would like to explore potential streamlining opportunities such as the development of a Nationwide programmatic agreement(s) or program statement, or the development of prototype division-wide agreements that would eliminate redundancy and reduce the time spent in consultation, negotiation and drafting.

Please send me contact information for principals in your district that would be interested in participating in this discussion. I will then pass it up to Heather so we can set up a call or meeting. Thank you.

--

Daniel K. Higginbottom, Archaeologist
Iowa State Historic Preservation Office
State Historical Society of Iowa
600 E Locust
Des Moines, Iowa 50319-0290



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

May 31, 2022

Regional Planning and Environmental
Division North (RPEDN)

John Doershuk
State Archaeologist and Director,
Office of the State Archaeologist
700 Clinton St. Building, University of Iowa
Iowa City, IA 52242

SUBJECT: Request for Review of Programmatic Agreement (PA) for Section 106
compliance for the Green Island HREP in Jackson County, Iowa (SHPO R&C
#220449982)

Dear Dr. Doershuk:

The U.S. Army Corps of Engineers, Rock Island District (District), has prepared the enclosed PA to address potential adverse effects to historic properties eligible for inclusion in the National Register of Historic Places within the Green Island Habitat Rehabilitation and Enhancement Project (HREP) project area in Jackson County, Iowa. The PA includes a stipulation specifying the duration of the PA for five (5) years. The PA has been drafted utilizing language and requirements from the recently executed 2020 PA for the Steamboat Island HREP in Clinton and Scott Counties, Iowa and Rock Island, Illinois, to which your office is a concurring party.

The District requests your office review the PA within 30 days of receipt of this letter. All comments will be considered for inclusion within the final PA. Please use the attached comment matrix (Enclosure 2) to record any concerns and recommendations you may have regarding the proposed stipulations of the PA. The completed comment matrix should be returned via email to the point of contact listed below. If you have no changes, please notify the District point of contact and we will initiate the execution process.

The point of contact for this action is Kelsey Noack Myers, Ph.D., RPA, District Archeologist, ([REDACTED]) or in writing to the address above, ATTN: Environmental Planning Branch (Kelsey Myers).

Sincerely,

Steven J. Clark
Acting Chief, Environmental Planning
Branch, RPEDN

2 Encls



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

May 31, 2022

Regional Planning and Environmental
Division North (RPEDN)

Dan Higginbottom
Archaeologist, Historic Preservation
State Historical Society of Iowa
600 E. Locust St.
Des Moines, IA 50319

SUBJECT: Request for Review of Programmatic Agreement (PA) for Section 106 compliance for the Green Island HREP in Jackson County, Iowa (SHPO R&C #220449982)

Dear Mr. Higginbottom:

The U.S. Army Corps of Engineers, Rock Island District (District), has prepared the enclosed Programmatic Agreement (PA) to address potential adverse effects to historic properties eligible for inclusion in the National Register of Historic Places within the Green Island HREP project area in Jackson County, Iowa. The enclosed PA document includes a stipulation specifying the duration of the PA for five (5) years. This PA has been drafted utilizing language and requirements from the recently executed 2020 PA for the Steamboat Island HREP in Clinton and Scott Counties, Iowa and Rock Island, Illinois, of which your office is a signatory party.

The District requests your office review the PA within 30 days of receipt of this letter and the Iowa Attorney General's Office as soon as feasible thereafter. All comments will be considered for inclusion within the final PA. Please utilize the attached comment matrix (Enclosure 2) to record any concerns and recommendations you may have regarding the proposed stipulations of the PA. The completed comment matrix should be returned via email to the point of contact listed below. If you have no changes, please notify the District point of contact and we will initiate the execution process.

The point of contact for this action is Kelsey Noack Myers, Ph.D., RPA, District Archeologist, [REDACTED], or in writing to the address above, ATTN: Environmental Planning Branch (Kelsey Myers).

Sincerely,

Steven J. Clark
Acting Chief, Environmental Planning
Branch, RPEDN

2 Encls

Section	
Line	
Clear statement of the concern	
Basis for the concern	
The significance of the concern	
Recommended actions to resolve the concern	
Comment author	
Agency	

Section	
Line	
Clear statement of the concern	
Basis for the concern	
The significance of the concern	
Recommended actions to resolve the concern	
Comment author	
Agency	

1 **PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS OF**
2 **ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC**
3 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT**
4 **REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**
5
6

7 **WHEREAS**, the U.S. Army Corps of Engineers, Rock Island District (District) is
8 proposing a habitat rehabilitation and enhancement project (Project) in Pool 13 of the
9 Upper Mississippi River, in Jackson County, Iowa (Appendix A). Areas considered as
10 part of this Project and described as the Project area include the Green Island Wildlife
11 Management Area; and,
12

13 **WHEREAS**, the District has determined the proposed Project constitutes an
14 Undertaking subject to the requirements of 36 CFR Part 800, the regulations
15 implementing Section 106 of the National Historic Preservation Act (NHPA; 54 USC §
16 306108); and,
17

18 **WHEREAS**, the District has determined that the proposed Project is the type of
19 Undertaking that has the potential to affect historic properties listed in or eligible for
20 listing on the National Register of Historic Places (NRHP), and therefore will consult
21 with the Advisory Council on Historic Preservation (ACHP), the Iowa State Historic
22 Preservation Officer (IA SHPO), the Illinois State Historic Preservation Officer (IL
23 SHPO), Indian tribes, the Iowa Office of the State Archaeologist (IA OSA), and other
24 Interested and Consulting Parties (Appendix B) pursuant to 36 CFR § 800.14(b) of the
25 regulations implementing Section 106 of the NHPA (54 U.S.C. § 306108) and Section
26 110(f) of the same Act (54 U.S.C. § 306107); and,
27

28 **WHEREAS**, the identification and evaluation of historic properties and determinations of
29 effect will not be completed prior to the completion of the environmental document
30 needed for compliance with the National Environmental Policy Act (NEPA), making
31 execution of this Programmatic Agreement (PA) for the Project appropriate pursuant to
32 36 CFR § 800.14(b)(1)(ii); and,
33

34 **WHEREAS**, in recognition of the unique government-to-government relationship
35 between the Federal government and the Indian tribes, the District will notify the tribes
36 (Appendix B) of the Undertaking, and of the potential for effects that the Undertaking
37 may have upon historic properties which may be of particular interest to them, and has
38 invited the tribes to participate as concurring parties to this agreement, with no tribes
39 responding in the affirmative; and,
40

41 **WHEREAS**, the USFWS, has declined to participate as a Signatory to this PA due to
42 the fact that the Undertaking will occur only on Federal fee title lands under the District's
43 jurisdiction; and,
44
45

46 **WHEREAS**, the District has not fully determined the scope of activity and Area of
47 Potential Effect (APE) for the Undertaking (Appendix A) but will consult with the
48 Signatories and Consulting Parties in a timely manner prior to implementation in order
49 to determine the APE for all of the actions subject to the terms of this agreement, and
50 shall propose and document modifications to the APE throughout the duration of this PA
51 in accordance with the stipulations of this PA; and,

52
53 **WHEREAS**, the District shall seek and consider the views of the public and shall
54 provide information to the public about the Undertaking and its effects on historic
55 properties following agency procedures pursuant to 36 CFR § 800.2(d); and in a
56 manner that observes confidentiality requirements pursuant to Section 304 of the Act
57 and applicable state laws; and,

58
59 **WHEREAS**, the District has not fully determined the scope of activity and Area of
60 Potential Effect (APE) for the Undertaking (Appendix A) but will consult with the
61 Signatories and Consulting Parties in a timely manner prior to implementation in order
62 to determine the APE for all of the actions subject to the terms of this agreement, and
63 shall propose and document modifications to the APE throughout the duration of this PA
64 in accordance with the stipulations of this PA; and,

65
66 **WHEREAS**, the District shall seek and consider the views of the public and shall
67 provide information to the public about the Undertaking and its effects on historic
68 properties following agency procedures pursuant to 36 CFR § 800.2(d); and in a
69 manner that observes confidentiality requirements pursuant to Section 304 of the Act
70 and applicable state laws; and,

71
72 **WHEREAS**, the parties to this agreement have agreed to certain programmatic
73 mitigation measures (Appendix E) but in so doing also recognize that not all effects can
74 be mitigated programmatically and therefore have agreed to re-enter consultation in
75 order to devise appropriate remedial measures when the need arises; and,

76
77 **WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the District has notified the
78 ACHP and IA SHPO of this PA. The IA SHPO, having completed consultation in
79 accordance to procedures outlined in 36 CFR 800 for that portion of the Undertaking
80 that falls within Iowa's jurisdiction, and the ACHP having chosen not to participate in the
81 consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

82
83 **NOW, THEREFORE**, the District, and the IA SHPO (hereinafter Signatories), agree that
84 the Undertaking shall be implemented in accordance with the following stipulations of
85 this PA to satisfy the District's Section 106 responsibilities for the Undertaking.

86
87 The District shall ensure that the following stipulations of this PA are carried out:
88
89

STIPULATIONS

I. GENERAL RESPONSIBILITIES

A. The Signatories to this PA are the District and the IA SHPO. Collectively, the Signatories, and Concurring Parties are referred to in this PA as “Parties”. The Signatories and the Concurring Parties have rights as defined under 36 CFR § 800.6.

B. The District is responsible for oversight of performance under this PA and shall carry out compliance with Section 106 of the NHPA, including leading consultation as it pertains to identification and evaluation of historic properties and findings of effect.

C. The District’s consultants shall provide to the District completed cultural resource reports with fully documented eligibility determination recommendations and other requirements as noted in the contractual work order statement.

D. Unanticipated Discoveries (Appendix C), Historic Properties Identification and Procedures for Project Review (Appendix D), Programmatic Mitigation of Effects (Appendix E) are detailed in the appendices as listed.

II. THE DISTRICT’S RESPONSIBILITIES

A. The District shall serve as the principal authority in matters concerning the interpretation of this agreement, its appendices, and the routine execution of its terms, all subject to the Dispute Resolution (see Stipulation VII). The District, at its discretion, may consult directly with the IA SHPO and ACHP.

B. The District shall ensure that the procedures for Project-specific consultation, historic properties identification and evaluation, assessment of effects, mitigation of adverse effects, and treatment of historic properties are implemented in accordance with procedures outlined in Appendices D and E.

C. The District shall ensure that all historic properties investigations, evaluations, treatment plans, and data recovery efforts devised and conducted pursuant to this agreement shall be performed by or under the direct supervision of an individual that meets the Secretary of the Interior’s Qualifications Standards (36 CFR Part 61); and, shall be performed in a manner that is consistent with Secretary of the Interior’s Standards and the most recent version of the *Guidelines for Archaeological Investigations in Iowa*, and all other Federal or State standards as appropriate.

D. The District shall ensure that documentation submitted to IA SHPO for review meets the standards outlined at 36 CFR 800.11. Pursuant to Section 304 of the NHPA (54 U.S.C. § 307103), the Freedom of Information Act (FOIA; 5 U.S.C. § 552), the District shall withhold from disclosure to the public information relating to the location or character of historic resources when, in consultation with the Iowa State Archaeologist, it has been determined that disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or

place where such resources are located, to the extent such withholding is authorized under the FOIA and other Federal laws applicable to the District, or unless directed to release such information by Court Order.

E. The District shall ensure that all archeological reports resulting from actions pursuant to this agreement shall be consistent with the most recent version of the *Guidelines for Archaeological Investigations in Iowa*, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79). Precise location data should be provided only in a separate appendix if it appears that release of such data could jeopardize archeological deposits.

F. The District shall invite the participation of consulting parties in all activities authorized under this agreement as listed in Appendix B. (Note: The District must invite tribal consultation for all activities, even those excluded by regulation or agreement from IA SHPO review, unless a previous arrangement with individual or united tribes has been made). Parties that have a consultative role in the Section 106 process include, but are not limited to, the following: federally-recognized Indian tribes; representatives of local governments; county and municipal historic preservation commissions including those established under the Certified Local Governments program; the public; the National Trust for Historic Preservation; the Preservation Iowa organization; and individuals and organizations who, due to the nature of their legal or economic relation to the Undertaking or their concern with the Undertaking's effects on historic properties, demonstrate a legitimate interest.

G. The District shall ensure that artifacts, samples, and associated materials (ecofacts) recovered during data recovery mitigation from federally-owned lands shall be curated, along with all associated records, at the District's regional curation facility in the Illinois State Museum that meets standards established in 36 CFR 79, all shall ensure reasonable availability to future professional and academic research.

III. THE IOWA STATE HISTORIC PRESERVATION OFFICER RESPONSIBILITIES

The IA SHPO shall comment on all activities designated for its review in a timely and efficient manner and in accordance with procedures outlined in Appendices C, D, and E.

IV. UNANTICIPATED DISCOVERIES

The District shall ensure that the procedures outlined in Appendix C are observed in the event that human remains, non-mortuary archeological material, and architectural properties are encountered during construction or archaeological investigations.

V. HISTORIC PROPERTIES IDENTIFICATION AND PROJECT REVIEW

The District shall ensure that the procedures outlined in Appendix D are observed for all cultural resource investigations, historic properties identification, and project review.

VI. PROGRAMMATIC MITIGATION OF EFFECTS

The District shall ensure that the procedures outlined in Appendix E are observed in the event that the Project will have an adverse effect on historic properties.

VII. DISPUTE RESOLUTION

A. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the District shall consult with such party to resolve the objection. If the District determines that such objection cannot be resolved:

1. The District will forward all documentation relevant to the dispute, including the District's proposed resolution, to the ACHP. The ACHP shall provide the District with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the District shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The District will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the 30-day time period, the District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the District shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the Agreement and provide them and the ACHP with a copy of such written response.

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

B. If the District and the IA SHPO and, as appropriate, the THPOs/Tribes, do not agree on NRHP eligibility, or if the Signatories, ACHP, or the National Park Service so request, the District will request a formal determination of eligibility from the Keeper of the NRHP, National Park Service, whose determination shall be final.

VIII. DURATION

This agreement will become void if its terms are not carried out within five years from the date of its execution. Six months prior to the fifth anniversary of the agreement execution date, the District shall consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation X, *Amendments*. The terms of this Agreement shall remain in-force for a period of five years commencing at the date of its execution. At the end of this period the District shall review the necessity of this Agreement in order to determine whether it should be reissued or allowed to expire. If the Agreement requires reissue, the District shall consult with the IA SHPO in order to ensure compliance with the most current version of the Federal regulations (36 CFR Part 800) implementing Sections 106 and 110(f) of the NHPA (54

205 U.S.C. § 306108 and 306107). Extension of this agreement duration requires written
206 amendment by all Signatories.

207 **IX. TERMINATION**

208 Any of the Signatories to this PA may request a reconsideration of its terms or revoke
209 the agreement upon written notification to the other Signatories by providing 30 days'
210 notice to the other Signatories, provided that the Signatories will consult during the
211 period prior to termination to seek agreement on amendments or other actions that
212 would avoid termination. In the advent of termination, the District will comply with 36
213 CFR 800.3 through 800.7 with regard to individual actions covered by this PA.

214 **X. AMENDMENTS**

215 Any of the Signatories to this PA may request that any or all of its articles be amended
216 subsequent to the PA's execution, whereupon the other Signatories will consult in
217 accordance with 36 CFR 800.13, to consider such amendment. The District must notify
218 the ACHP of its intent to amend the Agreement and invite the ACHP's review and
219 comment. The amendment will be effective on the date a copy signed by all of the
220 Signatories is filed with the ACHP. The District shall ensure that copies of the amended
221 Agreement are provided to all of the signatories. The District shall follow the above
222 procedures for amendment in the event that the Undertaking is redefined by the
223 selection of a different alternative or through the adoption of multiple alternatives.
224 Revisions to the appendices shall not require notification of and review by the ACHP.
225 The appendices to the PA can be changed by written concurrence by the District and
226 the IA SHPO. However, the District shall ensure that the ACHP and consulting parties
227 are provided file copies of finalized versions that reflect all revisions.

228 **XI. ANTI-DEFICIENCY ACT**

229 The parties to this agreement acknowledge the District's fiduciary responsibilities
230 pursuant to the Anti-Deficiency Act (31 USC § 1341). This notwithstanding, the District's
231 responsibilities to fulfill the terms of this agreement and to comply with the requirements
232 of the NHPA remain unchanged regardless of the availability or level of funding
233 appropriated for its purposes.

234 **XII. EXECUTION OF THE AGREEMENT**

235 This agreement will become effective upon the District's receipt of signatures on this
236 agreement by all Signatories. Execution of this agreement by the District and the IA
237 SHPO and the implementation of its terms evidence that the District has taken into
238 account program effects on historic properties and has afforded the ACHP an
239 opportunity to comment.

240

SIGNATORIES

**PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS
OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC
PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT
REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

SIGNATORY:

UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT

BY: _____ Date:_____

Jesse T. Curry
Colonel, US Army
Commander and District Engineer

**PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS
OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC
PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT
REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

SIGNATORY:

IOWA STATE HISTORIC PRESERVATION OFFICER

BY: _____ Date:_____

Susan Kloewer
Iowa State Historic Preservation Officer
State Historical Society of Iowa

**PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS
OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC
PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT
REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

CONCURRING PARTY:

THE UNIVERSITY OF IOWA

BY: _____ Date:_____

John Doershuk, Ph.D.
State Archaeologist
Office of the State Archaeologist

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306
307
308

APPENDIX A

AREA OF POTENTIAL EFFECT AND PROJECT ACTIVITIES HAVING AN EFFECT ON CULTURAL RESOURCES



US Army Corps
of Engineers
Rock Island District

Green Island HREP Project Location Map, Jackson County, Iowa



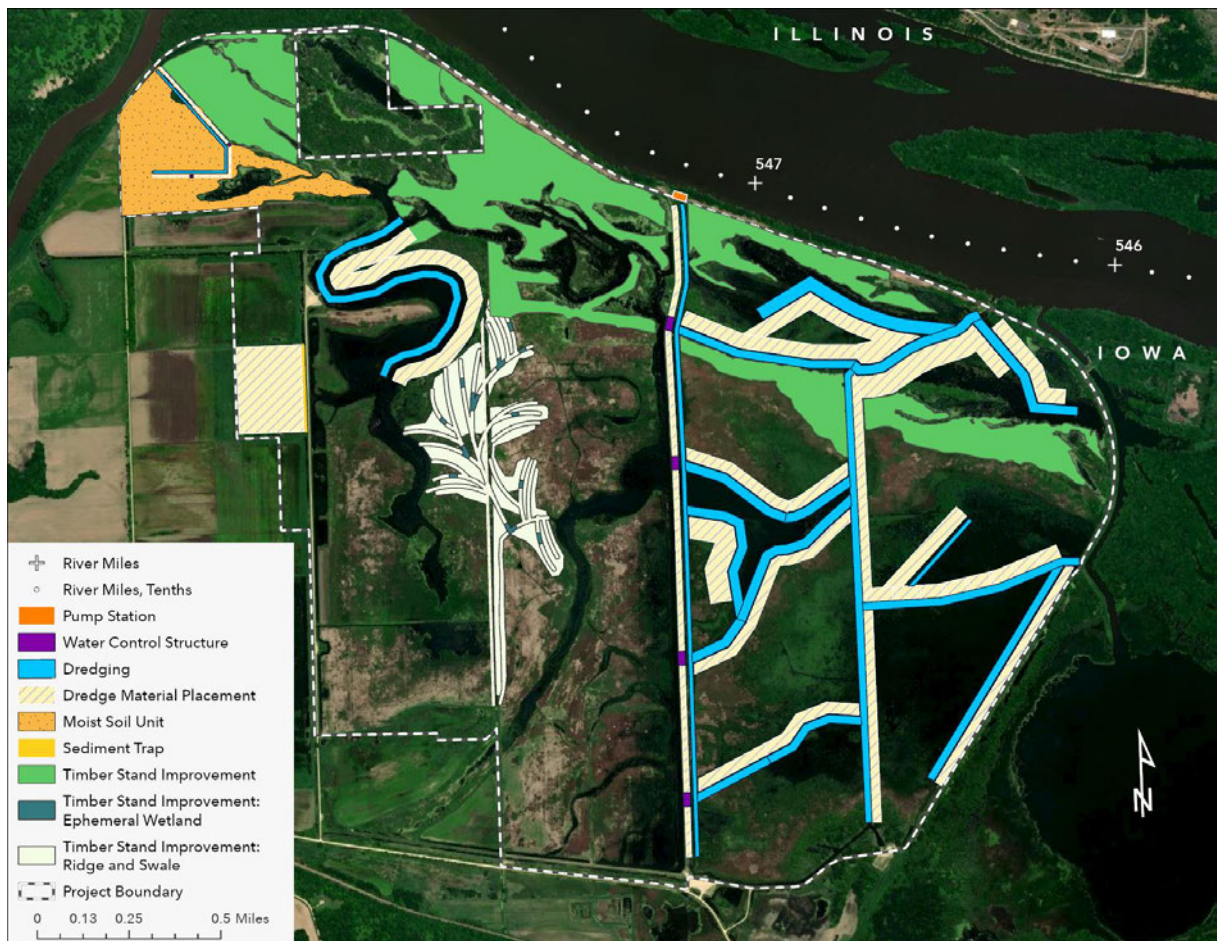
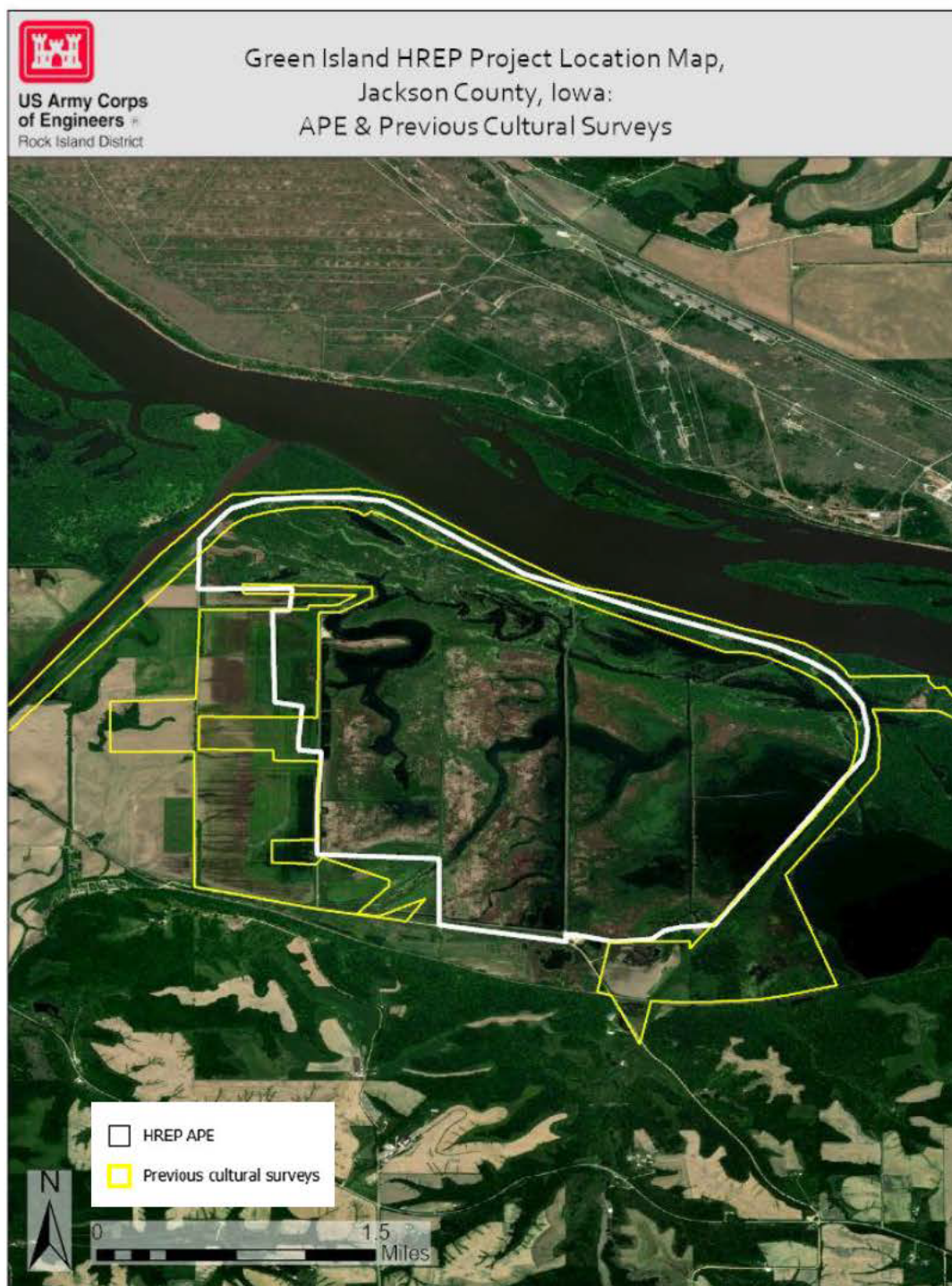


Figure 2. Project Feature Concepts and Area of Potential Effect



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Figure 3. Previous Cultural Surveys Intersecting with the Green Island APE

Table A-1. Outline of Project Measures Having the Potential to Impact Cultural Resources

Project Measure	Action	Potential Impact	Impact Level
Aquatic Diversity Dredging	Mechanical dredging	Dredging of materials within inundated areas	Low
Temporary Access	Tree clearing; heavy machinery	Maximum depth of disturbance is 3 feet	Moderate-to- High
Topographic Diversity Measures –Forest Habitat	Placing dredge material	Grading top 1-2 inches prior to dredge material placement; seeding/planting	Low
Timber Stand Improvement	Tree thinning and planting (specific acreages and locations for this action are yet to be determined)	Most holes for planting will be 18 inches in depth, with maximum depth of disturbance is 3 feet due to root growth; tree cutting will leave fallen tree in place, use of low pressure equipment will be used for clearing	Moderate-to- High
Island Restoration and Protection	Dredge material and stone placement on submerged island to restore historic footprint; tree planting	Material placement and tree planting	Low
Topographic Diversity Measures - Scrub-Shrub/Pollinator Habitat	Dredge material placement, planting	Grading top 1-2 inches prior to dredge material placement; seeding/planting	Low
Island Building	Stone placement and dredge placement	Placement of stone on dredge material in inundated areas	Low
Water Level Management	Replace internal water control structures and construct new pump house	Disturb ground on existing berms	Moderate

APPENDIX B

INTERESTED AND CONSULTING PARTIES LIST

Pursuant to 36 CFR 800.2(d), 800.3, 800.5(c), and 800.6(a)(2), 800.8(c)(1)(iv) of the NHPA and to meet the responsibilities under the National Environmental Policy Act of 1969 Act (42 U.S.C. 4321-4335), the District has developed an Interested and Consulting Parties List comprised of 22 THPOs/Tribes and four other organizations or agencies. The District will comply with any requests to be removed from, or added to, the Interested and Consulting Parties List and will continue to develop and maintain the following Interested and Consulting Parties List.

FEDERAL AND STATE AGENCIES

Advisory Council on Historic Preservation
Ms. Katherine Kerr, Program Analyst

Iowa State Historic Preservation Office
Mr. Daniel Higginbottom, Archaeologist

Iowa State Historic Preservation Office
Ms. Heather Gibb, R&C Coordinator

US Fish and Wildlife Service
Mr. Nate Williams, Wildlife Refuge Specialist, Savanna District

Office of the State Archaeologist

john-doershuk@uiowa.edu

TRIBES

Citizen Potawatomi Nation
Dr. Kelli Mosteller, THPO

Forest County Potawatomi Community
Mr. Benjamin Rhodd, THPO

Ho-Chunk Nation
Mr. Bill Quackenbush, THPO

Iowa Tribe of Kansas and Nebraska
Mr. Alan Kelley, Deputy THPO

Iowa Tribe of Oklahoma
Mr. Eagle McClellan, THPO

376 Kaw Nation
377 Ms. Stephanie Richardson, Interim NAGPRA POC
378 [REDACTED]
379
380 Kickapoo Tribe in Kansas
381 Hon. Lester Randall, Chairman
382 [REDACTED]
383
384 Kickapoo Tribe in Oklahoma
385 Ms. Pamela Wesley,
386 [REDACTED]
387
388 Menominee Indian Tribe of Wisconsin
389 Mr. David Grignon, THPO
390 [REDACTED]
391
392 Miami Tribe of Oklahoma
393 Ms. Diane Hunter, THPO
394 [REDACTED]
395
396 Omaha Tribe of Nebraska
397 Mr. Dwight Howe, THPO
398 [REDACTED]
399
400 Otoe-Missouria Tribe
401 Ms. Elsie Whitehorn, THPO
402 [REDACTED]
403
404 Peoria Tribe of Indians of Oklahoma
405 Ms. Charla Echo-Hawk, Director of Cultural Preservation
406 [REDACTED]
407
408 Ponca Tribe of Nebraska
409 Ms. Stacy Laravie, THPO
410 [REDACTED]
411
412 Ponca Tribe of Oklahoma
413 Ms. Liana Hesler, THPO
414 [REDACTED]
415
416 Prairie Band Potawatomi Nation
417 Mr. Raphael Wahwassuck, Councilman & NAGPRA POC
418 [REDACTED]
419
420
421

422 Prairie Island Indian Community
423 Mr. Noah White, THPO
424 [REDACTED]
425
426 Sac & Fox Nation of Missouri in Kansas and Nebraska
427 Mr. Gary Bahr, Vice Chairperson
428 [REDACTED]
429
430 Sac and Fox Tribe of the Mississippi in Iowa
431 Ms. Kelly Yarnes-Schott, Environmental Branch Coordinator
432 [REDACTED]
433
434 Sac & Fox Nation of Oklahoma
435 Chris Boyd, NAGPRA Coordinator
436 [REDACTED]
437
438 Upper Sioux Community, Minnesota
439 Ms. Samantha Odegard, THPO
440 [REDACTED]
441
442 Winnebago Tribe of Nebraska
443 Ms. Sunshine Thomas-Bear, THPO
444 [REDACTED]
445

APPENDIX C

UNANTICIPATED DISCOVERY

Here, and throughout Appendix C, actions taken pursuant to this agreement will occur in consultation with the Signatories and Consulting Parties.

A. Human Remains. Iowa law protects all human remains regardless of their historical age, sex, or cultural/ethnic affiliation.

1. In the event that human remains are encountered during archeological investigations or construction activities, work shall cease within 100 feet of the remains, appropriate steps shall be taken to secure the site, and officials at the District, the Bioarchaeology Program at the Iowa Office of the State Archaeologist (IA OSA), and the IA SHPO shall be notified and, to the best of their ability, shall respond within three (3) working days to such notification in order to determine the next course of action that ensures the applicable Iowa law is followed. At the District, this official shall be an Archeologist in the Environmental Compliance or Planning branches, or their designee. At the IA OSA, this official shall be the Bioarchaeology Program Director or their designee. At the IA SHPO, this official shall be a Review Archaeologist.

2. If the remains appear to be ancient (i.e., older than 150 years), and are determined to be ethnically Native American, the District shall be responsible for adhering to the Native American Graves Protection and Repatriation Act [NAGPRA (P.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058)]. The IA OSA shall have jurisdiction to ensure that the appropriate procedures in accordance with applicable Iowa law (Code of Iowa, Sections 263B, 523I.316.6 and 716.5; IAC 685, Ch.11.1) are observed, but are not financially responsible for costs incurred during this process. The disposition of the remains will be arranged in accordance with NAGPRA and Chapter 263B of the Iowa Code.

3. Human remains less than 150 years old that are determined to be ethnically Native American are protected under the Native American Graves Protection and Repatriation Act (P.L. 101-601; 25 USC 3001-3013) and Chapter 523I of the Iowa Code. The District shall be responsible for adhering to these laws. In the event that human remains appearing less than 150 years in age are encountered, the District shall ensure that appropriate law enforcement authorities and the Iowa Department of Health be notified. The IA OSA shall ensure that appropriate procedures in accordance with applicable Iowa law are observed but are not financially responsible for costs incurred during this process.

4. Before work can resume within 100 feet of the human remains, the District must determine the NRHP eligibility of the archeological resource in consultation with the IA SHPO and tribal representatives, as applicable.

5. Upon a determination of eligibility, and decision to preserve in place by the IA OSA, or designee, the District shall submit a plan for avoidance and protection to the District for review and comment. The District will provide the proposed plan to all

Consulting Parties. The IA SHPO and Consulting Parties will have seven (7) working days to provide comments to the IA OSA on the proposed plan for final approval.

6. Upon a determination of eligibility, and decision to remove the human remains by the IA OSA, or their designee, the District shall submit a plan for relocation and recovery of information to the District for review and comment. The District will provide the proposed plan to all Consulting Parties. The IA SHPO and Consulting Parties will have seven (7) working days to provide comments to the IA OSA on the proposed plan for final approval.

7. Work within 100 feet of the human remains shall resume upon the development and implementation of an appropriate relocation and data recovery plan, other recommended mitigation procedures, or agreement among the District, IA OSA and IA SHPO that the site does not warrant mitigation.

B. Archaeological Material (non-mortuary related). The District shall ensure that the following procedures are observed in the event that previously undetected non-mortuary-related archeological materials are encountered.

1. All activities within 100 feet of the unanticipated discovery shall cease immediately, appropriate steps shall be implemented to secure the site, and the District and IA SHPO shall be notified of the discovery and shall respond within five working days to such notification. Construction work may continue in the area outside the 100 feet of the unanticipated discovery.

2. An archeologist retained by the District will inspect the work site and determine the extent of the affected archeological resource within five working days of its discovery.

3. Before work can resume within 100 feet of the unanticipated discovery, the District must determine the NRHP eligibility of the archeological resource in consultation with the IA SHPO and other Consulting Parties, as applicable.

4. Upon a determination of eligibility, the District or their designee shall submit a plan for avoidance, protection, recovery of information, or destruction without data recovery to the District for review and comment within 20 working days. The District will notify all Consulting Parties of the unanticipated discovery and provide the proposed treatment plan for their consideration. The IA SHPO and Consulting Parties will have seven working days to provide comments on the proposed treatment plan upon receipt of the information.

5. Work within 100 feet of the unanticipated discovery shall resume upon either:

a. The development and implementation of an appropriate data recovery plan, other recommended mitigation procedures, or agreement among the District and the IA SHPO that the site does not warrant mitigation; or,

b. Agreement by the IA SHPO and the District that the newly located

archeological materials are not eligible for inclusion on the NRHP.

c. If the District and IA SHPO object to any part of the treatment plan and they are not able to reach resolution of the objection within seven working days of when the objection is raised, the District shall follow the procedures outlined in Stipulation VII of the PA, *Dispute Resolution*.

C. Adverse Effects upon Architectural Properties. The District shall ensure that the following procedures are observed in the event that post-review effects to historic buildings, structures, objects, or districts are identified.

1. Work within 100 feet of the unanticipated discovery shall cease and the District shall notify the IA SHPO of the discovery and the IA SHPO will respond within five working days to such notification. Construction work may continue in the area outside the 100 feet of the unanticipated discovery.

2. An architectural historian retained by the District will inspect the work site and evaluate the National Register eligibility of the property within seven working days. The District, in consultation with the District, shall assess the project effects. The District shall provide its report of findings and determination of effect to the IA SHPO who shall have seven working days to provide comments.

3. Upon assessment of adverse effect, the District shall submit a plan for after-the-fact mitigation to the District for review and comment. The District will notify all Consulting Parties of the unanticipated discovery and provide the plan for their consideration. The IA SHPO and Consulting Parties will have seven working days to provide comments on the plan upon its receipt. The District may implement the plan if IA SHPO fails to respond within the allotted timeframe.

4. Work within 100 feet of the unanticipated discovery shall resume upon either:

a. Agreement by the District and the IA SHPO that the effects are not adverse; or,

b. The development and implementation of an appropriate plan, or agreement among the District and the IA SHPO that the site does not warrant mitigation.

c. If the District and IA SHPO object to any part of the plan and they are not able to reach resolution of the objection within seven working days of when the objection is raised, the District shall follow the procedures outlined in Stipulation VII, *Dispute Resolution*.

D. Failure to Act within Specified Timeframe. If any principal signatory fails to meet the timeframes set in Appendix C, *Unanticipated Discoveries*, the District may proceed to final decision-making.

APPENDIX D

HISTORIC PROPERTIES IDENTIFICATION AND PROCEDURES FOR PROJECT REVIEW

I. HISTORIC PROPERTY SURVEYS AND TESTING

Here, and throughout Appendix D, actions taken pursuant to this agreement will occur in consultation with the Signatories. The District will make a reasonable and good faith effort to identify historic properties that are within the Area of Potential Effect (APE) and provide this information, and associated studies or reports to the Signatories. This shall be accomplished through the implementation of historic property surveys and testing and agreed upon treatments of historic properties. The District, in consultation with the Signatories, will ensure that the following measures are implemented:

A. The District, in consultation with the Signatories, will provide scholarly evidence of stewardship (typically documented in a technical report written by a qualified archeologist or architectural historian) in the recordation, protection, and management of historic properties within the APE through systemic research and studies which have been finalized and approved, then placed in the permanent files of the IA SHPO and IA OSA (as necessary) as evidence of compliance promulgated under Section 106 of the NHPA, as amended and its implementing regulations 36 C.F.R. Part 800: "Protection of Historic Properties."

B. No archeological historic property survey will be required where the District has documented and IA SHPO concurs that:

1. Profound ground surface disturbances have so completely altered the landform as to make the existence of historic properties impossible (e.g., complete stripping of all soils down to sterile subsoil); or,

2. Geomorphological investigations indicate deeply buried deposits deeper than project impacts or very low potential for near surface cultural deposits; or,

3. An area previously has been surveyed at the appropriate level of investigation necessary to cover the entire APE utilizing methods consistent with the Secretary of the Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR 44720-23) and taking into account the National Park Service publication *The Archaeological Survey: Methods and Uses* (1978) and the most recent version of the *Guidelines for Archaeological Investigations in Iowa* (2018) and has been recommended for acceptance by the IA SHPO.

C. The District will ensure that the necessary surveys are performed on all other areas within the APE indirectly and directly affected by the Undertaking. The District will evaluate historic properties relative to past surveys and reports and properties deemed ineligible with IA SHPO's concurrence based upon the evaluation of the most recent survey; surveys occurring within the last five years that have been

recommended for acceptance by the IA SHPO and provide full vertical and horizontal coverage of the APE will not be reevaluated. If a survey results in the identification of properties that are eligible to the NRHP, the District, in consultation with the Signatories and/or Consulting Parties, shall develop and implement plans for the appropriate treatment of historic properties.

D. All surveys will be conducted in a manner consistent with the Secretary of the Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR 44720-23) and take into account the National Park Service publication *The Archaeological Survey: Methods and Uses* (1978) and the most recent version of the *Guidelines for Archaeological Investigations in Iowa* (2017). The reconnaissance surveys and subsurface testing will be implemented and reported by the District. The District will then distribute the reports to IA SHPO and other parties, as appropriate, for review and comment.

E. In consultation with the IA SHPO, and, as appropriate, the THPOs/Tribes, the District shall evaluate for eligibility all properties by applying the NRHP criteria (36 CFR 60.4).

1. For those properties that the District and the IA SHPO (and in consultation with the THPOs/Tribes, as appropriate) agree are not eligible for nomination to or inclusion in the NRHP, no further investigations of those properties will be required, and the project may proceed in those areas.

2. If the survey results in the identification of properties that the District and the IA SHPO and, as appropriate, the THPOs/Tribes, agree are eligible for inclusion on the NRHP, such properties shall be treated in accordance with Section II, *Treatment of Historic Properties*.

II. TREATMENT OF HISTORIC PROPERTIES

The District will ensure that the following guidelines are implemented when dealing with historic properties in the APE. In order of preference:

A. Avoidance. The preferred treatment for all archeological, historical, and architectural historic properties is avoidance of direct and indirect effects resulting from the Undertaking. All work shall, to the extent feasible, avoid historic properties either through project design changes, use of temporary fences or barricades during construction, realignments, landscaping, or other measures that the Signatories agree will adequately protect historic properties in both the short- and long-term.

B. Reduction of Effects on Properties Preserved in Place. When the District determines that complete avoidance of historic properties is not feasible, the District shall ensure that alternatives are explored to reduce the magnitude of the effects on the historic properties. Exploration of ways to reduce adverse effects will include the consideration of preservation of historic properties or the protection of historic

properties against impacts by project-related activities in close proximity to the property.

C. Treatment Plans. Proposed treatment plan should endeavor to minimize effects to historic resources to the greatest extent possible. Proposed plans will be provided to all Signatories for review and comment. Unless the IA SHPO (and, in consultation with the THPOs/Tribes, as appropriate) objects within 30 days of receipt of any plan, the District shall ensure that the treatment plans are implemented. The District shall revise treatment plans in response to comments and recommendations provided by the IA SHPO, THPOs/Tribes, and other Consulting Parties so long as the Signatories can agree in writing that they equitably mitigate project effects. Should Signatories not agree, the District will request the ACHP's comments in accordance with Stipulation VII of the PA, *Dispute Resolution*.

D. Mitigation. When the District, in consultation with the IA SHPO and Consulting Parties as appropriate, determines that project activities will have an adverse effect on a historic property(ies), and that avoidance or in-place preservation is not feasible, the District, in consultation with the Signatories, shall ensure that a mitigation plan is developed for these properties in accordance with Appendix E, *Programmatic Mitigation of Effects*. The District will forward such plans onto the IA SHPO and Consulting Parties as appropriate, for their review and comment.

PROGRAMMATIC MITIGATION OF EFFECTS

E. Buildings and Structures. When avoidance or in-place preservation is not feasible, treatment plans for NRHP listed or eligible objects, structures or buildings shall adhere to the following guidelines:

1. Documentation. The District will engage a qualified architectural historian to conduct intensive-level survey and prepare Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) -standard documentation of the building, structure, or object in accordance with this PA with the understanding that documentation may not represent the only mitigation measure employed in resolving the adverse effect. HABS/HAER-standard documentation means products acceptable for inclusion in the HABS/HAER/Historic American Landscapes Survey collection at the Library of Congress in accordance with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation.

2. Relocation. The District shall ascertain, in consultation with the Signatories and other Consulting Parties, whether it is feasible and prudent to move the historic building or structure to a new location where it can be preserved. Adverse effects upon an object, structure or building contributing to a Historic District will include consideration of effects to the object, structure or building, as well as to the entire Historic District.

3. Property Transfer/Marketing. Any sale and removal/demolition of an historic

object, structure or building that is leveraged by the Undertaking becomes part of the Undertaking and is subject to the terms of this agreement.

4. Demolition. If, following consultation, the Signatories agree that relocation is not feasible, or if there are no offers for the historic property and no other prudent and feasible creative alternatives present themselves, the District, in consultation with the signatories shall engage a qualified architectural historian to conduct intensive-level survey and prepare HABS/HAER-standard documentation of the historic property.

F. Archeological Data Recovery. The District shall ensure that any NRHP-eligible or -listed archaeological site whose preservation in-place is not feasible is subject to data recovery, following a data recovery plan developed in consultation with the IA SHPO, and THPOs/Tribes as appropriate, and subject to a 30-day review and comment period. All data recovery plans shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37), the *Guidelines for Archaeological Investigations in Iowa* (2017) and take into account the ACHP's publication: *Treatment of Archeological Properties*. Each data recovery plan shall specify, at a minimum:

1. the property, properties, or portions of properties where data recovery is to be carried out;
2. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
3. the methods to be used, with an explanation of their relevance to the research questions;
4. the methods to be used in analysis, data management, and dissemination of data, including a schedule;
5. the proposed disposition of recovered materials and records;
6. proposed methods for involving the interested public in the data recovery; and
7. a proposed schedule for the submission of progress reports to the IA SHPO, and, where applicable, Consulting Parties.

G. Historic Properties of Traditional Religious and Cultural Significance

1. If a property of traditional religious and cultural significance to Tribes and/or any other groups, or societies is identified within the APE, the District shall develop a treatment plan for that property in consultation with the Signatories and the Consulting Parties that could be affected by proposed activities at the specific historic site or property involved. The plan will cover analysis of treatment options (including consideration of a no build alternative) and selection of a recommended treatment for

the property and the measures which will be undertaken by the District to ensure that the plan is implemented.

2. if responses are not received within 30 days of receipt of the plan by the IA SHPO and affected Consulting Parties, the District shall submit the plan to the IA SHPO and to the affected Consulting Parties and shall implement the plan in accordance with the procedures outlined in therein,

3. Should a formal objection to the final plan be submitted within 30 days following its distribution, the District, the IA SHPO, and the affected Consulting Parties shall attempt to resolve the objection. If the objection is not resolved within 90 days, the District shall request the comments of the ACHP or Keeper in accordance with Stipulation VII, *Dispute Resolution*.

H. Construction. Construction proposed for the Undertaking on or adjacent to significant historic properties (including those properties deemed eligible to be, or listed on the NRHP), the District shall ensure that the design and specifications for new construction are developed in consultation with Signatories and Consulting Parties; the District will forward the plans to the IA SHPO for their review and comment. The District shall ensure that the project design for new construction is technically feasible and economically prudent; is compatible with the historic and architectural qualities of the historic property or district in question in terms of style, scale, massing, color, and materials; and is responsive to the recommended approaches to new construction set forth in the Secretary of the Interior's *Standards for Rehabilitation* (National Park Service 1983). The District acknowledges that project measures have not been finalized and may change or be modified since economical, operational, engineering, and environmental studies are ongoing. The District will therefore determine effects as directed under Section 106 of the NHPA, as amended and its implementing regulations 36 Part 800: "Protection of Historic Properties." Also, the District will:

1. consider the Undertaking's direct and indirect effects, such as all construction areas, including the construction zones footprints for dredging, dredge material placement, planting, riprap placement, and any other project-related features and ancillary features proposed.

2. consider and coordinate with the IA SHPO, areas with the potential for containing submerged historic properties.

APPENDIX E

PROGRAMMATIC MITIGATION OF EFFECTS

PROCEDURES

A. Here, and throughout Appendix E, actions taken pursuant to the agreement will occur in consultation with the Signatories. The District shall provide the IA SHPO, THPOs/Tribes, and Consulting Parties with letter reports summarizing the alternatives considered to avoid, minimize, or mitigate adverse effects to affected properties in the event adverse effects to such properties cannot be avoided. The IA SHPO, THPOs/Tribes, and Consulting Parties may request that the District consider other alternatives to avoid, minimize or mitigate adverse effects.

B. After the Signatories agree on a proposed alternative to mitigate adverse effects, the Signatories will develop a Memorandum of Agreement (MOA) to memorialize the mutually agreed upon strategy. Once these parties have finalized the MOA and as appropriate, received comment from the Consulting Parties, a copy will be filed with the ACHP. The District shall ensure that all provisions set forth in each MOA will be carried out. Unanticipated Discoveries are addressed in Appendix C.

C. Standard mitigation measures to be considered include, but are not limited to, the following:

1. Documentation

a. The District, in consultation with the Signatories, will ensure that the appropriate level of documentation is performed prior to the substantial alteration, relocation, or demolition of any historic building or structure. Documentation shall be consistent with the Secretary of the Interior's *Standards for Architectural and Engineering Documentation* and the *Standards for Historical Documentation* and at a minimum will include: photographs of external façades and internal and external character-defining features, and the completion of new or updated Iowa Site Inventory forms.

b. Unless otherwise agreed to by the IA SHPO in a Memorandum of Agreement, the District shall ensure that all documentation is completed and the District shall ensure this documentation is submitted to the IA SHPO and recommended for acceptance prior to the demolition, alteration, or relocation of the historic building or structure.

c. The District will provide copies of the documentation to the IA SHPO, appropriate THPOs/Tribes, and other local, county, or state organizations which the IA SHPO recommends.

2. Mitigation for Archeological Sites Eligible Other than or in Addition to Criterion D. If preservation in place is not feasible, the District shall consult with the IA SHPO, THPOs/Tribes as appropriate, to develop a mitigation plan for any

831 archeological site that is eligible to the NRHP under criteria other than, or in addition
832 to, Criterion D of 36 C.F.R. Part 60. The District shall submit the plan to the IA SHPO
833 and THPOs/Tribes as appropriate for review and comment.
834

835 **3. Alteration and Flood Risk Management Measures Not Adhering to the**
836 **Standards.** The District shall consult with the Signatories and Consulting Parties to
837 develop alternate treatment or mitigation plans for those features which cannot meet
838 the Secretary of the Interior's *Standards for Rehabilitation*. The District shall submit
839 these plans to the IA SHPO for review and comment.
840

841 **4. Other Mitigation Strategies.** The District, IA SHPO, THPOs/Tribes, and
842 Consulting Parties shall consult to devise other mitigation strategies in instances
843 where those included in this agreement do not satisfactorily mitigate adverse effects
844 to historic properties. It may be necessary to develop separate MOAs for effects on
845 specific historic properties.

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Doershuk, John F [REDACTED]
Sent: Monday, June 6, 2022 12:10 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: [External] RE: Green Island Habitat Rehabilitation and Enhancement Project (HREP)

Hi Kelsey,

Thanks for the opportunity to review – OSA finds the PA acceptable and has no other comments at this time.

Sincerely,
John

John F. Doershuk, Ph.D. (he, him, his)
State Archaeologist and Director, Office of the State Archaeologist
Adjunct Associate Professor, Anthropology
700 Clinton St. Building, University of Iowa
Iowa City, IA 52242
Office: 319-384-0751 Mobile: 319-530-9148
<https://archaeology.uiowa.edu>



From: Myers, Kelsey J CIV USARMY CEMVP (USA) [REDACTED]
Sent: Tuesday, May 31, 2022 12:29 PM
To: Doershuk, John F [REDACTED] >
Subject: [External] RE: Green Island Habitat Rehabilitation and Enhancement Project (HREP)

Dr. Doershuk,

Please see the attached correspondence, draft Agreement document, and comment matrix regarding the proposed PA modifying Section 106 for the Green Island HREP in Jackson County, Iowa. We request that you submit any comments within 30 calendar days of your receipt of these documents. I serve as the District POC for this project and can be reached via phone or email if you have any questions or would like to discuss.

Thank you,

Dr. Kelsey Noack Myers, RPA
District Archeologist & MVR Tribal Liaison
Environmental Planning Branch (PD-P), Regional Planning & Environmental Division North (RPEDN)
U.S. Army Corps of Engineers

[REDACTED]

From: Doershuk, John F [REDACTED]
Sent: Monday, April 18, 2022 3:54 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA) [REDACTED]
Subject: [URL Verdict: Neutral][Non-DoD Source] Green Island Habitat Rehabilitation and Enhancement Project (HREP)

Hi Kelsey,

Please include my organization in the Section 106 consultations for the Green Island Habitat Rehabilitation and Enhancement Project (HREP); I will serve as point-of-contact.

Sincerely,
John

John F. Doershuk, Ph.D. (he, him, his)
State Archaeologist and Director, Office of the State Archaeologist
Adjunct Associate Professor, Anthropology
700 Clinton St. Building, University of Iowa
Iowa City, IA 52242
[REDACTED]

IOWA

1 **PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS OF**
2 **ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC**
3 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT**
4 **REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

5
6
7 **WHEREAS**, the U.S. Army Corps of Engineers, Rock Island District (District) is
8 proposing a habitat rehabilitation and enhancement project (Project) in Pool 13 of the
9 Upper Mississippi River, in Jackson County, Iowa (Appendix A). Areas considered as
10 part of this Project and described as the Project area include the Green Island Wildlife
11 Management Area; and,

12
13 **WHEREAS**, the District has determined the proposed Project constitutes an
14 Undertaking subject to the requirements of 36 CFR Part 800, the regulations
15 implementing Section 106 of the National Historic Preservation Act (NHPA; 54 USC §
16 306108); and,

17
18 **WHEREAS**, the District has determined that the proposed Project is the type of
19 Undertaking that has the potential to affect historic properties listed in or eligible for
20 listing on the National Register of Historic Places (NRHP), and therefore will consult
21 with the Advisory Council on Historic Preservation (ACHP), the Iowa State Historic
22 Preservation Officer (IA SHPO), Indian tribes, the Iowa Office of the State
Archaeologist (IA OSA), and other 24 Interested and Consulting Parties (Appendix B)
pursuant to 36 CFR § 800.14(b) of the 25 regulations implementing Section 106 of the
NHPA (54 U.S.C. § 306108) and Section 26 110(f) of the same Act (54 U.S.C. §
306107); and,

27
28 **WHEREAS**, the identification and evaluation of historic properties and of 29 effect will
not be completed prior to the completion of the environmental document
30 needed for compliance with the National Environmental Policy Act (NEPA), making
31 execution of this Programmatic Agreement (PA) for the Project appropriate pursuant to
32 36 CFR § 800.14(b)(1)(ii); and,

33
34 **WHEREAS**, in recognition of the unique government-to-government relationship
35 between the Federal government and the Indian tribes, the District will notify the tribes
36 (Appendix B) of the Undertaking, and of the potential for effects that the Undertaking
37 may have upon historic properties which may be of particular interest to them, and has
38 invited the tribes to participate as concurring parties to this agreement, with no tribes
39 responding in the affirmative; and,

40
41 **WHEREAS**, the USFWS, has declined to participate as a Signatory to this PA due to 42
the fact that the Undertaking will occur only on Federal fee title lands under the District's
43 jurisdiction; and,

44

45

46 **WHEREAS**, the District has not fully determined the scope of activity and Area of
47 Potential Effect (APE) for the Undertaking (Appendix A) but will consult with the
48 Signatories and Consulting Parties in a timely manner prior to implementation in order
49 to determine the APE for all of the actions subject to the terms of this agreement, and
50 shall propose and document modifications to the APE throughout the duration of this PA
51 in accordance with the stipulations of this PA; and,

52

53 **WHEREAS**, the District shall seek and consider the views of the public and shall
54 provide information to the public about the Undertaking and its effects on historic
55 properties following agency procedures pursuant to 36 CFR § 800.2(d); and in a
56 manner that observes confidentiality requirements pursuant to Section 304 of the Act
57 and applicable state laws; and,

58

65

71

72 **WHEREAS**, the parties to this agreement have agreed to certain programmatic
73 mitigation measures (Appendix E) but in so doing also recognize that not all effects can
74 be mitigated programmatically and therefore have agreed to re-enter consultation in
75 order to devise appropriate remedial measures when the need arises; and,

76

77 **WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the District has notified the
78 ACHP and IA SHPO of this PA. The IA SHPO, having completed consultation in
79 accordance to procedures outlined in 36 CFR 800, and the ACHP having chosen not to
participate in the 81 consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

82

83 **NOW, THEREFORE**, the District, and the IA SHPO (hereinafter Signatories), agree that
84 the Undertaking shall be implemented in accordance with the following stipulations of
85 this PA to satisfy the District's Section 106 responsibilities for the Undertaking.

86

87 The District shall ensure that the following stipulations of this PA are carried
out: 88

89

90 **STIPULATIONS**

92 I. GENERAL RESPONSIBILITIES

93 A. The Signatories to this PA are the District and the IA SHPO. Collectively, the
94 Signatories, and Concurring Parties are referred to in this PA as "Parties". The
95 Signatories and the Concurring Parties have rights as defined under 36 CFR § 800.6.

96 B. The District is responsible for oversight of performance under this PA and shall
97 carry out compliance with Section 106 of the NHPA, including leading consultation as it
98 pertains to identification and evaluation of historic properties and findings of effect.

99 **C.** The District's consultants shall provide to the District completed cultural
100 resource reports with fully documented eligibility recommendations and
101 other requirements as noted in the contractual work order statement.

102 **D.** Unanticipated Discoveries (Appendix C), Historic Properties Identification and
103 Procedures for Project Review (Appendix D), Programmatic Mitigation of Effects
104 (Appendix E) are detailed in the appendices as listed.

105 **II. THE DISTRICT'S RESPONSIBILITIES**

106 **A.** The District shall serve as the principal authority in matters concerning the
107 interpretation of this agreement, its appendices, and the routine execution of its
108 terms, all subject to the Dispute Resolution (see Stipulation VII). The District, at its
109 discretion, may consult directly with the IA SHPO and ACHP.

110 **B.** The District shall ensure that the procedures for Project-specific consultation,
111 historic properties identification and evaluation, assessment of effects, mitigation of
112 adverse effects, and treatment of historic properties are implemented in accordance
113 with procedures outlined in Appendices D and E.

114 **C.** The District shall ensure that all historic properties investigations,
115 evaluations, treatment plans, and data recovery efforts devised and conducted
116 pursuant to this agreement shall be performed by or under the direct supervision of
117 an individual that meets the Secretary of the Interior's Qualifications Standards (36
118 CFR Part 61); and, shall be performed in a manner that is consistent with Secretary
119 of the Interior's Standards and the most recent version of the *Guidelines for*
120 *Archaeological Investigations in Iowa*, and all other Federal or State standards as
121 appropriate.

122 **D.** The District shall ensure that documentation submitted to IA SHPO for review
123 meets the standards outlined at 36 CFR 800.11. Pursuant to Section 304 of the
124 NHPA (54 U.S.C. § 307103), the Freedom of Information Act (FOIA; 5 U.S.C. § 552),
125 the District shall withhold from disclosure to the public information relating to the
126 location or character of historic resources when, in consultation with the Iowa State
127 Archaeologist, it has been determined that disclosure of such information may create
128 a substantial risk of harm, theft, or destruction to such resources or to the area or

3

129 place where such resources are located, to the extent such withholding is authorized
130 under the FOIA and other Federal laws applicable to the District, or unless directed
131 to release such information by Court Order.

132 **E.** The District shall ensure that all archeological reports resulting from actions
133 pursuant to this agreement shall be consistent with the most recent version of the
134 *Guidelines for Archaeological Investigations in Iowa*, and to the Department of the
135 Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR
136 5377-79). Precise location data should be provided only in a separate appendix if it
137 appears that release of such data could jeopardize archeological deposits.

138 **F.** The District shall invite the participation of consulting parties (Appendix B) in all activities
139 authorized under this agreement. (Note: The District must invite

140 tribal consultation for all activities, even those excluded by regulation or agreement from
141 IA SHPO review, unless a previous arrangement with individual or united tribes has
142 been made). Parties that have a consultative role in the Section 106 process include,
143 but are not limited to, the following: federally-recognized Indian tribes; representatives of
144 local governments; county and municipal historic preservation commissions including
145 those established under the Certified Local Governments program; the public; the
146 National Trust for Historic Preservation; the Preservation Iowa organization; and
147 individuals and organizations who, due to the nature of their legal or economic relation
148 to the Undertaking or their concern with the Undertaking's effects on historic properties,
149 demonstrate a legitimate interest.

150 **G.** The District shall ensure that artifacts, samples, and associated materials
151 (ecofacts) recovered during from federally-owned lands shall be
152 curated, along with all associated records, at the District's regional curation facility in the
153 Illinois State Museum that meets standards established in 36 CFR 79. The Corps shall ensure
154 reasonable availability of curated records and material to future professional and academic
research.

155 **III. THE IOWA STATE HISTORIC PRESERVATION OFFICER RESPONSIBILITIES**

156 The IA SHPO shall comment on all activities designated for its review in a timely and
157 efficient manner and in accordance with procedures outlined in Appendices C, D, and
E.

158 **IV. UNANTICIPATED DISCOVERIES**

159 The District shall ensure that the procedures outlined in Appendix C are observed in the
160 event that human remains, non-mortuary archeological material, and architectural
161 properties are encountered during construction or archaeological investigations.

162 **V. HISTORIC PROPERTIES IDENTIFICATION, EVALUATION AND PROJECT REVIEW**

163 The District shall ensure that the procedures outlined in Appendix D are observed for all 164
cultural resource investigations, historic properties identification, and project review.

165

166 **VI. PROGRAMMATIC MITIGATION OF EFFECTS**

167 The District shall ensure that the procedures outlined in Appendix E are observed in the
168 event that the Project will have an adverse effect on historic properties.

169 **VII. DISPUTE RESOLUTION**

170 **A.** Should any signatory or concurring party to this PA object at any time to any
171 actions proposed or the manner in which the terms of this agreement are implemented,
172 the District shall consult with such party to resolve the objection. If the District
173 determines that such objection cannot be resolved:

174 **1.** The District will forward all documentation relevant to the dispute, including
175 the District's proposed resolution, to the ACHP. The ACHP shall provide the District with
176 its advice on the resolution of the objection within 30 days of receiving adequate
177 documentation. Prior to reaching a final decision on the dispute, the District shall

178 prepare a written response that takes into account any timely advice or comments
179 regarding the dispute from the ACHP, signatories and concurring parties, and provide
180 them with a copy of this written response. The District will then proceed according to its
181 final decision.

182 **2.** If the ACHP does not provide its advice regarding the dispute within the 30-
183 day time period, the District may make a final decision on the dispute and proceed
184 accordingly. Prior to reaching such a final decision, the District shall prepare a written
185 response that takes into account any timely comments regarding the dispute from the
186 signatories and concurring parties to the Agreement and provide them and the ACHP
187 with a copy of such written response.

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

190 **B.** If the District and the IA SHPO and, as appropriate, the THPOs/Tribes, do
191 not agree on NRHP eligibility, or if the Signatories, ACHP, or the National Park
192 Service so request, the District will request a formal determination of eligibility from
193 the Keeper of the NRHP, National Park Service, whose determination shall be final.

194 **VIII. DURATION**

195 This agreement will become void if its terms are not carried out within five years from
196 the date of its execution. Six months prior to the fifth anniversary of the agreement
197 execution date, the District shall consult with the other signatories to reconsider the
198 terms of the agreement and amend it in accordance with Stipulation X, *Amendments*.
199 The terms of this Agreement shall remain in-force for a period of five years commencing
200 at the date of its execution. At the end of this period the District shall review the
201 necessity of this Agreement in order to determine whether it should be reissued or
202 allowed to expire. If the Agreement requires reissue, the District shall consult with the IA
203 SHPO in order to ensure compliance with the most current version of the Federal
204 regulations (36 CFR Part 800) implementing Sections 106 and 110(f) of the NHPA (54
205 U.S.C. § 306108 and 306107). Extension of this agreement duration requires written
206 amendment executed by all Signatories and filed with the ACHP.

207 **IX. TERMINATION**

208 Any of the Signatories to this PA may request a reconsideration of its terms or revoke 209 the
agreement upon written notification to the other Signatories by providing 30 days' 210 notice to the
other Signatories, provided that the Signatories will consult in good faith during the
211 period prior to termination to seek agreement on amendments or other actions that
212 would avoid termination. In the advent of termination, the District will comply with 36
213 CFR 800.3 through 800.7 with regard to individual actions covered by this PA.

214 **X. AMENDMENTS**

215 Any of the Signatories to this PA may request that any or all of its articles be amended
216 subsequent to the PA's execution, whereupon the other Signatories will consult in
217 accordance with 36 CFR 800.13, to consider such amendment. The District must notify
218 the ACHP of its intent to amend the Agreement and invite the ACHP's review and
219 comment. The amendment will be effective on the date a copy signed by all of the
220 Signatories is filed with the ACHP. The District shall ensure that copies of the amended
221 Agreement are provided to all of the signatories. The District shall follow the above

222 procedures for amendment in the event that the Undertaking is redefined by the
223 selection of a different alternative or through the adoption of multiple alternatives.
224 Revisions to the appendices shall not require notification of and review by the ACHP.
225 The appendices to the PA can be changed by written concurrence by the District and
226 the IA SHPO. However, the District shall ensure that the ACHP and consulting parties
227 are provided file copies of finalized versions that reflect all revisions.

228 **XI. ANTI-DEFICIENCY ACT**

229 The parties to this agreement acknowledge the District's fiduciary responsibilities
230 pursuant to the Anti-Deficiency Act (31 USC § 1341). This notwithstanding, the District's
231 responsibilities to fulfill the terms of this agreement and to comply with the requirements
232 of the NHPA remain unchanged regardless of the availability or level of funding
233 appropriated for its purposes.

234 **XII. EXECUTION OF THE AGREEMENT**

235 This agreement will become effective upon the District's receipt of signatures on this
236 agreement by all Signatories. Execution of this agreement by the District and the IA
237 SHPO and the implementation of its terms evidence that the District has taken into
238 account program effects on historic properties and has afforded the ACHP an
239 opportunity to comment.

240

241 **SIGNATORIES**

242

243

244 **PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS**
245 **OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC**
246 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT** 247
REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA 248

249

252 **SIGNATORY:**

253

254 **UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND**
255 **DISTRICT**

256

257

258

259 BY: Date:

260

261 Jesse T. Curry

262 Colonel, US Army

263 Commander and District Engineer

264 **PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS**
265 **OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC**
266 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT** 267
268 **REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

269

270

271

272 **SIGNATORY:**

274 **IOWA STATE HISTORIC PRESERVATION OFFICER**

275

276

277

278

279 BY: Date:

280

281 Susan Kloewer

282 Iowa State Historic Preservation Officer

283 State Historical Society of Iowa

284 **PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES ARMY CORPS**

285 **OF ENGINEERS, ROCK ISLAND DISTRICT, AND THE IOWA STATE HISTORIC**

286 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT** 287

REHABILITATION AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA 288

289

290

291

292 **CONCURRING PARTY:**

294 **THE UNIVERSITY OF IOWA**

295

296

297

298

299 BY: Date:

300

301 John Doershuk, Ph.D.

302 State Archaeologist

303 Office of the State Archaeologist

304

305 **APPENDIX A**

306

307 AREA OF POTENTIAL EFFECT AND

308 PROJECT ACTIVITIES HAVING AN EFFECT ON CULTURAL RESOURCE



310 **Figure 1.** Project Location Map

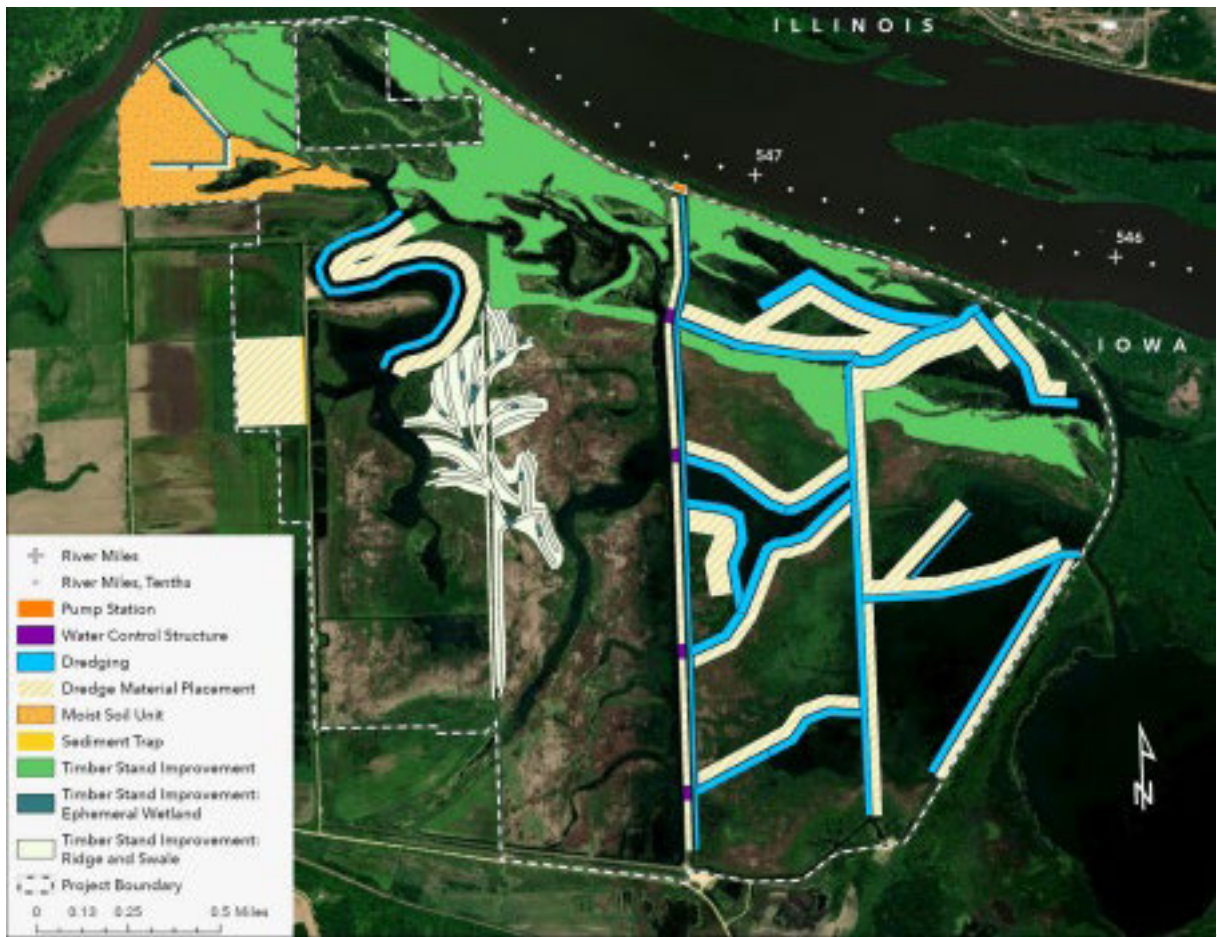


Figure 2. Project Feature Concepts, project boundary, and planned activity areas. 312



313

314 **Figure 3.** Previous Cultural Surveys Intersecting with the Green Island APE

315 **Table A-1.** Outline of Project Measures Having the Potential to Impact Cultural Resources

Project Measure	Action	Potential Impact
Aquatic Diversity Dredging	Mechanical dredging	Dredging of materials within inundated areas
Temporary Access	Tree clearing; heavy machinery	Maximum depth of disturbance is 3 feet
Topographic Diversity Measures –Forest Habitat	Placing dredge material	Grading top 1-2 inches prior to dredge material placement; seeding/planting
Timber Stand Improvement	Tree thinning and planting (specific acreages and locations for this action are yet to be determined)	Most holes for planting will be 18 inches in depth, with maximum depth of disturbance is 3 feet due to root growth; tree clearing will leave fallen tree in place, use of low pressure equipment will be used for clearing
Island Restoration and Protection	Dredge material and stone placement on submerged island to restore historic footprint; tree planting	Material placement and tree planting
Topographic Diversity Measures - Scrub Shrub/Pollinator Habitat	Dredge material placement, planting	Grading top 1-2 inches prior to dredge material placement; seeding/planting
Island Building	Stone placement and dredge placement	Placement of stone on dredge material in inundated areas
Water Level Management	Replace internal water control structures and construct new pump house	Disturb ground on existing berms

317 **APPENDIX B**

318

319 **INTERESTED AND CONSULTING PARTIES LIST** 320

321 Pursuant to 36 CFR 800.2(d), 800.3, 800.5(c), and 800.6(a)(2), 800.8(c)(1)(iv) of the 322
NHPA and to meet the responsibilities under the National Environmental Policy Act of 323
1969 Act (42 U.S.C. 4321-4335), the District has developed an Interested and 324
Consulting Parties List comprised of 22 THPOs/Tribes and four other organizations 325 or
agencies. The District will comply with any requests to be removed from, or added 326 to,
the Interested and Consulting Parties List and will continue to develop and 327 maintain the
following Interested and Consulting Parties List.

328

329

330 **FEDERAL AND STATE AGENCIES** 331

332

333 Advisory Council on Historic Preservation

334 Ms. Katherine Kerr, Program Analyst

335 [REDACTED]

336

337 Iowa State Historic Preservation Office

338 Mr. Daniel Higginbottom, Archaeologist

339 [REDACTED]

340

341 Iowa State Historic Preservation Office

342 Ms. Heather Gibb, R&C Coordinator

343 [REDACTED]

344

345 US Fish and Wildlife Service

346 Mr. Nate Williams, Wildlife Refuge Specialist, Savanna District

347 [REDACTED]

348

349 Office of the State Archaeologist

350 Dr. John Doershuk

351 [REDACTED]

352

353

354

355 **TRIBES** 356

357 Citizen Potawatomi Nation

358 Dr. Kelli Mosteller, THPO

359 [REDACTED]

360

361 Forest County Potawatomi Community

362 Mr. Benjamin Rhodd, THPO

363 [REDACTED]

364

365 Ho-Chunk Nation

366 Mr. Bill Quackenbush, THPO

367 [REDACTED]

368

369 Iowa Tribe of Kansas and Nebraska

370 Mr. Alan Kelley, Deputy THPO

371 [REDACTED]

372

373 Iowa Tribe of Oklahoma

374 Mr. Eagle McClellan, THPO

375 [REDACTED]

376 Kaw Nation
377 Ms. Stephanie Richardson, Interim NAGPRA POC
378 [REDACTED]
379
380 Kickapoo Tribe in Kansas
381 Hon. Lester Randall, Chairman
382 [REDACTED]
383
384 Kickapoo Tribe in Oklahoma
385 Ms. Pamela Wesley,
386 [REDACTED]
387
388 Menominee Indian Tribe of Wisconsin
389 Mr. David Grignon, THPO
390 [REDACTED]
391
392 Miami Tribe of Oklahoma
393 Ms. Diane Hunter, THPO
394 [REDACTED]
395
396 Omaha Tribe of Nebraska
397 Mr. Dwight Howe, THPO
398 [REDACTED]
399
400 Otoe-Missouria Tribe
401 Ms. Elsie Whitehorn, THPO
402 [REDACTED]
403
404 Peoria Tribe of Indians of Oklahoma
405 Ms. Charla Echo-Hawk, Director of Cultural Preservation
406 [REDACTED]
407
408 Ponca Tribe of Nebraska
409 Ms. Stacy Laravie, THPO
410 [REDACTED]
411
412 Ponca Tribe of Oklahoma
413 Ms. Liana Hesler, THPO
414 [REDACTED]
415
416 Prairie Band Potawatomi Nation
417 Mr. Raphael Wahwassuck, Councilman & NAGPRA POC
418 [REDACTED]
419
420
421

422 Prairie Island Indian Community
423 Mr. Noah White, THPO
424 [REDACTED]
425
426 Sac & Fox Nation of Missouri in Kansas and Nebraska
427 Mr. Gary Bahr, Vice Chairperson
428 [REDACTED]
429
430 Sac and Fox Tribe of the Mississippi in Iowa 431 Ms. Kelly
Yarnes-Schott, Environmental Branch Coordinator 432
[REDACTED]
433
434 Sac & Fox Nation of Oklahoma
435 Chris Boyd, NAGPRA Coordinator
436 [REDACTED]
437
438 Upper Sioux Community, Minnesota
439 Ms. Samantha Odegard, THPO
440 [REDACTED]
441
442 Winnebago Tribe of Nebraska
443 Ms. Sunshine Thomas-Bear, THPO
444 [REDACTED]
445

446 **APPENDIX C**

448 UNANTICIPATED DISCOVERY

449 Here, and throughout Appendix C, actions taken pursuant to this agreement will
450 occur in consultation with the Signatories and Consulting Parties.

451 A. Human Remains. Iowa law protects all human remains regardless of their
452 historical age, sex, or cultural/ethnic affiliation.

453 1. In the event that human remains are encountered during archeological
454 investigations or construction activities, work shall cease within 100 feet of the
455 remains, appropriate steps shall be taken to secure the site, and officials at the
456 District, the Bioarchaeology Program at the Iowa Office of the State Archaeologist (IA
457 OSA), and the IA SHPO shall be notified and, to the best of their ability, shall respond
458 within three (3) working days to such notification in order to determine the next
459 course of action that ensures the applicable Iowa law is followed. At the District, this
460 official shall be an Archeologist in the Environmental Compliance or Planning
461 branches, or their designee. At the IA OSA, this official shall be the Bioarchaeology
462 Program Director or their designee. At the IA SHPO, this official shall be a Review
463 Archaeologist.

464 2. If the remains appear to be ancient (i.e., older than 150 years), and are
465 determined to be ethnically Native American, the District shall be responsible for
466 adhering to the Native American Graves Protection and Repatriation Act [NAGPRA
467 (P.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058)]. The IA OSA shall have
468 jurisdiction to ensure that the appropriate procedures in accordance with applicable
469 Iowa law (Code of Iowa, Sections 263B, 523I.316.6 and 716.5; IAC 685, Ch.11.1) are
470 observed, but are not financially responsible for costs incurred during this process.
471 The disposition of the remains will be arranged in accordance with NAGPRA and
472 Chapter 263B of the Iowa Code.

473 3. Human remains less than 150 years old that are determined to be ethnically
474 Native American are protected under the Native American Graves Protection and
475 Repatriation Act (P.L. 101-601; 25 USC 3001-3013) and Chapter 523I of the Iowa
476 Code. The District shall be responsible for adhering to these laws. In the event that
477 human remains appearing less than 150 years in age are encountered, the District
478 shall ensure that appropriate law enforcement authorities and the Iowa Department of
479 Health are notified. The IA OSA shall ensure that appropriate procedures in
480 accordance with applicable Iowa law are observed but are not financially responsible
481 for costs incurred during this process.

482 4. Before work can resume within 100 feet of the human remains, the District
483 must determine the NRHP eligibility of the archeological resource in consultation with
484 the IA SHPO and tribal representatives, as applicable.

485 5. Upon a determination of eligibility, and decision to preserve in place by the IA
486 OSA, or designee, the District shall submit a plan for avoidance and protection to the
487 District for review and comment. The District will provide the proposed plan to all
488 Consulting Parties. The IA SHPO and Consulting Parties will have seven (7) working
489 days to provide comments to the Corps on the proposed plan for final approval.

490 6. Upon a determination of eligibility, and decision to remove the human remains
491 by the IA OSA, or their designee, the District shall submit a plan for relocation and
492 recovery of information to the District for review and comment. The District will
493 provide the proposed plan to all Consulting Parties. The IA SHPO and Consulting
494 Parties will have seven (7) working days to provide comments to the Corps on the
495 proposed plan for further consideration.

496 7. Work within 100 feet of the human remains shall resume upon the
497 development and approval of an appropriate relocation and data recovery
498 plan, other recommended mitigation procedures, or agreement among the District, IA
499 OSA and IA SHPO that the site does not warrant mitigation.

500 B. Archaeological Material (non-mortuary related). The District shall ensure that
501 the following procedures are observed in the event that previously undetected non
502 mortuary-related archeological materials are encountered.

503 1. All activities within 100 feet of the unanticipated discovery shall cease
504 immediately, appropriate steps shall be implemented to secure the site, and the
505 District and IA SHPO shall be notified of the discovery and shall respond within five
506 working days to such notification. Construction work may continue in the area outside
507 the 100 feet of the unanticipated discovery provided that archaeological investigations have
demonstrated the absence of features/ deposits in those areas.

508 2. An archeologist retained by the District will inspect the work site and
509 determine the extent of the affected archeological resource within five working days
510 of its discovery.

511 3. Before work can resume within 100 feet of the unanticipated discovery, the
512 District must determine the NRHP eligibility and boundaries of the archeological resource in
513 consultation with the IA SHPO and other Consulting Parties, as applicable.

514 4. Upon an evaluation of eligibility, the District or their designee shall submit a
515 plan for avoidance, protection, recovery of information, or destruction without data
516 recovery to the District for review and comment within 20 working days. The District
517 will notify all Consulting Parties of the unanticipated discovery and provide the
518 proposed treatment plan for their consideration. The IA SHPO and Consulting Parties
519 will have seven working days to provide comments on the proposed treatment plan
520 upon receipt of the information.

521 5. Work within 100 feet of the unanticipated discovery shall resume upon either:

522 a. The development, approval, and implementation of an appropriate data recovery
523 plan, other recommended mitigation procedures, or agreement among the District
524 and the IA SHPO that the site does not warrant mitigation; or,

525 b. Agreement by the IA SHPO and the District that the newly located
526 archeological is not eligible for inclusion on the NRHP.

527 c. If the District and IA SHPO object to any part of the treatment plan and
528 they are not able to reach resolution of the objection within seven working days of

529 when the objection is raised, the District shall follow the procedures outlined in
530 Stipulation VII of the PA, *Dispute Resolution*.

531 C. Adverse Effects upon Architectural Properties. The District shall ensure that
532 the following procedures are observed in the event that post-review effects to historic
533 buildings, structures, objects, or districts are identified.

534 1. Work within 100 feet of the unanticipated discovery shall cease and the
535 District shall notify the IA SHPO of the discovery and the IA SHPO will respond within
536 five working days to such notification. Construction work may continue in the area
537 outside the 100 feet of the unanticipated discovery provided previous survey has demonstrated that no
other properties are present..

538 2. An architectural historian retained by the District will inspect the work site and
539 evaluate the National Register eligibility of the property within seven working days.
540 The District, in consultation with the District, shall assess the project effects. The
541 District shall provide its report of findings and determination of effect to the IA SHPO
542 who shall have seven working days to provide comments.

543 3. Upon assessment of adverse effect, the District shall submit a plan for after
544 the-fact mitigation to the District for review and comment. The District will notify all
545 Consulting Parties of the unanticipated discovery and provide the plan for their
546 consideration. The IA SHPO and Consulting Parties will have seven working days to
547 provide comments on the plan upon its receipt. The District may implement the plan if
548 IA SHPO fails to respond within the allotted timeframe provided that no concerns have been raised by
other consulting parties.

549 4. Work within 100 feet of the unanticipated discovery shall resume upon either:

550 a. Agreement by the District and the IA SHPO that the effects are not
551 adverse; or,

552 b. The development, approval, and implementation of an appropriate plan, or
553 agreement among the District and the IA SHPO that the site does not warrant
554 mitigation.

555 c. If the District and IA SHPO object to any part of the plan and they are not
556 able to reach resolution of the objection within seven working days of when the
557 objection is raised, the District shall follow the procedures outlined in Stipulation VII,
558 *Dispute Resolution*.

559 D. Failure to Act within Specified Timeframe. If any principal signatory fails to
560 meet the timeframes set in Appendix C, *Unanticipated Discoveries*, the District may
561 proceed to final decision-making provided that such is consistent with controlling State and Federal
laws and regulations

562

563

564 APPENDIX D

565

566 HISTORIC PROPERTIES IDENTIFICATION, EVALUATION

567 AND PROCEDURES FOR PROJECT REVIEW

568 I. HISTORIC PROPERTY SURVEYS AND TESTING

569

570 Here, and throughout Appendix D, actions taken pursuant to this agreement will
571 occur in consultation with the Consulting Parties. The District will make a reasonable and
572 good faith effort to identify historic properties that are within the Area of Potential
573 Effect (APE) and provide this information, and associated studies or reports to the
574 Consulting Parties as appropriate. This shall be accomplished through the implementation of
background archival investigation; geomorphological testing, landform sediment assemblage (LSA)
interpretation, and geoarchaeological assessment; historic
575 property surveys and testing and agreed upon treatments of historic properties. The
576 District, in consultation with the Signatories, will ensure that the following measures
577 are implemented:

578

579 A. The District, in consultation with the Signatories, will provide scholarly evidence of
580 stewardship (typically documented in a technical report written by a qualified
581 archeologist or architectural historian) in the recordation, protection, and
582 management of historic properties within the APE through systemic research and
583 studies which have been finalized and approved, then placed in the permanent files
584 of the IA SHPO and IA OSA (as necessary) as evidence of compliance promulgated
585 under Section 106 of the NHPA, as amended and its implementing regulations 36
586 C.F.R. Part 800: "Protection of Historic Properties."

587

588 B. No archeological historic property survey will be required where the District has
589 documented and IA SHPO concurs that:

590 1. Profound ground surface disturbances have so completely altered the
591 the area under consideration as to make the existence of historic properties impossible (e.g., complete
592 stripping of all soils down to sterile subsoil); or,

593 2. Geomorphological investigations indicate deeply buried deposits deeper than
594 project impacts or very low potential for near surface cultural deposits; or,

595 3. An area previously has been surveyed at the appropriate level of investigation
596 necessary to cover the entire APE utilizing methods consistent with the Secretary of
597 the Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR
598 44720-23) and taking into account the National Park Service publication *The*
599 *Archaeological Survey: Methods and Uses* (1978) and the most recent version of the
600 *Guidelines for Archaeological Investigations in Iowa* (2022) and has been
601 recommended for acceptance by the IA SHPO.

602

603 C. The District will ensure that the necessary surveys are performed on all
604 areas within the APE indirectly and directly affected by the Undertaking. The District
605 will evaluate historic properties relative to past surveys and reports and properties
606 deemed ineligible with IA SHPO's concurrence based upon the evaluation of the

607 most recent survey; surveys occurring within the last five years that have been
608 recommended for acceptance by the IA SHPO and provide full vertical and horizontal
609 coverage of the APE will not be reevaluated. If a survey results in the identification of
610 properties that are eligible to the NRHP, the District, in consultation with the
611 Signatories and/or Consulting Parties, shall develop and implement plans for the
612 appropriate treatment of historic properties.

613

614 D. All surveys will be conducted in a manner consistent with the Secretary of the
615 Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR 44720-
616 23) and take into account the National Park Service publication *The Archaeological*
617 *Survey: Methods and Uses* (1978) and the most recent version of the *Guidelines for*
618 *Archaeological Investigations in Iowa* (2022). The reconnaissance surveys and
619 subsurface testing will be implemented and reported by the District. The District will
620 then distribute the reports to IA SHPO and other parties, as appropriate, for review
621 and comment.

622

623 E. In consultation with the IA SHPO, and, as appropriate, the THPOs/Tribes, the
624 District shall evaluate the eligibility of all properties by applying the NRHP criteria (36
625 CFR 60.4).

626

627 1. For those properties that the District and the IA SHPO (and in consultation
628 with the THPOs/Tribes, as appropriate) agree are not eligible for nomination to or
629 inclusion in the NRHP, no further investigations of those properties will be required,
630 and the project may proceed in those areas.

631

632 2. If the survey results in the identification of properties that the District and the
633 IA SHPO and, as appropriate, the THPOs/Tribes, agree are eligible for inclusion on
634 the NRHP, such properties shall be treated in accordance with Section II, *Treatment*
635 *of Historic Properties, as appropriate.*

636

637 II. TREATMENT OF HISTORIC PROPERTIES

638

639 The District will ensure that the following guidelines are implemented when dealing
640 with historic properties in the APE. The following does not prevent a consideration of alternatives or
modification to listed preferred alternatives. In order of preference:

641

642 A. Avoidance. The preferred treatment for all archeological, historical, and
643 architectural historic properties is avoidance of direct and indirect effects resulting
644 from the Undertaking. All work shall, to the extent feasible, avoid historic properties
645 either through project design changes, use of spatial buffers, temporary fences or barricades during
646 construction, realignments, landscaping, or other measures that the Signatories
647 agree will adequately protect historic properties in both the short- and long-term.

648

649 B. Reduction of Effects on Properties Preserved in Place. When the District
650 determines that complete avoidance of historic properties is not feasible, the District
651 shall ensure that alternatives are explored to reduce the magnitude of the effects on
652 the historic properties. Exploration of ways to reduce adverse effects will include the
653 consideration of preservation of historic properties or the protection of historic
654 properties against impacts by project-related activities or long-term effects resulting therefrom in close
proximity to the
655 property.

657 C. Treatment Plans. Proposed treatment plan should endeavor to minimize effects
658 to historic resources to the greatest extent possible. Proposed plans will be provided
659 to all Signatories for review and comment. Unless the IA SHPO (and, in consultation
660 with the THPOs/Tribes, as appropriate) objects within 30 days of receipt of any plan,
661 the District shall ensure that the treatment plans are implemented. The District shall
662 revise treatment plans in response to comments and recommendations provided by
663 the IA SHPO, THPOs/Tribes, and other Consulting Parties so long as the Signatories
664 can agree in writing that they equitably mitigate project effects. Should Signatories
665 not agree, the District will request the ACHP's comments in accordance with
666 Stipulation VII of the PA, *Dispute Resolution*.

667

668 D. Mitigation. When the District, in consultation with the IA SHPO and Consulting
669 Parties as appropriate, determines that project activities will have an adverse effect
670 on a historic property(ies), and that avoidance or in-place preservation is not feasible,
671 the District, in consultation with the Signatories, shall ensure that a mitigation plan is
672 developed for these properties in accordance with Appendix E, *Programmatic*
673 *Mitigation of Effects*. The District will forward such plans to the IA SHPO and
674 Consulting Parties as appropriate, for their review and comment.

675

676 PROGRAMMATIC MITIGATION OF EFFECTS

677 The following does not prevent a consideration of alternatives or modification to listed preferred
alternatives.

678 E. Buildings and Structures. When avoidance or in-place preservation is not
679 feasible, treatment plans for NRHP listed or eligible objects, structures or buildings
680 shall adhere to the following guidelines:

681

682 1. Documentation. The District will engage a qualified architectural historian to
683 conduct intensive-level survey and prepare Historic American Buildings Survey
684 (HABS)/Historic American Engineering Record (HAER) -standard documentation of
685 the building, structure, or object in accordance with this PA with the understanding
686 that documentation may not represent the only mitigation measure employed in
687 resolving the adverse effect. HABS/HAER-standard documentation means products
688 acceptable for inclusion in the HABS/HAER/Historic American Landscapes Survey
689 collection at the Library of Congress in accordance with the Secretary of the Interior's
690 Standards and Guidelines for Architectural and Engineering Documentation.

691

692 2. Relocation. The District shall ascertain, in consultation with the Signatories
693 and other Consulting Parties, whether it is feasible and prudent to move the historic
694 building or structure to a new location where it can be preserved. Adverse effects
695 upon an object, structure or building contributing to a Historic District will include
696 consideration of effects to the object, structure or building, as well as to the entire
697 Historic District.

698

699 3. Property Transfer/Marketing. Any sale and removal/demolition of an historic
700 object, structure or building that is leveraged by the Undertaking becomes part of the
701 Undertaking and is subject to the terms of this agreement.

702

703 4. Demolition. If, following consultation, the Signatories agree that relocation is
704 not feasible, or if there are no offers for the historic property and no other prudent and
705 feasible adaptive reuse alternatives present themselves, the District, in consultation with the

706 signatories shall engage a qualified architectural historian to conduct intensive-level
707 survey and prepare HABS/HAER-standard documentation of the historic property as one component to
mitigation. Other negotiated measures may be adopted as appropriate..

708

709 F. Archeological Data Recovery. The District shall ensure that any NRHP-eligible
710 or -listed archaeological site whose preservation in-place is not feasible is subject to
711 data recovery, following a data recovery plan developed in consultation with the IA
712 SHPO, and THPOs/Tribes as appropriate, and subject to a 30-day review and
713 comment period. All data recovery plans shall be consistent with the Secretary of the
714 Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-
715 37), the *Guidelines for Archaeological Investigations in Iowa* (2022) and take into
716 account the ACHP's publication: *Treatment of Archeological Properties*. Each data
717 recovery plan shall specify, at a minimum:

718

719 1. the property, properties, or portions of properties where data recovery is to be
720 carried out;

721

722 2. the research questions to be addressed through the data recovery, with an
723 explanation of their relevance and importance;

724

725 3. the methods to be used, with an explanation of their relevance to the research
726 questions;

727

728 4. the methods to be used in analysis, data management, and dissemination of
729 data, including a schedule;

730

731 5. the proposed disposition of recovered materials and records;

732

733 6. proposed methods for involving the interested public in the data recovery; and
734

735 7. a proposed schedule for the submission of progress reports to the IA SHPO,
736 and, where applicable, Consulting Parties.

737

738 G. Historic Properties of Traditional Religious and Cultural Significance

739

740 1. If a property of traditional religious and cultural significance to Tribes and/or
741 any other groups, or societies is identified within the APE, the District shall develop a
742 treatment plan for that property in consultation with the Signatories and the
743 Consulting Parties that could be affected by proposed activities at the specific historic
744 site or property involved. The plan will cover analysis of treatment options (including
745 consideration of a no build alternative) and selection of a recommended treatment for
746 the property and the measures which will be undertaken by the District to ensure that
747 the plan is implemented.

748

749 2. if responses are not received within 30 days of receipt of the plan by the IA
750 SHPO and affected Consulting Parties, the District shall submit the plan to the IA
751 SHPO and to the affected Consulting Parties and shall implement the plan in
752 accordance with the procedures outlined therein,

753

754 3. Should a formal objection to the final plan be submitted within 30 days
755 following its distribution, the District, the IA SHPO, and the affected Consulting

756 Parties shall attempt to resolve the objection. If the objection is not resolved within 90
757 days, the District shall request the comments of the ACHP or Keeper in accordance
758 with Stipulation VII, *Dispute Resolution*.

759

760 H. Construction. Construction proposed for the Undertaking on or adjacent to
761 significant historic properties (including those properties deemed eligible to be, or
762 listed on the NRHP), the District shall ensure that the design and specifications for
763 new construction are developed in consultation with Signatories and Consulting
764 Parties; the District will forward the plans to the IA SHPO for their review and
765 comment. The District shall ensure that the project design for new construction is
766 technically feasible and economically prudent; is compatible with the historic and
767 architectural qualities of the historic property or district in question in terms of style,
768 scale, massing, color, and materials; and is responsive to the recommended
769 approaches to new construction set forth in the Secretary of the Interior's *Standards*
770 *for Rehabilitation* (National Park Service 1983). The District acknowledges that
771 project measures have not been finalized and may change or be modified since
772 economical, operational, engineering, and environmental studies are ongoing. The
773 District will therefore determine effects as directed under Section 106 of the NHPA,
774 as amended and its implementing regulations 36 Part 800: "Protection of Historic
775 Properties." Also, the District will:

776

777 1. consider the Undertaking's direct and indirect effects, occurring in all
778 construction areas, including the construction zones footprints for dredging, dredge
779 material placement, planting, riprap placement, and any other project-related features
780 and ancillary features proposed.

781

782 2. consider and coordinate with the IA SHPO, review of areas with the potential for
783 containing deeply buried and submerged historic properties.

784

785

786 APPENDIX E

787

788 PROGRAMMATIC MITIGATION OF EFFECTS 789

790 PROCEDURES

791

792 A. Here, and throughout Appendix E, actions taken pursuant to the agreement will
793 occur in consultation with the Signatories. The District shall provide the IA SHPO,
794 THPOs/Tribes, and Consulting Parties with letter reports summarizing the
795 alternatives considered to avoid, minimize, or mitigate adverse effects to affected
796 properties in the event adverse effects to such properties cannot be avoided. The IA
797 SHPO, THPOs/Tribes, and Consulting Parties may request that the District consider
798 other alternatives to avoid, minimize or mitigate adverse effects.

799

800 B. After the Signatories agree on a proposed alternative to mitigate adverse effects,
801 the Signatories will develop a Memorandum of Agreement (MOA) to memorialize the
802 mutually agreed upon strategy. Once these parties have finalized the MOA and as
803 appropriate, received comment from the Consulting Parties, an executed copy will be filed with
804 the ACHP. The District shall ensure that all provisions set forth in each MOA will be
805 carried out. Unanticipated Discoveries are addressed in Appendix C.

806

807 C. Standard mitigation measures to be considered include, but are not limited to, the
808 following:

809

810 1. Documentation

811 a. The District, in consultation with the Signatories, will ensure that the
812 appropriate level of documentation is performed prior to the substantial alteration,
813 relocation, or demolition of any historic building or structure. Documentation shall be
814 consistent with the Secretary of the Interior's *Standards for Architectural and*
815 *Engineering Documentation* and the *Standards for Historical Documentation* and at a
816 minimum will include: photographs of external façades and internal and external
817 character-defining features, and the completion of new or updated Iowa Site
818 Inventory forms.

819 b. Unless otherwise agreed to by the IA SHPO in a Memorandum of
820 Agreement, the District shall ensure that all documentation is completed and the
821 District shall ensure this documentation is submitted to the IA SHPO and
822 recommended for acceptance prior to the demolition, alteration, or relocation of the
823 historic building or structure.

824 c. The District will provide copies of the documentation to the IA SHPO,
825 appropriate THPOs/Tribes, and other local, county, or state organizations which the
826 IA SHPO recommends.

827

828 2. Mitigation for Archeological Sites Eligible Other than or in Addition to
829 Criterion D. If preservation in place is not feasible, the District shall consult with the
830 IA SHPO, THPOs/Tribes as appropriate, to develop a mitigation plan for any
831 archeological site that is eligible to the NRHP under criteria other than, or in addition
832 to, Criterion D of 36 C.F.R. Part 60. The District shall submit the plan to the IA SHPO
833 and THPOs/Tribes as appropriate for review and comment.

834

835 3. Alteration and Flood Risk Management Measures Not Adhering to the
836 Standards. The District shall consult with the Signatories and Consulting Parties to
837 develop alternate treatment or mitigation plans for those features which cannot meet

838 the Secretary of the Interior's *Standards for Rehabilitation*. The District shall submit
839 these plans to the IA SHPO for review and comment.

840

841 4. Other Mitigation Strategies. The District, IA SHPO, THPOs/Tribes, and
842 Consulting Parties shall consult to devise other mitigation strategies in instances
843 where those included in this agreement do not satisfactorily mitigate adverse effects
844 to historic properties. It may be necessary to develop separate MOAs for effects on
845 specific historic properties.



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004**

May 31, 2023

REPLY TO
ATTENTION OF

Regional Planning and Environmental
Division North (RPEDN)

SUBJECT: Request for Review of Programmatic Agreement (PA) for Section 106 compliance for the Green Island HREP in Jackson County, Iowa (SHPO R&C #220449982)

To: Iowa State Historic Preservation Office
shpo106@iowa.gov

Dear Signatory Representative:

The U.S. Army Corps of Engineers, Rock Island District (District), has prepared the enclosed draft Programmatic Agreement (PA) between the District and the Iowa State Historic Preservation Office (IA SHPO) to address potential adverse effects to historic properties eligible for inclusion in the National Register of Historic Places within the Green Island Habitat Rehabilitation and Enhancement Project (HREP) project area in Jackson County, Iowa on the Mississippi River (Pool 13), as authorized under the Upper Mississippi River Restoration (UMRR) Program. Comments and suggestions received from your office in response to the May 31, 2022 draft of this PA have been incorporated into the enclosed version. The updated PA includes a stipulation specifying its duration for ten (10) years. As previously discussed with representatives of your office at in-person meetings held in Bellevue, Iowa on February 15, 2023, this PA is proposed to be the final project-level PA executed for a UMRR project located in the State of Iowa. The multi-District program-level PA currently under development to address potential effects to projects authorized under the Corps' Navigation and Ecosystem Sustainability Program (NESP)/UMRR will not invalidate the attached PA in the event that both are executed. Additional details about the Green Island HREP can be found on the District's webpage for the project via the following link:
<https://www.mvr.usace.army.mil/About/Offices/Programs-and-Project-Management/District-Projects/Projects/Article/2124816/umrr-program-green-island-hrep-pool-13/>

Historic Properties Identification

Approximately 196 acres of the total 2,480 acres within the APE have been previously surveyed for cultural resources. Due to a large portion of the area not having been previously surveyed, the mapped Landform Sediment Assemblages (LSA) was reviewed to better understand archeological potential (Bettis et.al., 1996). Mapped LSAs within the study area consist of Early-Middle Holocene channel belt (post-ca. 7000 B.P.), Yazoo Meander Belt, alluvial fans and colluvial slopes, and tributary fan. Less than half of the Project's total area is underwater or seasonally inundated according to modern aerial imagery, however the earliest cadastral survey plat of the area archived by the Bureau of Land Management's General Land Office Records, dated 1839, shows most of the study area as dry land.

Seven prior archeological surveys overlap with small areas along the northern and southwestern boundaries of the study area (R&C# 19861249062, 19871049051, 19880300086, 19930500061, 19941049012, 20000849096, and 20080200004), including a survey reported in Benn et.al. (1989). These

surveys resulted in the identification of two archeological sites and two isolated finds. The sites identified include a prehistoric lithic scatter of unknown integrity and condition (identified 1987, revisited 1989); and a multi-component site (13JK150) documented through excavation to include a Middle Woodland prehistoric scatter of unknown integrity and condition, an Archaic/Early Woodland/Late Woodland (Lane Farm Phase) open habitation site, and an historic farm/residence on recently tilled cropland, all of unknown integrity (identified 1989, revisited in 2007 with recommendation to avoid). The two prehistoric isolated finds identified consist of one heat-treated lithic flake each (13JK251 and 13JK252) and are near the multi-component site discussed above, which is in an abandoned river meander. The multi-component site was the subject of a Phase II survey (Benn, 2007), and was determined to be potentially eligible for listing on the National Register of Historic Places. A buffered area encompassing the potentially eligible site 13JK150 and the whole of the peninsula extending eastward into Fish Lake has been incorporated into the project as a No Work Area (see Appendix A, Figure 3). Additionally, the Historic-Era Indian Locations Database (HILD) of the Office of the State Archaeologist (OSA) I-Sites GIS viewer indicates HILD 1184 and HILD 1185 as overlapping the Project APE. These sites are identified as an area indicated by settlers to be a campsite for historic Native American groups and the 1840s "Billy Mangler Lake Camp and Burials," respectively.

While known historic properties exist within the planned project area, the District has and will continue to appropriately consider these in planning, design, and construction of the Project, and any culturally sensitive areas will be protected by avoidance. For additional information related to the identification and evaluation of historic properties and procedures for project review, please refer to the Whereas clauses and Appendix B of the enclosed.

Action Requested

The District requests your office review the PA within 30 days of receipt of this letter and the Iowa Attorney General's Office as soon as feasible thereafter. All comments will be considered for inclusion within the final PA. To expedite review and consideration, please utilize the attached comment matrix (Enclosure 2) to record any concerns and recommendations you may have regarding the proposed stipulations of the PA. The completed comment matrix should be returned via email to the point of contact listed below. If you have no changes, please notify the District point of contact and we will initiate the execution process.

The point of contact for this action is Kelsey Noack Myers, Ph.D., RPA, District Archeologist, who can be reached via [REDACTED] or in writing to the address above, ATTN: Environmental Planning Branch (Kelsey Myers).

Sincerely,

[REDACTED]

Jodi Creswell
Chief, Environmental Planning
Branch, RPEDN

Enclosures (3)

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Monday, June 5, 2023 11:40 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] Confirmation of Completed Drop-off sGHHtswa4pMdGBqb

This is an automated message sent to you by the DoD SAFE service.

This is a confirmation that the Drop-off you recently submitted has been successfully sent to the recipients. The email that each recipient received stated:

Dear Concurring Party Representative,

Please see the executive correspondence regarding revisions to the draft Programmatic Agreement for the Green Island HREP Project in Jackson County, Iowa, between the USACE Rock Island District and the Iowa State Historic Preservation Office available for download through this link. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any comments or questions. If there are any additions you believe should be made to the distribution list for this coordination or if you would like to be removed from the concurring parties list for this PA, please let me know so that I may make changes accordingly.

Sincerely,

*Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers*

k [REDACTED]
[REDACTED].5185

Drop-off Details:

Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC
Claim ID: sGHHtswa4pMdGBqb
Claim Passcode: v2YQU99wN7w66tdZ

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY

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Recipients —

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1 **PROGRAMMATIC AGREEMENT BETWEEN THE UNITED STATES ARMY CORPS OF**
2 **ENGINEERS, ROCK ISLAND DISTRICT AND THE IOWA STATE HISTORIC**
3 **PRESERVATION OFFICE REGARDING THE GREEN ISLAND HABITAT REHABILITATION**
4 **AND ENHANCEMENT PROJECT, JACKSON COUNTY, IOWA**

5
6 **WHEREAS**, the U.S. Army Corps of Engineers (USACE) is authorized to carry out the Upper
7 Mississippi River Restoration (UMRR) Program pursuant to Section 1103 of the WRDA of 1986
8 (P.L. 99-662), as amended, codified in 33 U.S.C. 652; and,

9
10 **WHEREAS**, the USACE Rock Island District (District) is proposing a habitat rehabilitation and
11 enhancement project (Project) in Pool 13 of the Upper Mississippi River, in Jackson County,
12 Iowa under the UMRR Program (Appendix A). Areas considered as part of this Project and
13 described as the Project area include the Green Island Wildlife Management Area on Federal
14 fee title lands; and,

15
16 **WHEREAS**, the USACE, as a Federal agency, is required to comply with Section 106 of the
17 National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 306108) and its
18 implementing regulations, "Protection of Historic Properties," codified in 36 C.F.R. part 800; and,

19
20 **WHEREAS**, the District has determined the proposed Project constitutes an Undertaking
21 subject to the requirements of 36 CFR Part 800, the regulations implementing Section 106 of
22 the National Historic Preservation Act (NHPA; 54 USC §306108); and,

23
24 **WHEREAS**, the USACE has determined that the Project may have the potential to affect
25 historic properties included in or eligible for inclusion in the National Register of Historic Places
26 (NRHP) as defined under 36 CFR § 800.16(y); and,

27
28 **WHEREAS**, the District has consulted with the State Historic Preservation Offices of Iowa (IA
29 SHPO), the Advisory Council on Historic Preservation (ACHP), and the Iowa Office of the State
30 Archaeologist (IA OSA), pursuant to 36 CFR § 800.14(b) of the regulations implementing
31 Section 106 of the NHPA (54 U.S.C. § 306108) and Section 110(f) of the same Act (54 U.S.C. §
32 306107), on the development of this PA, and the SHPO is a Signatory to this PA; and

33
34 **WHEREAS**, known historic properties exist within the project area, the District shall
35 appropriately consider in planning, design, and construction of the Project the potential effects
36 of individual project features to these properties and additional historic properties identified
37 under the procedures outline in Appendix B, and any culturally sensitive areas will be protected
38 by avoidance; and,

39
40 **WHEREAS**, USACE projects under the Programs are subject to environmental review under the
41 National Environmental Policy Act (NEPA) and other environmental laws; and,

42
43 **WHEREAS**, the USACE may defer final identification and evaluation of historic properties,
44 assessment of effects, and resolution of adverse effects, if any, until after completing

requirements of the NEPA for undertakings under the Programs; and,

WHEREAS, the Undertaking may be designed and implemented by the USACE in phases, a phased process for Section 106 is hereby defined for this PA as the identification of the Area of Potential Effect (APE), identification and evaluation of historic properties, assessment of effects, and resolution of adverse effects that may begin prior to the USACE decision, but may not be fully completed until after the final USACE decision documentation is completed and before implementation of the affected Project feature begins; and,

WHEREAS, the USACE recognizes the Federal government's special relationship with Federally recognized Indian tribes and is responsible for government-to-government consultation pursuant to the NHPA, 36 CFR 800.2(c)(2)(ii), the American Indian Religious Freedom Act (42 U.S.C 1996), Executive Orders 13007 and 13175, and Sections 3(c) and 12 of the Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 3001 et seq.); and

WHEREAS, the District will notify the tribes; the Citizen Potawatomi Nation, Forest County Potawatomi Community, Ho-Chunk Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation, Kickapoo Tribe in Kansas, Kickapoo Tribe of Oklahoma, Menominee Indian Tribe of Wisconsin, Meskwaki Nation, Miami Tribe of Oklahoma, Omaha Tribe of Nebraska, Otoe-Missouria Tribe, Peoria Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Ponca Tribe of Oklahoma, Prairie Band Potawatomi Nation, Prairie Island Indian Community, Sac & Fox Nation of Missouri in Kansas & Nebraska, Sac and Fox Nation of Oklahoma, The Osage Nation, Upper Sioux Community, Minnesota, Winnebago Tribe of Nebraska; of the Undertaking, and of the potential for effects that the Undertaking may have upon historic properties which may be of particular interest to them, and has invited the tribes to participate as concurring parties to this agreement, with no tribes responding in the affirmative; and,

WHEREAS, the District has not fully determined the scope of activity within the Area of Potential Effect (APE) for the Undertaking (Appendix A) but will consult with the Signatories and Consulting Parties in a timely manner and prior to implementation, and shall propose and document modifications to the APE throughout the duration of this PA in accordance with the stipulations of this PA; and,

WHEREAS, the District shall seek and consider the views of the public and shall provide information to the public about the Undertaking and its effects on historic properties following agency procedures pursuant to 36 CFR § 800.2(d); and in a manner that observes confidentiality requirements pursuant to Section 304 of the Act and applicable state laws; and,

WHEREAS, the parties to this agreement have agreed to certain programmatic mitigation measures (Appendix C) but in so doing also recognize that not all effects can be mitigated programmatically and therefore have agreed to re-enter consultation in order to devise appropriate remedial measures when the need arises; and,

89 **WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the District has notified the
90 ACHP and IA SHPO of this PA. The IA SHPO, having completed consultation in accordance
91 with procedures outlined in 36 CFR 800, and the ACHP having chosen not to participate in the
92 consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

93
94 **NOW, THEREFORE**, the District and the IA SHPO (hereinafter Signatories), agree that the
95 Undertaking shall be implemented in accordance with the following stipulations of this PA to
96 satisfy the District's Section 106 responsibilities for the Undertaking. The District shall ensure
97 that the following stipulations of this PA are carried out:

STIPULATIONS

I. GENERAL RESPONSIBILITIES

A. The Signatories to this PA are the District and the IA SHPO. Collectively, the Signatories, and Concurring Parties are referred to in this PA as “Parties”. The Signatories and the Concurring Parties have rights as defined under 36 CFR § 800.6.

B. The District is responsible for oversight of performance under this PA and shall carry out compliance with Section 106 of the NHPA, including leading consultation as it pertains to identification and evaluation of historic properties and findings of effect, mitigation of adverse effects, and management of historic properties pursuant to Section 110.

C. The District’s consultants shall provide to the District completed cultural resource reports with fully documented eligibility evaluations and recommendations and other requirements as noted in the contractual work order statement.

D. Unanticipated Discoveries (Appendix E), Historic Properties Identification and Procedures for Project Review (Appendix B), Programmatic Mitigation of Effects (Appendix D) are detailed in the appendices as listed.

II. THE DISTRICT’S RESPONSIBILITIES

A. The District shall serve as the principal authority in matters concerning the interpretation of this agreement, its appendices, and the routine execution of its terms, all subject to the Dispute Resolution (see Stipulation VII). The District, at its discretion, may consult directly with the IA SHPO and ACHP.

B. The District shall ensure that the procedures for Project-specific consultation, historic properties identification and evaluation, assessment of effects, mitigation of adverse effects, and treatment of historic properties are implemented in accordance with procedures outlined in Appendices B and D, or as otherwise negotiated by the Consulting Parties.

C. The District shall ensure that all historic properties investigations, evaluations, treatment plans, and data recovery efforts devised and conducted pursuant to this agreement shall be performed by or under the direct supervision of an individual that meets the Secretary of the Interior’s Qualifications Standards (36 CFR Part 61); and shall be performed in a manner that is consistent with Secretary of the Interior’s Standards and the most recent version of the *Guidelines for Archaeological Investigations in Iowa*, and all other Federal or State standards as appropriate.

D. The District shall ensure that documentation submitted to IA SHPO for review meets the standards outlined at 36 CFR 800.11. Pursuant to Section 304 of the NHPA (54 U.S.C. § 307103), the Freedom of Information Act (FOIA; 5 U.S.C. § 552; and Iowa Code 22.7(20)), the District shall withhold from disclosure to the public information relating to the location or character of historic resources when, in consultation with the Iowa OSA, it has been determined that disclosure of such information may create a substantial risk of harm, theft, or destruction to

such resources or to the area or place where such resources are located, to the extent such withholding is authorized under the FOIA and other Federal laws applicable to the District, or unless directed to release such information by Court Order.

E. The District shall ensure that all archeological reports resulting from actions pursuant to this agreement shall be consistent with the most recent version of the *Guidelines for Archaeological Investigations in Iowa*, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79). Precise location data should be provided only in a separate appendix if it appears that release of such data could jeopardize archeological deposits.

F. The District shall ensure that artifacts, samples, and associated materials (ecofacts) recovered during historic property investigations from federally-owned lands shall be curated, along with all associated records, at the District's regional curation facility in the Illinois State Museum that meets standards established in 36 CFR 79. The Corps shall ensure reasonable availability of curated records and material to future professional and academic research.

III. THE IOWA STATE HISTORIC PRESERVATION OFFICER RESPONSIBILITIES

The IA SHPO shall comment on all activities designated for its review in a timely and efficient manner and in accordance with procedures outlined in Appendices B, D, and E.

IV. UNANTICIPATED DISCOVERIES

The District shall ensure that the procedures outlined in Appendix E are observed if human remains, associated funerary objects, non-mortuary archeological material, or architectural properties are encountered during construction or archaeological investigations.

V. HISTORIC PROPERTIES IDENTIFICATION, EVALUATION AND PROJECT REVIEW

The District shall ensure that the procedures outlined in Appendix B are observed for all cultural resource investigations, historic properties identification, and project review.

VI. PROGRAMMATIC MITIGATION OF EFFECTS

The District shall ensure that the procedures outlined in Appendix D are observed if features of the Project will have an adverse effect on historic properties.

VII. DISPUTE RESOLUTION

194 **A.** Should any signatory or concurring party to this PA object at any time to any actions
195 proposed or the manner in which the terms of this agreement are implemented, the District
196 shall consult with such party to resolve the objection. If the District determines that such
197 objection cannot be resolved:
198

199 **1.** The District will forward all documentation relevant to the dispute, including the District's
200 proposed resolution, to the ACHP. The ACHP shall provide the District with its advice on the
201 resolution of the objection within 30 days of receiving adequate documentation. Prior to
202 reaching a final decision on the dispute, the District shall prepare a written response that takes
203 into account any timely advice or comments regarding the dispute from the ACHP, signatories
204 and concurring parties, and provide them with a copy of this written response. The District will
205 then proceed according to its final decision.
206

207 **2.** If the ACHP does not provide its advice regarding the dispute within the 30-day time period,
208 the District may make a final decision on the dispute and proceed accordingly. Prior to reaching
209 such a final decision, the District shall prepare a written response in consideration of any timely
210 comments regarding the dispute from the signatories and concurring parties to the Agreement
211 and provide them and the ACHP with a copy of such written response.
212

213 **3.** The District's responsibility to carry out all other actions subject to the terms of this PA that
214 are not subject of the dispute remain unchanged.
215

216 **B.** If the District and the IA SHPO and, as appropriate, the THPOs/Tribes, do not agree on
217 NRHP eligibility, or if the Signatories, ACHP, or the National Park Service so request, the
218 District will request a formal determination of eligibility from the Keeper of the NRHP, National
219 Park Service, whose determination shall be final.
220

221 **VIII. DURATION**

222

223 This agreement will become void if its terms are not carried out within ten years from the date of
224 its execution. Six months prior to the tenth anniversary of the agreement execution date, the
225 District shall consult with the other signatories to reconsider the terms of the agreement and
226 amend it in accordance with Stipulation X, *Amendments*. The terms of this Agreement shall
227 remain in-force for a period of ten years commencing at the date of its execution. At the end of
228 this period the District shall review the necessity of this Agreement in order to determine
229 whether it should be reissued or allowed to expire. If the Agreement requires reissue, the District
230 shall consult with the IA SHPO in order to ensure compliance with the most current version of
231 the Federal regulations (36 CFR Part 800) implementing Sections 106 and 110(f) of the NHPA
232 (54 U.S.C. § 306108 and 306107). Extension of this agreement duration requires written
233 amendment executed by both Signatories and filed with the ACHP.
234

235 **IX. TERMINATION**

236

237 Either of the Signatories to this PA may request a reconsideration of its terms or revoke the
238 agreement upon written notification to the other Signatory providing 30 days' notice. The
239 Signatories will consult in good faith during the period prior to termination to seek agreement on
240

amendments or other actions that would avoid termination. In the advent of termination, the District will comply with 36 CFR 800.3 through 800.7 regarding individual actions covered by this PA.

X. AMENDMENTS

Either of the Signatories to this PA may request that any or all of its articles be amended after the PA's execution, whereupon the other Signatory will consult in accordance with 36 CFR 800.13, to consider such amendment. The District must notify the ACHP of its intent to amend the Agreement and invite the ACHP's review and comment. The amendment will be effective on the date a copy signed by both Signatories is filed with the ACHP. The District shall ensure that a copy of the amended Agreement is provided to the IA SHPO. The District shall follow the above procedures for amendment if the Undertaking is redefined by the selection of a different alternative or through the adoption of multiple alternatives. Revisions to the appendices shall not require notification of and review by the ACHP. The appendices to the PA can be changed by written concurrence by the District and the IA SHPO. However, the District shall ensure that the ACHP and consulting parties are provided file copies of finalized versions that reflect all revisions.

XI. ANTI-DEFICIENCY ACT

The parties to this agreement acknowledge the District's fiduciary responsibilities pursuant to the Anti-Deficiency Act (31 USC § 1341). This notwithstanding, the District's responsibilities to fulfill the terms of this agreement and to comply with the requirements of the NHPA remain unchanged regardless of the availability or level of funding appropriated for its purposes.

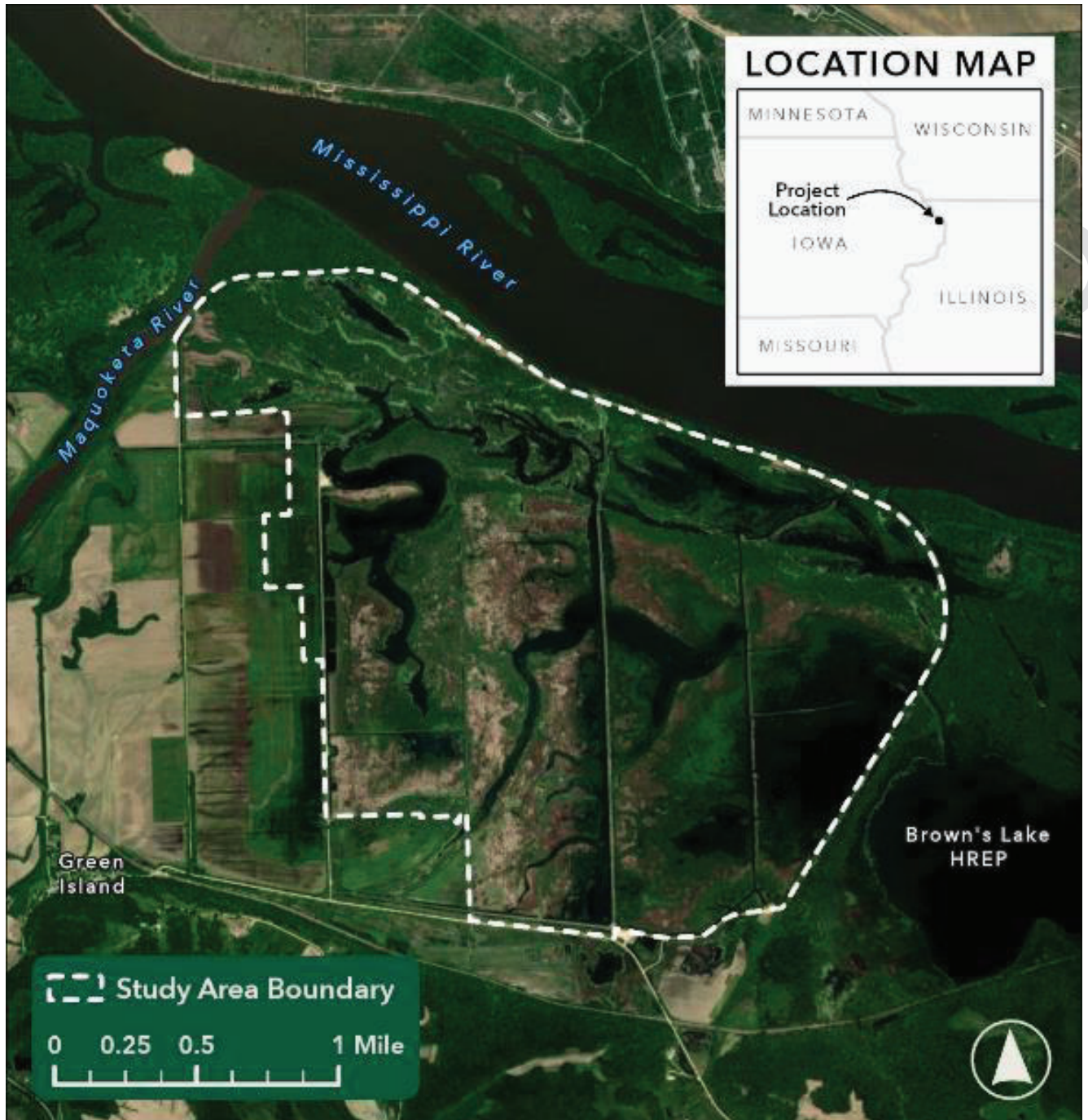
XII. EXECUTION OF THE AGREEMENT

This agreement will become effective upon the District's receipt of signatures on this Agreement by the Signatories. Execution of this agreement by the District and the IA SHPO and the implementation of its terms evidence that the District has considered Project effects on historic properties and has afforded the ACHP an opportunity to comment.

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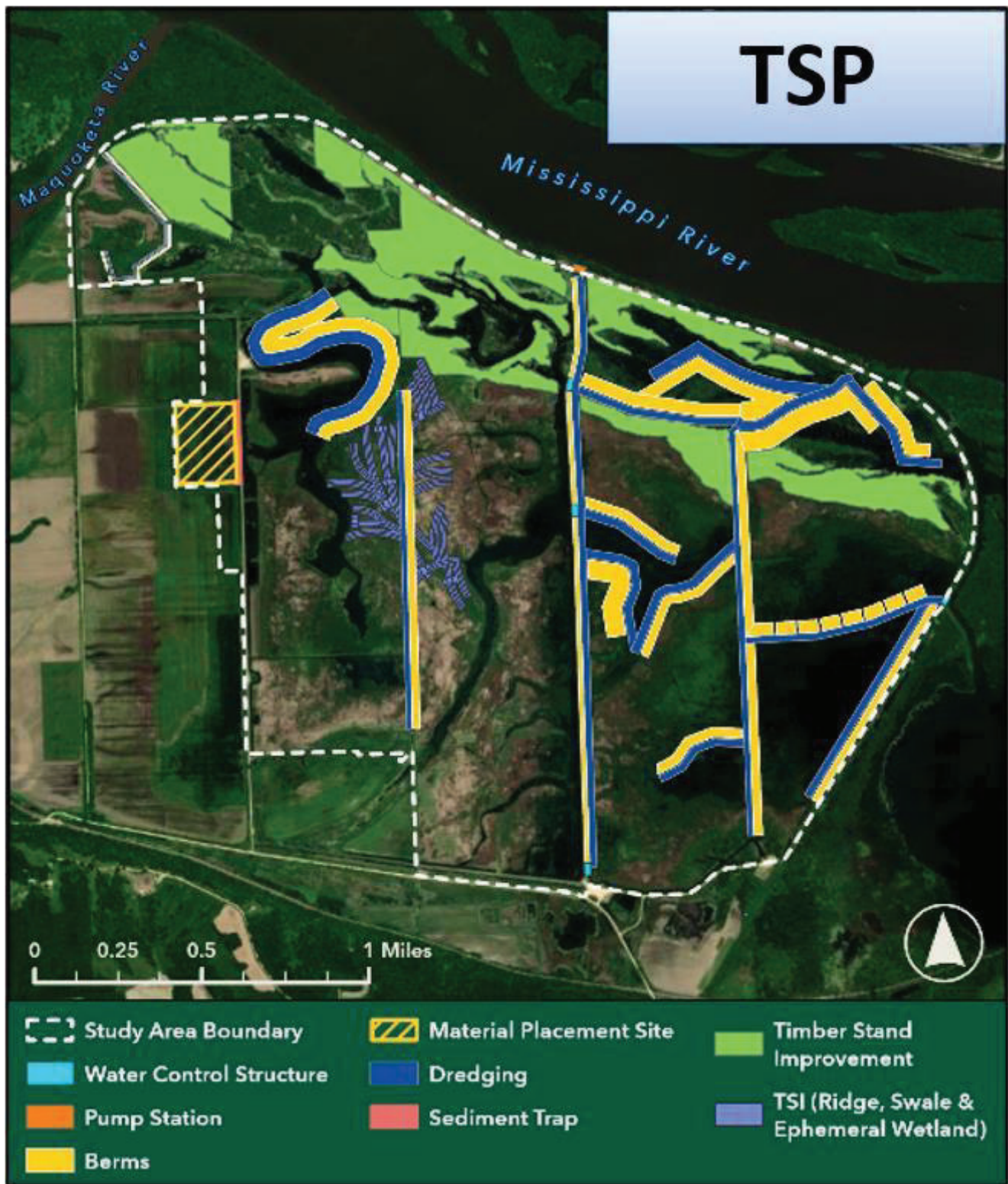
APPENDIX A

AREA OF POTENTIAL EFFECT AND PROJECT ACTIVITIES WITH POTENTIAL TO AFFECT CULTURAL RESOURCES



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Figure 1. Green Island HREP Project Location Map; Study Area Boundary represents Area of Potential Effect (APE)



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Figure 2. APE, Project Feature Concepts, and proposed activity areas included within the Tentatively Selected Plan (TSP).

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APPENDIX B

HISTORIC PROPERTIES IDENTIFICATION, EVALUATION AND PROCEDURES FOR PROJECT REVIEW

I. HISTORIC PROPERTY SURVEYS AND TESTING

Here, and throughout Appendix D, actions taken pursuant to this agreement will occur in consultation with the Consulting Parties. The District will make a reasonable and good faith effort to identify historic properties that are within the Area of Potential Effect (APE) and provide this information, and associated studies or reports to the Consulting Parties as appropriate. This shall be accomplished through the implementation of background archival investigation; geomorphological testing, landform sediment assemblage (LSA) interpretation, and geoarchaeological assessment; historic property surveys and testing and agreed upon treatments of historic properties. The District, in consultation with the Signatories, will ensure that the following measures are implemented:

A. The District, in consultation with the Signatories, will provide scholarly evidence of stewardship (typically documented in a technical report written by a qualified archeologist or architectural historian) in the recordation, protection, and management of historic properties within the APE through systemic research and studies which have been finalized and approved, then placed in the permanent files of the IA SHPO and IA OSA (as necessary) as evidence of compliance promulgated under Section 106 of the NHPA, as amended and its implementing regulations 36 C.F.R. Part 800: "Protection of Historic Properties."

B. No archeological historic property survey will be required where the District has documented and IA SHPO concurs that:

1. Profound ground surface disturbances have so completely altered the area under consideration as to make the existence of historic properties impossible (e.g., complete stripping of all soils down to sterile subsoil); or,
2. Geomorphological investigations indicate deeply buried deposits existing outside of the APE or a very low potential for near surface cultural deposits; or,
3. An area previously has been surveyed at the appropriate level of investigation necessary to cover the entire APE utilizing methods consistent with the Secretary of the Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR 44720-23) and taking into account the National Park Service publication *The Archaeological Survey: Methods and Uses* (1978) and the most recent version of the *Guidelines for Archaeological Investigations in Iowa* (2022) and has been recommended for acceptance by the IA SHPO.

C. The District will ensure that the necessary surveys are performed on all areas within the APE indirectly and directly affected by the Undertaking. The District will evaluate historic properties relative to past surveys and reports and properties deemed ineligible with IA SHPO's concurrence based upon the evaluation of the most recent survey; surveys occurring within the last five years that have been recommended for acceptance by the IA SHPO and provide full vertical and horizontal coverage of the APE will not be reevaluated. If a survey results in the identification of properties that are eligible to the NRHP, the District, in consultation with the Signatories and/or Consulting Parties, shall develop and implement plans for the appropriate treatment of historic properties.

D. All surveys will be conducted in a manner consistent with the Secretary of the Interior's *Standards and Guidelines for Identification and Evaluation* (48 FR 44720-23) and take into account the National Park Service publication *The Archaeological Survey: Methods and Uses* (1978) and the most recent version of the *Guidelines for Archaeological Investigations in Iowa* (2022). The reconnaissance surveys and subsurface testing will be implemented and reported by the District. The District will then distribute the reports to IA SHPO and other parties, as appropriate, for review and comment.

E. In consultation with the IA SHPO, and, as appropriate, the THPOs/Tribes, the District shall evaluate the eligibility of all properties by applying the NRHP criteria (36 CFR 60.4).

1. For those properties that the District and the IA SHPO (and in consultation with the THPOs/Tribes, as appropriate) agree are not eligible for nomination to or inclusion in the NRHP, no further investigations of those properties will be required, and the project may proceed in those areas.

2. If the survey results in the identification of properties that the District and the IA SHPO and, as appropriate, the THPOs/Tribes, agree are eligible for inclusion on the NRHP, such properties shall be treated in accordance with Section II, *Treatment of Historic Properties*, as appropriate.

II. TREATMENT OF HISTORIC PROPERTIES

The District will ensure that the following guidelines are implemented when dealing with historic properties in the APE. The following does not prevent a consideration of alternatives or modification to listed preferred alternatives. In order of preference:

A. Avoidance. The preferred treatment for all archeological, historical, and architectural historic properties is avoidance of direct and indirect effects resulting from the Undertaking. All work shall, to the extent feasible, avoid historic properties either through project design changes, use of spatial buffers, temporary fences or barricades during construction, realignments, landscaping, or other measures that the Signatories agree will adequately protect historic properties in both the short-and long-term.

B. Minimize Effects on Properties Preserved in Place. When the District determines that complete avoidance of historic properties is not feasible, the District shall ensure that alternatives are explored to reduce the magnitude of the effects on the historic properties. Exploration of ways to reduce adverse effects will include the consideration of preservation of historic properties or the protection of historic properties against impacts by project-related activities or long-term effects resulting therefrom in close proximity to the property.

C. Treatment Plans. Proposed treatment plan should endeavor to minimize effects to historic resources to the greatest extent possible. Proposed plans will be provided to all Signatories for review and comment. Unless the IA SHPO (and, in consultation with the THPOs/Tribes, as appropriate) objects within 30 days of receipt of any plan, the District shall ensure that the treatment plans are implemented. The District shall revise treatment plans in response to comments and recommendations provided by the IA SHPO, THPOs/Tribes, and other Consulting Parties so long as the Signatories can agree in writing that they equitably mitigate project effects. Should Signatories not agree, the District will request the ACHP's comments in accordance with Stipulation VII of the PA, *Dispute Resolution*.

D. Mitigation. When the District, in consultation with the IA SHPO and Consulting Parties as appropriate, determines that project activities will have an adverse effect on a historic

property(ies), and that avoidance or in-place preservation is not feasible, the District, in consultation with the Signatories, shall ensure that a mitigation plan is developed for these properties in accordance with Appendix E, *Programmatic Mitigation of Effects*. The District will forward such plans to the IA SHPO and Consulting Parties as appropriate, for their review and comment.

PROGRAMMATIC MITIGATION OF EFFECTS

The following does not prevent a consideration of alternatives or modification to listed preferred alternatives.

E. Archeological Data Recovery. The District shall ensure that any NRHP-eligible or-listed archaeological site whose preservation in-place is not feasible is subject to data recovery, following a data recovery plan developed in consultation with the IA SHPO, OSA, and THPOs/Tribes as appropriate, and subject to a 30-day review and comment period. All data recovery plans shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37), the *Guidelines for Archaeological Investigations in Iowa* (2022) and take into account the ACHP's publication: *Treatment of Archeological Properties*. Each data recovery plan shall specify, at a minimum:

1. the property, properties, or portions of properties where data recovery is to be carried out;
2. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
3. the methods to be used, with an explanation of their relevance to the research questions;
4. the methods to be used in analysis, data management, and dissemination of data, including a schedule;
5. the proposed disposition of recovered materials and records;
6. proposed methods for involving the interested public in the data recovery; and
7. a proposed schedule for the submission of progress reports to the IA SHPO, and, where applicable, Consulting Parties.

G. Historic Properties of Traditional Religious and Cultural Significance

1. If a property of traditional religious and cultural significance to Tribes and/or any other groups, or societies is identified within the APE, the District shall develop a treatment plan for that property in consultation with the Signatories and the Consulting Parties that could be affected by proposed activities at the specific historic site or property involved. The plan will cover analysis of treatment options (including consideration of a no build alternative) and selection of a recommended treatment for the property or avoidance and the measures which will be undertaken by the District to ensure that the plan is implemented.

2. If responses are not received within 30 days of receipt of the plan by the IA SHPO and affected Consulting Parties, the District shall submit the plan to the IA SHPO and to the affected Consulting Parties and shall implement the plan in accordance with the procedures outlined therein,

3. Should a formal objection to the final plan be submitted within 30 days following its distribution, the District, the IA SHPO, and the affected Consulting Parties shall attempt to resolve the objection. If the objection is not resolved within 90 days, the District shall request the comments of the ACHP or Keeper in accordance with Stipulation VII, *Dispute Resolution*.

H. Construction. The District shall ensure that the design and specifications for any proposed new construction overlapping with or adjacent to significant historic properties (including those properties deemed eligible to be or already listed on the NRHP), are developed in consultation with the Signatory and Consulting Parties. The District shall ensure that the project design for new construction is technically feasible and economically prudent; is compatible with the historic and architectural qualities of the historic property or district in question in terms of style, scale, massing, color, and materials; and is responsive to the recommended approaches to new construction set forth in the Secretary of the Interior's *Standards for Rehabilitation* (National Park Service 1983). The District acknowledges that project measures have not been finalized and may change or be modified as economical, operational, engineering, and environmental studies are ongoing. The District will therefore determine effects as directed under Section 106 of the NHPA, as amended and its implementing regulations 36 Part 800: "Protection of Historic Properties." Also, the District will:

1. consider the Undertaking's direct and indirect effects, occurring in all construction areas, including the construction zones footprints for dredging, dredge material placement, planting, riprap placement, and any other project-related features and ancillary features proposed.

2. consider and coordinate with the IA SHPO, review of areas with the potential for containing deeply buried and submerged historic properties.

APPENDIX C

INTERESTED AND CONSULTING PARTIES LIST

Pursuant to 36 CFR 800.2(d), 800.3, 800.5(c), and 800.6(a)(2), 800.8(c)(1)(iv) of the NHPA and to meet the responsibilities under the National Environmental Policy Act of 1969 Act (42 U.S.C. 4321-4335), the District has developed an Interested and Consulting Parties List comprising 22 Tribes including the Citizen Potawatomi Nation, Forest County Potawatomi Community, Ho-Chunk Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation, Kickapoo Tribe in Kansas, Kickapoo Tribe of Oklahoma, Menominee Indian Tribe of Wisconsin, Meskwaki Nation, Miami Tribe of Oklahoma, Omaha Tribe of Nebraska, Otoe-Missouria Tribe, Peoria Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Ponca Tribe of Oklahoma, Prairie Band Potawatomi Nation, Prairie Island Indian Community, Sac & Fox Nation of Missouri in Kansas & Nebraska, Sac and Fox Nation of Oklahoma, The Osage Nation, Upper Sioux Community, Minnesota, and the Winnebago Tribe of Nebraska; and three other organizations or agencies including the Iowa SHPO, Iowa OSA, and the ACHP. The District will comply with any requests to be removed from, or added to, the Interested and Consulting Parties List and will continue to develop and maintain the Interested and Consulting Parties List provided herein.

APPENDIX D

PROGRAMMATIC MITIGATION OF EFFECTS PROCEDURES

A. Here, and throughout Appendix E, actions taken pursuant to the agreement will occur in consultation with the Signatories. The District shall provide the IA SHPO, THPOs/Tribes, and Consulting Parties with letter reports summarizing the alternatives considered to avoid, minimize, or mitigate adverse effects to affected properties in the event adverse effects to such properties cannot be avoided. The IA SHPO, THPOs/Tribes, and Consulting Parties may request that the District consider other alternatives to avoid, minimize or mitigate adverse effects.

B. After the Signatories agree on a proposed alternative to mitigate adverse effects, the Signatories will develop a Memorandum of Agreement (MOA) to memorialize the mutually agreed upon strategy. Once these parties have finalized the MOA and as appropriate, received comment from the Consulting Parties, an executed copy will be filed with the ACHP. The District shall ensure that all provisions set forth in each MOA will be carried out. Unanticipated Discoveries are addressed in Appendix C.

C. Standard mitigation measures to be considered include, but are not limited to, the following:

1. Documentation

a. The District, in consultation with the Signatories, will ensure that the appropriate level of documentation is performed prior to the substantial alteration, relocation, or demolition of any historic building or structure. Documentation shall be consistent with the Secretary of the Interior's *Standards for Architectural and Engineering Documentation* and the *Standards for Historical Documentation* and at a minimum will include: photographs of external façades and internal and external character-defining features, and the completion of new or updated Iowa Site Inventory forms.

b. Unless otherwise agreed to by the IA SHPO in an MOA, the District shall ensure that all documentation is completed, and the District shall ensure this documentation is submitted to the IA SHPO and recommended for acceptance prior to the demolition, alteration, or relocation of the historic building or structure.

c. The District will provide copies of the documentation to the IA SHPO, appropriate THPOs/Tribes, and other local, county, or state organizations which the IA SHPO recommends.

2. Mitigation for Archeological Sites Eligible Other than or in Addition to Criterion D. If preservation in place is not feasible, the District shall consult with the IA SHPO, THPOs/Tribes as appropriate, to develop a mitigation plan for any archeological site that is eligible to the NRHP under criteria other than, or in addition to, Criterion D of 36 C.F.R. Part 60. The District shall submit the plan to the IA SHPO and THPOs/Tribes as appropriate for review and comment.

3. Alteration and Flood Risk Management Measures Not Adhering to Secretary of the Interior's Standards for Rehabilitation. The District shall consult with the Signatories and Consulting Parties to develop alternate treatment or mitigation plans for those features which cannot meet the Secretary of the Interior's *Standards for Rehabilitation*. The District shall submit these plans to the IA SHPO for review and comment.

541 4. Other Mitigation Strategies. The District, IA SHPO, THPOs/Tribes, and Consulting Parties
542 shall consult to devise other mitigation strategies in instances where those included in this
543 agreement do not satisfactorily mitigate adverse effects to historic properties. It may be
544 necessary to develop separate MOAs for effects on specific historic properties.

APPENDIX E

UNANTICIPATED DISCOVERY

Here, and throughout Appendix D, actions taken pursuant to this agreement will occur in consultation with the Signatories and Consulting Parties.

A. Human Remains. Iowa law protects all human remains regardless of their historical age, sex, or cultural/ethnic affiliation.

1. In the event that human remains are encountered during archeological investigations or construction activities, work shall cease within 50 meters of the remains, appropriate steps shall be taken to secure the site, and officials at the District, the Bioarchaeology Program at the Iowa Office of the State Archaeologist (IA OSA), and the IA SHPO shall be notified and, to the best of their ability, shall respond within three (3) working days to such notification in order to determine the next course of action that ensures the applicable Iowa law is followed. At the District, this official shall be an Archeologist in the Environmental Compliance or Planning branches, or their designee. At the IA OSA, this official shall be the Bioarchaeology Program Director or their designee. At the IA SHPO, this official shall be a Review Archaeologist.

2. If the remains appear to be ancient (i.e., older than 150 years), and are determined to be ethnically Native American, the District shall be responsible for adhering to the Native American Graves Protection and Repatriation Act [NAGPRA (P.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058)]. The IA OSA shall have jurisdiction to ensure that the appropriate procedures in accordance with applicable Iowa law (Code of Iowa, Sections 263B, 523I.316.6 and 716.5; IAC 685, Ch.11.1) are observed, but are not financially responsible for costs incurred during this process. The disposition of the remains will be arranged in accordance with NAGPRA and Chapter 263B of the Iowa Code.

3. Human remains less than 150 years old that are determined to be ethnically Native American are protected under the Native American Graves Protection and Repatriation Act (P.L. 101-601; 25 USC 3001-3013) and Chapter 523I of the Iowa Code. The District shall be responsible for adhering to these laws. In the event that human remains appearing less than 150 years in age are encountered, the District shall ensure that appropriate law enforcement authorities and the Iowa Department of Health are notified. The IA OSA shall ensure that appropriate procedures in accordance with applicable Iowa law are observed but are not financially responsible for costs incurred during this process.

4. Before work can resume within 50 meters of the human remains, the District must determine the NRHP eligibility of the archeological resource in consultation with the IA SHPO and tribal representatives, as applicable.

5. Upon a determination of eligibility, and decision to preserve in place by the IA OSA, or designee, the District shall submit a plan for avoidance and protection to the District for review and comment. The District will provide the proposed plan to all Consulting Parties. The IA SHPO and Consulting Parties will have seven (7) working days to provide comments to the District on the proposed plan for final approval.

6. Upon a determination of eligibility by the District, and decision to remove the human remains by the IA OSA, or their designee, the IA OSA shall submit a plan for relocation and recovery of information to the District for review and comment. The District will provide the proposed plan to

all Consulting Parties. The IA SHPO and Consulting Parties will have seven (7) working days to provide comments to the District on the proposed plan for further consideration.

7. Work within 50 meters of the human remains shall resume upon the development and approval of an appropriate relocation and data recovery plan, other recommended mitigation procedures, or agreement among the District, IA OSA and IA SHPO that the site does not warrant mitigation.

B. Archaeological Material (non-mortuary related). The District shall ensure that the following procedures are observed in the event that previously undetected non mortuary-related archeological materials are encountered.

1. All activities within 50 meters of the unanticipated discovery shall cease immediately, appropriate steps shall be implemented to secure the site, and the District and IA SHPO shall be notified of the discovery and shall respond within five working days to such notification. Construction work may continue in the area outside the 50 meters of the unanticipated discovery provided that archaeological investigations have demonstrated the absence of features/ deposits in those areas.

2. An archeologist retained by the District will inspect the work site and determine the extent of the affected archeological resource within five working days of its discovery.

3. Before work can resume within 50 meters of the unanticipated discovery, the District must determine the NRHP eligibility and boundaries of the archeological resource in consultation with the IA SHPO and other Consulting Parties, as applicable.

4. Upon an evaluation of eligibility, the District or their designee shall submit a plan for avoidance, protection, recovery of information, or destruction without data recovery to the SHPO for review and comment within 20 working days. The District will notify all Consulting Parties of the unanticipated discovery and provide the proposed treatment plan for their consideration. The IA SHPO and Consulting Parties will have seven working days to provide comments on the proposed treatment plan upon receipt of the information.

5. Work within 50 meters of the unanticipated discovery shall resume upon either:

a. The development, approval, and implementation of an appropriate data recovery plan, other recommended mitigation procedures, or agreement among the District and the IA SHPO that the site does not warrant mitigation; or,

b. Agreement by the IA SHPO and the District that the newly located archeological is not eligible for inclusion on the NRHP.

c. If the District and IA SHPO object to any part of the treatment plan and they are not able to reach resolution of the objection within seven working days of when the objection is raised, the District shall follow the procedures outlined in Stipulation VII of the PA, *Dispute Resolution*.

C. Adverse Effects upon Architectural Properties. The District shall ensure that the following procedures are observed in the event that post-review effects to historic buildings, structures, objects, or districts are identified.

1. Work within 50 meters of the unanticipated discovery shall cease and the District shall notify the IA SHPO of the discovery and the IA SHPO will respond within five working days to such notification. Construction work may continue in the area outside the 50 meters of the unanticipated discovery provided previous survey has demonstrated that no other properties are present.
2. An architectural historian retained by the District will inspect the work site and evaluate the National Register eligibility of the property within seven working days. The District, in consultation with the District, shall assess the project effects. The District shall provide its report of findings and determination of effect to the IA SHPO who shall have seven working days to provide comments.
3. Upon assessment of adverse effect, the District shall submit a plan for after the-fact mitigation to the District for review and comment. The District will notify all Consulting Parties of the unanticipated discovery and provide the plan for their consideration. The IA SHPO and Consulting Parties will have seven working days to provide comments on the plan upon its receipt. The District may implement the plan if IA SHPO fails to respond within the allotted timeframe provided that no concerns have been raised by other consulting parties.
4. Work within 50 meters of the unanticipated discovery shall resume upon either:
- a. Agreement by the District and the IA SHPO that the effects are not adverse; or,
 - b. The development, approval, and implementation of an appropriate plan, or agreement among the District and the IA SHPO that the site does not warrant mitigation.
 - c. If the District and IA SHPO object to any part of the plan and they are not able to reach resolution of the objection within seven working days of when the objection is raised, the District shall follow the procedures outlined in Stipulation VII, *Dispute Resolution*.
 - D. Failure to Act within Specified Timeframe. If any principal signatory fails to meet the timeframes set in Appendix C, *Unanticipated Discoveries*, the District may proceed to final decision-making provided that such is consistent with controlling State and Federal laws and regulations



EXTERNAL PARTIES COMMENT MATRIX

Section	
Line	
Clear statement of the concern	
Basis for the concern	
The significance of the concern	
Recommended actions to resolve the concern	
Comment author	
Agency	

Section	
Line	
Clear statement of the concern	
Basis for the concern	
The significance of the concern	
Recommended actions to resolve the concern	
Comment author	
Agency	

Enclosure 3 - Distribution List

Invited Signatory:

State Historical Society of Iowa

Heather Gibb, Ph.D.

Interim State Historic Preservation Officer

[REDACTED]

Invited Concurring Parties:

Iowa Office of the State Archaeologist

John F. Doershuk, Ph.D.

State Archaeologist

[REDACTED]

Citizen Potawatomi Nation

Dr. Kelli Mosteller, THPO

[REDACTED]

Forest County Potawatomi Community

Mr. Benjamin Rhodd, THPO

Benjamin.Rhodd@fcp-nsn.gov

Ho-Chunk Nation

Mr. Bill Quackenbush, THPO

[REDACTED]

Iowa Tribe of Kansas and Nebraska

Mr. Alan Kelley, Deputy THPO

[REDACTED]

Iowa Tribe of Oklahoma

Mr. Eagle McClellan,

THPO

[REDACTED]

Kaw Nation

Ms. Stephanie Richardson

Interim NAGPRA POC

[REDACTED]

Kickapoo Tribe in Kansas

Hon. Lester Randall,

Chairman

[REDACTED]

Kickapoo Tribe of Oklahoma

Hon. Darwin Kaskaske, [REDACTED]

[REDACTED]

Menominee Indian Tribe of Wisconsin

Mr. David J. Grignon, THPO

[REDACTED]

Meskwaki Nation

Mr. Johnathan Buffalo

Director, Historic Preservation

Department

[REDACTED]

Ms. Kelly Yarnes-Schott

Environmental Branch Coordinator

Meskwaki Natural Resources

Sac & Fox Tribe of the Mississippi in Iowa

[REDACTED]

Miami Tribe of Oklahoma

Ms. Diane Hunter, THPO

[REDACTED]

Omaha Tribe of Nebraska

Mr. Dwight Howe, THPO

[REDACTED]

Osage Nation

Ms. Caitlin Nichols, Archaeologist

Osage Nation Historic Preservation Office

[REDACTED]

Otoe-Missouria Tribe

Ms. Elsie Whitehorn, THPO

[REDACTED]

Peoria Tribe of Indians of Oklahoma

Ms. Burgundy Fletcher, [REDACTED]

[REDACTED]

Ponca Tribe of Nebraska

Ms. Stacy Laravie, THPO

[REDACTED]

Enclosure 3 - Distribution List

Ponca Tribe of Oklahoma

Ms. Liana Hesler, THPO
[REDACTED]

Prairie Band Potawatomi Nation

Mr. Raphael Wahwassuck
Councilman & NAGPRA POC
[REDACTED] -

Prairie Island Indian Community

Mr. Noah White, THPO
[REDACTED]

Sac & Fox Nation of Missouri in Kansas & Nebraska

Mr. Gary Bahr, Vice [REDACTED]
[REDACTED] -

Sac and Fox Nation of Oklahoma

Chris Boyd, NAGPRA Coordinator
[REDACTED]

Upper Sioux Community, Minnesota

Ms. Samantha Odegard, THPO
[REDACTED]

Winnebago Tribe of Nebraska

Sunshine Thomas-Bear, THPO
[REDACTED]

Advisory Council on Historic Preservation

Christopher Daniel, Program Analyst
Advisory Council on Historic Preservation
[REDACTED]

U.S. Fish & Wildlife Service

Nate Williams, Wildlife Refuge Specialist,
Savanna District
Upper Mississippi River National Wildlife &
Fish Refuge
[REDACTED]

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Benjamin Rhodd [REDACTED]
Sent: Monday, June 5, 2023 1:58 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: [DoD SAFE] MYERS.KELSEY.JANE NOACK has dropped off files for you

Ms. Myers,

Pursuant to consultation under Section 106 of the National Historic Preservation Act (1966 as amended) the Forest County Potawatomi Community (FCPC), a Federally Recognized Native American Tribe, reserves the right to comment on Federal undertakings, as defined under the act.

The Tribal Historic Preservation Office (THPO) staff has reviewed the information you provided for this project. Upon review of site data and supplemental cultural history within our Office, the FCPC THPO is pleased to offer a finding of No Historic Properties affected of significance to the FCPC, however, we request to remain as a consulting party for this project. The enclosed report is sufficient in explanation of the previous resources adjacent to or situated just within the boundaries of the proposed project area. As avoidance will be the remediation effort for these sites, the FCPC THPO is satisfied that this will be adequate to address our concerns.

As a standard caveat sent with each proposed project reviewed by the FCPC THPO, the following applies. In the event an Inadvertent Discovery (ID) occurs at any phase of a project or undertaking as defined, and human remains or archaeologically significant materials are exposed as a result of project activities, work should cease immediately. The Tribe(s) must be included with the SHPO in any consultation regarding treatment and disposition of an ID find.

In addition to my Office being notified of projects, and in case you send notices to my Chairman, please see the change in the Forest County Potawatomi Community's authorizing officials. **The original sent from my Office has been modified and updated with a new email for Chairman Crawford's contact information:**

Primary Authorizing Official (effective 2/13/2023)

James A. Crawford, Tribal Chairman (primary AOR)
PO Box 340
5416 Everybody's Road
Crandon, WI 54520
[REDACTED]

Chairmanoffice@fcp-nsn.gov

Secondary Authorizing Official (effective 11/7/2022)

Ms. Heather R. VanZile, Tribal Vice-Chair (Authorizing Official in the Chairman's absence)
PO Box 340
5416 Everybody's Road
Crandon, WI 54520
[REDACTED]

Thank you for protecting cultural and historic properties and if you have any questions or concerns, please contact me at the email or number listed below.

Respectfully,
Ben Rhodd, MS, RPA, Tribal Historic Preservation Officer
Forest County Potawatomi
Historic Preservation Office
8130 Mish ko Swen Drive, P.O. Box 340, Crandon, Wisconsin 54520

Email: [REDACTED]
www.fcpotawatomi.com

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>
Sent: Monday, June 5, 2023 11:40 AM
To: Benjamin Rhodd [REDACTED]
Subject: [DoD SAFE] MYERS.KELSEY.JANE NOACK has dropped off files for you

This is an automated message sent to you by the DoD SAFE service.

MYERS.KELSEY.JANE NOACK [REDACTED] has dropped off 4 files for you.

IF YOU TRUST THE SENDER and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):

<https://safe.apps.mil/pickup.php?claimID=sGHHtswa4pMdGBqb&recipCode=EzEpGB>

You will be required to enter the claim passcode, which is:
v2YQU99wN7w66tdZ

You have 7 days to retrieve the drop-off; after that the link above will expire.

The sender has left you a note:

Dear Concurring Party Representative,

Please see the executive correspondence regarding revisions to the draft Programmatic Agreement for the Green Island HREP Project in Jackson County, Iowa, between the USACE Rock Island District and the Iowa State Historic Preservation Office available for download through this link. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any comments or questions. If there are any additions you believe should be made to the distribution list for this coordination or if you would like to be removed from the concurring parties list for this PA, please let me know so that I may make changes accordingly.

Sincerely,


Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]y.mil

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Recipient Code: EzEpGB
Claim Passcode: v2YQU99wN7w66tdZ
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY


— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf
Size: 172676
SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E
Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf
Size: 1155497
SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F
Content Type: application/pdf

Name: Enclosure2_External parties comment matrix.pdf
Size: 57963
SHA-256 Checksum: C8CA87103EF4A693734BB31DB0E04D940AC5E621A685F7291304B37145FD1C24
Content Type: application/pdf

Name: Enclosure3_Email Distribution List.pdf
Size: 30359
SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC
Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Monday, June 5, 2023 1:43 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] [REDACTED]

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: sGHHtswa4pMdGBqb) has been picked-up.

The file "31MAY2023_Green Island HREP PA final draft coordination.pdf" was picked up by "benjamin.rhodd@fcp-nsn.gov" using the code sent to "benjamin.rhodd@fcp-nsn.gov".

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

Note:

Dear Concurring Party Representative,

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY

[REDACTED]

— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf

Description:

Size: 168.6 KB

SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E

Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf

Description:

Size: 1.1 MB

SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F

Content Type: application/pdf

Name: Enclosure2_External parties comment matrix.pdf

Description:

Size: 56.6 KB

SHA-256 Checksum: C8CA87103EF4A693734BB31DB0E04D940AC5E621A685F7291304B37145FD1C24

Content Type: application/pdf

Name: Enclosure3_Email Distribution List.pdf

Description:

Size: 29.6 KB

SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Monday, June 5, 2023 11:52 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] [REDACTED] picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: sGHHtswa4pMdGBqb) has been picked-up.

[REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

Note:

Dear Concurring Party Representative,

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY

[REDACTED]

— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf

Description:

Size: 168.6 KB

SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E

Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf

Description:

Size: 1.1 MB

SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F

Content Type: application/pdf

Name: Enclosure2_External parties comment matrix.pdf

Description:

Size: 56.6 KB

SHA-256 Checksum: C8CA87103EF4A693734BB31DB0E04D940AC5E621A685F7291304B37145FD1C24

Content Type: application/pdf

Name: Enclosure3_Email Distribution List.pdf

Description:

Size: 29.6 KB

SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: Doershuk, John F [REDACTED]
Sent: Wednesday, June 7, 2023 1:31 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] Re: draft PA for Green Island HREP Project, Jackson County, Iowa

Hi Kelsey,

Thanks for the opportunity to review and comment. OSA concurs the PA is ready to execute.

Sincerely,
John

John F. Doershuk, PhD
State Archaeologist and Director, Office of the State Archaeologist
Adjunct Associate Professor, Anthropology
700 Clinton St. Building, University of Iowa
Iowa City, IA 52242

[REDACTED]
<https://archaeology.uiowa.edu>

IOWA

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>
Sent: Monday, June 5, 2023 11:40 AM
To: Doershuk, John F [REDACTED]
Subject: [External] [DoD SAFE] MYERS.KELSEY.JANE NOACK has dropped off files for you

This is an automated message sent to you by the DoD SAFE service.

MYERS.KELSEY.JANE NOACK [REDACTED] has dropped off 4 files for you.

IF YOU TRUST THE SENDER and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):

<https://safe.apps.mil/pickup.php?claimID=sGHHtswa4pMdGBqb&recipCode=nWC6or>

You will be required to enter the claim passcode, which is:
v2YQU99wN7w66tdZ

You have 7 days to retrieve the drop-off; after that the link above will expire.

The sender has left you a note:

Dear Concurring Party Representative,

Please see the executive correspondence regarding revisions to the draft Programmatic Agreement for the Green Island HREP Project in Jackson County, Iowa, between the USACE Rock Island District and the Iowa State Historic Preservation Office available for download through this link. I am the technical POC for this project regarding Section 106 and can be reached via phone or email with any comments or questions. If there are any additions you believe should be made to the distribution list for this coordination or if you would like to be removed from the concurring parties list for this PA, please let me know so that I may make changes accordingly.

Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Recipient Code: nWC6or
Claim Passcode: v2YQU99wN7w66tdZ
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY
[REDACTED]

— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf
Size: 172676
SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E
Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf
Size: 1155497
SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F
Content Type: application/pdf

Name: Enclosure2_External parties comment matrix.pdf
Size: 57963
SHA-256 Checksum: C8CA87103EF4A693734BB31DB0E04D940AC5E621A685F7291304B37145FD1C24
Content Type: application/pdf

Name: Enclosure3_Email Distribution List.pdf
Size: 30359
SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Wednesday, June 7, 2023 12:20 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] [REDACTED] picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: sGHHtswa4pMdGBqb) has been picked-up.

The file "31MAY2023_Green Island HREP PA final draft coordination.pdf" was picked up by [REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

Note:

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY
[REDACTED]

— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf

Description:

Size: 168.6 KB

SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E

Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf

Description:

Size: 1.1 MB

SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F

Content Type: application/pdf

Name: Enclosure2_External parties comment matrix.pdf

Description:

Size: 56.6 KB

SHA-256 Checksum: C8CA87103EF4A693734BB31DB0E04D940AC5E621A685F7291304B37145FD1C24

Content Type: application/pdf

Name: Enclosure3_Email Distribution List.pdf

Description:

Size: 29.6 KB

SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

From: NoReplyTo@mail.mil
Sent: Thursday, June 8, 2023 1:39 PM
To: Myers, Kelsey J CIV USARMY CEMVP (USA)
Subject: [DoD SAFE] [REDACTED]

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: sGHHtswa4pMdGBqb) has been picked-up.

The file "31MAY2023_Green Island HREP PA final draft coordination.pdf" was picked up by [REDACTED]
[REDACTED]

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: sGHHtswa4pMdGBqb
Drop-off Submitted: 2023-06-05 16:39:54 UTC
Drop-off Completed: 2023-06-05 16:39:59 UTC

Note:

Dear Concurring Party Representative,

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Sincerely,

Dr. Kelsey Noack Myers, RPA
District Archeologist & Tribal Liaison
Rock Island District
U.S. Army Corps of Engineers

[REDACTED]

— Sender —

Name: MYERS.KELSEY.JANE NOACK
Organization: USARMY
[REDACTED]

— Files —

Name: 31MAY2023_Green Island HREP PA final draft coordination.pdf

Description:

Size: 168.6 KB

SHA-256 Checksum: 5B81D5C3028AB75994055CF63C877C7DBC69383F0DE746B115231F1A7F50402E

Content Type: application/pdf

Name: Enclosure1_31MAY2023_Green Island HREP PA draft for comment.pdf

Description:

Size: 1.1 MB

SHA-256 Checksum: 68906B9A337E94B841211BC86AE04A915C16D27ACFE80D647EE8EBCAFDDF453F

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SHA-256 Checksum: 3A5345150D7E2A57D85CC6ED5E0A5FF216C3F58421F5F1E3387891CDBC7A4EAC

Content Type: application/pdf

Myers, Kelsey J CIV USARMY CEMVP (USA)

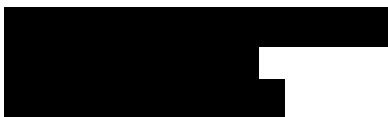
From: Myers, Kelsey J CIV USARMY CEMVP (USA)
Sent: Wednesday, July 26, 2023 4:10 PM
To: Daniel Higginbottom; [REDACTED]
Subject: RE: Green Island HREP Programmatic Agreement draft (R&C 220449982, Case #00045900)

Good afternoon,

Can you confirm that you have completed your review and that the draft is now undergoing legal review? Are there any comments from your office to which we could respond at this time or will they be received once legal review is complete?

Thank you,

Kelsey Noack Myers, Ph.D., RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, RPEDN-Rock Island District
U.S. Army Corps of Engineers



From: Daniel Higginbottom <[REDACTED]>
Sent: Monday, July 10, 2023 10:49 AM
To: Myers, Kelsey J CIV USARMY CEMVP (USA) [REDACTED]
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Green Island HREP Programmatic Agreement draft (R&C 220449982, Case #00045900)

July 10, 2023

Kelsey-

Thanks for getting in touch with us about the Green Island PA. After comparing the most recent draft submitted by the Corps and the 2022 draft with our comments, we see that there have been some pretty substantial format and content changes that will require additional consideration on our part. We foresee completing our review and issuing additional comments by the end of next week.

DANIEL HIGGINBOTTOM | Archaeologist

IOWA ECONOMIC DEVELOPMENT AUTHORITY
1963 Bell Avenue, Suite 200 | Des Moines, Iowa 50315



NOTICE: Effective June 21, 2023, my address, email address, and phone number have changed. While my previous contact information will forward for a short period of time, please update your address book to include my new address, email address, and phone number to match the signature information above and begin using this new contact information effective immediately. Thank you!

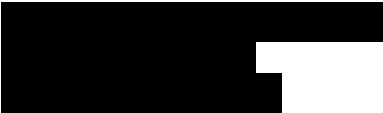
From: Myers, Kelsey J CIV USARMY CEMVP (USA) <[REDACTED]>
Sent: Thursday, July 6, 2023 2:01 PM
To: [REDACTED]
Subject: Green Island HREP Programmatic Agreement draft (R&C 220449982, Case #00045900)

Good afternoon,

Can you please advise whether your office has completed review of the Green Island HREP PA draft submitted 6/13/2023 (R&C 220449982, Case #00045900) and forwarded to the Iowa Attorney General for review? If not, do you have an estimated date your review will be complete that I can convey to our internal project team?

Thank you,

Kelsey Noack Myers, Ph.D., RPA
District Archeologist & Tribal Liaison
Environmental Planning Branch, RPEDN-Rock Island District
U.S. Army Corps of Engineers



From: [Bales, Kyle R CIV USARMY CEMVP \(USA\)](#)
To: [Corken, Clayton P CIV USARMY CEMVP \(USA\)](#)
Subject: FW: Clean Water Appendix for Green Island HREP
Date: Thursday, June 15, 2023 10:39:01 AM

Clayton can you add this to the correspondence Appendix?

Thanks

Kyle Bales, Biologist
Environmental Planning Section
Regional Planning & Environment Division North
US Army Corps of Engineers
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004
[REDACTED]

From: Steele, Abigail A CIV USARMY CEMVR (USA) <[REDACTED]>
Sent: Thursday, June 15, 2023 10:19 AM
To: Bales, Kyle R CIV USARMY CEMVP (USA) [REDACTED]
Subject: RE: Clean Water Appendix for Green Island HREP

Kyle,

I talked with Matt and it appears that your project may fall under NWP27. As long as this Green Island project includes the restoration, enhancement, and establishment of non-tidal wetlands and riparian areas, provided those activities result in net increases in aquatic resource functions and services.

To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of one or more intact aquatic habitats or riparian areas of the same type that exist in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area. Activities authorized by this NWP include, but are not limited to the removal of accumulated sediments; releases of sediment from reservoirs to maintain sediment transport continuity to restore downstream habitats; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; Page 10 of 41 the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or

reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; coral restoration or relocation activities; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site. This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services. Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type.

Please let me know if you have any questions.

Have a good week.

Abby Steele
Chief, Western Branch
Regulatory Division, Rock Island District
U.S. Army Corps of Engineers
[REDACTED]

From: Steele, Abigail A CIV USARMY CEMVR (USA)
Sent: Friday, June 2, 2023 8:36 PM
To: Bales, Kyle R CIV USARMY CEMVP (USA) [REDACTED]
Cc: Jordan, Joseph W CIV USARMY CEMVP (USA) [REDACTED]
Subject: RE: Clean Water Appendix for Green Island HREP

Hi Kyle,

I can help with this! Please let me know what time works for you.

Abby Steele
Chief, Western Branch
Regulatory Division, Rock Island District
U.S. Army Corps of Engineers
[REDACTED]

[REDACTED]

From: Bales, Kyle R CIV USARMY CEMVP (USA) <[REDACTED]>
Sent: Thursday, June 1, 2023 3:19 PM
To: Steele, Abigail A CIV USARMY CEMVR (USA) <[REDACTED]>
Cc: Jordan, Joseph W CIV USARMY CEMVP (USA) <[REDACTED]>
Subject: Clean Water Appendix for Green Island HREP

Abigail,

I was discussing an appendix for an HREP I am working on with Joe Jordan and he thought you might be the contact (or could point us in the right direction) to review the Clean Water Act Appendix to ensure that the project fits under NWP 27. I have attached a copy of the appendix to this email.

Thanks!

Kyle Bales, Biologist
Environmental Planning Section
Regional Planning & Environment Division North
US Army Corps of Engineers
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004
[REDACTED]



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

July 25, 2023

Regional Planning and Environmental
Division North (RPEDN)

Mr. Kraig McPeck, Field Supervisor
U.S. Fish and Wildlife Service
Rock Island Field Office
1511 – 47th Avenue
Moline, Illinois 61265

Dear Mr. McPeck,

The U.S. Army Corps of Engineers, Rock Island District (District) is requesting concurrence from the U.S. Fish and Wildlife Service the proposed Tree Planting and Tree Thinning feature on Iowa Department of Natural Resources (IADNR) managed land, Green Island Habitat Rehabilitation and Enhancement Project, RM 548.5-546 Pool 13, **May Affect but Not Likely to Adversely Affect** (NLAA) the endangered tricolored bat (*Perimyotis subflavus*) and northern long-eared bat (*Myotis septentrionalis*).

The proposed areas are located in the Green Island Wildlife Management Area (GIWMA), Jackson County, Iowa (Enclosure 1). Tree thinning and planting efforts are on Iowa Department of Natural Resources managed land, Green Island Habitat Rehabilitation and Enhancement Project, RM 548.5-546, Pool 13. This project will promote growth of preferred trees by opening the canopy, reduce undesirable species, increase desirable species for pollinators, and promote habitat for bats. The silvicultural prescription will include tree cutting, occurring as needed in new feature locations, however, all other dead or dying trees will be left providing habitat for bats. In addition, trees would be planted bolstering the forested areas of the project and positively increasing bottomland hard wood regeneration.

All cutting proposed for these areas would only occur during the “cut season,” from October 1 through March 31, to avoid the tricolored bat and northern long-eared bat roosting period.

The District carefully reviewed the FWS’s Information for Planning and Consultation (IPaC) website for a list of species and critical habitat that “may be present” within the project areas (Consultation Code 2023-0092972). No designated critical habitat for any listed species is present in the project areas or vicinity. There are seven species listed for GIWMA: tricolored bat (*Perimyotis subflavus*), northern long-eared bat (*Myotis septentrionalis*), eastern prairie fringed orchid (*Platanthera leucophaea*), Candidate monarch butterfly (*Danaus plexippus*), higgins eye pearly mussel (*Lampsilis higginsii*), sheepsnose mussel (*Plethobasus cyphus*), and an Experimental Population whooping crane (*Grus americana*). Given the habitat requirements, the District determined there will be no effect on eastern prairie fringed orchid, monarch butterfly, sheepsnose mussel, higgins eye, and whooping crane.

The District concluded the project **May Affect but Not Likely to Adversely Affect** the tricolored bat and northern long-eared bat. If new information becomes available or if the project is altered, the District will review and revise this determination as necessary. The District is requesting your concurrence with this determination and seeks your timely response.

If you have any questions concerning these projects, please call Kyle Bales at (309) [REDACTED] The District looks forward to cooperating with your agency on this project.

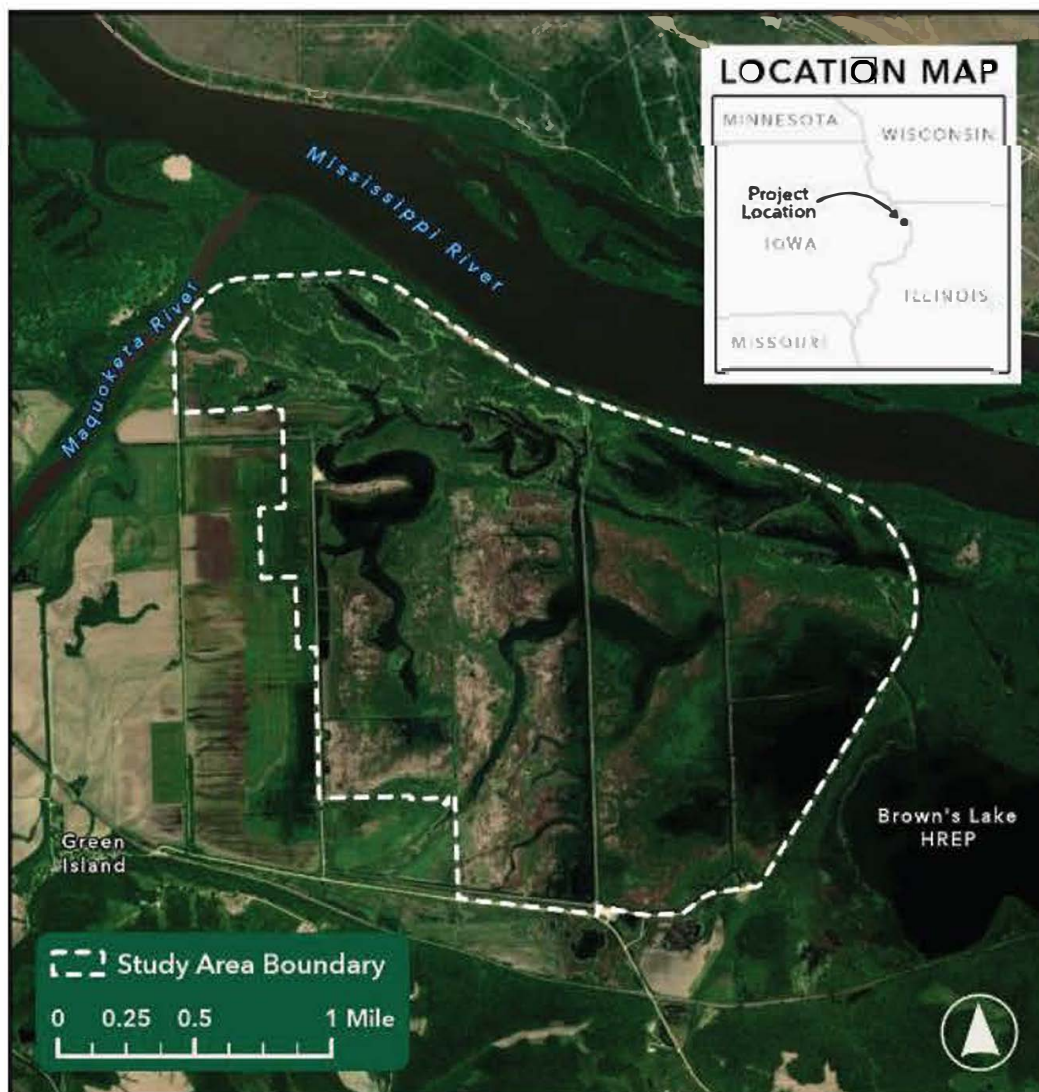
Sincerely,

[REDACTED] [REDACTED]
08 Date: 2023.07.25 15:55:26 -05'00'

Jodi K. Creswell
Chief, Environmental Planning Branch
RPEDN

Enclosure

Map of where Green Island Wildlife Management Area is located in Iowa and the project area boundary.



Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Illinois-Iowa Field Office
1511 47th Avenue
Moline, Illinois 61265
Phone: (309) 757-5800 Fax: (309) 757-5807



IN REPLY REFER TO: 2023-0092972
FWS/ILIAFO

September 5, 2023
Electronic Mail

Jodi Creswell
Environmental Planning Branch
U.S. Army Corps of Engineers
Rock Island District
Attn: Kyle Bales
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61201-2004

Dear Ms. Creswell,

This responds to your request for U.S. Fish and Wildlife Service (Service) concurrence with your "may affect, not likely to adversely affect" determinations for the northern long-eared bat (*Myotis septentrionalis*) and tricolored bat (*Perimyotis subflavus*) associated with the proposed tree removal related to the Green Island Habitat Rehabilitation and Enhancement Project (HREP) Tentatively Selected Plan (TSP), as described in your letter dated July 25, 2023. The U.S. Army Corps of Engineers (Corps) project is located within the Green Island Wildlife Management Area which is located within Pool 13 of the Upper Mississippi River, approximate river mile 546-548.5, near Green Island, Jackson County, Iowa and managed by the Iowa Department of Natural Resources. According to the April 3, 2023 TSP Milestone presentation, the purpose of the proposed project is to restore the historic hydrologic cycle; restore quality, quantity, and diversity of vegetation; improve sediment management; increase quality and quantity of aquatic habitat; and restore bathymetric and topographic diversity. Your letter dated July 25, 2023 also notes that this project will promote the growth of preferred tree species by opening the canopy, reducing undesirable species, increasing desirable species for pollinators, and promoting habitat for bats.

Proposed measures for this project outlined in the TSP Milestone presentation include the installation of a sediment trap and water pump station in addition to the creation of overwintering dredge cuts for fish, channels to connect the dredge cuts, berms, an area of ridge and swale, and tree planting. Equipment will be brought in using existing access roads and staged in existing parking lots. Tree clearing will occur as needed in new feature locations, specifically the ridge and swale areas covering approximately 127 acres, and the dredge cuts covering approximately 42 acres according to email correspondence received July 26, 2023. The planting of new trees will occur across a portion of the ridge and swale area as well as an additional 160 acres. Proposed conservation measures identified in the July 25, 2023 letter and via email on August 30, 2023 indicate that all tree clearing in these feature locations and the removal of any trees that might fall on the newly planted trees would occur during the "cut season" from October 1 through March 31 to avoid the bat roosting period. Additionally, all dead or dying trees outside of the feature footprints will be left standing to provide additional habitat for roosting bats and some trees will be planted in the forested areas to support bottomland hardwood regeneration. This informal consultation addresses potential effects to the species in accordance with section 7 of the Endangered Species Act of

1973 (Act), as amended (16 U.S.C. 1531 et seq.) and 50 CFR § 402 of our interagency regulations governing section 7 of the Act.

Threatened and Endangered Species

Seven federal threatened or endangered species currently have ranges overlapping the action area including the northern long-eared bat (*Myotis septentrionalis*), eastern prairie fringed orchid (*Platanthera leucophaea*), Higgins eye pearlymussel (*Lampsilis higginsii*), and sheepsnose mussel (*Plethobasus cyphus*), along with one species that the Service has proposed to list as endangered, the tricolored bat (*Perimyotis subflavus*), one candidate species, the Monarch butterfly (*Danaus plexippus*), and an experimental non-essential population of whooping crane (*Grus americana*). There is currently no designated critical habitat in the action area. Of the species listed above, you determined the project “may affect, but not likely to adversely affect” northern long-eared bat and tricolored bat and would have “no effect” on all other species. The Illinois-Iowa Ecological Services Field Office has no regulatory or statutory authority for concurring with “no effect” determinations. However, we recommend you maintain a written record of your “no effect” determination and include it in your decision record. An example “no effect” memo can be found on our website at <https://www.fws.gov/media/no-effect-habitat-letter>.

Northern Long-eared Bat and Tricolored Bat

The Service is not aware of any recent bat surveys conducted within the floodplain forests of Pool 13, though surveys have recently been conducted in Pools 12 and 14. A mist netting and emergence survey was conducted for the Pool 12 Overwintering HREP in 2015, resulting in the capture and tracking of several northern long-eared bats to roost sites near Tippy Lake (RM 571-572). In Pool 14, acoustic and mist net surveys conducted in 2015 for the Beaver Island HREP identified northern long-eared, tricolored, and the federally endangered Indiana bat (*Myotis Sodalis*). Northern long-eared and tricolored bats were also detected during a season-long acoustic survey conducted at Princeton Wildlife Management Area (RM 504-507) in 2018, but species presence could not be verified through mist-netting. Potentially suitable roosting habitat exists within the forested areas of the Green Island Wildlife Management Area, though we are not aware of any known roost sites. Due the known presence of northern long-eared and tri-colored bats within the vicinity and the potentially suitable roosting habitat, we assume presence of both species within the action area.

Project actions that have the potential to affect northern long-eared bat and tricolored bat include the clearing of any trees within the dredge cuts and ridge and swale footprints, as well as the clearing of any trees that may fall on new plantings. The majority of the dredge cut and ridge and swale areas are currently unforested. Additionally, the Corps proposes to conduct all tree clearing between the dates of October 1 through March 31, outside of the bat maternity roosting season. Due to this timing, removal of unidentified maternity roost trees is unlikely to result in incidental take of either bat species. Furthermore, the proposed tree clearing accounts for a fraction of the surrounding available forested habitat and is not expected to result in habitat fragmentation. We also anticipate that the planned tree planting will improve future forest stand health and regeneration. Forest inventory surveys conducted to inform the project indicate average tree health in the action area has severely declined. There are currently many standing dead trees that could provide suitable roosting habitat in the near future, but it is anticipated that many of these will eventually fall and habitat availability for bats will decline without these timber stand improvement techniques.

For these reasons, the Service concurs with your determination that the project, as proposed, “may affect, but is not likely to adversely affect” the northern long-eared bat and tricolored bat (proposed endangered). It is important to note that while the range for the federally endangered Indiana bat (*Myotis sodalis*) does not currently overlap the action area, the Illinois counties of Carroll and Jo Daviess are included in the range and directly across the Mississippi River from the project. Should the project be modified, or new information indicate endangered species may be affected, consultation should be reinitiated. Additionally,

we expect a final listing decision for the tricolored bat by October 1, 2023. If this final listing decision occurs prior to completion of the action, the Corps must review the action to determine whether further consultation is required. Generally, consultation would be required if the action is not yet complete *and* if it may still result in effects to the species. At that time, the Service will review and confirm whether this concurrence is still appropriate. The development of significant new information or significant changes to the federal action that would alter the basis for our concurrence could warrant further coordination to ensure that appropriate steps are taken to conclude consultation. Finally, the little brown bat (*Myotis lucifugus*), is currently under review and a listing decision may occur prior to the initiation of project construction. Please also re-initiate consultation, as appropriate, following release of this final listing determination if it occurs.

Migratory Birds

Additionally, the Service removed bald eagles from protection under the Endangered Species Act on August 8, 2007. However, they remain protected today under the Migratory Birds Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act prohibits take, which is defined as, "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb" (50 CFR 22.3). Disturb is defined in regulations as, "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, or 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior." Please contact the Region 3 Migratory Bird Office (<https://www.fws.gov/program/eagle-management/contact-us>) should activities that have the potential to result in take or disturbance of eagles or their nests.

Conclusion

The above comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.). Thank you for the opportunity to provide comments. If you have any questions regarding these comments, please feel free to contact Lauren Larson of my staff at [REDACTED]



Kraig McPeck
Field Supervisor
Illinois - Iowa Field Office
1511 47th Avenue, Moline, IL 61265

Cc:
Refuge: Ed Britton
Iowa DNR: Curt Kemmerer, Kirk Hanson